

San Dieguito River Valley
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December 16, 2009

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

**Subject: Comments on Del Mar Fairgrounds Master Plan Draft
Environmental Impact Report**

Dear Mr. Fuller:

The San Dieguito River Park Joint Powers Authority (JPA) appreciates the opportunity to comment on this extremely important project located within the western gateway of the San Dieguito River Park. The JPA has enjoyed an excellent working relationship over the last few years with staff of the 22nd DAA particularly with respect to locating a segment of the San Dieguito River Park Coast to Crest Trail on Fairgrounds property. It is because of our active involvement in this fragile lagoon ecosystem and public recreational resource that the JPA is concerned with the 22nd DAA's plans to significantly increase the intensity of uses in this area and even change its focus from a Fair and horse racing venue to a convention center complex with other related uses. Our comments on the Del Mar Fairgrounds Draft EIR (DEIR) reflect these concerns.

The San Dieguito River Valley Regional Open Space Park is a vision that is quickly becoming a reality. With the recent restoration of over 150 acres of wetlands within the San Dieguito Lagoon and the extension of the Coast to Crest Trail into this area, the Park's western gateway is nearing completion. However, the Fairgrounds proposed 2008 Master Plan ignores their place within the regional public park and instead proposes a significant intensification and change in use that will severely impact the Park. The JPA supports Senator Kehoe's recent proposal to work with stakeholder State

agencies including the 22nd DAA to extend and expand the public greenway west of I-5 along the north side of the San Dieguito River.

The JPA is a public agency formed in 1989 to create a regional open space park in the San Dieguito River Valley from the beaches in Del Mar to Volcan Mountain near Julian. The proposed project lies within the western focused planning area (FPA) of the San Dieguito River Park. The JPA is empowered by its member agencies (County of San Diego and the cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach) to acquire, hold and dispose of property for park purposes, to undertake overall planning for and to plan, design, improve, operate, manage, and maintain the San Dieguito River Park. The JPA is further empowered to establish land use and development guidelines for the Park's FPA. The goals adopted by the JPA's member agencies are:

- To preserve and restore land within the FPA as a regional open space greenway and park system that protects the natural waterways and the natural and cultural resources and sensitive lands that provide compatible recreational opportunities, including water related uses, that do not damage sensitive lands.
- To provide a continuous and coordinated system of preserved lands with a connecting corridor of walking, equestrian, and bicycle trails, encompassing the San Dieguito River Valley from the ocean to the river's source.
- To use public land only for the benefit of the public, and for uses consistent with the goals of the Park.

Our main concern lies in the inadequacy of the Fairgrounds Master Plan DEIR to recognize and therefore sufficiently evaluate impacts from:

- Intensification of land uses in the San Dieguito River Valley from a substantial redevelopment of the Fairgrounds property with new uses and a proposed change in the original purpose of the Fairgrounds property;
- Failure to address the project site's critical location within a fragile coastal wetland and to evaluate the project's impacts within that context, as well as missed opportunities to adequately mitigate those impacts in and adjacent to the river/lagoon;
- Reliance on a flawed wetland jurisdictional analysis that substantially conflicts with previous delineations done on the site (Army Corps 1993) and with recent positions taken by the California Coastal Commission (2003), upon which land use decisions will be made.

As supported by the comments made in this letter, the JPA believes that the Fairgrounds Master Plan DEIR fails to meet the standards for adequacy of an EIR required by Section 15151 of the CEQA Guidelines, and contains many unsupported and unsubstantiated statements and conclusions that are not supported by evidence in the record.

Our specific comments are as follows:

1. The DEIR failed to Identify the Controversy Regarding the Project's Inconsistency with the Coastal Act.

- 1.1. The proximity of the project adjacent to the San Dieguito River and near to the Pacific Ocean requires that any proposed land uses be compatible with the significant coastal and wetland resources within these areas. Both the San Dieguito River and the Pacific Ocean are considered Environmentally Sensitive Habitat Areas mandating special protection. In addition, the proposed project is adjacent to a park and recreation area, which also mandates special protection. Because the Fairground is in an area of original jurisdiction for the Coastal Commission, the Policies of Chapter 3 of the Coastal Act govern the consideration of new development, and whether it will be permitted, in accordance with Public Resources Code Section 30200.
- 1.2. One of the key policies in the Coastal Act is the limitation on development within wetlands. New development is prohibited within wetlands, except for such uses as restoration, incidental public services, or port facilities under Section 30233. Even coastal dependent uses, which are given priority in the Coastal Act, are generally not to be sited in a wetland. (30255). The proposed project is sited on historic wetlands, and proposes to develop in areas which are disputed to be wetlands. The DEIR did not adequately disclose the controversy regarding the issue of whether the South Overflow Lot and the East Overflow Lots are wetlands.
- 1.3. The Fairgrounds Master Plan proposes new uses and significant land use intensification. The DEIR has failed to identify the controversy regarding whether the new uses and land use intensification are permitted under the Coastal Act, whether they are sited in an environmentally sound manner, and whether they adequately protect marine resources.
- 1.4. We believe that the proposed Master Plan will result in significant physical impacts to traffic, recreation, hydrology, biology and aesthetics, as documented later in this letter. These physical impacts are in direct conflict with the Policies of the Coastal Act. The EIR has failed to identify the inconsistencies under the Coastal Act which will result with implementation of the Master Plan. These inconsistencies are the basis for much of the controversy surrounding the proposed expansion of uses and should be identified in the EIR. See comments below under Land Use regarding Tables 4.1-A through F.

2. The DEIR'S Jurisdictional Delineation Reports for the East and South Parking Lots Improperly Constrict the Standards for Determination of Wetlands and Are Not Factually Supported.

Paving the entire East Parking Lot (EOL) and further increasing the intensity of parking on the South Parking Lot (SOL) are impermissible uses because the entire SOL and the southern one-third of the EOL are documented wetlands. Any improvement to the surface of the parking lot is likely to be considered fill, which would not be permitted on any areas of the parking lot considered wetlands.

All experts agree that the East and South Parking Lots are historic “tidal marshland and flood plain of the San Dieguito River Estuary . . .” (e.g., Jurisdictional Delineation Report, July 2007, p. 1.) Their status has been altered due to the placement of fill and use as overflow parking locations on an intermittent and seasonal basis. The issue addressed in the Jurisdictional Delineation Reports prepared for the Master Plan DEIR¹ is whether the East and South Parking Lots qualify as wetlands under Army Corps of Engineers, California Department of Fish and Game or Coastal Commission standards. A review of the facts set forth in the Jurisdictional Delineation Reports, as well as additional information available, indicate that the entire South Parking Lot and a substantial portion of the East Parking Lot qualify as wetlands, under all standards. The Jurisdictional Delineation’s conclusion otherwise is unsupportable for the reasons set forth below.

