

**CALIFORNIA COASTAL COMMISSION**

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original staff report

# Th17a

## ADDENDUM

February 9, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item Th17a**, Coastal Commission Permit Application  
**#6-11-059-A1 (22<sup>nd</sup> District Agricultural Association)**, for the  
Commission Meeting of February 12, 2015.

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### Changes to Staff Report

Commission staff recommends modifications and additions to Section III (Special Conditions) of the staff report for clarification purposes. Deleted language is shown in strike through and new language to be added is shown in **bold, underlined, italic**, as shown below:

1. On Page 4 of the staff report, modify Section III, Special Condition 2, as follows:
2. **Signage Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT **AS AMENDED**, the applicant shall submit a comprehensive sign program for the "Surf and Turf" facility to the Executive Director, for review and written approval, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed (this includes large banners strung between poles or buildings) and no signs attached to sides of portable trailers shall be allowed. In addition, signage shall not be affixed to the exterior of the approved structures (except that small informational signs or directional signs addressing use of the structures may be placed on the sides of the structures), and the applicant shall not use any portion of the approved structures for advertising purposes. A limited number of 2-foot by 3-foot bulletin boards with advertising along the perimeter of the bulletin boards will be permitted. Additionally, a 3.5-foot by 9-foot sign, which includes the facility's name and sponsor, may be placed on both the southern and the western walls of the new golf volleyball tent.

(...)

2. On Page 5 of the staff report, modify Section III, Special Condition 3, as follows:

3. **Structure Color.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AS AMENDED, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed ~~golf~~ volleyball structures (tent and prefab structure). The color of the structures permitted herein shall be restricted to earth tones including shades of green, brown, and gray, with no white or light shades and no bright tones.

(...)

3. On Page 5 of the staff report, modify Section III, Special Condition 5, as follows:

5. **Landscape Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AS AMENDED, the applicant shall submit, for the review and written approval of the Executive Director, a plan for landscaping. The plan shall be prepared by a licensed landscape architect and include, at a minimum, the following:

(...)

4. On Page 7 of the staff report, modify Section III, Special Condition 6, as follows:

6. **Drainage and Polluted Runoff Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AS AMENDED, the applicant shall submit for the review and written approval of the Executive Director, final drainage and runoff control plans including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce the pollutant load of runoff to the maximum extent practicable, and reduce or eliminate any potential increases in the volume or velocity of runoff leaving the site. The plan shall be in substantial conformance with the ~~Conceptual Drainage and Runoff Control Plan~~ Preliminary Drainage and Water Quality Plan: Wave Volleyball Facility prepared by Fuscoe Engineering, Inc. dated ~~4/12/2014~~ October, 2014, and shall include in addition to the specifications above, the following requirements:

(...)

5. On Page 9 of the staff report, modify Section III, Special Condition 8, as follows:

8. **Water Quality Monitoring.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AS AMENDED, the applicant shall submit for the review and written approval of the Executive Director, a water quality monitoring

plan to address the implementation of the Drainage and Polluted Runoff Control Plan ~~and the Turf and Pest Management Plan~~. The plan shall describe the methodology for monitoring, including sampling protocols, schedule for monitoring, and reporting of results. The monitoring plan shall also include a contingency plan describing the actions to be taken if water quality impacts are discovered. In addition to specifications above, the plan shall be in substantial conformance with the following requirements:

(...)

6. On Page 10 of the staff report, modify Section III, Special Condition 10, as follows:

10. **Revised Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT **AS AMENDED**, the applicant shall submit final site and building plans to the Executive Director for review and written approval. Said plans shall be in substantial conformance with the plans submitted with this application by ~~Sprung Instant Structures Ltd. Dated 2/9/2010 and Attachment A3~~ **Garage Bays Elevation Structure B dated 6/01/2010** 22<sup>nd</sup> DAA, except they shall be revised as follows:

(...)

**CALIFORNIA COASTAL COMMISSION**

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# Th17a

Filed: 10/8/14  
180th Day: 4/6/15  
Staff: A. Llerandi-SD  
Staff Report: 1/22/15  
Hearing Date: 2/11-13/15

## STAFF REPORT: AMENDMENT

**Application No.:** 6-11-059-A1

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

**Agent:** Dustin Fuller

**Location:** 2260 Jimmy Durante Blvd Del Mar, San Diego County (APN 299-042-02-03)

**Original Project Description:** Placement of a 6,650 sq. ft. fabric tent structure to accommodate existing golf related uses; placement of an approximately 1,500 sq. ft. prefabricated structure on the west side of the existing driving range for golf training; installation of a junior golf area consisting of monkey bars and a grassy area; installation of new putting greens, sand bunkers, 2-20 ft. light posts, and signage; request for continued usage of the existing 13,500 sq. ft. tent for youth volleyball activities; and after the fact request for an approximately 170 sq. ft. detached bathroom structure, operation of a swimming school, a 2,500 sq. ft. tent, and a 1,200 sq. ft. swimming pool.

**Proposed Amendment:** Placement of a 32.5-ft. tall, 22,960 sq. ft., volleyball tent housing four indoor courts with offices and locker facilities; installation of three outdoor courts surrounded by eight 20-ft. tall light poles and 20-ft. tall retractable netting, and related landscaping.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions.

As proposed, the amended project is consistent with the public access, habitat, water quality, and visual resource protection policies of Chapter 3 of the Coastal act, the standard of review in this area of deferred certification. The existing on-site parking will sufficiently serve the existing and proposed uses on the Surf and Turf facility. The lighting and runoff management facilities will be designed and operated in such a way so as to minimize impacts to nearby habitat and water quality. The volleyball tent will not adversely affect public views of the San Dieguito River Valley, or be out of character with the adjacent development. However, operation of the proposed volleyball facility could impact surrounding public access if the existing parking is inadequate to service demand of the entire Surf & turf facility. Lighting and runoff leaving the site could adversely impact habitat and water quality, while the lighting and color of the proposed volleyball tent could adversely impact the scenic quality of the surrounding river valley.

To address these potential adverse impacts the Commission staff is recommending **Special Condition 1** to control the use of the proposed volleyball tent to limit it to just volleyball and contain its parking demand in the existing paved parking lot. **Special Condition No. 2** regulates the signage that can be erected in relation to the proposed volleyball tent so as to minimize impacts to public views and the scenic quality of the river valley. **Special Condition No. 3** limits the coloring of the proposed volleyball tent to earth tone colors so as to maintain the character of the surrounding river valley and protect visual resources. **Special Condition No. 5** conditions any landscaping to prohibit the use of invasive, non-native species so as to protect the quality of nearby habitat resources. **Special Condition No. 6** requires a runoff control plan to maintain as much runoff on-site as feasible and treat that runoff that does flow from the site before it enters nearby bodies of water, while **Special Condition 8** will monitor the effectiveness of the water quality measures. **Special Condition No. 9** regulates the hours and type of lighting so as to protect the habitat and visual resources of the area from light encroachment. **Special Condition No. 10** requires modified final plans that substantially conform to the approved plans in the permit while incorporate changes deemed necessary to further minimize impacts to coastal resources. Finally, **Special Condition No. 14** explicitly indicates that the special conditions of the underlying permit approval not modified in this amended permit action shall still apply with full force and effect.

