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- BROADBAND TASK FORCE

February 5, 2010

Mr. Dustin Fuller, Sr. Environmental Planner
22nd District Agricultural Association
Del Mar Fairgrounds
2260 Jimmy Durante Blvd.
Del Mar, CA 92014-2216

Re: Draft Environmental Impact Report 2008 Master Plan for the Del Mar Fairgrounds

Dear Mr. Fuller:

I appreciate the opportunity to respond to the Draft Environmental Impact Report (DEIR) for the 2008 Master Plan for the Del Mar Fairgrounds. As the State Senator representing the Fairgrounds, I know how important this state property is to local residents who have enjoyed the Del Mar Fair since its beginnings in 1936. The historic and cultural resources offered by the Fairgrounds and its history as a major horse racing venue is rivaled only by the natural resources it shares with the extensive habitat preservation areas that surround it on three sides.

The final EIR will address short-term activities on a project level with long-term projects addressed at a programmatic level. The adequacy of the DEIR is questionable in that it does not provide an adequate analysis of the baseline conditions and alternatives. There is not enough factual or comprehensive information for an appropriate and meaningful discussion about the 18 proposed projects. Short and long-term impacts on the cities of Del Mar, Solana Beach and San Diego and regional impacts on traffic, noise, lights, biological resources, viewshed, aesthetics, air quality, land use, hydrology, public safety issues and greenhouse gas (GHG) emissions are incomplete, as documented in responses to the DEIR submitted here and under separate covers by the City of Del Mar, City of Solana Beach, City of San Diego, San Diego Association of Governments (SANDAG), San Dieguito River Park Joint Powers Authority (JPA), County of San Diego, California Department of Transportation (CalTrans), Torrey Pines Community Planning Board, and state agencies.

The 22nd District Agricultural Association (DAA) is designated by the state as the steward of the property, with its members appointed by the Governor. It is one of 52 active state Agricultural Districts and exemplifies the state's ongoing commitment to supporting agriculture as a major industry within California. The state's fairgrounds provide a home for fairs, expositions and exhibitions that highlight California's various agriculture related industries, resources, products and enterprises.

The proposed 2008 Master Plan has been years in the making. As public lands owned by the people of California, it is important that the 22nd DAA respect California's public trust laws and assure permanent public access to the property. The state also has an obligation to preserve and enhance its natural resources, consistent with state regulations. The Del Mar Fairgrounds and racetrack facilities also serve as a major evacuation center during emergencies, as we saw during both the 2003 and 2007 fires that ravaged the San Diego region. That role should be strengthened as part of the Master Plan adoption.

The Legislature directs control over state lands in its inventory, including the Del Mar Fairgrounds and racetrack. The Administration plays an important role in the fiscal oversight and operations of the Fairgrounds and racetrack with the Department of Finance, Department of General Services and the Department of Food & Agriculture serving on the State Race Track Leasing Commission for Del Mar.

According to the 2009/2010 Expenditure Plan for the Network of California Fairs released in June 2009 by A.G. Kawamura, Secretary of the California Department of Food & Agriculture, "A new era for California fairs begins in 2009/2010 as the fair industry's 77-year relationship with horse racing as a primary fund source comes to an end. Pursuant to Senate Bill 16xx (Ashburn, Chapter 12, Statutes of 2010), the primary fund source for the Fair and Exposition Fund will shift from horse racing license fees to the state General Fund, effective July 1, 2009."

Business decisions made by the 22nd DAA, therefore, take on even more significance.

The Mission Statement for the 22nd DAA is, "To manage and promote a world-class, multi-use, public assembly facility with an emphasis on agriculture, education, entertainment and recreation in a fiscally sound and environmentally conscientious manner for the benefit of all." I support the wide diversity of horse racing and fair activities offered by the 22nd DAA, and want to see them succeed into the future. The Del Mar Fairgrounds provides a venue for over 300 activities during the year, including its new role as home to the San Diego Sockers professional soccer team.

Finances

Over the years, fairs have been encouraged to be entrepreneurial, and the state has benefited from their economic, educational, social and cultural successes. It is estimated that 28,000 jobs are created by fairs statewide through direct employment and economic multipliers. The state invests \$32 million in its fairs annually.