2.1. The Jurisdictional Delineation Reports Assume, Without Factual Support, That All Existing Fill And Use Of The East And South Parking Lots Are Lawful Uses Established Prior To The Coastal Act.

A key factor used in the Jurisdictional Delineation Reports to conclude the East and South Parking Lots are not wetlands is an assumption that they were lawfully converted to upland habitat and have been regularly maintained in a condition that allows for ongoing parking and other upland uses (GLA Report dated August 7, 2007, pp. 21-22.) The presumption that all fill was lawfully placed is based upon historic photos showing the area being used for parking, but not actual evidence of permits for placement of fill within the parking lot areas. Available evidence submitted with this comment letter or other comments demonstrate that placement of fill has occurred well after the effective date of the California Coastal Act and other regulations that limit the fill and development of wetlands. (See attached Fish and Wildlife Service letter dated June 15, 1990). Further, the intensity of parking and annual grading has resulted in the compaction of soils, removal of vegetation and otherwise inhibited the reemergence of wetland characteristics and has increased dramatically over the past few decades. There is no evidence indicating that such increases in intensity are lawful. To the contrary, within the last 5 years the Coastal Commission has attempted to limit the unpermitted increase in parking activities, so that the damaged wetlands can be restored, as shown in the Coastal Commission staff report excerpts below:

Historically, the EOL, SOL and GDR have been used by the applicant as a public parking reservoir during the annual fair and thoroughbred race meet. Because use of the lots for parking for these two main yearly events predated the Coastal Act, the Commission has not challenged the continued use of this area for overflow parking during these events, even though major portions of

¹ The Jurisdictional Delineation Reports are found in Appendix C of the DEIR. The Report prepared by Glenn Lukos Associates (“GLA”) is Appendix A to the Biological Resources Report. Their ultimate conclusion is referred to collectively as the “Jurisdictional Delineation.”

these three areas are wetlands. Over time, however, since the Coastal Act was made law, the use of the Fairgrounds outside the fair and races has expanded significantly, and it now hosts multiple interim events nearly every weekend all year long. The applicant asserts that occasionally the SOL is used by patrons during these smaller events, especially for the annual Cinco de Mayo celebration, when attendance is high. In addition, the SOL has been used for periodic storage of trucks and materials. None of these uses have been authorized by the Coastal Commission, although they meet the Coastal Act definition of development and thus require permits.) (CDP 6-04-049, page 12, March 2005; emphasis added)

...However, in this particular case, the Commission accepts the applicant's commitment not to use the SOL, which is most sensitive biologically, for new events accommodated by the subject proposal. (CDP 6-04-049, page 13, March 2005; emphasis added)

The biggest concern is that the increase in intensity of use could force reliance on the Fairgrounds unimproved overflow parking lots, all of which contain some wetland resources and a potential for restoration. A special condition thus prohibits new events at the horse arena facility using overflow parking lots (which the applicant has already stated will not be necessary to accommodate future events) (CDP 6-07-082, page 1 March 2008; emphasis added)

2.2. The Jurisdictional Delineation Fails To Comply With The Broad Definition Of Wetlands Pursuant To Coastal Commission And Army Corps Standards And Further Failed To Account For The “Unique” Circumstances That Have Inhibited Wetland Recovery Within The East And South Parking Lots.

As noted in the Jurisdictional Delineation Reports, a final jurisdictional determination regarding coastal wetlands requires concurrence by the appropriate regulatory agencies, including the Army Corps of Engineers and Coastal Commission. Accordingly, it is necessary that the Jurisdictional Delineation used in the DEIR apply the standards used by these agencies when determining whether an area qualifies as a wetlands. The Jurisdictional Delineation Reports prepared for the DEIR improperly disregarded the Army Corps and Coastal standards for determining the status of wetlands within the East and South Parking Lots.

Wetland indicators are generally divided into three categories: (1) wetland hydrology, (2) hydric soils, and (3) hydrophytic vegetation. The U.S. Army Corps of Engineers generally requires the presence of all three indicators as a condition to finding wetlands within its jurisdiction. The Coastal Commission, on the other hand, employs a far broader definition of wetlands that is satisfied by two, or even one of the three wetland indicators. Further, Commission standards provide for a finding of wetlands in circumstances where the quality has been degraded due to manmade activities. (See, *Kirkorowicz v. California Coastal Commission* (2000) 83 Cal.App.4th 980, 994.) The broad definition of wetlands under the Coastal Act was acknowledged in the Jurisdictional Reports prepared for the Master Plan EIR:

The Coastal Act section 30121 defines ‘wetlands’ as land (within the Coastal Zone) ‘*which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, or fens.*’ The 1981 CCC Statewide Interpretive Guidelines state that hydric soils and hydrophytic vegetation ‘*are useful*

indicators of wetland conditions, but the presence or absence of hydric soils and/or hydrophytes alone are not necessarily determinative when the commission identifies wetlands under the Coastal Act. In the past, the Commission has considered all relevant information in making such determinations and relied upon the advice and judgment of experts before reaching its own independent conclusions as to whether a particular area will be considered wetland under the Coastal Act. The Commission intends to continue to follow this policy.'

(GLA report dated August 7, 2007, p. 21.) Further, the Army Corps of Engineers and Commission have recognized the East and South Parking Lots to be an atypical situation in which alternative methods for determining the wetlands delineation should be employed. This circumstance was confirmed by Coastal Commission Biologist Dr. John Dixon, in a memorandum to staff dated July 28, 2004:

The 22nd Agricultural District routinely removes vegetation and mechanically alters the ground surface in these parking lots. Where vegetation, soils, or hydrology have been altered by recent human activities, a wetland may fail to meet standard diagnostic criteria due to these alterations. In such 'atypical situations,' alternative methods must be employed in making wetland determinations, as described in the 1987 Corps manual. In their 1993 delineation, the Corps and EPA noted that normal circumstances did not exist on the site and that the site was significantly disturbed and therefore 'atypical situation.'" They then applied appropriate alternative methods under delineation.

(GLA Report dated August 7, 2007, p. 21-22.) As noted in the Jurisdictional Delineation Reports, application of the alternative standards by the Army Corps of Engineers resulted in the designation of a significant portion of the East Parking Lot and almost all of the South Parking Lot as wetlands. The Jurisdictional Delineations prepared by GLA disregarded the Coastal Commission standards set forth above and expressly rejected the approach taken by the Army Corps of Engineers. Instead, GLA takes the position that "because the areas were converted to upland habitat and have been regularly maintained in a condition that allows for ongoing parking and other upland uses, it is presumed that from a regulatory perspective, the area should be considered to be upland. . . . [I]t is GLA's opinion that the new normal circumstance (since the 1960s) for these areas as parking and associated maintenance and as such do not represent 'atypical situations' . . . (GLA report dated August 7, 2007, pp. 21-22.)

