

MINUTE ITEM

This Calendar Item No. C31
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 3
0 at its 9/23/91
meeting.

CALENDAR ITEM

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C 3 1

09/23/91
W 20725.101 PRC 7576
A. Scott
Fossum

AUTHORIZE ISSUANCE OF A LIMITED TERM PUBLIC AGENCY PERMIT
TO THE 22ND DISTRICT AGRICULTURAL ASSOCIATION FOR
PORTIONS OF THE DEL MAR FAIRGROUNDS THAT OCCUPY
FILLED AND UNFILLED SOVEREIGN LANDS OF THE STATE

APPLICANT:

22nd District Agricultural Association
2260 Jimmy Durante Boulevard
Del Mar, California 92014-2216

BACKGROUND:

This item is the result of negotiations with representatives of the Applicant. The Applicant has entered into contracts and received all other necessary permits to begin reconstruction and make major modifications to various existing structures, such as the race track grandstand, located on the present Del Mar Fairgrounds. The fairgrounds contain areas of State sovereign lands which have not been precisely defined nor has a permit from the Commission been issued authorizing their use for fair purposes. The California Coastal Commission has required that, before the actual construction begins, the Applicant secure a clearance from the Commission indicating that any sovereign interest within the fairgrounds has been properly permitted. Some of the uses allowed on the fairground may not be consistent with the Public Trust which burdens the sovereign lands of the State.

In order to facilitate the construction schedule of the Applicant the staff of the Commission has negotiated a limited term permit. This permit will allow the construction project of the Applicant to proceed during the negotiation and resolution of the dispute over sovereign title to lands within the boundaries of the Del Mar Fairgrounds. The terms of the permit are without prejudice to either party's claim of ownership within the boundaries of the fairgrounds and are for the overall public benefit.

CALENDAR PAGE	277
MINUTE PAGE	3316

CALENDAR ITEM NO. 31 (CONT'D)

AB 884:
N/A

OTHER PERTINENT INFORMATION:

1. A Coastal Commission Permit, # 6-90-266, was approved, as amended, by the California Coastal Commission on March 12, 1991.
2. The Coastal Commission, under its certified program [14 Cal. Code of Regs. 15251(c)], found that the project "will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act."
3. Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code of Regs. 15253(b), have been met for the Commission to use the environmental analysis adopted by the Coastal Commission to comply with the requirements of the CEQA.

EXHIBITS:

- A. Coastal Commission Permit
- B. Map of Permit Area
- C. Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT [COASTAL COMMISSION PERMIT # 6-90-266], WAS ADOPTED, AS AMENDED, FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED PROGRAM [14 CAL. CODE OF REGS. 15251(c)], THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS SPECIFIED IN 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15253(b) HAVE BEEN MET.
2. AUTHORIZE THE ISSUANCE OF A TWO-YEAR PERMIT TO THE 22ND DISTRICT AGRICULTURAL ASSOCIATION IN CONSIDERATION OF THE PUBLIC BENEFIT FOR THE PURPOSE OF ALLOWING RECONSTRUCTION OF EXISTING FACILITIES AND TO ALLOW FOR THE NEGOTIATION OF A TITLE SETTLEMENT INVOLVING THE OWNERSHIP OF THE PROPERTY COMPRISING THE DEL MAR FAIRGROUNDS.

EXHIBIT "A"

STATE OF CALIFORNIA—THE RESOURCES AGENCY

Pete Wilson, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 133
SAN DIEGO, CA 92108-5870
(619) 297-9740

COASTAL DEVELOPMENT PERMIT NO. 6-90-266
Page 1 of 6



On March 12, 1991, the California Coastal Commission granted to 22nd District Agricultural Association this permit for the development described below, subject to the attached Standard and Special Conditions.

Description: Demolition of the existing 9,500-seat grandstand, receiving barn, Mission Dolores, Mission Tower and Teen Hall buildings, and construction of a new, 15,000-seat, six-story grandstand with single-story clubhouse and grandstand lounge wings, and four additional structures: one-story receiving barn and exhibit buildings and two-story administration and operations buildings; also included is an underground tunnel, running the length of the new grandstand and connecting to the existing infield tunnel, along with associated utility connections and upgrades; the new project will total approximately 580,000 sq.ft. of development.

