

CALIFORNIA COASTAL COMMISSION

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 original staff report

Th16d

Addendum

February 6, 2014

To: Commissioners and Interested Persons

From: California Coastal Commission
 San Diego Staff

Subject: Addendum to **Item Th16d**, Coastal Commission Permit Application
 No. **6-13-010 (22nd District Agricultural Association)**, for the
 Commission Meeting of Thursday, February 13, 2014.

Staff recommends the following changes be made to the above-referenced staff report. Deleted language is shown in **~~bold strike through~~** and new language to be added is shown in **bold double underline**, as shown below:

1. On Pages 13-15 of the staff report, the continuous paragraph shall be revised as follows:

Regarding the proposed temporary events to be held in the main Fairground complex, excepting the summer county fair and summer thoroughbred horse race meet, Linscott, Law, & Greenspan conducted an off-season peak-hour traffic analysis in April of 2011 for the Applicant in order to establish a baseline Level of Service (LOS) for surrounding roads and intersections. The study found that all but one of the surrounding 19 intersections operated at acceptable LOS D or better on both weekdays and weekends. Many of the temporary events that occurred at that time still occur, mainly within the much larger main Fairgrounds complex (Exhibit 3). Traffic volumes are lower for multiple reasons, including it no longer being a busy tourist season, the temporary events being smaller in scale and less popular than the summer events, and because inclement weather can dampen attendance numbers. Nevertheless, temporary events of substantial size and number could still have the cumulative traffic impact to interfere with public access to nearby coastal resources and communities. The Applicant's parking data states that during the non-summer off-season they have an approximately 10,350 space on-site parking capacity available for use throughout the main Fairgrounds complex, EOL, and GDR (~~this includes the 1,400 space capacity of the southern third of the EOL~~). In order to ensure that parking and traffic impacts do not spill out of the Fairgrounds property and into surrounding communities, this permit will limit any given day's projected parking demand – either from one event or many – to that maximum on-site capacity, ~~minus the 1,400 space capacity of the southern~~

~~third of the EOL, which can only be utilized for parking during the summer fair and race season or the second horse race season in the fall. Furthermore, in the event that the second fall horse race meet is cancelled or has very low attendance, the lower third of the EOL cannot be considered as a site for holding temporary events. In light of the numerous other venues and facilities available to host events within the approximately 340-acre Fairgrounds property, the prohibition of hosting events within the lower 10-acre third of the EOL should not substantially impact event activity. This will help ensure that the scheduled slate of events will be able to be adequately serviced by existing on-site resources. Additionally, TDM measures that promote greater use of alternative transportation or carpooling among employees of the Applicant and its lessees, regardless of whether an event is expected to increase parking demand, will ensure that a consistent pattern of alternative transportation use is fostered and provide information that can be applied to other areas of Fairground traffic management. With such a requirement, the Commission is not seeking to limit the Applicant's ability to maximize use of the facility and provide public recreational opportunities, but rather the Applicant must begin to look at and plan for alternate methods to address user demand. Parking vehicles should not continue to be the primary means of doing so. While the Applicant has proposed that monitoring of TDMs be required only during the summer county fair, such a change would dramatically decrease the available information Commission staff will have at its disposal in determining the adequacy and effectiveness of TDMs in combating traffic congestion and over-reliance on parking. In both discussions with Commission staff and in submitted application materials, the Applicant has indicated that under current parameters, when an event or combination of events creates a projected daily parking demand of greater than 3,000 parking spaces, the Applicant foresees reliance on the EOL and/or GDR for parking and tailors its parking program accordingly. It was the Commission's intent in making the underlying CDP No. 6-12-067 a 10-year permit with two periodic traffic reports, to give the Applicant time to analyze **(1) the operational effects of losing 1,250 spaces on the SOL and (2) how the lower third of the EOL and GDR are is used for parking in relation to events held on the main Fairgrounds and the feasibility of future cessation of all or portions of those areas for parking in that area. Furthermore, "major" events are large enough to have the potential to adversely impact surrounding communities and coastal resources through their traffic volume, regardless of parking location.** As such, to assure such monitoring is meaningful and useful to the Commission, "major" events during which the recommended parking and activity monitoring is required needs to include events or a combination of events that exceed demand for 3,000 parking spaces on any calendar day trigger the use of these lots. Therefore, the Commission is requiring that monitoring occur when an event or combination of events creates a projected daily parking demand greater than the aforementioned 3,000 parking spaces such that parking is required in the EOL and/or GDR. Monitoring during these types of "major" events will create a sufficient pool of data for use by the Commission in future analyses. Thus, because this will help ensure traffic volumes are more manageable, the conducting of temporary events is not foreseen to create the types of heavy traffic situations experienced during the fair and races.~~

Instead, a coastal visitor serving resource – the Fairgrounds - will be able to be better utilized by the public through the conducting of a greater number of visitor serving events and activities in the coastal zone.

2. On page 15 of the staff report, the second full paragraph shall be revised as follows:

To ensure that the development is implemented in an approved manner and that potential impacts are mitigated, **Special Condition No. 1** will ensure that the Applicant completes any approved development pursuant to approved final plans. **Special Condition No. 6** will require the Applicant to implement an approved TDM so as to control and mitigate the traffic impacts from Fairgrounds events, focusing first on utilizing on-site parking in an efficient manner and developing off-site parking resources and alternate transit measures. This condition requires monitoring occur for major events that trigger the need to park in the EOL and/or GDR. Furthermore, **Special Condition No. 4** prohibits the Applicant from hosting other temporary events on the EOL during the second race season, **unless it can be demonstrated to the Commission that there is sufficient underutilized parking on the main lot such that the second race season will not rely on the EOL for parking.** so as to maximize available parking and lessen impacts to public access to surrounding coastal resources and communities.

3. On Page 22 of the staff report, the third full paragraph shall be deleted:

~~**Furthermore, the Applicant, as part of CDP No. 6-12-067, will place the 10.37 acre lower third of the EOL, which is the portion closest to the San Dieguito River, under a conservation easement that will phase out all use of that portion within 10 years of Commission approval of that permit, and in the interim will only allow off-season parking if all other on-site parking resources have been exhausted. Those measures will ensure that use of the lower third of the EOL is minimized during the rainy season, further lessening water quality impacts stemming from temporary events within the main Fairgrounds complex.**~~

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Th16d

Staff: A. Llerandi-SD
Staff Report: 1/30/14
Hearing Date: 2/12-13/14

REVISED CONDITIONS AND FINDINGS

Application No.: 6-13-010

Applicant: 22nd District Agricultural Association

Agent: Dustin Fuller

Location: Del Mar Fairgrounds, 2260 Jimmy Durante Boulevard, Del Mar, San Diego, San Diego County (APN No. 299-042-01, 299-042-02, 299-003-04)

Project Description: Authorization to hold temporary events within the main Del Mar Fairgrounds complex, except for the summer fair and summer thoroughbred horse race meet, and initiation of a new, approximately 5-week annual fall thoroughbred horse racing season and associated parking on EOL and GDR.

Staff Recommendation: Approval with Conditions

STAFF NOTES

Staff recommends the Commission adopt the following revised findings in support of the Commission's action on November 13, 2013. In its action, the Commission approved the permit with the removal of language in Special Conditions Nos. 4 and 6 that reference parking limitations on the lower third of the East Overflow Lot, and staff's modification of the recommended parking and activity monitoring program to only apply to major events. The amended motion begins on Page 4. The amended Special Conditions begin on Page 5. Findings to support these modifications can be found starting on Page 10.

Commissioners on Prevailing Side: Bochco, Brennan, Cox, Groom, Kinsey, McClure, Mitchell, Vargas, Zimmer, and Chair Shallenberger

SUMMARY OF COMMISSION ACTION **SUMMARY OF STAFF RECOMMENDATION**

~~Staff is recommending approval of this project, with conditions.~~ The proposed project is authorization of temporary events to be held within the main Del Mar Fairgrounds complex (excepting the current summer county fair and summer thoroughbred horse race meet), and initiation of a new, approximately 5-week annual fall thoroughbred horse racing season starting in 2014. The project site is the Del Mar Fairgrounds, namely the main complex located north Jimmy Durante Boulevard.