GLA's position is unsupportable for a number of reasons. First, as discussed above, the assumption that all existing fill and current uses are exactly the same as what occurred in the 1960s is not factually supported. Second, as discussed below, the GLA position ignores abundant evidence of wetland indicators within the East and South Parking Lots. Finally, GLA erroneously presumes that the "atypical" situation identified by the Army Corps of Engineers

and Coastal Commission was based upon when the existing uses commenced. That is not the case. The unique atypical situation identified by the Army Corps of Engineers and Coastal Commission was based upon the current status and use of the properties. For these reasons, GLA's analysis applied the wrong standard from the onset.

2.3. The Jurisdictional Delineation Reports Disregarded Abundant Factual Evidence Indicating That The Majority Of Both The East And South Parking Lots Are, In Fact, Wetlands.

In spite of the placement of fill, ongoing use for parking, substantial increases in the intensity of parking, ongoing grading and maintenance activities, both the East and South Parking Lots continue to exhibit wetland indicators, including inundation, hydric soils and wetland vegetation.

Hydrophytic Vegetation Is Present Throughout Both The East And South Parking Lots

The Jurisdictional Delineation Reports noted that surveys done in 2005 were especially appropriate for identification of vegetation because they followed a rainy season for several months in which the East and South Parking Lots had not been graded and otherwise disturbed. "It should be noted that the site was not cleared of vegetation prior to the March and April 2005 site visits because of the heavy rains associated with the 2005 rainy season, making it possible to identify the vegetation within both the East and South Parking Lots." (GLA Report dated August 7, 2007, p. 3.). GLA's assessment that the 2005 surveys would be informative was right on point. The surveys established that within the few months in which the Lots were allowed to remain undisturbed, wetland vegetation began making a comeback in both parking lots. This was documented by photographic evidence (see GLA Report dated August 7, 2007, photograph 3, p. 14) and written confirmation in the GLA Report, The 2007 GLA report confirmed that "*Spergularia marina* and *S. bocconii* [were] mixed throughout both parking lot areas with *S. Marina* more common on the site." (GLA Report dated August 7, 2007, p. 14, fn. 16.) *Spergularia marina*, commonly known as salt marsh sand spurry, is designated as an obligate species, i.e., one that almost always occurs in wetlands. There is some debate that it should be categorized as a facultative species, i.e., a species that usually occurs in wetlands, but in either instance, it is clearly a wetland indicator species. GLA dismisses the presence of this wetland indicator species for a couple of reasons. First, it contends that it is an opportunistic plant that is often seen in upland areas. Second, it states that it should be disregarded because it was found after the 2005 rainy season in which there was an unusually large amount of precipitation. "The unusually high rainfall, combined with the opportunistic character of the salt marsh sand spurry, make it a poor wetland indicator this season and it is not appropriate to make a positive determination for the presence of a predominance of hydrophytic vegetation. (GLA Report dated August 7, 2007, p. 15.).

GLA's dismissal of the wetland vegetation indicator species cannot be reconciled with facts, and is inconsistent with the methodology employed in the report. On the one hand, GLA asserted that its survey conducted after the 2005 rainy season was especially appropriate for the identification of wetland species because of the large amount of precipitation and lack of recent maintenance activities within the East and South Parking Lots. (See p.3.) However, when the survey identified wetland vegetation, GLA asserts that it should be disregarded because of the

significant rain during the 2005 season. The reality is that in spite of the fill, compacted soil, and past maintenance activities, wetland vegetation quickly returned to both sites after a rainy season and a few months of no artificial clearing activities. These unique facts strongly support a finding that the sites are wetlands within the Coastal Act standards.

Historic photographs attached to the Jurisdictional Reports also indicate the presence of hydrophytic vegetation on the parking lots as a continuous occurrence, even during periods in which the parcels have been used for parking purposes. For example, Exhibit 6, aerial photo dated June 26, 1969, shows extensive vegetation over the south lot and portions of the east lot. Exhibit 7, dated November 9, 1972, again shows extensive vegetation. Exhibit 8, dated August 9, 1973, shows vegetation on both the east and south lots. Vegetation is evident on other historical photos attached to the Jurisdictional Report. The Jurisdictional Reports, however, do not identify what type of vegetation is depicted. A reasonable assumption is that the vegetation was of the wetland type returning after the lack of some maintenance activities during those years. This again, is strong evidence of the wetland status of the properties.

The East And South Parking Lots, Particularly The South Parking Lot, Have Been The Subject Of Frequent Inundation.

Saturated soils and inundation were identified in the Jurisdictional Reports. However, the presence of water and saturated soil was dismissed on the basis that saturation was not of a depth that would normally be expected in a wetland. This, again, is an instance in which the “atypical” circumstance presented by the East and South Parking Lots was disregarded by the Jurisdictional Delineation. The presence of any saturated soil in spite of the compacted soil, ongoing maintenance activities is strong evidence that the true wetland nature of the sites continues to emerge.

Further, we have been informed that Fairground staff pump water out of the south parking lot during high tide events to limit the extent of tidal inundation. The Jurisdictional Delineation should consider this circumstance, particularly whether it is an authorized use. In any event, artificially pumping down the water level during high tide events to prevent inundation is certainly an “atypical” circumstance that should be taken into consideration when evaluating the extent of wetland areas.

Historic Activity That Temporarily Prevented Activity Within A Portion Of The South Parking Lot Resulted In Return Of Wetland Species.

In 1990, the 22nd DAA was required to fence and berm 4 acres of the South Parking Lot as an interim least tern nesting site. During the time it was fenced, it became high quality salt marsh habitat used by the endangered Belding savannah sparrow. (See, Coastal Development Permit No. 6-02-161, p. 8.) The new wetlands area was, apparently, graded without authorization, triggering an enforcement action by the U.S. Army Corps of Engineers. (See, attached U.S. Fish and Wildlife Service letter dated June 15, 1990.) In any event, the quick return of the undisturbed portion of the South Parking Lot to viable wetland habitat is compelling evidence that the wetland characteristics of the East and South Parking Lots remain today.

In summary, the wetland characteristics of the East and South Parking Lots continue to exist in spite of decades of fill, parking, compaction, and maintenance activities to remove vegetation and even the intentional pumping of tidal waters from the site. The Jurisdictional Delineation Reports prepared for the DEIR fail to acknowledge these circumstances, and in doing so, artificially reduce the wetland delineation in a manner that is not scientifically or factually supportable. The Jurisdictional Delineation Reports should be redone to accurately depict the extent of wetlands, so that the Project can be appropriately designed to exclude any development, or intensity of uses within wetland areas.

3. The DEIR Project Description is incomplete and does not contain sufficient information to fully understand or evaluate the project and thus does not comply with CEQA Guidelines Section 15124.