Commission staff recommends **approval** of coastal development permit amendment 6-11-059-A1 as conditioned.

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## EXHIBITS

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Exhibit 6 – Visual Simulation

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 6-11-059-A1 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the amendment 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 coastal development permit amendment 6-11-059-A1 and adopts the findings set forth below on grounds that the development as amended and conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions, as modified:

### 1. Modify Special Condition No. 1 (Parking Usage/Prohibitions) as shown:

1. **Parking/Usage Prohibitions.** The applicant shall not use, and shall prohibit its patrons from using, any portion of the East or South Overflow Parking Lots in association with any uses, events, functions, or activities held in the approved structures. In addition, the applicant shall apply for and receive an amendment to this permit from the Commission in order to conduct non-volleyball activities or special events in either the pre-existing volleyball tent or the volleyball tent approved pursuant to this amendment unless the Executive Director determines that an amendment is not legally required.

### 2. Modify Special Condition No. 2 (Signage Restriction) as shown:

2. **Signage Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a comprehensive sign program for the “Surf and Turf” facility to the Executive Director, for review and

written approval, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed (this includes large banners strung between poles or buildings) and no signs attached to sides of portable trailers shall be allowed. In addition, signage shall not be affixed to the exterior of the approved structures (except that small informational signs or directional signs addressing use of the structures may be placed on the sides of the structures), and the applicant shall not use any portion of the approved structures for advertising purposes. A limited number of 2-foot by 3-foot bulletin boards with advertising along the perimeter of the bulletin boards will be permitted. Additionally, a 3.5-foot by 9-foot sign, which includes the facility's name and sponsor, may be placed on both the southern and the western walls of the new ~~golf~~ volleyball tent.

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

**3. Modify Special Condition No. 3 (Structure Color) as shown:**

- 3. Structure Color.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed ~~golf~~ volleyball structures (tent and prefab structure). The color of the structures permitted herein shall be restricted to earth tones including shades of green, brown, and gray, with no white or light shades and no bright tones.

The existing volleyball tent proposed to be retained can remain white at this time. However, if the existing volleyball tent is replaced, it shall be finished (constructed of, covered with, or dyed) in deep earth tone colors including shades of green, brown, and gray, with no white or light shades and no bright tones (the existing volleyball tent has since been painted earth tone colors after the underlying permit was approved).

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board 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.

**4. Modify Special Condition No. 5 (Landscape Plan) as shown:**

- 5. Landscape Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a plan for landscaping. The plan shall be



prepared by a licensed landscape architect and include, at a minimum, the following:

- a) All new vegetation planted on the site will consist of native, drought-tolerant, and non-invasive plants which will not have an adverse impact on nearby wetlands (~~the new putting greens and associated chipping turf and the junior golf grassy area may use turf grass similar to that used at the facility already~~). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized. All required plantings will be maintained in good growing conditions throughout the life of the project, and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Removal of existing vegetation on the Surf and Turf parcel is not required.
- b) a plan showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features.
- c) a requirement that five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The landscape monitoring report can be submitted separately or be included as a part of the water quality monitoring plan required pursuant to Special Condition No. 8 of this permit.

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.

5. Modify Special Condition No. 6 (Drainage and Polluted Runoff Control Plan) as shown:

6. **Drainage and Polluted Runoff Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, final drainage and runoff control plans including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce the pollutant load of runoff to the maximum extent practicable, and reduce or eliminate any potential increases in the volume or velocity of runoff leaving the site. The plan shall be in substantial conformance with the ~~Conceptual Drainage and Runoff Control Plan~~ Preliminary Drainage and Water Quality Plan: Wave Volleyball Facility prepared by Fuscoe Engineering, Inc. dated ~~4/12/2014~~ October, 2014, and shall include in addition to the specifications above, the following requirements:

- a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter storm water from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- b) BMPs shall be selected to address the pollutants of concern for this development, including sediments, nutrients, pesticides, fertilizers, metals, petroleum hydrocarbons, trash and debris, and organic matter.
- c) Drainage from all roofs and other impervious surfaces shall be directed through vegetative or other ~~media filter~~ hydrodynamic separator devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- d) Opportunities for directing runoff into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized.
- e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any

necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall contact the San Diego Coastal Commission office to determine if an amendment to this coastal development permit or a new coastal development permit is legally required to authorize such work.

- f) ~~The new Short Game Area shall be equipped with flow reducers or shutoff valves triggered by a pressure drop so that broken pipes do not increase flow to the storm drains~~ The paved Surf and Turf parking lot shall be swept once a month year round;

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

6. Delete Special Condition No. 7 (Turf and Pest Management Plan):

7. ~~**Turf and Pest Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed turf and pest management plan for the new Short Game Area portion of the development. The plan shall be in substantial conformance with the Conceptual Turf and Pest Management Plan prepared by Fuscoe Engineering, Inc. dated 1/12/2011 and shall comply with the following requirements:~~

- a) ~~Turf management practices shall utilize state of the art environmental methods to minimize fertilizer use, water use and chemical pest control to the maximum extent feasible, to avoid impacts to native upland habitat, wetlands, riparian areas, and water quality.~~
- b) ~~The plan shall favor non chemical strategies over chemical strategies for managing onsite pests. Chemical strategies shall only be employed after all other non chemical strategies have been used and proven ineffective. This shall be demonstrated by providing written notice to the Executive Director of the non chemical strategies that will be used, the reasons for their ineffectiveness, and the chemical strategies that are being considered.~~

~~The permittee shall undertake development in accordance with the approved turf and pest management plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.~~

7. Modify Special Condition No. 8 (Water Quality Monitoring) as shown:

8. **Water Quality Monitoring.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a water quality monitoring plan to address the implementation of the Drainage and Polluted Runoff Control Plan ~~and the Turf and Pest Management Plan~~. The plan shall describe the methodology for monitoring, including sampling protocols, schedule for monitoring, and reporting of results. The monitoring plan shall also include a contingency plan describing the actions to be taken if water quality impacts are discovered. In addition to specifications above, the plan shall be in substantial conformance with the following requirements:

- a) The plan shall require monitoring of the general “effectiveness” of the BMPs.
- b) The plan shall provide records of BMP maintenance.
- c) The plan shall include photos of the BMPs after installation and after major storms.
- d) The plan shall include a report on infiltration BMP drainage rates, showing BMP drainage within 96 hours after rain events.
- ~~e) The plan shall include a report on fertilizer applications (frequency, amount, weather conditions during and for a few days after applications).~~
- ~~f) The plan shall include a report detailing if there is evidence of excessive fertilizer use (e.g., algal mats in the infiltration or final polishing BMPs).~~
- g e) Results of monitoring shall be submitted to the Executive Director annually. If, based on the submitted monitoring report, the Executive Director determines that the BMPs are not effective at protecting coastal water quality; the applicant shall be responsible for appropriate modifications to address any identified concerns. If the monitoring shows that the BMPs are effective at protecting coastal water quality for a period of 5 years, the applicant (or successor owner) may request that the Executive Director approve termination of the monitoring program.

The permittee shall undertake development in accordance with the approved water quality monitoring plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Modify Special Condition No. 9 (Lighting) as shown:

9. **Lighting.** Lighting for the new ~~Short Game Area~~ outdoor volleyball courts shall consist of a maximum of ~~2~~ eight 20-foot poles utilizing a maximum rating of 750 watt bulbs, and light spillover levels shall be minimized to the greatest extent practicable ~~near the wetland channel to the east of the project site~~ through the use of shields. Lighting for the ~~Short Game Area~~ outdoor volleyball courts shall be turned off no later than 8:15 PM during the winter/spring and 9:15 PM during the summer/fall.

9. Modify Special Condition No. 10 (Revised Final Plan) as shown:

**10. Revised Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final site and building plans to the Executive Director for review and written approval. Said plans shall be in substantial conformance with the plans submitted with this application by ~~Sprung Instant Structures Ltd. Dated 2/9/2010 and Attachment A3 Garage Bays Elevation Structure B dated 6/01/2010~~ 22<sup>nd</sup> DAA, except they shall be revised as follows:

- a. The proposed netting shall ~~be deleted~~ utilize the largest diameter mesh feasible – minimum 6 inches – that still impedes volleyball movement.
- b. Permanent on-site racks to accommodate at least 5 bikes shall be provided.

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.

10. Add Special Condition No. 14 (Prior Conditions of Approval) as shown:

14. **Prior Conditions of Approval.** All terms and condition of the original approval of Coastal Development Permit No. 6-11-059 as amended, not specifically modified herein, shall remain in full force and effect and apply to the subject amendment.

### **III. FINDINGS AND DECLARATIONS**

#### **A. PROJECT HISTORY**

At the April, 2011, hearing, the Commission approved Coastal Development Permit No. 6-11-059, which authorized the 22<sup>nd</sup> DAA to erect a 70 ft. long, 95 ft. wide, 28.5 ft. tall, 6,650 sq. ft. fabric tent to house golf fitness training, lessons, a classroom, locker rooms, a small office and an employee break room; and to erect a 24 ft. long, 60 ft. wide, 12 ft. tall, approximately 1,500 sq. ft. pre-fabricated structure on the west side of the existing driving range for golf training; and to install a junior golf area consisting of monkey bars, a grassy area and a decomposed granite pathway; and to install a Short Game Area consisting of practice putting greens, sand bunkers, a decomposed granite pathway, water quality BMP swales, and 2-20 ft. high light posts. Additionally, the CDP authorized continued usage of the existing 135 ft. long, 100 ft. wide, 32.5 ft. tall, 13,500 sq. ft. tent structure, which is currently used for youth volleyball activities; and after-the-fact authorization of a 1,200 sq. ft. swimming pool, small swimming school and associated 2,500 sq. ft. tent and an existing approximately 170 sq. ft. detached ADA-accessible restroom structure.

#### **AMENDMENT DESCRIPTION**

The 22<sup>nd</sup> DAA is now proposing to forgo the golf tent and related facilities, and instead erect a 205 ft. long, 112 ft. wide, 32.5 ft. tall, 22,960 sq. ft. fabric tent to house four indoor volleyball courts with office and locker facilities, as well as three outdoor beach volleyball courts surrounded by eight 20-foot tall light poles, 20-foot tall netting, and related landscaping. No removal of the existing volleyball tent is proposed with this application. [[Exhibit 2](#)]

#### **B. PUBLIC ACCESS**

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 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 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 concern raised by the proposed development related to public access is that if there is not adequate parking on site to accommodate the existing and proposed uses, then parking may spill out into the surrounding area and adversely affect public parking and traffic. The 22<sup>nd</sup> DAA has stated that the existing 221-space paved Surf and Turf parking lot adjacent to the existing tennis courts and golf facilities is more than adequate to handle the parking needs of the Surf and Turf facilities even with the proposed improvements and thus will not result in spillover. [\[Exhibit 1\]](#) Based on observations of Fairgrounds management staff, use of the total eight tennis courts typically requires no more than thirty spaces, and the various golfing activities at the southern half of the Surf and Turf property (miniature golf, driving range and golf pro shop) use about half of the 164 spaces nearest those facilities. In addition, the applicant estimates that the existing volleyball tent requires no more than fifteen spaces. The existing commercial swimming pool is approximately 1,200 sq. ft. and thus is required to have twelve parking spaces.

Thus, the applicant identifies an excess of available parking, even if all sports venues are in use at the same time.

In 2002, Commission staff did an informal search of parking requirements in other jurisdictions' municipal codes, and discovered that parking requirements for some of these uses vary widely from place to place. This issue is further complicated by the fact that many jurisdictions, including the City of San Diego's Local Coastal Program (LCP), do not break down recreational uses into the specific uses at the subject site (miniature golf, driving ranges, tennis courts and volleyball). The jurisdictions easily found which had published standards for one or more of these uses included Del Mar, San Francisco, South San Francisco, San Jose, Beverly Hills, North Las Vegas, Palo Alto, El Dorado, CA, Gurnee, IL, Mackinaw City, MI, Raleigh, NC and Canterbury in New South Wales, Australia.

A standard for tennis courts was found in eleven of the twelve jurisdictions. The average for those that assigned a specific number per tennis court is 2.8 spaces per court. A standard for miniature golf averaged 2.1 spaces per hole, with some of the jurisdictions requiring additional parking spaces for employees. A standard for driving ranges averaged 1.4 spaces per tee, again with some jurisdictions requiring additional parking spaces for employees. Only one jurisdiction (Raleigh) had a specific standard for volleyball, which is 4 spaces per court. The parking standard for commercial pools in the City of San Diego is 1 space per 100 sq. ft. of pool area.