The economic downturn that has significantly affected revenues to California's General Fund, also challenges our state's fairs. Add in the changes underway in the volatile horse racing industry plus the closing of Hollywood Park and fiscal difficulties at Santa Anita, the pressure is on District Agricultural Associations (DAAs) to evaluate their fiscal priorities and business models. In doing so, the DAAs must also address what potential risks to the state's General Fund are triggered by their decisions.

According to information provided to me by the Department of Food and Agriculture, the 22nd DAA has had success in steadily growing its business since 1993. Net income was at record levels of \$2.4 million and \$2.2 million for 2005 and 2006, respectively. But the economy took its toll in 2008 when the net income was a mere \$54,400. Cash reserves on December 31, 2008, were \$12.1 million. As of October 15, 2009, the reserves were \$9.5 million, of which \$1.1 million is obligated to the Race Track Authority and approximately \$4.5 million is reserved for paying accrued liabilities. The 22nd DAA has long-term capital lease liabilities of \$2.7 million. The 22nd DAA has transferred \$14 million to the Race Track Authority since 2002 to help fund capital projects.

The Del Mar Race Track Authority has approximately \$60 million in outstanding debt for the 2005 Revenue Refunding Bonds, from \$65 million spent for the 1993 construction of the 6-story Grandstand and Club House. Revenues legally pledged for debt service include 1) all net revenues from horse racing; 2) all net revenues from Satellite Wagering; and 3) \$2 million from Food & Beverage revenues. Bond Covenants disallow any modifications to these revenue streams that would decrease the obligated net revenues.

According to the state's 2009/2010 Expenditure Plan for the Network of California Fairs, which includes the Del Mar Fairgrounds, "fair funding that is not self-generated will be derived entirely from the state General Fund. Pursuant to Senate Bill 16xx, state horse racing license fees will now be retained by racing associations, racing fairs, and horse owners in an effort to stimulate the struggling horse racing industry."

The Governor's office has let me know that the Administration is exploring selling off in whole or in part the Del Mar Fairgrounds. An appraisal is set to be released in February 2010. While the 22nd DAA Board of Directors may make a policy decision to add a Condo-Hotel, Convention Center Complex and Health Center/Sports Training Facility to the Fairgrounds site, the state has not made that same decision.

By comparison, a forecast was released in January 2010 for the San Diego Convention Center stating that while overall the downtown Convention Center has had a \$1.3 billion impact on San Diego's economy in 2009, and is projected to do so again in 2010, in 2009 there was \$36.5 million in cancelled events which meant a loss of \$640,696 in local tax revenues. The forecast for 2010 predicts that the Convention Center will experience a significant downturn in attendance and future bookings, and will have its lowest economic impact since 2006. It will contribute the smallest amount in tax revenue to the City of San Diego in at least six years. This despite the San Diego Convention Center's strong history of marketing itself nationwide, and its well respected reputation in the industry.

The San Diego City Council is considering a \$750 million expansion so that it can accommodate larger conventions, including Comic Con that is currently at capacity in the existing facility. That is a different scenario from the 22nd DAA constructing a new, small convention center complex in a highly competitive market.

To better understand the financial assumptions of the Master Plan, please provide the economic feasibility study, marketing study and fiscal pro forma for the proposed Condo-Hotel and Convention Center Complex, and Health Center/Sports Training Facility. Convention bookings are generally confirmed several years in advance. What funding sources has the 22nd DAA identified to pay the debt service on the bonds, between the beginning of the construction phase and for the ten years after a certificate of occupancy is issued?

Does the Business Plan include a fiscal analysis of the 22nd DAA's short and long term cash flow should the state sell off the Grandstand and horse racing facilities? When does the Business Plan predict that the convention center will be profitable?

The 2009/2010 Expenditure Plan is quite clear on jurisdictional responsibilities for state fairs: "Under the law, the [Department of Food & Agriculture's] Division [of Fairs and Expositions] may assume full responsibilities of the board of directors at a district agricultural association (state owned) fair or the California Exposition and State Fair if the Division deems there to be a lack of administrative and/or fiscal control at the local fair level. While this authority grants the Division broad powers, the Division has chosen to take a cooperative approach with its intervention program that seeks remedies for these fairs in equal partnership with the respective boards of directors."

A majority of the 18 projects included in the Master Plan, estimated to cost \$250 million to \$300 million to implement over 15 years, directly relate to converting the mission of the 22nd DAA from year-round use of the site as a fair, exhibition, exposition and horse racing venue to a Condo-Hotel and Convention Center Complex, and Health Center/Sports Training Facility. Both the State Lands Commission and the Coastal Commission have indicated that it would be difficult to permit a condo-hotel on public trust land. Should the 22nd DAA not be successful in siting a Condo-Hotel, or limit development to just a hotel, what effect would that have on going forward with only the Convention Center Complex and Health Center/Sports Training Facility?