- 3.1. There is no map of all existing facilities describing their size and use as well as all proposed facilities describing their size and use. A table quantifying the proposed changes to the site should be providing including: existing and future land uses, buildings and their size and locations; buildings to be demolished and their uses and sizes; and existing structures and uses at Horsepark and any proposed improvements as stated in the Fairgrounds the Master Plan. The table should also identify the existing and proposed intensity of each facility and/or use so that the impact of the increased intensity can be properly evaluated in the DEIR. This is especially important, given that a key project goal is to increase use of Fairground facilities.
- 3.2. There is not enough information about the “landscape buffer”. The “landscape buffer” is not labeled or described for the area next to the proposed hotel/exhibit halls although it is mentioned elsewhere in the DEIR (see comments on Land Use). The Project Description does not include floor plans of the proposed hotel or underground garage or quantify the square footage of the proposed new buildings.
- 3.3. There is not enough information about the “ecological setback area”. An “ecological setback area” east of Jimmy Durante Blvd. is mentioned on page 4.1-35 but is not described in the Project Description. Figure 3.7 and associated description of the East Parking Lot (EOL) does not mention or label this setback. The parking lot access road appears to be quite close to the river and may be within the “ecological setback”, although that distance cannot be determined from the figure. The existing Coast to Crest Trail is also not labeled on Figure 3.7. People who are not familiar with the project site cannot possibly evaluate whether impacts are accurately evaluated if the project is not accurately presented with existing conditions and uses.
- 3.4. There is not full disclosure about the status of the San Dieguito River Park Coast to Crest Trail on Fairgrounds property. The Fairgrounds Master Plan and DEIR should identify the segments of the Coast to Crest Trail that currently exist and are proposed on Fairgrounds property. Currently, the Coast to Crest Trail continues west of I-5 on

Fairgrounds property along the south edge of the Fairgrounds Driving Range and both the East and South Overflow parking lots. The Master Plan does not identify the trail as an existing allowed use on Fairgrounds property nor does it identify the proposed future extension of the Coast to Crest Trail west of Jimmy Durante. The JPA is concerned that the status of the trail is not fully recognized by the 22nd DAA.

LAND USE

4. The JPA believes that the impacts to the San Dieguito River Park from the project are significant and require mitigation to reduce such impacts to an important regional lagoon and public recreational resource particularly with respect to:

Wetland Buffer

4.1. The wetland setbacks mentioned in the DEIR are inadequate and do not comply with Coastal Act policy nor do they sufficiently mitigate for the introduction of higher intensity uses along the river. For example, no habitat protection buffer is provided between the river and proposed hotel/exhibit halls. A “landscaped buffer” is mentioned on page 3-33 but is not defined or labeled on Figures 3.9 or 3.10c. High intensity uses such as RV parking, vehicles, service access, and truck loading docks are proposed adjacent to the river. The purpose of a buffer is to protect adjacent sensitive areas from harm and should not contain a high concentration of human uses within it.

Paving of the East Parking Lot and Continued Use of the South Lot

4.2. Historically, the use of the areas known as the east overflow lot (EOL) and the south overflow lot (SOL) was only for seasonal parking during the summer months only for the Fair and the racing season, their historic use. However, according to information contained in recent Coastal Commission hearing proceedings unauthorized use of the two overflow parking lots has been increasing (CDP 6-04-049, dated February 25, 2005, page 1-10-12). In a 2003 Coastal Staff report, there was evidence that by 1998/1999, the east overflow lot was only used on 17 days during the non-fair or racing season. By 2002, that use had increased to 159 days. (CDP 6-02-161 dated August 8, 2003, pages 10-11). Any increase in use of these lots since 1972 has not been formally recognized by the Coastal Commission, and is inconsistent with the Coastal Act.

4.3. The SOL is documented wetlands and should be restored immediately in compliance with the Coastal Act and Clean Water Act, and as partial mitigation for the temporal loss of these wetlands over the past several years and for future impacts.

4.4. Paving the East Parking Lot (EOL) with an all-weather surface would significantly intensify automobile usage of the site by creating a year-round parking lot. The Draft EIR does not disclose that an all-weather surface would allow year-round parking and potentially other uses on the lot, whereas the lot is only approved by the Coastal

Commission for seasonal overflow parking during the fair and racing seasons. The proposed 100' "ecological setback area" (page 4.1-35) is inadequate to buffer vehicular traffic and other potential high intensity uses from the adjacent wetlands. Also see additional comments under Biology.

- 4.5. Mitigation for impacts from permanently paving even a portion of the 20-acre EOL that is located within the coastal zone and San Dieguito River Park's FPA, and next to a lagoon should include an adequate buffer area and the immediate restoration of documented wetland portion of the lot.
- 4.6. Paving the EOL would also enable the lot to be used for other convention and event related activities. This potential is not disclosed in the DEIR nor does the Master Plan limit the EOL use to seasonal parking. Neither the DEIR nor the Master Plan are clear about what other uses would be anticipated or allowed on the EOL once it is surfaced with all-weather pavement.

Intensification of Land Uses

- 4.7. The proposed hotel and exhibit buildings represent a convention center complex and a change of use. The project would change the site from low-intensity use most of the year during the 40-week long "interim season" (page 4.1-47) to year-round high intensity uses by adding the proposed convention and trade uses. The impacts from this change in intensity are not adequately disclosed nor mitigated in the Draft EIR.

The existing public use brings huge numbers of people to the Fairgrounds. According to the Master Plan the annual fair has between 40,000 to 60,000 spectators on weekdays and 60,000 to 90,000 on weekends, with peak attendance over 100,000 in a single day, along with 500,000 to 800,000 attendees for approximately 300 yearly events during the non-fair, non-racing season (i.e., interim season) (Master Plan, page 7). 1.2 million people attend the fair during the 22 day run (Master Plan, page 1). The races bring in 700,000 spectators (Master Plan, page 1). In 2006 three million people attended year round events (Master Plan, page 1). The DEIR fails to disclose the intensity of the existing uses. The DEIR and Master Plan fail to disclose what the attendance projections will be at Master Plan buildout. The only information provided is in the traffic analysis, which projects a 20 percent increase in attendees for events during the interim season (DEIR, page 4.2-86). No future increase in fair attendance is projected, although the trend has been for the attendance at the fair to increase each year. According to the Del Mar Fairground website, attendance has gone up approximately 10 percent since 2000.

- 4.8. This concentration of people in a single location is not consistent with Coastal Act Section 30212.5 which requires public facilities to be distributed to mitigate for overcrowding and overuse. The EIR has failed to identify this impact, instead indicating that the "Coastal Act promotes the concentration of development" (page 4.1-72), citing Policy 30250 which discusses new residential, commercial or industrial development, not new public facilities. The EIR also indicates that the "parking uses" are spread

within the project area at page 4.1-65, without addressing whether the fairgrounds facility itself is a concentration of use.