The Surf and Turf property includes eight tennis courts, thirty-six holes of miniature golf and sixty tees at the driving range, the three volleyball courts within the existing volleyball tent, and a 1,200 sq. ft. swim school. Applying the above averages and the given standards for volleyball and the swim school, the Surf and Turf property would require 206 parking spaces for existing uses. Adding in the proposed seven additional volleyball courts, the total parking requirement would be 234 parking spaces. Thus, the 221 parking spaces on the Surf and Turf property are just short of the overall range.

Another approach to determine parking is to look at only the regulations from the City of San Diego and the two neighboring cities, Solana Beach and Del Mar. The City of San Diego only has specific requirements for swimming pools. The City of Solana Beach has specific requirements for the volleyball courts, tennis courts, driving range, and miniature golf. The City of Del Mar has specific requirements for volleyball courts and tennis courts. Using the average requirements from these three cities the Surf and Turf site would need 227 spaces, plus spaces for incidental uses. Based on this approach, the site is deficient 6 parking spaces, plus parking for incidental uses, again just short of the overall range. Given the disparity between the two approaches, another approach was reviewed.



San Diego, Solana Beach, & Del Mar					
Use	Size	Code	Spaces Needed	Average	City
Existing Volleyball Tent	3 Courts	2.5 spaces per court	7.5	7.5	Del Mar
Tennis Courts	8 Courts	3 spaces per tennis court, plus parking required for incidental uses	24	22, plus incidental	Solana Beach
Tennis Courts	8 Courts	2.5 spaces per court	20		Del Mar
Driving Range	60 tees	1 space per driving range tee, plus parking required for incidental uses	60	60, plus incidental	Solana Beach
Mini Golf	36 holes	3 spaces per miniature golf hole, plus parking required for incidental uses	108	108, plus incidental	Solana Beach
Swimming Pool	1,200 sq. ft.	Commercial: 1 space per 100 sq. ft.	12	12	San Diego
Proposed Volleyball Facility	7 courts	2.5 spaces per court	17.5	17.5	Del Mar

Total	227
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When applying for the underlying CDP, the 22<sup>nd</sup> DAA submitted a count of all cars in the lot for a two-week period from July 11, 2010 to July 24, 2010 (which is during the peak horse racing season). The two-week count found that on average the 221-space lot was only at 24% of capacity and that the lot only reached more than fifty percent capacity on one Saturday during the study. However, the existing volleyball tent was not in operation at this time. As such, at the request of Commission staff, the applicant also submitted an additional parking study for October 7, 2010, through November 3, 2010, which also showed that the Surf and Turf parking lot is used well under capacity, and during the nearly one month-long study, the lot was more than fifty percent full only one time. The first parking study counted the number of cars in the Surf and Turf parking lot every hour from 8 AM until 9 PM for fourteen consecutive days. The second parking study counted the number of cars in the Surf and Turf parking lot every hour from 8 AM until 9 PM for twenty-eight consecutive days. Based on the documentation provided by the 22<sup>nd</sup> DAA's two parking studies and the fact that the new development proposed in this permit is only facilitating uses that are already occurring on the property, the Commission finds that the existing Surf and Turf parking lot has adequate capacity to handle the associated day to day parking demand.

In the previous application for use of the existing volleyball tent, the applicant proposed and the Commission approved limited use of the tent for special events, which raised additional concerns relative to parking. However, the applicant has stated that no special events have ever occurred in the existing volleyball tent. In order to allay concerns about parking related to special event use, the 22<sup>nd</sup> DAA revised its application for the underlying permit and requested that the option to have special events not be included in that permit. Because the currently proposed amendment is for an additional, larger

volleyball tent, if in the future the 22<sup>nd</sup> DAA does wish to have a special event in either volleyball tent, an amendment must first be approved by the Commission.

Regarding traffic impacts, the 22<sup>nd</sup> DAA submitted a memo dated July 17, 2014, from Linscott, Law & Greenspan which states that the proposed volleyball tent and outdoor courts will result in an additional 394 Average Daily Trips (ADTs) Monday through Friday, with a total of 63 directional peak hour trips. The traffic memo, using both City of San Diego and regional traffic study guidelines found the projected trip generation of the proposed use to be below thresholds for conforming uses, which the proposed volleyball tent is.

**Special Condition No. 1** of the underlying CDP addresses the Commission's concerns in this regard by requiring that the volleyball tent not be used for non-volleyball activities or special events without first receiving an amendment to this permit from the Commission. The special condition also prohibits spillover of parking into the adjacent Fairground lots – namely the East Overflow Lot and South Overflow Lot. In the original permit approval this was due to minimizing potential impacts to wetlands known to be on those lots. Now, there is an additional aspect that because the Fairgrounds is a multi-use facility with many simultaneous events competing for finite parking and space. Ensuring that the level of activity within the Surf and Turf facility is governed by the amount of existing paved parking will help minimize the likelihood of spillover.

In summary, the Commission identified public access concerns with this project. The potential exists that parking needs could go beyond the capacity of the on-site 221-space shared parking lot, which could ultimately result in an increase to surrounding parking and traffic. The applicant has provided sufficient information to support that adequate on-site parking exists to accommodate the existing and proposed facilities. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with sections 30240 and 30252 of the Coastal Act.

## **C. HABITAT IMPACTS**

Section 30240 of the Coastal Act states the following:

- (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.*

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 of the Fairgrounds property which still contain seasonal wetland resources. 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 Surf and Turf property is comprised of all the Fairgrounds holdings between Jimmy Durante Boulevard and Interstate 5. To the north of the site, beyond a fence and a row of shrubbery, is a large paved parking lot associated with the adjacent Del Mar Hilton Hotel. The eastern border of the site consists of a concrete drainage channel within the fenced Interstate 5 right-of-way surrounded by native and non-native vegetation, and then the freeway itself. There are no sensitive habitats or wetland resources on the specific project site (and none are proposed to be directly impacted), but scattered wetland vegetation occurs in the drainage channel along its eastern bank.

There is a distance of approximately ten feet between the subject property boundary/right-of-way fence and the concrete-lined drainage channel; this area contains ruderal grasses and exotic upland species. Then the channel itself is approximately six to eight feet across, with the low water level currently exposing several feet of stream bank. There appear to be a few individual, scattered wetland plants along the eastern bank, but most of the vegetation in the area nearest the project site is exotic. As the drainage channel flows southeast towards the San Dieguito River (located approximately 1000-2000 feet from the proposed development), well beyond the subject site, wetland vegetation becomes more and more prevalent. However, Caltrans constructed this drainage channel to handle highway runoff from Interstate 5 and maintains this channel on a regular basis, disturbing or removing most of the vegetation during those operations. The slopes supporting Interstate 5 adjacent to the drainage channel are comprised of a mix of native coastal sage scrub species along with other non-native plants.