The proposed project raises issues of public access, hydrology/flooding, water quality, wetland impacts, and visual resources. Public access issues arise because the Del Mar Fairgrounds is a popular destination for low-cost visitor serving recreation in the coastal zone, but can also cause severe traffic impacts that interfere with public access to the surrounding beaches and river valley. Hydrology and flooding issues arise due to the project site's location within the San Dieguito River floodplain. Water quality issues arise because runoff from the SOL, EOL, and GDR, which may be utilized for parking for temporary events in the main Fairgrounds complex, flows south towards the San Dieguito River. Issues of wetland impacts arise because temporary events in the main Fairgrounds complex may require parking in the EOL and GDR, which contain delineated wetlands. Visual resource issues arise due to the project site's location within the scenic San Dieguito River Valley and the potential for temporary events to block views down the river valley.

The Commission heard Coastal Development Permit (CDP) No. 6-13-010 immediately after, and in conjunction with, approving CDP No. 6-12-067, which permitted the use of the East Overflow Lot (EOL) and Golf Driving Range (GDR) for parking and, in the case of the EOL, staging temporary events. In approving CDP No. 6-12-067, the Commission removed a recommended limitation on the use of the lower third of the EOL during the non-summer off-season. Afterward, the Commission amended CDP No. 6-13-010 to remove a similar limitation and bring the permit in line with CDP No. 6-12-067. CDP No. 6-12-067 includes the findings supporting the use of the lower third of the EOL, and CDP No. 6-13-010 is modified to be consistent with that action. The Commission also approved Commission staff's modification of their recommendation to limit the scope of the recommended traffic and activity monitoring program to only "major" events rather than every event that occurs at the Fairgrounds.

Special conditions mandating waivers of future flood protection, assumption of liability, and implementation of a parking and activity monitoring program for major events ~~limits on the conducting of future temporary events~~ will mitigate the foreseeable impacts from the proposed development and ensure the development occurs in a manner consistent with Chapter 3 policies in the Coastal Act.

~~Commission staff recommends approval of coastal development permit application 6-13-010, as conditioned.~~

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Aerial View
- Exhibit 3 – Event Day Usage
- Exhibit 4 – Parking Supply
- Exhibit 5 – Drainage Basins
- Exhibit 6 – Current Public View
- Exhibit 7 – EOL Area 3

I. MOTION AND RESOLUTION

Motion:

I move that the Commission adopt the revised findings in support of the Commission's action on November 13, 2013, concerning approval of Coastal Development Permit No. 6-13-010.

Staff recommends a **YES** vote. Passage of this motion will result in adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members of the prevailing side present at the revised findings hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The Commissioners eligible to vote are:

Commissioners Bochco, Brennan, Cox, Groom, Kinsey, McClure, Mitchell, Vargas, Zimmer, and Chair Shallenberger

Resolution:

*The Commission hereby adopts the revised findings set forth below for **Coastal Development Permit No. 6-13-010** on the ground that the findings support the Commission's decision made on November 13, 2013, and accurately reflect the reasons for it.*

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-13-010 pursuant to staff recommendation.*

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:

~~*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. 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

This permit is granted subject to the following 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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Revised Final/BMP Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and BMP plans. Said plans shall include, but not be limited to, the recommended BMP and water quality measures contained in the Backstretch and PolyTrack Water Quality Improvements report prepared by Fuscoe Engineering in March, 2013.

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

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

- i. 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.

- ii. **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 include 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.
- iii. **Liability for Costs and Attorneys Fees:** The Permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney fees – including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors, and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
3. **No Future Flood Protection.** No berms, walls, or any other form of protection against flooding shall ever be constructed for the purpose of protecting the development approved by this permit from flooding. 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.
4. **Event Scheduling During Second Race Season.** The applicant shall not use, and shall prohibit its patrons from using, any portion of the East Overflow Lot (EOL) for temporary events during the second thoroughbred horse race meet, with the exception

that the EOL may be used only for the following activities during the second race season:

- a. Overflow parking for second race meet;
- b. Race meet logistics (i.e. horse trailer and hay/straw storage); or
- c. Emergency evacuation staging.

The prohibition against using the EOL for temporary events during the second race meet shall not apply in the event that (1) the second race meet is discontinued or otherwise does not take place, or (2) it can be demonstrated that sufficient underutilized parking on the Main Lot will be available during the second race season such that the EOL is not needed for parking during the second race season. At least two months prior to the commencement of the second race meet, the applicant shall submit to the Executive Director for review and written approval, a mechanism for determining the amount of parking on the Main Lot that would constitute “sufficient underutilized parking” such that the prohibition on temporary events be lifted. ~~However, even with a request for reconsideration, EOL Area 3, as identified in Exhibit 7, cannot be utilized for temporary events at any time.~~

5. **Lighting.** Temporary lighting proposed to be used for uses in the East Overflow Lot and Golf Driving Range shall be consistent with the following:
 - a. Temporary lighting is permitted adjacent to the wetland restoration areas for only safety and security reasons during the San Diego County Fair, Del Mar Horse Racing Season, or during other temporary events.
 - b. Light spillover levels into the restored wetlands and the wetland buffers shall be minimized to the greatest extent practicable through the use of the lightning shields which direct light away from the restored wetland buffers.
 - c. A maximum of 5 lighting standards (defined as portable lighting units with 4 bulbs per unit) shall be allowed to be placed within 200 feet of restored or existing wetland habitat in the EOL (southern edge) and GDR (southern edge).
 - d. There shall be a minimum distance of 250 feet between each light standard.
 - e. All lighting equipment and lighting standards shall be located outside of the 100 foot wetland buffers and lighting shall be directed away from the wetlands.

The applicant shall undertake the development in accordance with this condition. Any proposed changes shall be reported to the Executive Director. No changes shall occur without a Coastal Commission approved amendment to this coastal

development permit unless the Executive Director determines that no amendment is legally required.

6. **Transportation Demand Management (TDM) Program.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Final Transportation Demand Management Program to the Executive Director for review and written approval. Said program shall include, at a minimum, the following provisions:
- a. When calculating the maximum number of events to schedule for any given day, excepting the summer county fair and summer thoroughbred horse race meet, the applicant will not schedule any event or events whose projected parking demand exceeds the amount available on site at the time of the event, ~~but not including the parking capacity contained in the lower third of the EOL, "Area 3" as identified in Exhibit 7.~~
 - b. Annual monitoring reports of facility usage and parking, including parking demand for each major scheduled event, defined as any event or combination of events that causes projected parking demand on any given calendar day to exceed 3,000 parking spaces, shall be submitted to the Executive Director within 60 days of the end of each year.
 - c. When hosting events utilizing the EOL and GDR for parking during or within 48 hours after a storm event, the applicant shall first utilize all available parking within the main Fairgrounds complex. If that is not sufficient, then only portions of the EOL and GDR that are deemed safe and usable by 22nd DAA Management may be utilized for parking. If parking demand is still not met, then the permittee shall utilize the Horse Park property for parking.
 - d. The applicant shall provide incentives for employees of the applicant or on-site lessees to use public transportation, including the provision of subsidized public transit passes to employees, and/or walk or bike to the subject site;
 - e. The applicant shall draft and implement a carpool plan for employees of the applicant or on-site lessees and will reasonably coordinate with lessees in scheduling work schedules and posting notices of the carpool program in employee work areas;
 - f. Information regarding the carpool program or subsidized public transportation shall be part of any employment paperwork for employees of either the applicant or lessees and shall be a condition of the leases that the applicant require lessees to implement the TDM;
 - g. The applicant shall undertake annual surveys of employees to document the frequency with which they are using alternate transportation to get to

work and the success of the Transportation Demand Management Program. Surveys shall be submitted annually to the Executive Director for as long as this permit is in effect.