- 4.9. The project is misrepresented in the EIR as a continuation of existing uses. Page 4.1-27 falsely describes the 2008 Master Plan project as “a continuation of the existing uses “, rather than a wholesale redevelopment of the entire southwest portion of the property. The Master Plan proposes to continue the high concentration of the public use, significantly increase the intensity of use, and add new land uses. The Land Use Intensification analysis is biased and dismisses all significant impacts with subjective, unsubstantiated statements (pgs. 4.1-27, 4.1-44, and 4.1-47) when in fact the project will significantly increase the intensity of uses. These changes will cause direct harm to the San Dieguito River Park, the fragile coastal lagoon area, and is inconsistent with the San Dieguito River Park Concept Plan and Coastal Act policies.
- 4.10. The 9 structures proposed to be demolished (254,780 square feet of building space according to Table 8 in the Master Plan) were built 50 to 60 years ago and do not comply with the California Coastal Act. The proposed hotel/exhibit halls represent a significant increase in building coverage, yet the total square feet of new building area is not disclosed in the EIR. A table should be provided in the EIR quantifying the building uses and square feet proposed with a total and a comparison to the existing building areas. New buildings must be designed consistent with the Coastal Act regulations and policies.
- 4.11. The existing and proposed Fairground uses make it difficult for the public to access the San Dieguito River Park Coast to Crest Trail particularly during the summer season. Any increases in use will likely create additional impediments to public access. Therefore, there is no basis for the conclusion in Table 4.1A on page 4.1-65 that the Master Plan is consistent with Coastal Act Section 30212. The finding that the project does “not block” access is not accurate, and in and of itself is not evidence of consistency with this policy, which requires the provision of public access.
- 4.12. While it is true that the Fairgrounds is publicly owned and the Fair itself provides a lower cost visitor use (Table 4.1.A), the substantial increase in uses as a result of Fairgrounds Master Plan build-out as currently designed would represent a new barrier to public use of the adjacent Coast to Crest trail and the general public’s enjoyment of the San Dieguito River Park. Mitigation for impacts to the existing recreational uses (i.e., lagoon segment of the Coast to Crest Trail) should include the provision of a dedicated trail parking area and public accessway to maintain and improve public access to the coastal recreational resource. An example of a dedicated public access is the Coastal Rail Trail area between Highway 101 and the railroad tracks in Solana Beach. Signage, a meandering trail, and parking should be provided for the general public rather than a narrow strip behind a proposed hotel. A dedicated trail parking area should also be provided in the northern non-wetland portion of the EOL with a clearly-marked pedestrian access to the existing trail.

- 4.13. There is no commitment in the Master Plan to restore the south overflow lot, which is only listed as a mitigation “strategy” for a long-term project proposal that may never happen (i.e., parking garage). Future restoration of the SOL as mitigation for a parking structure that may never be approved is no better than the non-existent, delinquent restoration that the 22nd DAA has neglected to implement thus far. In reality this represents a permanent use of the SOL as a parking lot and continual maintenance as such.
- 4.14. Providing a minimal buffer between sensitive tidal wetlands and high-intensity uses is not a “land use separation benefit” as stated on page 4.1-44 of the EIR, but the absolute minimum typically required by the Coastal Act. The project represents new uses and intensification of existing uses that encroach into the small strip of open space along the river and would permanently change the landscape from low-scale agricultural-style exhibit halls built prior to the establishment of the Coastal Act and San Dieguito River Park to a looming 4-story wall along the river stretching from the railroad tracks to Jimmy Durante Blvd almost one-third of a mile. This represents a substantial change that is inconsistent with the California Coastal Act.
- 4.15. The JPA is not opposed to the Fairground and racing uses on the property nor to reasonable expansion of those uses, but the Coastal Act gives priority to coastal-dependent uses. The Fairgrounds is not a coastal dependent use and there should be a better balance between the Fairgrounds property and use of the public land for other recreational uses. A greater protection of the lagoon resource along with public access to recreational trails should be balanced with expansion of the Fairgrounds’ use of the property.
- 4.16. The Coast to Crest Trail is a component of the adopted State Trails Plan and the Fairgrounds redevelopment must include implementation of the trail through its property and evaluate impacts to the trail.
- 4.17. Claims made on page 4.1-27 that the Master Plan is consistent with the San Dieguito River Park Concept Plan are false. The project in fact significantly impacts the San Dieguito River Park as it represents over-intensification of uses too close to lagoon resources without providing adequate mitigation. The 100-year floodplain and open space corridor are not preserved but would be paved over for permanent parking uses in the case of the EOL and encroached upon by the large-scale hotel that does not respect the visual corridor or sensitive resources adjacent to it.
- 4.18. The Draft EIR includes the unsubstantiated statement that the project is a “limited encroachment on visual and physical development in the FPA”, when in fact it represents a substantial encroachment. The hotel and new exhibit halls are inconsistent

with Development Standards included in the Concept Plan which address the form, mass and profile of structures to blend and minimize impacts to the viewshed. Please see our comments under Aesthetics below.

5. AESTHETICS

- 5.1. The statement that there “are no dominating natural features or public viewpoints on site” is false and misrepresents the unique visual character of the area (page 4.5-2). The project site is part of a unique coastal lagoon setting with ocean views (including resources and viewpoints on the project site) and designated wetlands. That setting dominates the site and surrounding area. The San Dieguito River Park and surrounding community have worked for decades to protect this scenic treasure including a substantial public investment of over \$18 million to acquire and protect nearby lands to preserve them for future generations. Public agencies like the City of San Diego have also acquired land within the lagoon area and have required that private property owners within the coastal valley dedicate portions of their property to preserve the sensitive resources. The DEIR does not objectively characterize the existing visual and aesthetic setting nor provide a balanced analysis. This is in violation of CEQA Section 15125(c) which states that “special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project”.
- 5.2. Section 4.5.2 should include a complete description of the project’s setting within the San Dieguito River Park FPA. The FPA is based on the viewshed from the river and the DEIR should describe the project within that context. The FPA boundary is not intended to establish a static demarcation between potentially developable and undevelopable land but instead serves to identify those areas where improper development could significantly impact the existing character of the land. The project site is located in the Del Mar Lagoon area, Landscape Unit A, the western gateway to the San Dieguito River Valley. One of the *Special Design Considerations* within the Del Mar Landscape Unit is to protect “the sweeping open space views” and that “future development should be compatible with the open space character of the lagoon area in terms of both visual compatibility and intensity of use”. The DEIR fails to adequately describe the important scenic context within which the Fairgrounds lie or evaluate the project impacts within that context.
- 5.3. The *Existing Viewshed Descriptions* (pg. 4.5-2) fails to cite the western extent of the Coast to Crest Trail that travels through the southern boundary of the project site (i.e., continues west to Jimmy Durante Blvd.).
- 5.4. Key View #7 is only taken from one point along the Coast to Crest trail (Fig. 4.5.1), that point is furthest east of the project site and does not fairly or objectively characterize the views from the existing trail. Key views should also include a view from the boardwalk

trail section on the SOL and views along the river west of Jimmy Durante Blvd where the trail is planned.