Since this area is within the floodplain and is located so close to wetland areas, **Special Condition No. 5** is proposed to mitigate any potential adverse effects to nearby wetlands by mandating that all proposed landscape vegetation be native, drought tolerant, and non-invasive; and that a landscaping plan be submitted to the Commission prior to issuance of the Coastal Development Permit. Pre-existing on-site vegetation is not required to be removed as a condition of this CDP. Also, due to the presence of wetland habitat in the area, **Special Condition No. 9** was added to guard against any increase in ambient lighting for the area which could adversely affect wetland resources. The eight new lighting poles are conditioned to be used only during the same time frame as the other lighting elements associated with similar uses on the property and the new poles will be shielded such that the light is directed away from nearby natural resource areas.

The Surf and Turf parcel already has a significant number of fences and netting. There are existing fences surrounding the tennis courts and on three sides of the mini-golf course. There are existing nets located on the north and east sides of the existing putting greens, near the midpoint of the driving range tee line, along a portion of the western edge of the driving range, and along a portion of the eastern edge of the driving range. The 22<sup>nd</sup> DAA is proposing to install a 20 ft. high net around the three outdoor volleyball courts. The 22<sup>nd</sup> DAA has stated in the past that golf center staff has never reported any instances of birds flying into other nets already existing onsite. However, they also identified that there could have been adverse impacts to birds that the golf center staff

was unaware of. The 22<sup>nd</sup> DAA also contends that the area has been surveyed for least bell's vireo, gnatcatcher, and willow flycatcher and none were detected on 22<sup>nd</sup> DAA property. However, a 2007 survey found evidence of gnatcatchers on the western Interstate 5 berm directly adjacent to the Surf and Turf property, and in four other locations along western Interstate 5 berm just south of the Surf and Turf property (I-5 North Coast Corridor Project NES).

The 22<sup>nd</sup> DAA proposes to place a net surrounding the three outdoor volleyball courts on the western side of the project site; at its closest the net would be approximately 220 ft. west of the fence line separating the project site from the drainage channel right-of-way. [Exhibit 2] The drop between the freeway and the top of the net is approximately 25 ft. In between the netting and the drainage channel will be the proposed volleyball tent structure. Nevertheless, due to the nearby potentially suitable habitat for birds and to lessen the potential for bird strike and entanglement, **Special Condition No. 10** mandates that the new netting consist of the largest diameter mesh feasible (no smaller than six inches in diameter) while still serving the purpose of containing volleyball activity.

Appropriate landscaping is necessary to ensure protection of the wetland resources that are in close proximity to the proposed development. The attached special conditions assure that wetlands will not be adversely affected. Increased ambient lighting near wetlands has the potential to adversely affect natural resources. The attached special condition requires a minimum amount of additional lighting and requires that lighting be shielded from adjacent sensitive resources. Finally, additional netting could adversely affect birds. The attached condition requires that any new netting around the outdoor volleyball courts be of the largest diameter mesh feasible. Thus, the proposed development, as conditioned, can be found consistent with the habitat protection policies of Chapter 3 of the Coastal Act.

## **D. WATER QUALITY**

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.*

Drainage and runoff for the majority of the Surf and Turf site will not be altered as a result of the new development proposed as part of this CDP application. Runoff from the existing volleyball tent and the existing swimming school tent flows through an area of grass, shrubs and trees before it reaches the drainage channel to the east; this provides sufficient bio-filtration of runoff, considering the types of activities proposed on the site.

The new volleyball tent area will primarily drain to the east through the two proposed below-grade filtration basins towards the existing Caltrans drainage channel and then on to the San Dieguito River. A small proportion of runoff will drain to the west and will enter into the 22<sup>nd</sup> DAA's existing storm water system in the existing parking lot that moves storm water west and then south towards the river. Other than the parking lot, there will be no vehicles on the site, either driving or parked, such that no new types of contaminants will be introduced into the runoff.

The proposed development is located directly adjacent to wetland resources. Therefore special conditions have been developed to mitigate against potential adverse impacts to water quality. The applicant has submitted a conceptual Drainage and Runoff Control Plan that incorporates structural and non-structural Best Management Practices (BMPs) designed to reduce the pollutant load of runoff to the maximum extent practicable, and reduce or eliminate any potential increases in the volume or velocity of runoff leaving the site. The conceptual plans submitted by the applicant have been reviewed by the Commission's water quality specialists and found to be adequate.

The conceptual Drainage and Runoff Control Plan outlines that the proposed volleyball tent portion of the site has been optimized to minimize the area of impervious surfaces and that the site will disperse runoff from impervious areas to pervious areas. These BMPs will provide sufficient bio-filtration considering the types of activities proposed on the site. **Special Condition No. 6** ensures that runoff from the new development will be minimized to the maximum extent practicable. **Special Condition No. 8** mandates that on-site monitoring will be done and reports will be submitted to the Commission annually for a period of five years. **Special Condition No. 8** also requires that if the water quality monitoring results are inadequate, appropriate modifications shall be undertaken by the applicant. The aforementioned special conditions ensure that the applicant's approved development will maintain the biological productivity and quality of coastal waters by minimizing adverse effects of water discharges through implementation of measures to control runoff and the provision of natural vegetation buffer areas. Therefore, the Commission finds the development, as conditioned, consistent with Section 30231 of the Coastal Act.

## **E. FLOOD HAZARD**

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:*

- (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 Fairgrounds was constructed in the 1930's on fill placed in historic tidelands. Although this is not the type of development that could be found consistent with the Coastal Act today, the fill operation occurred many decades before the Coastal Act was passed. Because of the history and unique nature of the existing Fairgrounds property, the Commission has in the past approved many permits for development on the filled tidelands. However, these past permits have authorized improvements within the partially paved, already developed portion of the Fairgrounds north and west of Jimmy Durante Boulevard. For the most part, these past projects have consisted of the replacement of many of the historic buildings, including the racetrack grandstands, the horse arena and most of the stables. Although the replacement structures have sometimes been larger than the originals, they have been similarly sited and intended for the same historic uses.

The City of San Diego base zoning maps identify the subject site as being within the Floodplain/Floodplain Fringe of the San Dieguito River. Historically, this area has been subject to inundation during some past winters, even though the 22<sup>nd</sup> DAA maintains an earthen berm just north of the river channel along the south side of the East Overflow Lot and driving range. Jimmy Durante Boulevard, which was realigned and raised in elevation during the 1980's pursuant to Coastal Development Permit No. 6-83-589, acts as a dike, protecting the more developed portions of the Fairgrounds (main parking lot and existing buildings) from flooding except during the most severe flood events. The subject site is located between Jimmy Durante Boulevard and the river, so it is not afforded any protection by the road.