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

7. **Future Development.** This coastal development permit only authorizes the development proposed within it. Any other development not included in this permit, whether or not listed in the Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”), shall require an amendment to this permit or a separate coastal development permit.
8. **Related Commission Action.** PRIOR TO THE ISSUANCE OF THIS PERMIT, the applicant shall obtain approval and issuance of CDP No. 6-12-067, which covers use of and impacts to the EOL and GDR due to development being concurrently proposed by the applicant.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is authorization of temporary events to be held within the main Del Mar Fairgrounds complex, with the exception of the summer county fair and summer thoroughbred horse race meet, and initiation of a new, approximately 5-week annual fall thoroughbred horse racing season starting in 2014. The project site is the Del Mar Fairgrounds, namely the main complex located north Jimmy Durante Boulevard.

The Del Mar Fairgrounds (“Fairgrounds”) is a state-owned and operated facility run by the 22nd District Agricultural Association (“Applicant”) and originally built to support agricultural activities and horse racing. It hosts an annual summer county fair and thoroughbred horse-racing meet, along with a variety of smaller events in the main Fairgrounds complex during the non-summer off-season. The main Fairgrounds complex includes exhibit halls, a Grandstand, barns, stables, a show arena, a satellite wagering building, maintenance areas, parking lots, and the horse racing track. On the southern and eastern sides of the fairgrounds property, across Jimmy Durante Boulevard and adjacent San Dieguito River and the I-5 freeway, the Del Mar Fairgrounds contains three unpaved lots – the SOL, EOL, and GDR. The GDR was permitted by the City of San Diego in a Conditional Use Permit in March 26, 1975. The San Diego Regional Commission subsequently approved an administrative permit for work related to the construction of the GDR on May 3, 1975 (CDP No. F2379). The GDR operates as an approved golf driving range for members of the public to use, and is part of a larger, approved “Surf & Turf” sports and recreation facility.

The Surf & Turf facility is a recreational sports complex located between Jimmy Durante Boulevard and I-5. In addition to the GDR on its southern end, Surf & Turf contains pool facilities, a volleyball tent, miniature golf, tennis courts, and equipment retail. To the north of the site, beyond a fence and a row of shrubbery, is the adjacent Del Mar Hilton hotel. The eastern border of the site consists of a vegetated concrete drainage channel within the fenced I-5 right-of-way, and the freeway itself.

The main Fairgrounds complex is located north of Jimmy Durante Boulevard, near to the 150-acre San Dieguito Wetland Restoration Project, which the Commission granted a Coastal Development Permit (“CDP”) as mitigation for the San Onofre Nuclear Generating Station’s cooling system’s effects on fish populations (CDP No. 6-04-088). The Coast to Crest Trail is a multi-use trail system for hikers, bicyclists, and horseback riders that will eventually extend from the ocean at Del Mar to the San Dieguito River’s source on Volcan Mountain, just north of Julian, a distance of approximately 55 miles. Although the entirety of Coast to Crest trail has not been completed, numerous segments of trail are open to the public. The portions of the trail that cross through and are adjacent to the SOL, EOL, and GDR are completed and open to the public. The San Dieguito River Park Joint Powers Authority (“JPA”) – the agency responsible for maintaining and expanding the San Dieguito River Valley Park – is responsible for implementing and maintaining the Coast to Crest Trail.

In an enforcement action, the Commission issued Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Orders”) on March 8, 2012 to address unpermitted activities at the Del Mar Fairgrounds, including landform alteration within a wetland. The Consent Orders approved by the Commission laid the ground work for the proposed permit application, among other actions, the most important being CDP No. 6-12-067, a concurrent application being put forward by the Applicant that is seeking authorization for year-round parking in the EOL and GDR and the hosting of temporary events within the EOL. The recommendation of approval for CDP No. 6-13-010 is contingent upon approval of CDP No. 6-12-067.

The Del Mar Fairgrounds is located both within the Cities of Del Mar and San Diego, both of which have effectively certified LCPs and issue their own coastal development permits. However, the Fairgrounds represent an area of deferred certification. Moreover, it was principally built on filled tidelands. Thus, the vast majority, if not the entirety, of the site is within the Coastal Commission’s area of original jurisdiction. Thus, Chapter 3 of the Coastal Act is the legal standard of review for the subject CDP application.

B. PUBLIC ACCESS/TRAFFIC/PARKING.

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

Section 30210 of the Coastal Act states:

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 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

- (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.*

[...]

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

Section 30213 of the Coastal Act states, in part:

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

[...]

Section 30252 of the Coastal Act states:

- (a) *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).*

The Fairgrounds is located near the mouth of the San Dieguito River, west of the I-5 and east of Camino del Mar (Old Highway 101). It is between the river to the south and Via

de la Valle, which is the first public east-west road north of the river. El Camino Real (east of the I-5) is currently the first continuous north-south public road east of the site. Thus, the entire Fairgrounds complex, including the project site, is located between the sea and first public roadway, where maintaining shoreline public access to the river/lagoon and west to the municipal beaches is of greatest concern. As the applicant property owner is another state agency, the property is in public ownership, and, for the most part, the public can freely access various portions of the grounds, including the riverfront, particularly when no formal events are taking place.

Most Fairgrounds events provide a comparatively inexpensive recreational experience, falling under Section 30213 of the Coastal Act, for the public to enjoy within the Coastal Zone. The agricultural nature of many of the events further differentiates the property and its activities from many other recreational opportunities in the greater-San Diego coastal region. Thus, in addition to accommodating public access to nearby parks and beaches, the Fairgrounds is itself a public recreational destination.

The Fairgrounds was completed in 1936, and soon after began to host the county fair and thoroughbred racing, both of which continue to this day in what is referred to as the “summer fair and race season.” Currently, the annual San Diego County Fair (formerly known as the Del Mar Fair) attracts approximately 1.5 million visitors during its summer run of early June until the Fourth of July. The annual thoroughbred horse racing season subsequently begins two weeks later and runs until early September. The number of race attendees varies from day to day, with only a handful of special races drawing huge crowds. Racing attendance, even on peak days, never approaches the number of people attending the annual fair on a daily basis, and thus the entire race season attracts approximately 650,000 attendees. However, less parking is available during the racing season, as the practice track and backstretch areas, which are used for parking during the county fair, are not available for parking during race season.

With the summer fair and race season come substantially heavy traffic loads on the surrounding roads and communities. The off-ramps from the I-5 freeway onto Via de la Valle consistently back up and impact traffic flow on the remainder of the freeway. Surface streets, especially Via de la Valle, Camino del Mar, and Jimmy Durante Boulevard, experience high traffic volumes that bring traffic flow to a near standstill as parking attendants and local police resources attempt to channel the public into the few vehicle entrances located on the Fairgrounds. These traffic loads negatively impact the surrounding communities of Del Mar, Solana Beach, and parts of San Diego, and interfere with public access to surrounding coastal resources, such as the beach, visitor serving retail, and hiking trails.

Regarding the proposed temporary events to be held in the main Fairground complex, excepting the summer county fair and summer thoroughbred horse race meet, Linscott, Law, & Greenspan conducted an off-season peak-hour traffic analysis in April of 2011 for the Applicant in order to establish a baseline Level of Service (LOS) for surrounding roads and intersections. The study found that all but one of the surrounding 19 intersections operated at acceptable LOS D or better on both weekdays and weekends. Many of the temporary events that occurred at that time still occur, mainly within the