- 5.5. The description of key view #7 is misleading in its treatment of views to the ocean. While whitewater ocean views cannot be seen from that particular location on the trail, near-distant views toward what is obviously the ocean horizon can be seen. Ocean horizon views increase substantially as one travels west along the trail still on Fairgrounds property. This view toward the ocean horizon on the western edge of the Coast to Crest trail is a captivating component of the trail because it represents the “coast” end of the trail. This important visual symbol is not adequately described in the DEIR and additional views should be added from the boardwalk and west of Jimmy Durante Blvd. to further document the true viewshed.
- 5.6. We agree with the qualifying statement on page 4.5-22 (DEIR, 2nd paragraph) about the limitations of visual simulations, yet much of the analysis and conclusions in this section of the DEIR seem to rest solely on the simulations as erroneous evidence of no impacts. The analysis should include scaled cross sections and line-of-sight diagrams with a clear description and visual analysis of existing and proposed building heights from existing and proposed ground elevations.
- 5.7. The addition of what is essentially a convention center complex is not a “modification” as described on page 4.5-23, but a wholesale redevelopment of the property adjacent to the river with a substantial increase in scale and massing of buildings. The analysis should reflect that fact. For example, the proposed 4-story hotel/exhibit buildings with the rooftop ballfield lights are out of scale with the surrounding area and would extend higher than most other uses in the area including existing commercial uses. The proposed exhibit halls (3 stories) would be close to double the height of the existing exhibit halls. As pointed out in the DEIR, the existing exhibit halls are mostly low-scale in character. Existing taller structures are significantly farther from the river corridor and primarily along Via de la Valle. The proposed 66-foot high hotel structure would be incompatible with the area particularly so close to the river where no other multi-story structures exist. Adding 70-foot tall rooftop lights would create an additional light envelope above the roofline visually extending the building height by another 70 feet. The impact on the existing river valley character from these dramatic visual changes would clearly exceed the DEIR’s significance threshold 4.5.3 and require mitigation.
- 5.8. The lighting plan referenced on page 4.5-22 is critical for the analysis and should not be hidden in an appendix since light and glare is a potentially significant impact on the surrounding sensitive habitat.

- 5.9. The statement on page 4.5-23 “the project site would remain a Fairgrounds and Racetrack facility with implementation of the proposed near-term and long-term projects” is false. Change in use to a year-round convention facility and increased intensity represents a substantial change.
- 5.10. The Aesthetics section of the DEIR contains vague, dismissive language such as page 4.5-23 which states that the 22nd DAA is “committed to minimize nighttime lighting” from the training facility and other on-site light sources. This language in the DEIR is unsubstantiated, and in fact, contradicted by project elements such as roof top lighting for recreational facilities. Impacts of night lighting are not clearly documented.
- 5.11. The analysis of whether the proposed reader board sign will be seen from the Coast to Crest Trail is missing from the DEIR (pg 4.5-23). Mission type architecture does not mitigate the impact of views of the lagoon to the south, or views from the Coast to Crest Trail of the proposed Las Vegas-style electronic, double sided reader board sign. The purpose of the sign is to be seen, and therefore, will impact views from almost any place in the eastern lagoon area.
- 5.12. The DEIR should analyze alternative locations for the proposed multi-story parking garage where it would have less impact on the visual setting by clustering it with other already developed Fairground uses on the west side of Jimmy Durante Blvd, rather than encroaching into an undeveloped area. The visual impact of this use is not adequately analyzed in the DEIR and alternative project sites should be discussed.
- 5.13. The proposed lighting of the public trail adjacent to the hotel is inconsistent with the rest of the Coast to Crest trail which is not lighted.
- 5.14. The DEIR does not specify whether the paved EOL will contain night lighting. The lot is temporarily lit during parking for the fair and horse racing seasons, so is it proposed to be lit during the interim season and if so when and how often? Would night use of the parking lot for exhibits also be allowed? The DEIR is deficient because it does not evaluate these issues. Lighting that illuminates the habitat, particularly during the bird breeding season, represents a significant impact and is not adequately analyzed in the DEIR.
- 5.15. The statement on page 4.5-25 that views from I-5 are “fleeting” and “not considered to be views of a scenic vista” is incorrect. In fact views from the freeway are long in duration as the freeway approaches the southern edge of the valley and through the scenic lagoon area. This scenic vista has been recognized by Caltrans as it is listed as a potential scenic highway according to this DEIR (page 4.5-28).

- 5.16. The analysis of adverse effects on scenic vistas is inadequate. The 66-foot tall convention center complex (i.e., hotel and convention halls) will not be screened by a landscaped berm as stated on page 4.5-25. Rather, the hotel will be twice as high as the current exhibit halls and the scale and massing of the structures will be substantially greater and closer to the river than the existing exhibit buildings. The use of “Mission style” architecture is not a mitigation measure and will not mitigate the visual impacts (page 4.5-41). These impacts clearly exceed the significant threshold 4.5.1 and require mitigation.
- 5.17. The height of the proposed hotel and convention buildings may be inaccurately portrayed in the DEIR. According to the Floodplain Study in Appendix C of the DEIR, the habitable floor elevations of these buildings must be built at least one foot above the 100-year flood surface elevation of 12.5 feet, or an elevation of 14 feet. The existing site elevation is 7 feet according to the Geotechnical Evaluation in Appendix G of the DEIR. Are the proposed building elevations cited in the DEIR taken from the existing grade or the new grade of 14 feet? This lack of information or error would add at least another 7 feet to the height of the proposed buildings as compared to the existing condition. This must be disclosed and clearly described in the DEIR.
- 5.18. Currently the closest buildings to the river’s north bank within the lagoon area are ¼ mile to 1/3 mile away with the sole exception of the Fairgrounds exhibit halls and associated structures. These represent the only structures protruding into a substantial open space corridor that exists along the entire north side and most of the south side of the river/lagoon for a distance of over two miles. The Fairground structures were built long before the San Dieguito River Park was established. The new greater-intensity uses now proposed (convention center complex) will have a significant impact on the Park because instead of the redevelopment of this area contributing to the open space buffer that has been established and protected along the river/lagoon, it will intensify urban development close to the river without mitigation. The 22nd DAA as a state agency controlling 300 acres of public land must mitigate for the impacts caused by such a major intensification of use and must comply with the Coastal Act. Mitigation should include a substantial contribution to the open space greenbelt along the north side of the river thereby furthering the goals of the San Dieguito River Park. A substantial greenbelt should be a highlight of the Fairgrounds Master Plan, instead of the narrow space proposed adjacent to the river filled with uses such as berms, parking, and hotel service roads with a 66-foot tall structure that will cover almost one-third of a mile from the railroad tracks to Jimmy Durante Blvd. The DEIR fails to acknowledge these impacts and is therefore deficient.
- 5.19. The DEIR claims that because the hotel complex will be shorter than the Grandstand that it would not further obstruct views within and into the river corridor and towards the ocean. This is false. The Grandstand is 900 feet from the river and located in the interior

of the property, while the proposed convention center complex will be almost directly adjacent to the river. The mass and scale will be significantly greater than the existing structures. The DEIR does not adequately demonstrate this. An overlay analysis should be included in the DEIR superimposing the new structures over the existing to show the difference in scale and massing.