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 on the site, many of them pre-dating the Coastal Act. Historically, the Commission has prohibited the placement of fill or permanent structures in a floodplain that could significantly alter flood flows, and anything that is built or placed in the floodplain should be compatible with periodic inundation. The entire Fairgrounds complex is comprised of structures, which are, and will continue to be, inundated intermittently during heavier rain events.

Nonetheless, any additional fill or net increases in building footprints could result in changes in the hydrology of the adjacent San Dieguito River and Stevens Creek. Additional fill or increasing building footprints that modify the current flooding patterns could result in a large portion of the 100-year flood waters being contained on the Fairgrounds property. This event could result in increased flood hazards to existing up- and downstream developments, which could, in turn, lead to proposals for further channelization of the river.

The subject project involves the erection of a structure without permanent foundations and construction of sand volleyball courts and permeable pavers. The proposed volleyball tent also has in-ground plumbing that will tie into the existing plumbing. These are not permanent facilities, however, and can be removed with any threat of serious storm activity. These improvements do not require fill and only minimal site grading is proposed to prepare the site for development. Additionally, the proposed development is in close proximity to other development on the Surf and Turf site. Examples of development already approved by the Commission within the flood plain on the subject site include a skateboard park (CDP No. F6158, never built), tennis courts, an exterior patio, remodeling and additions to the existing tennis club house (CDP No. F6478), and the existing volleyball tent (CDP No. 6-02-020). There are also various existing structures on the Surf and Turf site that were constructed prior to the Commission gaining jurisdiction of the site. These pre-coastal structures include a golf club house with a restroom, a tennis club house, a maintenance facility, a swimming pool, additional tennis courts, a miniature golf course, a driving range, and an RV park. **Special Condition No. 11** ensures that the applicant assume all risk associated with this project and its development within the floodplain.

In summary, the proposed development is ephemeral in nature, and while located in an area identified with a high flood hazard; it can be removed during severe storms. In addition, no fill is proposed. Therefore, the Commission finds the proposal, as conditioned, consistent with Sections 30236 and 30253 of the Act.

## **F. VISUAL RESOURCES**

Section 30251 of the Act addresses visual resources, and states, in 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 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.*

[...]

This general area comprises the San Dieguito River Valley and Lagoon and the Pacific Ocean to the west. As such, views throughout this area are considered significant, and



the retention and enhancement of existing viewpoints and view corridors is required. Adjacent to the Surf and Turf facility to the north is the Hilton Del Mar hotel. The Hilton Del Mar's parking lot is separated from the subject site by a row of screening vegetation on the hotel site. The Interstate 5 highway corridor to the east is elevated significantly above the subject site on a vegetated manufactured slope.

The proposed volleyball structure will not result in direct view blockage of the shoreline, and only a minimal obstruction of the river valley from a short segment of Interstate 5 as drivers are heading south. However, the structure will be visible from a number of public areas within the valley and surrounding areas. The 22<sup>nd</sup> DAA has submitted computer simulations of the proposed project taken from various viewpoints on the surrounding street system, including Interstate 5, both northbound and southbound lanes. Additionally, a photo simulation was submitted looking north from the south end of the existing driving range. A public trail exists along the north bank of the San Dieguito River and would have the same view as this photo simulation. [\[Exhibits 4 and 5\]](#)

Given the backdrop of trees and/or natural area, if the volleyball tent is colored white, it would stand out and result in a visual impact, as it is in the driver's view shed for several seconds, and stands out against the surrounding earth tone development and vegetation. In this sensitive view shed location, any new development is conditioned to employ earth tone colors. **Special Condition No. 3** requires that prior to issuance of this CDP, the applicant must submit a color board showing that the volleyball tent will be such that it is colored in earth tones. Furthermore, significant intensification of lighting in the project area could adversely impact the visual quality of the San Dieguito River Valley view shed during the evening and night hours. While the Fairgrounds is a large, developed facility, the majority of the river valley, especially the western half, is sparsely developed, with large open space. Light intrusion could interfere with the scenic "dark sky" views of the area. To limit impacts, **Special Condition No. 9** limits the latest hours that the propose lighting can be operated, to keep it in line with the lighting currently operating in the Surf & Turf facility.

A second visual concern is the potential to use the structures to affix signage. **Special Condition No. 2** prohibits the placement of any signage on the structures, other than small informational or directional signs directly associated with the structures. Tall freestanding pole or monument signs greater than eight feet in height and roof signs can result in their own visual impacts. While no such tall signs are proposed with this application, **Special Condition No. 2** requires that a signage plan be submitted to and approved by the Executive Director before issuance of the Coastal Development Permit that documents that no such tall signs are proposed and prohibits such signs in the future.

In summary, the project site is highly visible from a number of public off-site locations. While no direct view blockage of the coast will result from the proposed structures, they will be visible from the identified public areas. **Special Condition Nos. 2 and 3** require adequate mitigation for these potential visual resource impacts through current and future structure coloring and signage restrictions. Therefore, the Coastal Commission finds the proposed development, as conditioned, is consistent with Section 30251 of the Act.



## **G. LOCAL COASTAL PLANNING**

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

Although the site is in an area of the Commission's original jurisdiction and thus not subject to the policies and regulations of either Del Mar's or San Diego's certified LCPs, because the proposed development is a commercial recreational facility, it is nonetheless consistent with the Fairgrounds/Racetrack land use designation and zone of the San Diego LCP that geographically includes the Surf & Turf Facility, and with the Commercial Recreation land use designation and zone of the San Diego LCP that geographically includes the site. The 22<sup>nd</sup> DAA is currently working on a complete update of its 1985 Master Plan. However, in areas of original jurisdiction, Chapter 3 of the Coastal Act is the legal standard of review, with local planning documents used as guidance. The preceding findings have demonstrated that the proposal, as conditioned, is fully consistent with all applicable Chapter 3 policies of the Coastal Act and will not prejudice the ability of the Cities of Del Mar and San Diego to continue to implement their respective LCPs.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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 structure color, water quality, and monitoring 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.



N

Turf Rd

Project Site

Surf & Turf

EOL

Durante Blvd



El Camino Real

EXHIBIT NO. 1

APPLICATION NO.  
6-11-059-A1

Vicinity Map



California Coastal Commission









Existing volleyball tent



View 5 - Current view of driving range looking North from Interstate 5

New WAVE VOLLEYBALL tent



EXHIBIT NO. 4

APPLICATION NO.