While the Master Plan proposes a 15-year window for construction of the proposed facilities, there is every indication in the Master Plan and DEIR that work would proceed as soon as possible to begin the Near-Term Projects. What role would the Department of Finance, Department of General Services and Department of Food & Agriculture have in the decision to move forward on any of the 18 projects included in the Master Plan?

Wetlands

Moreover, the State Lands Commission has worked for over ten years to resolve public trust questions about portions of the Fairgrounds property. It is my understanding that the 22nd DAA and the Commission have been in settlement discussions to resolve this long-standing concern. Both the State Lands Commission and the California Coastal Commission have concerns about siting condo-hotels on public trust lands. Is the area where you propose to construct the condo-hotel within the identified public trust area on the Fairgrounds property, or in a disputed public trust area or historic wetlands on the Fairgrounds property?

Are there any federal or state violations of environmental or water quality regulations including the California Coastal Act on any properties under the control of the 22nd DAA that are open or unresolved? If so, what is the status of any mitigation requirements that are outstanding?

The Public Review Draft of the State of the State's Wetlands: Ten Year of Challenges and Progress, issued in October 2009 by the state's Natural Resources Agency, states as follows: "California was one of the first states in the nation to set a 'no-net loss' policy for wetlands. In 1993 the administration of Governor Pete Wilson, through the Natural Resources Agency, established the California Wetlands Conservation Policy. This policy provides over 30 actions intended to reduce and eliminate loss of wetlands throughout California. The policy established several statewide initiatives including:

- A statewide wetlands inventory
- Support for wetlands planning
- Improved administration of existing regulatory programs
- Strengthened landowner initiatives to protect wetlands

- Support for mitigation banking
- Integration of wetlands policy and planning with other environmental and land use processes
- Support for regional wetland partnerships

“This policy continues to provide the framework for many of California’s programs and priorities.”

The Report continues, “Why are wetlands important? Wetlands are celebrated world-wide for the many services they provide. They help regulate climate, store surface water, control pollution and flooding, replenish aquifers, promote nutrient cycling, protect shorelines, maintain natural communities of plants and animals, and provide opportunities for education and recreation.”

The same standards that the state holds local governments and private developers to should also be applied to state institutions, including the 22nd DAA. Some might believe that because the Fairgrounds property is in state ownership, that the state’s policies and regulations are in place. Please provide the number of acres of wetlands currently protected on all properties under the jurisdiction of the 22nd DAA, as well as the acreage of all historic/delineated wetlands in use, either seasonally or permanently, for activities including, but not limited to, parking; storage of vehicles, supplies, amusement rides, Christmas tree lot, pumpkin patch; truck driving school; and any other activities which might prevent the re-establishment of wetlands plants.

Emissions / Pollution

The DEIR does not propose a comprehensive greenhouse gas reduction plan, consistent with AB 32 and SB 375 requirements, and other regulations. The 22nd DAA has not adequately explored transportation options with SANDAG, the Metropolitan Transit System (MTS) and North County Transit District (NCTD). The DEIR does not adequately quantify the existing traffic generated by activities at the Fairgrounds, racetrack and other activities on state-owned property under control by the 22nd DAA. The EIR should include the average daily vehicle trips that will be generated by the proposed new development and include mitigation to reduce emissions and traffic congestion.

The DEIR states on page 4.16-9 that, “Existing GHG Emissions from Fairgrounds Operations. Table 4.16.C presents the summary of the existing GHG emissions at the Del Mar Fairgrounds from energy use for daily operations (electricity consumption and natural gas combustion) and manure management.

“According to Table 4.16.C, the Fairgrounds emitted large amounts of CO₂, followed by CH₄ and N₂O. The existing Fairgrounds buildings and other daily operations emit approximately 15,000 tonnes of CO₂e/year. Traffic on the roadways near the Fairgrounds has been quantified by conducting traffic counts. The portion of roadway traffic that is attributable to the Fairgrounds is not known; therefore, emissions from current Fairgrounds trips cannot be estimated.”