- 5.20. The statement on page 4.5-27 that there are “no other agency-designated scenic resources within a scenic corridor on site” is not true. The JPA is just such an agency with an adopted Concept Plan the purpose of which is to preserve the visual quality of the river corridor. Although most of the Fairgrounds property was developed before the River Park was established, the 22nd DAA proposed new development must now recognize the importance of the Fairgrounds’ setting within the coastal zone and San Dieguito River Park. The substantial redevelopment of the site with new uses must comply with the California Coastal Act and should be consistent with the development standards contained within the Park’s Concept Plan.
- 5.21. The viewshed impact analysis for view #7 from the Coast to Crest trail is inadequate by limiting the view to only that adjacent to the freeway and underestimates the impacts as the trail moves toward the west. View 7 is not a “typical public view from the trail” (as defined on pg 4.5-45) and views from the trail would become increasingly affected by proposed new development on the Fairgrounds. The view from the trail particularly west of Jimmy Durante would change from low-scale agricultural-style exhibit halls to a looming 66-foot tall 4-story complex over the river and trail. The additional 70-foot lighting proposed on the roof would add to the imposing nature of this building, especially at night. Analysis must document the change in land cover/massing between existing and future. Mitigation should include reducing the buildings’ mass and scale and increasing the buffer between the river and the buildings to reduce the visual impact to the public river corridor.
- 5.22. The analysis incorrectly concludes that views toward the EOL “would not substantially degrade or reduce the visual quality from View 7” because “views would change from a dirt field to paving and bioswales”. The DEIR must disclose that the view would change from a dirt field most of the time to a year-round paved vehicular parking lot with parked vehicles adjacent to the trail on a year-round basis as well as potentially other facilities such as tents, lights, exhibits, and other related structures. This would substantially degrade the visual quality and represents a significant impact that is not mitigated.
- 5.23. The proposal to place 70’ tall light poles on roof-top sports fields adjacent to the sensitive river and lagoon is not adequately evaluated and mitigated in the DEIR. This proposed project represents a substantial addition of light and glare to the lagoon environment that is not currently there, and the DEIR’s reliance on a lighting plan to

mitigate this impact is not credible and defers mitigation in violation of CEQA Guideline 15126.4(B). In addition, the unclear comparison of foot candle lighting discussed on page 4.5-48 does not add any credible evidence to the impact conclusion. The DEIR also fails to evaluate the fact that the rear of the convention center complex facing the river would be brightly lit at night for security and service reasons as it contains the access road, loading docks, and other service facilities.

- 5.24. The material to achieve an all-weather surface on the EOL is not defined in the DEIR. A stable natural-looking permeable surface to aid in percolation of surface water should be used. This should occur outside of any delineated wetlands.

6. **BIOLOGY**

- 6.1. What mechanisms will be put in place to ensure the mitigation measures in the EIR will be carried out and enforced? What role will the 22nd DAA play?
- 6.2. The biology analysis inadequately characterizes the lagoon and river adjacent to the project site by not defining it as an Environmentally Sensitive Area (ESHA) as defined in Article 5, Section 30107.3 of the Coastal Act.

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The San Dieguito lagoon and river system adjacent to the Fairgrounds fits squarely within the definition of an ESHA. Coastal lagoons represent only ten percent of their historic range and play a vital role as a refuge and food source along the Pacific Flyway and provide habitat for endangered species. By not adequately characterizing this area as an ESHA, impact thresholds are too high and impacts are understated.

- 6.3. Furthermore, per Article 5, Section 30240 development adjacent to ESHAs "shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas". The placement of hotel and convention facilities and vehicular uses adjacent to the river and lagoon violate these principles.
- 6.4. The Biological Resources section of the Draft EIR (section 4.6) mentions indirect impacts to special status species, sensitive habitats, wetlands, and habitat conservation plans from noise and light, but does not quantify the impacts, even though more information about noise and light impacts is provided in sections 4.4 and 4.5 of the DEIR. Information from the Noise and Aesthetics sections should be used in section 4.6.

- 6.5. The EIR does not adequately evaluate the impact of noise on the lagoon and river emanating from the hotel/convention service facilities and dismisses all operational impacts as insignificant without supporting information. The Project Description states that the western rooftop ballfield may be used for events, which would increase light and noise on the adjacent habitat but this is not evaluated in the DEIR. The Noise section states, “Activities occurring on site, such as the proposed parking lots, the loading docks, and the rooftop events, would be located within 100 ft of the San Dieguito River. At this distance, the noise levels from these activities would range from 64 dBA Lmax from the parking lots to 74 dBA Lmax from the rooftop activities.” This information should be disclosed in the biology section. Some studies have concluded that 60 dBA is a single criterion to use when evaluating impacts to wildlife, in the absence of more specific research. Because the predicted noise levels exceed 60 dBA, a significant impact should be identified, and mitigation should be proposed.
- 6.6. The DEIR must describe how turning off lights directly adjacent to the lagoon and river at 11pm would mitigate for impacts to wildlife that rely on darkness as cover. Lighting can have significant impacts to nearby habitats and sensitive species. According to significance guidelines in the region for biological resources, the impacts of increases in nighttime lighting include the following: (1) plants depend on darkness for the management of their metabolism; (2) deciduous trees lose their leaves during the fall by the production of hormones that are caused by lengthening nights and do not lose their leaves when light pollution simulates summer’s long days and short nights; (3) animals depend on darkness in order to hunt, conceal their location, navigate, or reproduce, (4) mammals waste energy trying to stay away from lighted areas (5) some physiological processes only happen in the dark, such as resting, repairing, or charging of systems; (6) birds use dark skies to navigate during bi-annual migrations; and (7) migrating birds can become disoriented when they fly through an artificially brightened area. This is not addressed in the DEIR and potential impacts are dismissed with no supporting analysis.
- 6.7. According to the DEIR, rooftop lights from the Health Club/Sports Training Facility would produce light spillage of up to 0.1 footcandles (fc) along I-5. The light spillage to the San Dieguito Lagoon to the east and south should be quantified and assessed for biological impacts. Since 0.1 foot-candles is 5 times the brightness of moonlight and 500 times the brightness of starlight, it would be a significant increase over natural nighttime conditions. Likewise, the rooftop sports field lighting would generate an additional 0.02 to 0.06 footcandles along the north side of the San Dieguito River. On the north shore, the light created by rooftop sports field lighting would be up to three times the brightness of a full moon, disrupting wildlife for the reasons cited above. This should be identified as a significant biological impact, and mitigation or a reduced project should be proposed. Nighttime lighting will have an even greater impact when combined with the noise generated by the same rooftop events.