Lot Area	approx. 325 acres
Building Coverage	171,538 sq. ft. (new and existing)
Parking Spaces	14,000 maximum
Zoning	Fairgrounds/Racetrack
Plan Designation	Fairgrounds/Racetrack
Ht abv fin grade	108 feet (grandstand only)

Site: Central portion of the Del Mar Fairgrounds, Del Mar, San Diego County. APN 299-030-01 & 05 and 299-042-01

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director
and

Ellen Liley

COASTAL DEVELOPMENT PERMIT NO.	6-90-266
PAGE	2
DATE	3315

COASTAL DEVELOPMENT PERMIT NO. 6-90-266
Page 2 of 6

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

ACKNOWLEDGEMENT

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

Date _____

Signature of Permittee _____

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

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COASTAL DEVELOPMENT PERMIT NO. 6-90-266
Page 3 of 6

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. Traffic and Parking Management Program. Prior to the commencement of construction, the applicant shall submit to the Coastal Commission for review and approval, a Traffic and Parking Management Program to address current and projected Fairgrounds attendance on a year-round basis, with special emphasis on management during the annual Fair. Unless possible, the traffic counts for the 1991 Grand Prix pursuant to subsection (c) below, shall not be required prior to commencement of construction.

The program shall include the following components:

(a) Calendar of Events. The program shall provide a full calendar of events occurring on the Fairgrounds, listing current average and peak attendance figures of each event and projected future increases in attendance. These statistics shall be used to establish a baseline of operations on the Fairgrounds and to monitor future operational changes which may require modifications to the Traffic and Parking Management Plan. Operational changes shall include, but not be limited to, the following:

1. Any event which utilizes only existing facilities and on-site parking areas, but exceeds the 1991 average daily attendance during the horseracing season;
2. Any event which utilizes only existing facilities, but which exceeds the 1991 average daily attendance at the Fair; or
3. Any event which usurps existing on-site parking areas, as happens during the Fair or Grand Prix.

(b) Parking Provisions. The program shall provide, at a minimum, full documentation of the number and location of all on-site parking spaces available for each major calendar event (the Fair, horseracing and the Grand Prix), or for minor events occurring concurrently. It shall provide evidence of the provision and success or failure of current off-site parking facilities during the Fair and Grand Prix events, and any future events utilizing off-site parking facilities, and shall be accompanied by copies of leases or other agreements with off-site property owners, maps showing the location and size of all off-site parking lots, and evidence of the ongoing availability of shuttle bus service.

(c) Traffic Circulation. The Traffic and Parking Management Plan shall provide documentation of the road capacities and levels of service of the existing regional and local transportation network in the vicinity of the Fairgrounds, including I-5, Via de la Valle, Jimmy Durante Boulevard, Old Highway 101 southbound from Solana Beach to the Torrey Pines region, and Camino Del Mar northbound through the City of Del Mar to the North County beach areas. This shall be determined by traffic counts taken in 1991 between the Fair and

CALENDAR PAGE 607.4
MINUTE PAGE 3320

SPECIAL CONDITIONS, continued:

Thoroughbred Race Meet, to establish a summer (beach season) baseline. Beginning with the 1991 Fair, traffic counts shall be conducted during the Fair (both peak and non-peak days), between the Fair and racing season, during the races (both peak and non-peak days) and during the Grand Prix (final race day only). The traffic counts shall be submitted to the Executive Director as part of the annual report, along with data documenting the road capacities and levels of service along each designated transportation corridor at each of the prescribed times. The submitted information shall also specifically relate to any potential operational changes identified above. Alternative methods to monitor effectiveness of the program shall also be considered.

The Executive Director shall determine whether any decrease in levels of service from existing conditions, attributable to any Fairgrounds activity, shall require the District to prepare and submit traffic improvement proposals to remedy the situation, as amendments to this permit. In addition, the program shall include a contingency plan to address peak hour queuing on I-5 or the local street system, such that temporary signage on I-5 and Highway 101 (both northbound and southbound) intercepts incoming Fairgrounds traffic before it reaches Via de la Valle and directs it to satellite parking facilities.