Under SB 375, San Diego County will be the first county in the state required to set an annual GHG emissions level, and implement a GHG reduction strategy. Converting the Fairgrounds into a year-round Condo Hotel and Convention Center Complex and a Health Center/Sports Training Facility without identifying a clear method by which to reduce air quality impacts and GHG emissions will threaten the region’s ability to comply with its adopted plan. AB 32 and Executive Order 8-03-05 also impose significant requirements on the region for GHG reductions and lower-carbon development alternatives. Sustainable land use strategies must be clearly identified in the EIR and Master Plan, along with a definitive timetable for their implementation.

The DEIR fails to make a good faith effort to describe, calculate or estimate the amount of GHG emissions that would be generated by the traffic to and from the Condo-Hotel, Convention Center Complex and Health Center/Fitness Training Facility, nor does it adequately assess the GHG emissions generated by existing traffic to and from the site. All three of these new projects assume daily traffic to and from the facilities.

Traffic / Congestion

The DEIR does not adequately analyze potential transit ridership improvements to the Coaster, Amtrak and bus service that could reduce current traffic impacts to the region by the approximately 300 activities that take place on the Fairgrounds each year. Expanded and enhanced shuttle stops linked to a comprehensive pedestrian/bicycle circulation plan within the Fairgrounds property, linking transit systems in Del Mar and Solana Beach and connecting with adjacent habitat areas should be developed. Wayfaring signage should also direct the public, both pedestrians and bicyclists, to the natural resources immediately adjacent to the Fairgrounds, including the San Dieguito Lagoon, San Dieguito River, Pacific Ocean and the Edison/SONGS wetlands restoration.

The DEIR should provide more detail on the timing and costs for a permanent seasonal rail platform and what role, if any, the 22nd DAA will play in its development. This project should be moved to the Near-Term Project list. Although the DEIR states that the near-term and long-term designations have to do with the level of CEQA analysis done on the project as of the date the DEIR was issued, discussions have been underway between the 22nd DAA and SANDAG and North County Transit District (NCTD) since the DEIR was issued that may qualify moving the rail platform up. The current activities at the Fairground already cause back-ups on I-5 and seriously restrict movement on local roads surrounding the Fairgrounds. Transit improvements should be accelerated, rather than causing more congestion on local streets and highways.

The short and long term parking plan is inadequate and silent on using fee-structures to encourage alternative transportation modes. As a state institution, the 22nd DAA should be setting an example for developing parking strategies that will encourage alternative transportation modes. Construction of the proposed parking structure should be moved into the Near-Term Project list. Continuing the practice of parking on the east and south overflow parking lots because the Fair and horse racing preceded the 1976 passage of the Coastal Act is inappropriate. Under the "grandfather" clause, the 22nd DAA is allowed to park vehicles on the lots only during Fair and racing days. There are long-standing allegations including by the Coastal Commission that parking occurs for other events on the two lots, and that the continued practice is further degrading the wetlands.

The Master Plan calls for continuing the current practice of parking vehicles on surface lots and constructing a multilevel parking structure as a Long-Term Project. Constructing the parking garage on the east overflow parking lot in areas delineated as wetlands, even while using best management practices for stormwater runoff, is inappropriate. Extensive surface parking further damages wetlands on the two overflow parking lots. There are other parking options available, including underground parking and looking for other sites that don't impact environmentally sensitive lands. The EIR should also re-evaluate the options available for locating the parking structure.

Flooding

The Fairgrounds is in the 100-year floodplain of the San Dieguito River that is prone to flooding, as we saw during January 2010 when the main parking lot was flooded, in some areas up to 6 to 8 inches according to television reports. Scientists have predicted a significant sea level rise for southern California coastal areas, including Del Mar.

The DEIR states on page 4.16-7 that proposed mitigation requires “the 22nd DAA to ensure that all habitable areas have been designed to be at least 1 ft above the 100-year flood level and mitigation that requires the 22nd DAA to provide proof to the City of Del Mar that all habitable areas have been designed to be at least 1 ft above the 100-year flood level. This mitigation ensures that the proposed project will comply with current flood control standards; however, the current standards do not take into account accelerated sea level rise or possible changes in storm intensity as a result of global climate change.”