much larger main Fairgrounds complex (Exhibit 3). Traffic volumes are lower for multiple reasons, including it no longer being a busy tourist season, the temporary events being smaller in scale and less popular than the summer events, and because inclement weather can dampen attendance numbers. Nevertheless, temporary events of substantial size and number could still have the cumulative traffic impact to interfere with public access to nearby coastal resources and communities. The Applicant's parking data states that during the non-summer off-season they have an approximately 10,350 space on-site parking capacity available for use throughout the main Fairgrounds complex, EOL, and GDR (~~this includes the 1,400 space capacity of the southern third of the EOL~~). In order to ensure that parking and traffic impacts do not spill out of the Fairgrounds property and into surrounding communities, this permit will limit any given day's projected parking demand – either from one event or many – to that maximum on-site capacity, ~~minus the 1,400 space capacity of the southern third of the EOL, which can only be utilized for parking during the summer fair and race season or the second horse race season in the fall. Furthermore, in the event that the second fall horse race meet is cancelled or has very low attendance, the lower third of the EOL cannot be considered as a site for holding temporary events. In light of the numerous other venues and facilities available to host events within the approximately 340-acre Fairgrounds property, the prohibition of hosting events within the lower 10-acre third of the EOL should not substantially impact event activity.~~ This will help ensure that the scheduled slate of events will be able to be adequately serviced by existing on-site resources. Additionally, TDM measures that promote greater use of alternative transportation or carpooling among employees of the Applicant and its lessees, regardless of whether an event is expected to increase parking demand, will ensure that a consistent pattern of alternative transportation use is fostered and provide information that can be applied to other areas of Fairground traffic management. With such a requirement, the Commission is not seeking to limit the Applicant's ability to maximize use of the facility and provide public recreational opportunities, but rather the Applicant must begin to look at and plan for alternate methods to address user demand. Parking vehicles should not continue to be the primary means of doing so. While the Applicant has proposed that monitoring of TDMs be required only during the summer county fair, such a change would dramatically decrease the available information Commission staff will have at its disposal in determining the adequacy and effectiveness of TDMs in combating traffic congestion and over-reliance on parking. In both discussions with Commission staff and in submitted application materials, the Applicant has indicated that under current parameters, when an event or combination of events creates a projected daily parking demand of greater than 3,000 parking spaces, the Applicant foresees reliance on the EOL and/or GDR for parking and tailors its parking program accordingly. It was the Commission's intent in making the underlying CDP No. 6-12-067 a 10-year permit with periodic traffic reports, to give the Applicant time to analyze how the EOL and GDR are used for parking in relation to events held on the main Fairgrounds and the feasibility of future cessation of all or portions of those areas for parking. As such, to assure such monitoring is meaningful and useful to the Commission, "major" events during which the recommended parking and activity monitoring is required needs to include events or a combination of events that trigger the use of these lots. Therefore, the Commission is requiring that monitoring occur when an event or combination of events creates a projected daily parking demand greater than the aforementioned 3,000 parking spaces such that parking is required in the

EOL and/or GDR. Monitoring during these types of “major” events will create a sufficient pool of data for use by the Commission in future analyses. Thus, because this will help ensure traffic volumes are more manageable, the conducting of temporary events is not foreseen to create the types of heavy traffic situations experienced during the fair and races. Instead, a coastal visitor serving resource – the Fairgrounds - will be able to be better utilized by the public through the conducting of a greater number of visitor serving events and activities in the coastal zone.

However, even with the above limitations, the second race meet, due to its approximately 5-week duration and national character - bringing in jockeys and horses from around the world – has the potential to create attendance and traffic demand much higher than traditional off-season events and closer to the summer events, namely the summer race season. While it is true that inclement weather could dampen attendance figures, many horse races are still run during or after storm events, and thus could still attract a significant number of attendees. The Applicant acknowledges as much when they state that they foresee usage of the EOL and GDR for parking during at least some of the second race season (Exhibit 4). While it is true that use of off-site shuttle lots could be used to combat traffic and lessen demand – as is done during the summer county fair – the type of shuttle lots most conducive to use by the Applicant are the parking lots found in schools, due to their size and proximity. However, as the second horse race meet will occur in the fall, when schools are in session, the procurement of these lots for off-site parking purposes is unlikely. Thus, to limit the potential for substantial traffic impacts to surrounding communities, the Applicant will not be able to host simultaneous temporary events during the second race meet unless it has been clearly demonstrated to the Executive Director that on-site parking demand will be sufficient to meet all foreseeable demands.

To ensure that the development is implemented in an approved manner and that potential impacts are mitigated, **Special Condition No. 1** will ensure that the Applicant completes any approved development pursuant to approved final plans. **Special Condition No. 6** will require the Applicant to implement an approved TDM so as to control and mitigate the traffic impacts from Fairgrounds events, focusing first on utilizing on-site parking in an efficient manner and developing off-site parking resources and alternate transit measures. This condition requires monitoring occur for major events that trigger the need to park in the EOL and/or GDR. Furthermore, **Special Condition No. 4** prohibits the Applicant from hosting other temporary events on the EOL during the second race season so as to maximize available parking and lessen impacts to public access to surrounding coastal resources and communities.

In summary, the Commission finds the proposed restoration and development will not result in adverse impacts to coastal access. Parking will remain adequate for approved uses, and the number of low-cost visitor serving activities in the coastal zone will increase, public access to the Coast to Crest Trail will be greatly enhanced. Therefore, the Commission finds that all access and resource concerns associated solely with proposed development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. WETLANDS

Section 30231 of the Coastal Act states:

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 of the Coastal Act states in relevant part:

- (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 basin, vessel berthing and mooring areas, ad boat launching ramps;*
 - 3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;*
 - 4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - 5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;*
 - 6) Restoration purposes;*
 - 7) Nature study, aquaculture, or similar resource dependent activities*

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

[...]

Virtually the entire Fairgrounds property was created by filling tidelands back in the 1930's. Although most of the site is now developed, there are several areas which still contain seasonal wetland resources, including the SOL, EOL, and GDR. In addition, all of these areas are within the 100-year floodplain of the adjacent San Dieguito River and experience periodic inundation during average winter rainy seasons.

The main Fairgrounds complex north of Jimmy Durante Boulevard is almost completely developed, with numerous permanent structures including the Grandstands, show arenas, stables, race track, exhibit halls, etc. Most of the remaining surface area not occupied by structures is paved, with some unpaved areas in the northern stable and practice track areas. As such, the main Fairground complex contains almost no undeveloped areas, and what little vegetation is present is concentrated around Stevens Creek, which flows along the northern and western boundaries of the main Fairgrounds complex. Stevens Creek is a tributary of the San Dieguito River and San Dieguito Lagoon, and its waters occupy 1.57 acres of the main Fairground complex. Along the creek's length within the main Fairgrounds complex are approximately .29 acres of chenopod scrub, .13 acres of coastal and valley freshwater marsh, 11.11 acres of diegan coastal scrub, 1.34 acres of disturbed habitat, 9.42 acres of non-native vegetation, .04 acres of saltgrass, .86 acres of southern coastal salt marsh, and .23 acres of southern willow scrub. No permanent or temporary development is being proposed within Stevens Creek and the vegetated areas along its bank, and this permit will not affect its current state.

While the Applicant states that the vast majority of the temporary events can be accommodated completely within the main Fairgrounds complex, the Applicant does foresee certain events needing to utilize the EOL and GDR for parking. Historically, the EOL and GDR have been used by the Applicant as public parking during the annual summer county fair and races. The EOL is approximately 22 acres and the GDR is approximately 10 acres. Because use of the areas for parking for these two annual events predated the Coastal Act, the Commission has not challenged the continued use of these areas for overflow parking during these events, even though substantial portions of these two areas are wetlands. In addition, in past permit actions, the Commission authorized use of these areas for parking during the years the Del Mar Grand Prix was held at the Fairgrounds (CDP No. 6-88-077), and approved the installation of an at-grade paved tram track in the EOL outside ACOE delineated wetlands (CDP No. 6-94-013). The tram is used during the annual fair and races to transport patrons to the entrance ticketing windows. With these two exceptions, the Commission has not reviewed or approved parking by patrons or employees or any other uses of these lots, except use of the GDR for its primary, approved golfing purposes.

According to historical photographs of the sites, when the EOL and GDR are not used for parking, sparse wetland vegetation returns, and the areas are used for resting and feeding by shorebirds and migratory species. Depending on the specific species, some nesting may also occur, although most species' nesting seasons continue into the summer months when the lots have historically been used for parking. Past delineations by the ACOE have found that EOL and the GDR are, in substantial part, defined as wetlands. In compliance with the Consent Orders approved by the Commission in March 2012, the Applicant commissioned AECOM to conduct a wetlands delineation study for the EOL and the GDR (the Applicant did not conduct a new delineation for the SOL, as it is planned to be fully restored to salt marsh habitat pursuant to the ACOE enforcement action and Commission Consent Orders). The resulting September 2012 report identified 5.81 acres of disturbed alkali marsh in the EOL and 2.92 acres of disturbed alkali playa in the GDR. Both the alkali marsh and the alkali playa meet the Commission's criteria for "wetland," and thus the AECOM delineation found a total of 8.73 acres of wetlands in the EOL and GDR.