**6-11-059-A1**

Visual Rendering



California Coastal Commission

View 5 - Simulated view of WAVE VOLLEYBALL looking North from Northbound Interstate 5





View 6 – Current view of driving range looking South from Southbound Interstate 5



View 6 - Simulated view of WAVE VOLLEYBALL looking South from Southbound Interstate 5

EXHIBIT NO. 5

APPLICATION NO.

**6-11-059-A1**

Visual Rendering



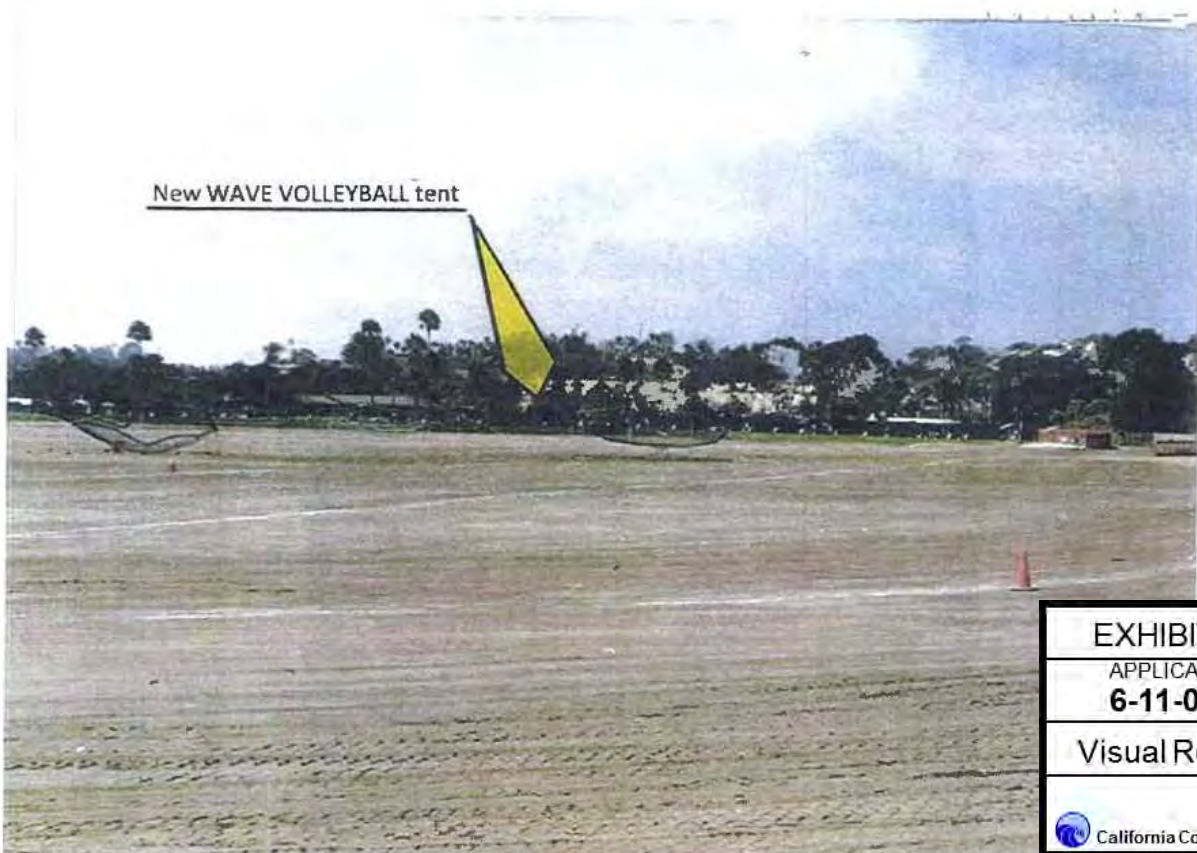
California Coastal Commission





Existing volleyball tent

View 7 - Current view of driving range looking North from South end of driving range



New WAVE VOLLEYBALL tent

View 7 - Simulated view of WAVE VOLLEYBALL looking North from south end of driving range

EXHIBIT NO. 6

APPLICATION NO.

**6-11-059-A1**

Visual Rendering



California Coastal Commission

**CALIFORNIA COASTAL COMMISSION**

San Diego Coast Area Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421  
(619) 767-2370  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**FILE COPY**

Page: 1

Date: May 1, 2012

Permit Application No.: 6-11-059

**COASTAL DEVELOPMENT PERMIT**

On April 11, 2012, the California Coastal Commission granted to:

**22<sup>nd</sup> District Agricultural Association**

this permit subject to the attached Standard and Special Conditions, for development consisting of

**Placement of a 6,650 sq. ft. fabric tent structure to accommodate existing golf related uses; placement of an approximately 1,500 sq. ft. prefabricated structure on the west side of the existing driving range for golf training; installation of a junior golf area consisting of monkey bars and a grassy area; installation of new putting greens, sand bunkers, 2-20 ft. light posts, and signage; request for continued usage of the existing 13,500 sq. ft. tent for youth volleyball activities; and after the fact request for an approximately 170 sq. ft. detached bathroom structure, operation of a swimming school, a 2,500 sq. ft. tent, and a 1,200 sq. ft. swimming pool**

more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at

**Del Mar Fairgrounds, on the east side of Jimmy Durante Boulevard, throughout the "Surf and Turf" site, immediately south of the Del Mar Hilton parking lot, Torrey Pines, San Diego, San Diego County. APN 299-042-02.**

Issued on behalf of the California Coastal Commission by

CHARLES LESTER  
Executive Director

By: ERIC STEVENS  
Coastal Program Analyst

**ACKNOWLEDGMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states that "A Public entity is not liable for injury caused by the issuance . . . of . . . " applies to the issuance of this permit.

**EXHIBIT NO. 7**

APPLICATION NO.

**6-11-059-A1****Original Permit**



**COASTAL DEVELOPMENT PERMIT**

Date: May 1, 2012

Permit Application No.: 6-11-059

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IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permittee

**STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS:**

The permit is subject to the following conditions:

1. **Parking/Usage Prohibitions.** The applicant shall not use, and shall prohibit its patrons from using, any portion of the East or South Overflow Parking Lots in association with any uses, events, functions, or activities held in the approved structures. In addition, the applicant shall apply for and receive an amendment to this permit from the Commission in order to conduct non-volleyball activities or special events in the volleyball tent.