“There is uncertainty with regard to methodology for assessing the timing and magnitude of sea level rise impacts and quantifying the projected costs and benefits of implementing adaptation measures. Potential adaptations for the built environment include the construction of dikes and seawalls; beach nourishment; and elevating structures and roadways.” [Page 4.16-7]

On pages 4.16-7 to 4.16-8 the DEIR states that, “Under the higher warming scenario, the Intergovernmental Panel on Climate Change (IPCC) anticipates that ocean levels will rise by 4-30 inches by 2100. The Pacific Institute (2009) estimates a rise of 3.28-4.59 ft by 2100. According to the Scenarios for Climate Change in California published by California Climate Change Center in 2006, San Diego is expected to experience moderate to very extensive sea level rise within this century; ocean level rises are expected to substantially exceed the historical rate of ocean level rise. Elevations of this magnitude are known to inundate coastal areas with salt water, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and other natural habitats. ***As described above, rising ocean levels may threaten the location of the Del Mar Fairgrounds. The elevation of the project site is essentially at sea level, and therefore the rising of the ocean levels could result in on-site flood conditions if additional GHG reduction strategies are not implemented at the State, national, and international level.*** In November 2006, California voters passed Propositions 1E and 84 to provide \$4.9 billion in new flood management investments (which will help prepare for more frequent and intense floods and sea level rise), and nearly \$1 billion in integrated regional water management and climate change evaluation and adaptation. Recommended actions in the Pacific Institute Report (2009) included integrating climate change into insurance policies and strategies, ***protecting wetlands and potential migratory paths, limiting development in areas at risk from rising seas***, involving communities most vulnerable to harm in developing preparation and adaptation strategies, ***considering phased abandonment of low- and medium-density areas at high risk, protecting vital coastal-dependent resources***, considering the cost-benefit of building coastal protection structures, improving disaster response and recovery in coastal communities, ***and considering adoption of a principle of “No Adverse Impact” when designing and permitting flood protection, beach nourishment, and other coastal protection projects.***” [emphasis added]

The DEIR does not incorporate recommendations on how to address the impacts that even a moderate sea level rise would have on the proposed Condo-Hotel and Convention Center Complex, the Health Center/Sports Training Facility nor to the existing Fairgrounds and racetrack facilities. Design and construction options should be evaluated that would include protecting wetlands and encouraging the restoration of wetlands as a flood management tool.

The use of rip-rap along the San Dieguito River does not contribute to the development of a functioning natural wetlands buffer area. The Coastal Act only allows the use of rip rap to protect current structures or a flood plain. The Master Plan should focus on restoring the area to its natural condition, using natural flood control methods to protect the Fairgrounds property. There are well

documented instances of regular flooding on the main parking lot and the east and south overflow lots during seasonal rains. The use of rip rap has not been adequately evaluated in the DEIR.

Aesthetics / Design

More than 600 acres of natural habitat either owned or operated by the San Dieguito River Valley JPA and the California Department of Fish and Game, plus the \$89-million San Dieguito Lagoon Restoration Project funded by Southern California Edison as mitigation for the San Onofre Nuclear Generating Station (SONGS), surround the Fairgrounds on three sides. Yet rather than emphasizing the Fairgrounds' stunning natural setting and incorporating direct connections to the neighboring habitat areas, the proposed Master Plan calls for pushing out construction to the borders of the property, offering only a 10-foot wide path as a buffer between the San Dieguito River and the Condo-Hotel and Convention Center Complex, and Health Center/Sports Training Facility.

The result is a significant loss of recreation opportunities and benefit to the public.

The plan proposes locating overnight parking with hookups for 58 recreational vehicles in the driveway between the Convention Center and 10-foot path and landscaped transition area. Overnight camping in the area, with increased noise, lights, and the potential for pets could further impact wildlife in the minimal habitat buffer area. The DEIR does not adequately assess this impact.

The DEIR does not adequately assess the parking needs for those who want to access the Coast to Crest Trail from the Fairgrounds property. A permanent parking area should be added to the Master Plan.

The bulk and scale of the proposed new buildings are out of scale with the current Fairgrounds structures that are generally clustered towards the center of the property. The new buildings are oriented towards the inside of the property and don't incorporate architectural features that would focus visitors' views on the river, lagoon or beach, and the wildlife there.