While off-season parking in the EOL and GDR will constitute impacts to the wetlands delineated therein, the mitigation of wetland impacts associated with off-season parking and temporary event uses of the EOL and GDR will be addressed in CDP No. 6-12-067, a concurrent application by the Applicant for, among other development, year-round parking within the EOL and GDR. That permit and its related staff report address all the issues related to the wetland impacts arising from the use of the EOL and GDR, and this recommendation of approval is predicated upon the types of uses – if any – of the EOL and GDR that the Commission finally approves in CDP No. 6-12-067.

To ensure that the Applicant carries out the proposed restoration and development in conformance with approved methods, **Special Condition No. 1** requires the Applicant to submit and follow approved final plans for all development approved in this permit. **Special Condition No. 7** makes it clear that this permit only authorizes the development contained herein, and that any future development within the SOL, EOL, or GDR will require an amendment to this permit or a separate permit.

However, despite the above special conditions, the proposed development will still directly impact delineated wetlands in the EOL and the GDR. This is inconsistent with the above Coastal Act policies governing habitat impacts, as none of the proposed uses meet the criteria of permitted development within wetlands. However, as noted above, 22nd District Agricultural Association, the same applicant of this application, has submitted a CDP application, CDP Application No. 6-12-067 (to be heard at the November, 2013, hearing as well), which addresses the Section 30233 inconsistency through the application of the conflict resolution provision of the Coastal Act, Section 30007.5. The proposed development in CDP Application No. 6-12-067 necessarily encompasses the proposed development of this subject application because the applicant, in CDP Application No. 6-12-067, is requesting authorization to use the EOL and GDR for year-round temporary events and parking. Thus, should the Commission approve CDP Application No. 6-12-067, that approval would generally approve the use of the EOL and GDR for temporary events and parking while still requiring the Applicant to

receive Commission approval for any specific temporary events to address any Coastal Act impacts associated with those events, as the Applicant is doing in this application. There, as proposed, the development within the EOL and GDR must be denied unless the Commission approved CDP Application No. 6-12-067 through the application of conflict resolution procedures. Given this condition precedent, the Commission imposes conditional language in **Special Condition No. 8** that requires the Applicant to demonstrate that the Applicant has received approval of CDP No. 6-12-067 prior to commencement of the proposed development.

D. HYDROLOGY/FLOOD HAZARDS

Section 30236 of the Act addresses natural hazards, and states, in part:

Channelization, 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.

[...]

Section 30253 of the Act states, in part:

New development shall do all of the following:

- (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 Del Mar Fairgrounds is located within the 100-year floodplain of the San Dieguito River, and is thus subject to flooding during storm events. However, a large number of permanent and temporary structures already exist in the main Fairgrounds complex west of Jimmy Durante Boulevard, many of them pre-dating the Coastal Act. In past actions, the Commission has found that the placement of fill or permanent structures in a floodplain may substantially alter natural water flows and therefore be inconsistent with Coastal Act Section 30236 because such project wouldn't consist of an allowable project under Section 30236. Further, such placement of fill or permanent structures in a floodplain may not, also, be consistent with Section 30253 of the Coastal Act because the

development may not sufficiently minimize the risks to life and property in areas of high flood hazard. On the other hand, structures that can accommodate periodic inundation without being damaged do not cause natural water flows to be redirected and therefore can be found consistent with Section 30236. The entire main Fairgrounds complex is comprised of structures which are, and will continue to be, able to withstand periodic inundation occasionally during severe rain events.

The Coastal Act requires new development to minimize risks to life and property of both the project site and the surrounding area. Any additional fill or creation of building footprints could result in changes in the hydrology of the San Dieguito River or Stevens Creek. Modifications to the current flooding patterns, in which a large portion of the 100-year flood waters are contained on the Fairgrounds property, could result in increased flood hazards to existing up- and downstream developments. This could, in turn, lead to proposals for further channelization of the river. In this particular case, the proposed development is not adding new permanent structures to the floodplain, but instead consists of holding temporary events utilizing existing buildings or the use of temporary structures such as trailers and tents. These should not substantially alter flood flows, as they can be relocated relatively quickly or, if not, would not be able to hold back substantial amounts of water. Therefore, the proposed development does not constitute a substantial alteration of a river and is thus consistent with Section 30236 and will minimize risks to life and property in the floodplain given the temporary and impermanent nature of the development.

Nevertheless, **Special Condition No. 3** requires the Applicant to waive any future flood protection to protect the development proposed in this permit, while **Special Condition No. 2** required the Applicant to assume all risks liabilities arising from approval of this permit. In summary, the Commission finds that the proposed development will not result in a significant change to current flood flows across the site. The amount of impermeable surfaces will not substantially increase, and existing storm drains, as always, will continue to allow the passage of flood waters. Therefore, the Commission finds the proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act.

E. WATER QUALITY/MARINE RESOURCES

The following Coastal Act Policies are most pertinent and state:

Section 30230 of the Coastal Act states:

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 of the Coastal Act states:

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

The Del Mar Fairgrounds is located within the San Dieguito River valley and is bordered on the south by the San Dieguito River and on the north and west by Stevens Creek, a tributary. The Fairgrounds property, including the unpaved lots on the other side of Jimmy Durante Boulevard, is divided into 16 separate drainage basins, with existing storm drain systems conveying runoff from the various basins to four discharge points along the San Dieguito River and three discharge points along Stevens Creek (Exhibit 5). Most of the drainage basins in the northern part of the main Fairgrounds complex directs runoff into the existing infield ponds, which are not connected to the river valley hydrological system. Here the runoff is treated by either infiltration (percolation) or by evaporation. Additionally, in the backstretch and race track area, where most of the animal preparation activity related to races occurs, the low-flow and first-flush runoff is manually diverted to the Del Mar Fairgrounds sewage system. This includes horse wash station, runoff from recycling areas, car washes, and stables. However, during heavier storm events sheet flow carries runoff into Stevens Creek. In the basins in the southern portion of the main Fairgrounds complex, the storm drain system conveys runoff to treatment facilities (such as grease traps) and then on to the San Dieguito River.

Because the Applicant is applying to continue to host the type off-season temporary events it has traditionally hosted for decades, no substantial increase in water quality impacts is foreseen. Furthermore, the Applicant is not proposing to substantially increase the impervious surface area within the main Fairgrounds complex, so additional runoff is not foreseen. Finally, because the temporary events will be held within the main Fairgrounds complex, which is almost completely developed, runoff will be captured by the existing storm water systems.

While the existing race season occurs during the summer, when the chance of storm events is low, the proposed second race season would occur in the fall, during the traditional rainy season. Because the Applicant is proposing a second fall thoroughbred horse racing season during the traditional rainy season, there is the potential to introduce a higher pollutant load related to such use, such as fecal material and detritus from animal wash areas. Because much of the main Fairgrounds complex is paved, its permeability, and thus ability to absorb runoff, is limited. In two past permit actions, the Commission has permitted the Applicant to conduct track upgrades and widening to the existing outer dirt (now PolyTrack synthetic material) and inner turf race tracks – CDP Nos. 6-06-054 and 6-13-004, respectively. Both of these permits authorized and required the upgrading and installation of improved BMPs systems to handle the runoff that may flow from the

track surfaces during storm events. Those BMPs systems function by filtering runoff as it percolates through the race surface before either directing it to the existing infield ponds (which are not connected to the nearby river system) for infiltration and evaporation or into Stevens Creek. However, these systems only cover a portion of the Fairgrounds complex, while the majority of the property is utilized at one time or another for off-season temporary events.