(d) Improvement Options. The Traffic and Parking Management Plan shall include an analysis of alternatives which address potential problems and/or changes to parking and circulation identified through the submitted data and information. The alternatives may include a parking structure on the Fairgrounds, a commuter rail station or other public transportation improvements, additional satellite parking lots or outright purchase by the 22nd District Agricultural Association (District) of suitable satellite parking lots, as well as other potential options.

(e) Monitoring/Annual Reports. The Traffic and Parking Management Plan shall incorporate an ongoing monitoring and reporting program to document the success or failure of various plan alternatives, and to identify the need for additional or different mitigation features, with emphasis on the annual Fair and any new events of similar scope. Annually, each December, the applicant shall submit to the Executive Director for review and written acknowledgement, a report which shall analyze public access impacts related to the Fairgrounds ongoing operations and potential operational changes, specifically those accommodated by the new and expanded Grandstand and exhibit space. It shall analyze changes in the levels of service, traffic counts taken in the previously identified locations, and parking lot operations to determine if problems have occurred. If problems are identified, the District shall consider various alternatives to resolve said problems, and

CALENDAR PAGE	7	.5
MINUTE	3321	

SPECIAL CONDITIONS, continued:

shall bring those alternatives forward to the Executive Director for review and consultation. Finally, the annual report shall include documentation of the parking provisions described in paragraph 1(b) above for each event in the upcoming year which will utilize off-site parking, and shall analyze the success or failure of off-site parking lots for the year just ending. If the annual report identifies new or ongoing unresolved problems, it may be scheduled for review by the Coastal Commission; said review may result in a requirement for additional traffic or parking improvements.

2. Least Tern Nesting Site. Prior to the issuance of the coastal development permit, the applicant shall enter into a settlement agreement with the Coastal Commission to effect compliance with Coastal Development Permit #6-84-525. The agreement shall:

Incorporate the Amended Memorandum of Understanding signed by the District and the California Department of Fish and Game on June 20, 1990;

Outline the extent of the South Overflow lot which the California Department of Fish and Game allowed to be used for parking in 1990 and the extent retained as open space;

Evaluate alternative sites for permanent Least Tern nesting, including an analysis of how such sites may affect existing on-site parking facilities;

Establish a time limit for implementation, such that the replacement site shall be selected, permitted and prepared prior to the start of the 1992 Least Tern nesting season (April 1, 1992); and

Provide for consultation regarding site selection and preparation with the California Department of Fish and Game, U. S. Fish and Wildlife Service, Army Corps of Engineers, Environmental Protection Agency and San Dieguito Joint Powers Authority.

3. Floodplain Development. Prior to the issuance of the coastal development permit, the applicant shall acknowledge in writing that the proposed structures are designed to withstand periodic flooding, and that the structures do not now, nor will in the future, require construction of flood control devices (i.e., channelization of the San Dieguito River).

4. Landscaping Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant plant materials shall be utilized to the maximum extent feasible. Emphasis shall be placed on species of adequate height and bulk to break up the facade of the various proposed structures. Said plans shall specify the temporary storage

COASTAL DEVELOPMENT PERMIT NO. 6-90-266 .6
DATE: 3-3-91

SPECIAL CONDITION, continued:

area for the existing trees to be retained and replanted, and shall guarantee replacement in kind and size of any replanted trees which fail to survive for one full year after permanent replanting. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

5. Exterior Treatment. Prior to the issuance of the coastal development permit for the proposed project, 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 structures. Earth tones designed to minimize the project's contrast with the adjacent fairgrounds development and surrounding natural areas of the San Dieguito Lagoon and River Channel shall be selected for the new development. In no case shall the new structures be lighter in color than the existing buildings to be removed.

6. Storage of Import Materials. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a site plan documenting the temporary storage area for fill materials imported for the permitted development. Said location shall not be within any wetland or wetland buffer, and shall not adversely affect the number of existing, approved on-site parking facilities during events when said facilities are required for parking use.