The 18 projects most likely all require coastal development permits issued by the Coastal Commission. The Coastal Act specifically requires that impacts on open space areas adjacent to the Fairgrounds property – including the lagoon, restoration area, river, ocean and the property managed by Fish & Game – be determined. Converting usage of the site to a year-round convention facility complete with hotel and Health Club/Sports Training Facility obviously designed to attract league sports play will affect the species that have been returning to the area as improvements to the habitat areas continue. According to a July 15, 2009 article in the *North County Times*, "In the first seven months after restorers opened the lagoon to ocean tides in January 2008, the fish population soared from effectively zero to 12 million fish. And biologists have documented a near-tripling of the bird species present in the project area over the last four years, from 59 to 158 this year. Biologists have counted four dozen pairs of Belding's savannah sparrows, a half-dozen pairs of coastal California gnatcatchers and a small number of least Bell's vireo birds...."

The proposed Condo-Hotel and Convention Center Complex and Health Center/Sports Training Facility, including an access road for large trucks, the installation of lights on 70-foot tall lightposts atop three of the buildings, and installing lighted turf fields on the structures for recreational play as late as 11 pm daily, puts a large visitor-intense use immediately adjacent to natural habitat.

The 22nd DAA is an institution of the State of California, and is not subject to zoning ordinances adopted by local jurisdictions such as the City of Del Mar, with its 26-foot height limit, and the City of San Diego with its 30-foot height limit in the coastal zone. As a state agency, the 22nd DAA should incorporate good building and site design. Buildings should be stepped back in height and not located

so close to the property boundaries. The Coastal Commission encourages a 100-foot buffer area between a river and a structure so that visual corridors may be preserved, and natural resources protected. While the 22nd DAA is not required to adhere to local design criteria and land use regulations, as a state agency it should adhere to best management practices for reducing edge effects on habitat areas, comply with habitat preservation requirements and GHG reductions.

Noise and Lights

The Master Plan and DEIR even with mitigation as proposed, clearly add noise and light pollution to the fragile ecosystem in the lagoon, along the river and in the restoration area. The Condo-Hotel and Convention Center Complex including exhibit halls and structures associated with the new entrance are approximately 66.5 feet in height above grade in what they are calling a “four-story” hotel, approximately 51.5 feet above grade for the “three-story” exhibit halls, and 51.5 feet above grade for the “three-story” entrance structure. The maximum height of architectural features including the hotel’s tower is approximately 86.5 feet above grade.

Placing lights atop 70-foot poles on the playing fields atop the exhibit halls and the Health Club/Sports Training Facility creates edge effects on adjacent habitat areas, no matter how well the lighting is directed downward and state-of-the-art techniques are used to reduce spill. Going from a dark sky at that elevation to lights bright enough for league soccer, softball, rugby, tennis, etc., play atop the buildings is a significant change. The light poles also provide perches for raptors and large birds to hunt for species in the neighboring habitat areas. These impacts have not been adequately addressed in the DEIR.

The DEIR states that there are already edge effects in place because of current activities at the Fairgrounds. However, the cumulative impacts of the lights on 70-foot poles atop four and five story buildings, the noise from players on turf fields atop the exhibit halls and Health Center/Sports Training Facilities, the minimal 10-foot path and narrow landscaped transition area behind the Convention Center Complex, and the overnight RV parking area with accommodations for 58 families are intense uses that will decrease the quality of the limited habitat areas on the Fairgrounds.

The lighted playing fields will generate noise in an area where such sports-generated noise is not currently generated, causing a cumulative impact when combined with the new lights. The potential for bird strikes on the poles is not adequately assessed.

The DEIR does not adequately assess the direct and indirect impacts of these cumulative effects to the nearby habitat areas.

Other Near-Term Projects include the construction of Building A at approximately 34 feet above grade (two-story), with the maximum height of architectural features at approximately 56 feet. Building B, with 103 rooftop parking spaces, is proposed to be approximately 24 feet above grade. Building D would be an open air steel structure approximately 30 feet above grade. The Health Club is proposed to be approximately 48 feet in height (three-story), with architectural features reaching a maximum of 75 feet. How will the addition of rooftop parking and open air steel structures affect the various species of birds in the area?

The cumulative impact of the proposed land uses on a year-round basis will intensify the use of the Fairgrounds and lead to overbuilding in the river valley. State projects of the size being proposed should set an industry standard for greenhouse gas (GHG) reductions and sustainability practices. A comprehensive analysis of the effects on air quality in the river valley due to the increased traffic generated by the new uses on the Fairgrounds should be included in the environmental document.

Traffic mitigation efforts identified in the DEIR is restricted to fair share contributions only after full funding is in place from other sources before the 22nd DAA submits its funds. The cities of Del Mar and Solana Beach are essentially built out. The intense visitor-inducing uses proposed by the Master Plan will significantly affect congestion on local streets and highways, and has not been adequately assessed for cumulative impacts when expansion plans for I-5 and SR-56/I-5 connectors are factored in. Please provide a more complete analysis of the transportation impacts identified above.