As part of the development necessary to be eligible to hold the second fall race meet, the Applicant plans to install various phases of BMP improvements to minimize foreseeable water quality impacts arising from greater presence of racing animals and related equipment. The Applicant submitted a Backstretch and Polytrack Water Quality Improvements Report prepared by Fuscoe Engineering and dated March of 2013. This report recommends various BMP measures to treat the expected runoff and pollutants arising from increased usage of the Fairgrounds for horse racing, to be implemented in phases over the first couple of race seasons.

Additionally, the Applicant foresees need of the EOL and GDR for parking during the second race season and certain other off-season temporary events (whenever parking demand is projected to be above 3,000 parking spaces). Such use could coincide with or shortly after a storm event, when much of the EOL and GDR can become extremely muddy or even flooded. This creates the risk of introducing vehicular pollutants (oil, transmission fluid, brake dust, etc.) into the runoff flowing from the EOL and GDR into the San Dieguito River. The Applicant's parking management plans as reviewed by Commission staff indicate that during storm events substantial enough to impact use of the EOL and GDR, the Applicant will exhaust parking in the paved, main Fairgrounds complex, then proceed to utilize any dry or unimpacted portions of the EOL and then, if more parking is needed, utilize the Horse Park property. This will limit intrusion into substantially flooded, unpaved areas, limiting "churning" of soils and sedimentation and turbidity impacts in the nearby river. In addition, the Applicant will, as part of CDP No. 6-12-067 (if approved) install BMPs in the EOL and GDR including, but not limited to, bioretention basins so as to capture, contain, and filter runoff.

Furthermore, the Applicant, as part of CDP No. 6-12-067, will place the 10.37 acre lower-third of the EOL, which is the portion closest to the San Dieguito River, under a conservation easement that will phase out all use of that portion within 10 years of Commission approval of that permit, and in the interim will only allow off-season parking if all other on-site parking resources have been exhausted. Those measures will ensure that use of the lower-third of the EOL is minimized during the rainy season, further lessening water quality impacts stemming from temporary events within the main Fairgrounds complex.

To ensure that the Applicant constructs the proposed development in conformance with approved methods, **Special Condition No. 1** requires the Applicant to submit and adhere to revised final construction/BMP and site plans that are in substantial conformance with Commission-approved plans and reports.

The Phase II restoration will enhance the quality of the surface water that collects on the areas east and south of Jimmy Durante, that are not part of the existing storm drain system that operates on the developed portions of the Fairgrounds property. Therefore, the Commission finds the development, as conditioned, consistent with the cited policies of the Coastal Act with respect to water quality concerns.

F. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The Del Mar Fairgrounds is located in the San Dieguito River Valley near the mouth of the San Dieguito River, west of the I-5 and east of Camino del Mar (Old Highway 101). It is between the river to the south and Via de la Valle, which is the first public east-west road north of the river. The entire fairgrounds complex, including the project site, is located between the sea and first public roadway.

The San Dieguito River Valley is a scenic view shed running westward to the Pacific Ocean and contains various trails, including the Coast to Crest Trail, a portion of which runs through the Fairgrounds, adjacent to and south of the SOL, EOL, and GDR south of Jimmy Durante Boulevard. In addition, the valley is bordered to the north and south by hills offering multiple scenic overlooks of the valley and the ocean, and drivers on the north-south I-5 can look west across the river valley as they are crossing it.

The main Fairgrounds complex contains multiple large structures, including exhibit halls, show arenas, and the main Grandstand facility, some of which approach or exceed 100 feet in height. This existing development located within the main Fairgrounds complex blocks westward views from parts of Jimmy Durante Boulevard and the I-5. Much of Via de la Valle along the north of the Fairgrounds is above grade from the Fairgrounds and would offer a view over the Fairgrounds complex and parts of the river valley, but such view is blocked by a long, tall hedge that runs along the south of Via de la Valle for its entire length.

Besides the surface roads within the river valley itself, the surrounding hills are home to multiple public vista points both west and east of the I-5. The height of these vista points, coupled with the fairly open nature of the river valley, permit expansive views of the area westward, to where the river meets the ocean (Exhibit 6). The development contained within the Fairgrounds is clustered within the main Fairgrounds complex north of Jimmy Durante Boulevard, and does not substantially block ocean views from many of the hilltop vista points.

The proposed use of the main Fairgrounds complex will not erect any permanent development that will substantially rise above grade to block views. However, some of the events, such as circuses, require the erection of large temporary structures such as tents, usually in the main parking lot on the southeast corner of the main Fairgrounds complex next to Jimmy Durante Boulevard. These temporary structures can at times approach 100 feet in height and could potentially impact views. However, because views westward from Jimmy Durante and the I-5 are already blocked by existing structures within the main Fairgrounds complex, large temporary structures within the main parking lot or other parts of the main complex are not foreseen to substantially impact public views.

Besides the openness of views, other aspects of visual resources to consider are scenic quality and community character. Even when a structure does not impede views, it can be obtrusive enough in design or bulk to still adversely impact public vistas by being incongruent with the surrounding landscape and thus serve as a distraction. While the future schedule of temporary events is never completely certain, and their temporary nature mean various aspects of their physical nature can change from year to year, past events have utilized structures such as tall red tents almost 100 feet tall. Even being located within the main Fairgrounds complex does not completely mask the incongruent nature of such structures as seen from some of the valley floor or hilltop vista points. However, the design of such structures are usually out of the control of the Applicant and often dictated by the needs of the temporary tenant. As such, concentration such development in close to proximity to existing development is usually the best way to shield it from most views and mitigate its impacts. Fortunately, such visually obtrusive structures are the exception rather than the norm among the temporary events traditionally held within the main Fairgrounds complex, and their temporary nature means that their presence does not last for very long. Thus, the continuance of such intermittent temporary uses is not foreseen to engender substantial visual impacts.

To ensure that these development limits are formalized so as to protect visual resources, **Special Condition No. 1** requires the Applicant to implement development according to approved plans. **Special Condition No. 7** clearly states that this permit is only for the development contained herein – temporary events and the second race meet – and that any other development will require either an amendment to this permit or a new coastal development permit.

Thus, by not adding any new permanent structures and by concentrating temporary development within the already developed envelope of the main Fairgrounds complex impacts to visual resources along the San Dieguito River will be minimized, and the Commission can find the proposed development, as conditioned, in conformance with the visual resource policies of the Coastal Act.

G. LOCAL COASTAL PLANNING

Although much of the project site is in an area of original jurisdiction and thus not subject to the policies and regulations of San Diego's and Del Mar's certified LCPs, it is nonetheless consistent with the Fairgrounds/Racetrack land use designation and zone of

that plan. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the Cities of San Diego and Del Mar to continue to implement their certified LCPs.

H. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The 22nd District Agricultural Association is the lead agency for purposes of CEQA review for this project, and the Coastal Commission is a responsible agency. 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 public access, flood hazards, water quality, wetland impact, and visual resources 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.

APPENDIX A

- 1) AECOM August, 2012 Wetland Delineation Report
- 2) Linscott, Law, and Greenspan August, 2012 Parking Assessment
- 3) Commission Ecologist Dr. John Dixon's September, 2013 Memo
- 4) Cease & Desist and Restoration Orders of March, 2012: CCC-12-CD-02 & CCC-12-RO-02 <http://documents.coastal.ca.gov/reports/2012/3/Th8-s-3-2012.pdf>

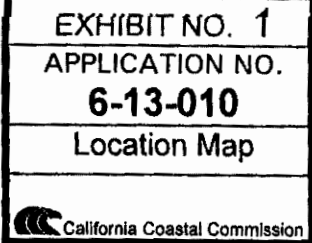





EXHIBIT NO. 2
APPLICATION NO.
6-13-010
Aerial View
 California Coastal Commission

Event Days⁽¹⁾ by Facility Locat
(includes courtyard)

Enclosed Facilities

101+

76-100

51-75

50

Outdoor Facilities

Jurisdictional Wetlands
(boundaries are approx)

Actual Number of Event Days

(1) Event Days equal the number of days the facility is held in facility, times number of days the event is held, including set-up and tear-down time.