2. **Signage Restriction.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a comprehensive sign program for the "Surf and Turf" facility to the Executive Director, for review and written approval, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed (this includes large banners strung between poles or buildings) and no

## COASTAL DEVELOPMENT PERMIT

Date: May 1, 2012

Permit Application No.: 6-11-059

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signs attached to sides of portable trailers shall be allowed. In addition, signage shall not be affixed to the exterior of the approved structures (except that small informational signs or directional signs addressing use of the structures may be placed on the sides of the structures), and the applicant shall not use any portion of the approved structures for advertising purposes. A limited number of 2-foot by 3-foot bulletin boards with advertizing along the perimeter of the bulletin boards will be permitted. Additionally, a 3.5-foot by 9-foot sign, which includes the facility's name and sponsor, may be placed on both the southern and the western walls of the new golf tent.

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

3. Structure Color. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed golf structures (tent and prefab structure). The color of the structures permitted herein shall be restricted to earth tones including shades of green, brown, and gray, with no white or light shades and no bright tones.

The existing volleyball tent proposed to be retained can remain white at this time. However, if the existing volleyball tent is replaced, it shall be finished (constructed of, covered with, or dyed) in deep earth tone colors including shades of green, brown, and gray, with no white or light shades and no bright tones.

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board 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.

4. Swimming Pool Tent Replacement. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized to replace or to modify the existing white swimming pool tent.

**PRIOR TO SEPTEMBER 30, 2012**, the applicant shall replace or shall modify the existing white swimming pool tent so as the new or modified tent is colored with deep earth tone colors including shades of green, brown, and gray, with no white or light shades and no bright tones.

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board 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.

## **COASTAL DEVELOPMENT PERMIT**

Date: May 1, 2012

Permit Application No.: 6-11-059

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5. Landscape Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a plan for landscaping. The plan shall be prepared by a licensed landscape architect and include, at a minimum, the following:

- a) all new vegetation planted on the site will consist of native, drought-tolerant, and non-invasive plants which will not have an adverse impact on nearby wetlands (the new putting greens and associated chipping turf and the junior golf grassy area may use turf grass similar to that used at the facility already). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized. All required plantings will be maintained in good growing conditions throughout the life of the project, and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Removal of existing vegetation on the Surf and Turf parcel is not required.
- b) a plan showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features.
- c) a requirement that five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The landscape monitoring report can be submitted separately or be included as a part of the water quality monitoring plan required pursuant to Special Condition #8 of this permit.

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.

6. Drainage and Polluted Runoff Control Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, final drainage and runoff control plans including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce the pollutant load of runoff to the



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maximum extent practicable, and reduce or eliminate any potential increases in the volume or velocity of runoff leaving the site. The plan shall be in substantial conformance with the Conceptual Drainage and Runoff Control Plan prepared by Fuscoe Engineering, Inc. dated 1/12/2011 and shall include in addition to the specifications above, the following requirements:

- a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- b) BMPs shall be selected to address the pollutants of concern for this development, including sediments, nutrients, pesticides, fertilizers, metals, petroleum hydrocarbons, trash and debris, and organic matter.
- c) Drainage from all roofs and other impervious surfaces shall be directed through vegetative or other media filter devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- d) Opportunities for directing runoff into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized.
- e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall contact the San Diego Coastal Commission office to determine if an amendment to this coastal development permit or a new coastal development permit is legally required to authorize such work.
- f) The new Short Game Area shall be equipped with flow reducers or shutoff valves triggered by a pressure drop so that broken pipes do not increase flow to the storm drains;

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

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7. Turf and Pest Management Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a detailed turf and pest management plan for the new Short Game Area portion of the development. The plan shall be in substantial conformance with the Conceptual Turf and Pest Management Plan prepared by Fuscoe Engineering, Inc. dated 1/12/2011 and shall comply with the following requirements:

- a) Turf management practices shall utilize state-of-the-art environmental methods to minimize fertilizer use, water use and chemical pest control to the maximum extent feasible, to avoid impacts to native upland habitat, wetlands, riparian areas, and water quality.
- b) The plan shall favor non-chemical strategies over chemical strategies for managing onsite pests. Chemical strategies shall only be employed after all other non-chemical strategies have been used and proven ineffective. This shall be demonstrated by providing written notice to the Executive Director of the non-chemical strategies that will be used, the reasons for their ineffectiveness, and the chemical strategies that are being considered.

The permittee shall undertake development in accordance with the approved turf and pest management plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Water Quality Monitoring. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, a water quality monitoring plan to address the implementation of the Drainage and Polluted Runoff Control Plan and the Turf and Pest Management Plan. The plan shall describe the methodology for monitoring, including sampling protocols, schedule for monitoring, and reporting of results. The monitoring plan shall also include a contingency plan describing the actions to be taken if water quality impacts are discovered. In addition to specifications above, the plan shall be in substantial conformance with the following requirements:

- a) The plan shall require monitoring of the general "effectiveness" of the BMPs.
- b) The plan shall provide records of BMP maintenance.
- c) The plan shall include photos of the BMPs after installation and after major storms.
- d) The plan shall include a report on infiltration BMP drainage rates, showing BMP drainage within 96 hours after rain events.
- e) The plan shall include a report on fertilizer applications (frequency, amount, weather conditions during and for a few days after applications).
- f) The plan shall include a report detailing if there is evidence of excessive fertilizer use (e.g., algal mats in the infiltration or final polishing BMPs).
- g) Results of monitoring shall be submitted to the Executive Director annually. If, based on the submitted monitoring report, the Executive Director determines that the BMPs are not effective at protecting coastal water quality; the applicant shall be responsible for

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appropriate modifications to address any identified concerns. If the monitoring shows that the BMPs are effective at protecting coastal water quality for a period of 5 years, the applicant (or successor owner) may request that the Executive Director approve termination of the monitoring program.

The permittee shall undertake development in accordance with the approved water quality monitoring plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. Lighting. Lighting for the new Short Game Area shall consist of a maximum of 2-20 foot poles and light spillover levels shall be minimized to the greatest extent practicable near the wetland channel to the east of the project site through the use of shields. Lighting for the Short Game Area shall be turned off no later than 8:15 PM during the winter/spring and 9:15 PM during the summer/fall.

10. Revised Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final site and building plans to the Executive Director for review and written approval. Said plans shall be in substantial conformance with the plans submitted with this application by Sprung Instant Structures Ltd. Dated 2/9/2010 and Attachment A3 Garage Bays Elevation Structure B dated 6/01/2010, except they shall be revised as follows:

- a. the proposed netting shall be deleted.
- b. permanent on-site racks to accommodate at least 5 bikes shall be provided.

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.

11. 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



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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.

12. **Liability for Costs and Attorneys Fees.** The Permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys 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.

13. **Condition Compliance.** **WITHIN 60 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 applicants shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to 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.