Section 1.2 Summary of Project Description: It is incorrect to state that, "The near-term projects are intended to provide maintenance and improvement to the current service condition of the Fairgrounds facilities, including renovation and modernization of several structures and parking areas, construction of new structures, demolition of structures, and relocation of a maintenance yard and fire station." The addition of a Condo-Hotel and Convention Center Complex and the construction of the Health Center/Sports Training Facility designed to serve both individual athletes and fitness clients and both youth and adult sports leagues, is scarcely necessary to "provide maintenance and improvement to the current service condition of the Fairgrounds facilities."

Other Issues

There is no "grandfathering" allowed on Public Trust Lands. When does the 22nd DAA expect a settlement agreement with the State Lands Commission to be finalized? What happens if an area of the east and/or south overflow lots falls within the Public Trust Lands settlement agreement - will the 22nd DAA still allow vehicles to park there?

The Coastal Commission has documented efforts made over the years to have the "billboard trucks" advertising the Fair, removed from the Fairgrounds property. Allegedly the 22nd DAA has cited their "temporary use" as justification for not seeking a Coastal Development Permit and has not removed the "billboard trucks." If the 48-foot tall lighted sign with its 192-square-foot electronic reader board were installed, would the 22nd DAA still park the "billboard trucks" on the property? Does the 22nd DAA or any entity located on the Fairgrounds property have now or ever had a permit to locate these "billboard trucks" on state property? Does the 22nd DAA have a legal opinion on whether the parking of "billboard trucks" violates the 1965 Highway Beautification Act, a federal law regulated by CalTrans? Has CalTrans ever granted the 22nd DAA an exemption from any restriction on parking in the I-5 corridor?

The DEIR does not adequately assess the potential for bird strikes on the electronic reader board, during daylight hours, after dark when the reader board is lit until 11 pm, and during the period from 11 pm to dawn.

The intensification of use proposed by the Master Plan on the Fairgrounds will have additional cumulative impacts on traffic, public safety (the ability for sheriff and fire department personnel to respond), air quality, lights and noise on adjacent jurisdictions and is not adequately analyzed in the DEIR.

The 22nd DAA covers 20% of the City of Del Mar's geographic area. It is the most frequent source of 911 calls, yet the DEIR calls for moving the fire station off the Fairgrounds property at a time when the proposed intensity of use will increase the number of emergency calls to the Fairgrounds. Public safety must be a priority. Moving the fire station off the Fairgrounds property will affect response

times for calls to the Fairgrounds. The 22nd DAA should better assess the direct and indirect impacts to public safety and consider locating the fire station on the Fairgrounds property.

On page 1-27, the DEIR states that the 22nd DAA “shall request the Del Mar Fire Department to use fire truck lights only in proximity to residences and to refrain from siren use until farther away from the residential neighborhoods, to the greatest extent feasible and safe.” The DEIR acknowledges that moving the fire station to the new site would introduce loud sirens into the area. The proposed mitigation should not compromise public safety.

Conclusion

Replacing outdated exhibit space with state-of-the-art facilities and identifying projects that revitalize and restore the natural elements of the property and directly connect the Fairgrounds to the Coast to Crest Trail, the SONGS Restoration Area, San Dieguito Lagoon and San Dieguito River should be the priorities adopted by the 22nd DAA Board of Directors. Converting the Fairgrounds from low intensity uses during the “off season” when the Fair and horse racing seasons are not meeting, and proposing year round high intensity use of the property that would forever change the character of the Fairgrounds is not the highest and best use of this high value state property.

I understand the pressures that 22nd DAA Board Members and staff are under to maintain and enhance this wonderful regional asset that so well promotes California’s agricultural heritage, provides a great venue for on-stage entertainment featuring international stars to local dance troupes, and allows people of all ages to meet up close and personal the livestock raised by 4H, Future Farmers and The Grange. But the Master Plan should be re-evaluated in light of the many detailed responses to the Draft Environmental Impact Report received by the 22nd DAA.

I look forward to your responses to the comments submitted to the DEIR, which has generated such attention from throughout the county, and indicates how important the Fairgrounds are to our region.

Sincerely,



CHRISTINE KEHOE
Senator, 39th District

CK:ds