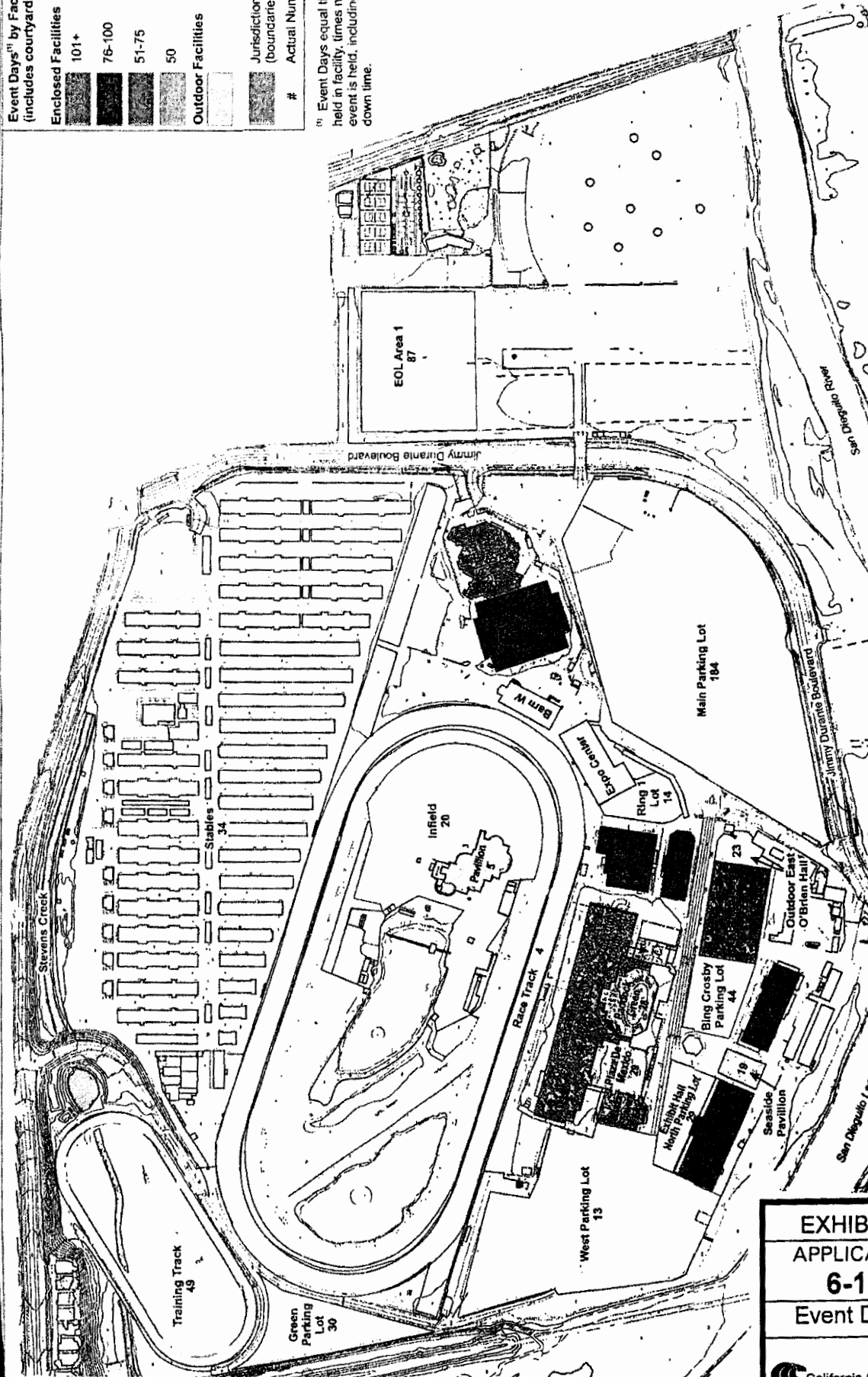


EXHIBIT NO. 3
APPLICATION NO.
6-13-010
Event Day Usage

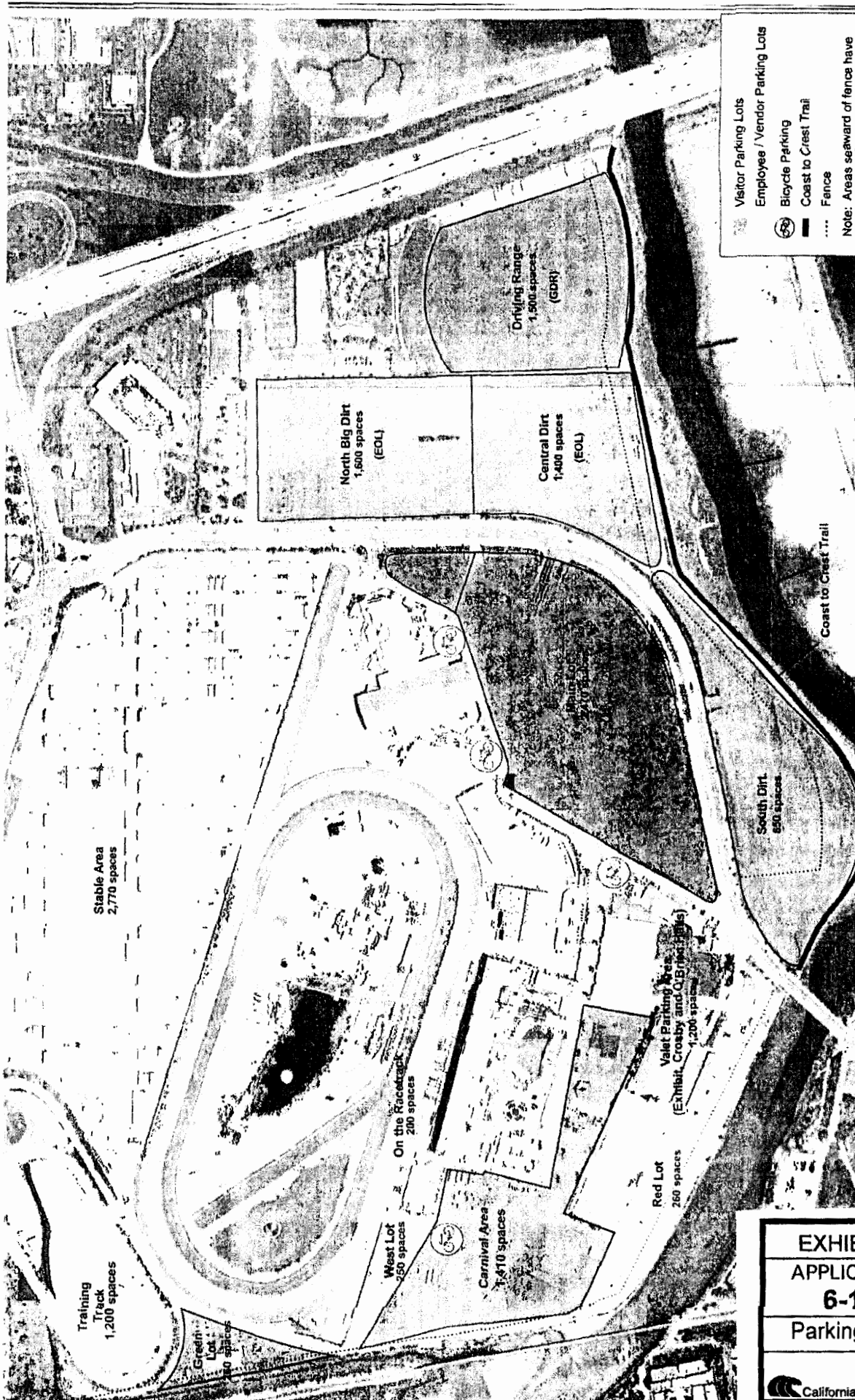


EXHIBIT NO. 4

APPLICATION NO.