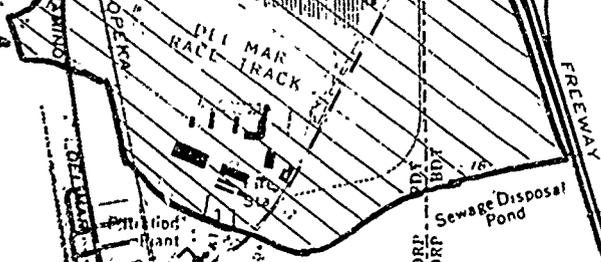
7. State Lands Commission Review. Prior to the issuance of the coastal development permit, the applicant shall obtain a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or,
- b. State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or,
- c. State lands may be involved in the development, but pending a final determination, an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

(0266P)

ENCLOSURE PAGE 7
MINUTE PAGE 3323

Permit
Area



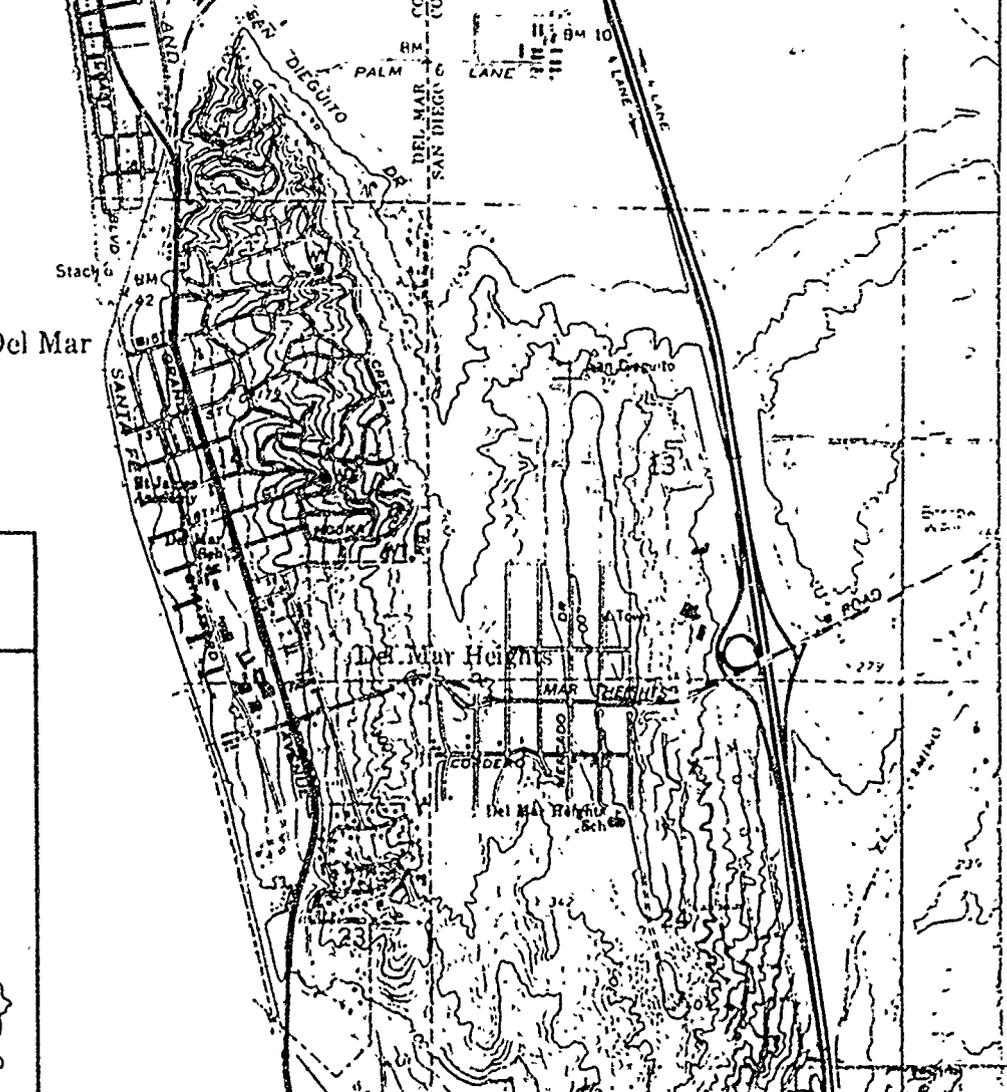
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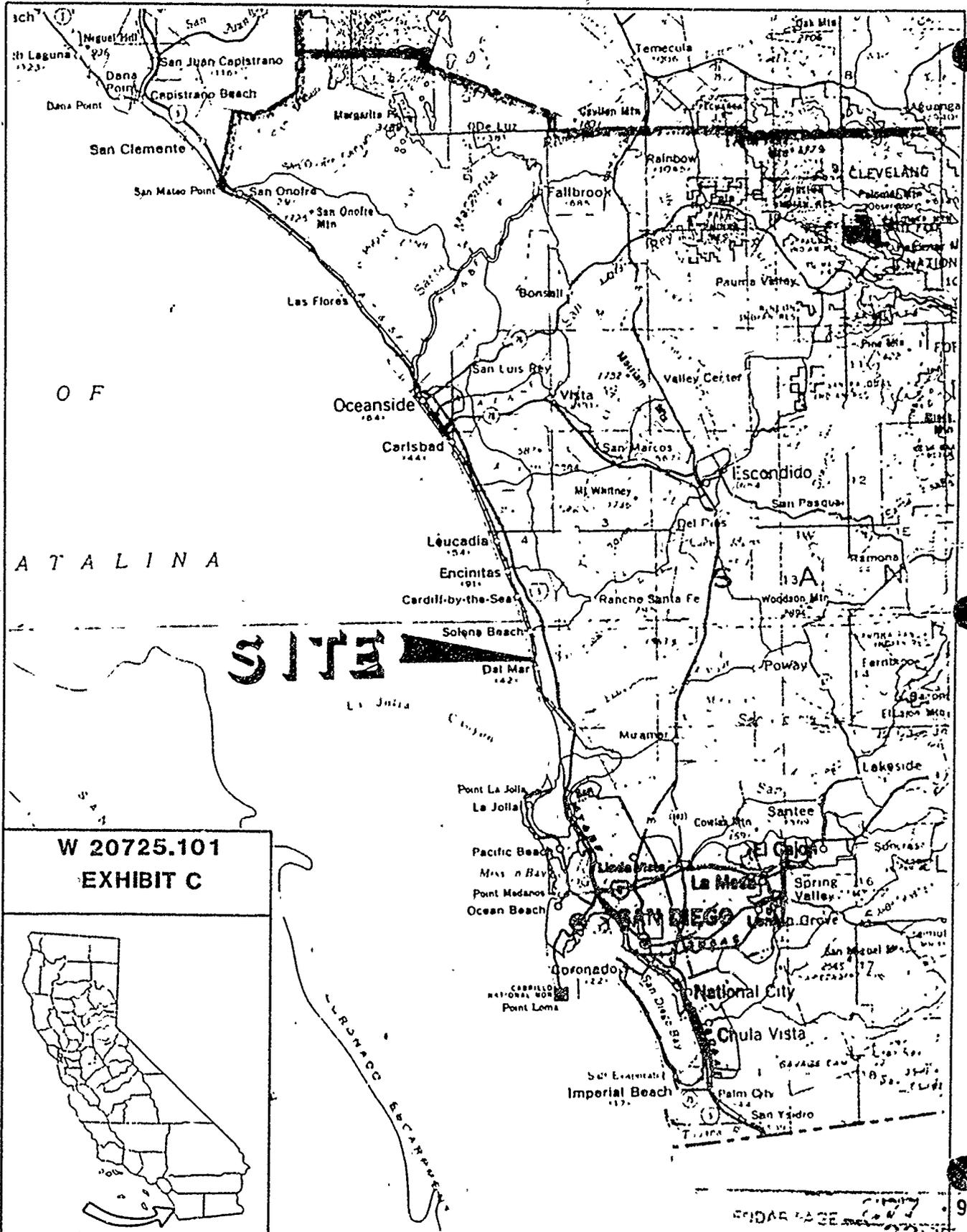
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Del Mar

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W 20725.101
EXHIBIT B





O F
A T A L I N A

SITE

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EXHIBIT C