6-13-010

Parking Inventory

- Fairgrounds Bo
- Existing Contou
- Existing Storm I
- Existing Storm I
- Existing Storm I
- Existing Sewer
- Existing Sewer
- Drainage Basin
- Fiber Roll
- Surface Ponding

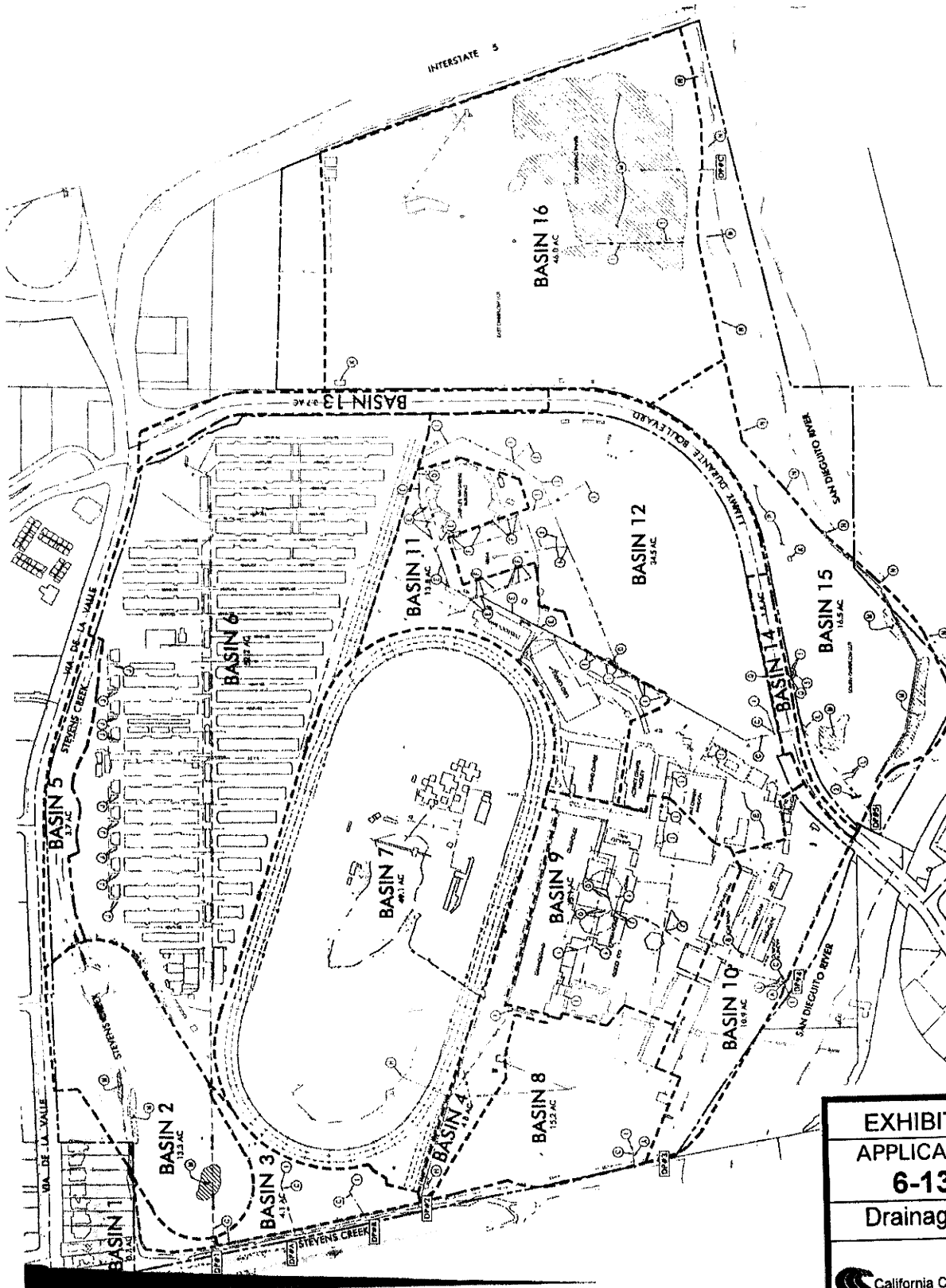
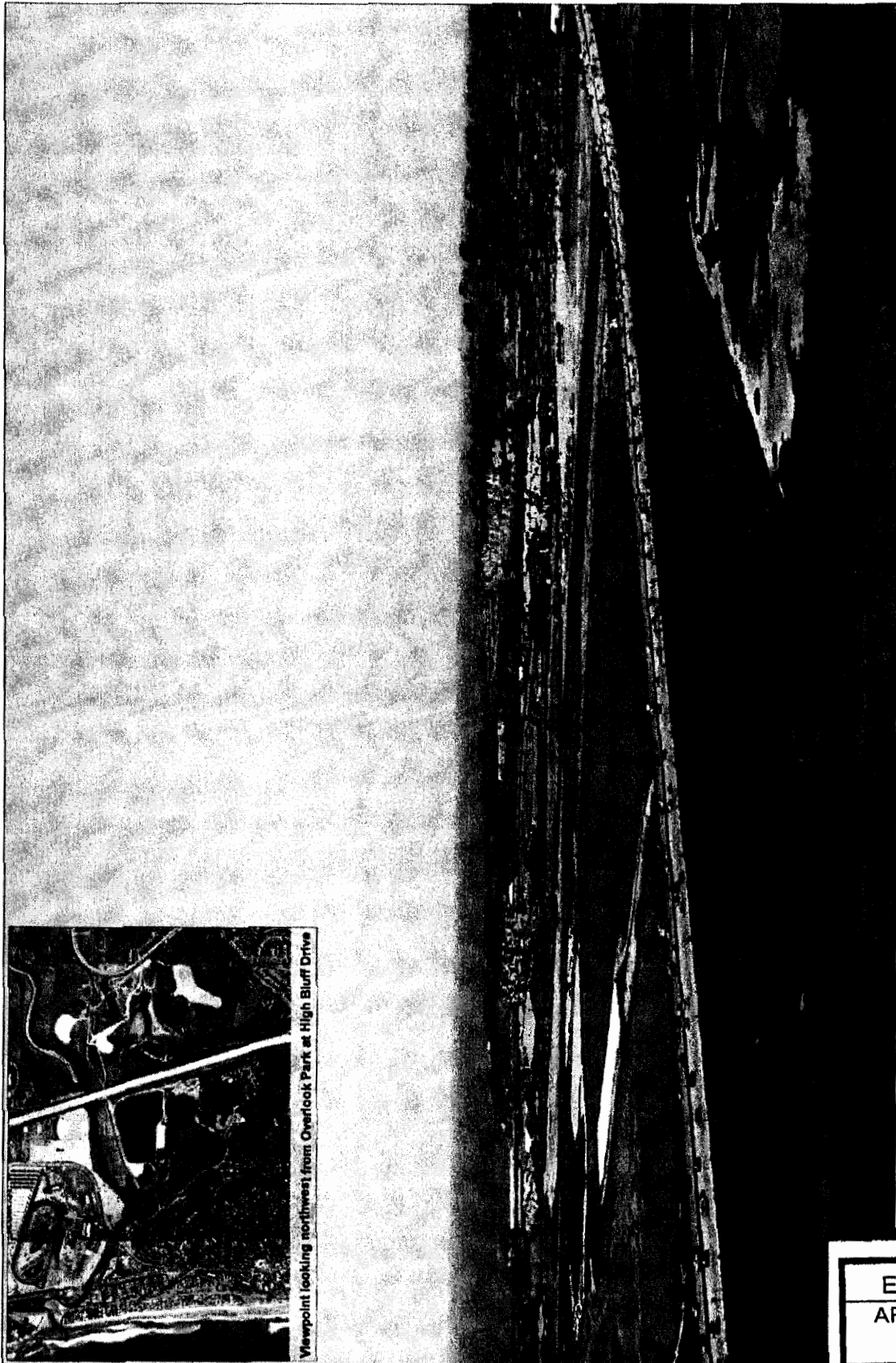


EXHIBIT NO. 5
APPLICATION NO.
6-13-010
Drainage Basins



Viewpoint looking northwest from Overlook Park at High Bluff Drive

Google Map Pro 2010

EXISTING VIEW
FIGURE 1

EXHIBIT NO. 6
APPLICATION NO.
6-13-010
Existing View