- 6.8. Subjective unsubstantiated statements are used to justify that the project would not impact sensitive species that rely on the lagoon habitat. For example, the argument on page 4.6-43, 4th paragraph implies that the San Dieguito Wetland Restoration mitigation project being implemented by Southern California Edison will mitigate for indirect edge effects caused from the Fairgrounds Master Plan. The DIER states that “sufficient habitat” south of the project site “provides adequate wildlife movement”. What is considered “sufficient” and “adequate”, according to what and to whom, and what measures are used to draw those conclusions? Just because new habitat was created and restored by SCE beyond the project boundary does not make the project’s impacts insignificant. The river habitat narrows west of Jimmy Durante and the proposed expansion of uses will exacerbate impacts. Project-caused indirect edge effects must be mitigated.
- 6.9. The only proposed mitigation measure that addresses permanent operational impacts is to restore 0.2 acre of the SOL (measure 4.6.7). The other measures only control construction timing and methods. The restoration of 0.2 acre of the SOL is not adequate to sufficiently mitigate for the direct and indirect impacts to an endangered wetland resource from a substantial redevelopment and expansion of the Fairgrounds property. Impacts from noise, lights, air quality, human activity, substantial construction in a floodplain and floodway, and the conversion of jurisdictional wetlands to permanent parking areas are not fully mitigated.
- 6.10. The basis for use of the SOL for parking is flawed as discussed under our comments in #2 above. The DEIR should disclose the controversy associated with the wetland delineations and identify the loss of this habitat over the years in addition to new impacts from the proposed project. The DEIR is deficient and does not fully mitigate for the temporal loss of wetlands on the SOL or for new impacts.

7. HYDROLOGY AND WATER QUALITY

- 7.1. According to the DEIR, flow rates at drainage basin 16 (EOL) will increase substantially (72% increase) in the Q2 flow between the existing and proposed condition. The runoff quantity will also increase resulting in a larger ponded area and duration of ponding water on the driving range as stated on page 4.11-57. What is the surface area and depth of the existing pond and future pond area and how long would it remain? Would it potentially extend into the Coast to Crest Trail or the habitat restoration project south of the driving range? Would such a large surface pond become an attractive nuisance and attract sensitive birds and other animals to a polluted area with other dangers such as flying golf balls? Where does the 12” pipe discharge into the river and since the rate of discharge would stay the same (per the DEIR) how would the duration of discharge change between the existing and future condition? Would a longer duration of flow change the vegetation type south of the driving range?

- 7.2. The DEIR does not contain any information about the quality of the effluent coming from the discharge pipe at basin 16 and whether it would change as a result of the project. Impacts to the lagoon cannot be evaluated without that information. The analysis to determine whether project implementation would degrade water quality (Threshold 4.11.6) is lacking and conclusions are not substantiated.
- 7.3. Are doors on all four sides of the new structures in the floodway sufficient to call the new buildings “flow-through” (page 4.11-58)? They are not designed like other newer structures located in the floodway along the San Diego River in Mission Valley where expansive openings in the parking areas allow floodwaters to flow through, not just doors that can be easily closed.
- 7.4. All the mitigation measures listed in Section 4.11 are just compliance with existing regulations and are inadequate to fully mitigate the proposed project.

8. RECREATION

- 8.1. The conclusion that the project would not have a significant impact on existing recreational facilities is false and unsubstantiated. Based on the information in the DEIR, the proposed project would increase the use of the site and the number of people to the area. Many of them would be visitors that would take advantage of recreational facilities in the area specifically the Coast to Crest Trail. But the design does not provide parking for or access to this regional public recreational facility. The DEIR fails to consider these issues and dismisses any impact as insignificant without any analysis. Therefore the DEIR is inadequate.

9. TRAFFIC

- 9.1. Typically, the JPA does not comment on traffic-related issues unless they impact the Park directly. However, existing project site operations are already causing a significant unmitigated impact on the area. The busy Fair and racing seasons already negatively impact Park facilities from gridlock traffic on I-5 and surrounding surface streets to illegal long-term parking at nearby park facilities. In the case of the proposed project, the severe impacts of traffic and air emissions and noise from a considerable increase in traffic may have a significant impact on the health of the sensitive habitat and the enjoyment of the San Dieguito River Park. The Master Plan and DEIR do not address how long-term traffic issues can be effectively addressed except to suggest adding more street lights. This is a major deficiency of the DEIR.

- 9.2. Access to the existing Coast to Crest Trail would be impacted by the proposed new uses and substantial need for parking to accommodate users. No parking facilities are proposed for the general public trail users. Access to the trail will be walled off by the intensity of uses west of Jimmy Durante Blvd. This is not considered in the DEIR.
- 9.3. The traffic impact analysis assumes the future widening of El Camino Real and Via de la Valle. The DEIR fails to address the public dialogue that has occurred over the past several years with respect to the future widening of these major roadways and previous positions taken by the JPA and Carmel Valley Community Planning Board regarding the redesign of these widening projects because of their significant impacts to community character. The DEIR does not address how the proposed project will contribute to the need to widen these roadways.
- 9.4. It appears that one way to reduce the project's impact on the surrounding community from significant unmitigable traffic impacts is to take a more aggressive role in providing and supporting public transportation. The proposed project mitigation measures to widen surface streets, pave wetlands for parking lots, add a proliferation of streetlights, and build a multi-story parking garage do not address the long-term impacts of these measures on sustainability of the site and the surrounding sensitive resources and community character. This represents a significant long-term impact and irreversible environmental change that is not adequately addressed in the DEIR.
- 9.5. Consideration and evaluation of improving access to the project site is absent from the Master Plan and DEIR. The only proposed public transit component is a possible train platform that is only addressed as a long-term project with no strategy presented on how that project will be implemented. The seasonal trail platform must be given a higher priority and should be part of a reasonable mitigation package.

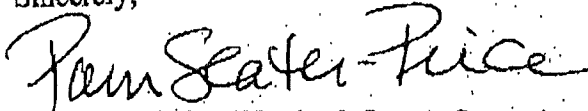
10. The Alternatives analysis fails to consider a true range of alternatives that would meet the project objectives.

Section 5.4.2 Alternate Locations should consider separating uses to reduce overcrowding and overconcentration of uses on the Fairgrounds property. The significant impacts that will be caused by this project largely stems from combining too many high-intensity uses on one site that is constrained by its existing setting. For example, the Del Mar Fair use itself could be moved to an alternate location that would have fewer impacts on the surrounding built-out community and on the adjacent sensitive natural resources.

CONCLUSION

The San Dieguito River Park JPA would like to see the DEIR substantially revised to consider and evaluate the issues raised in our letter. The JPA will stay engaged in the Fairgrounds Master Plan EIR process and looks forward to a timely response.

Sincerely,



Pam Slater-Price, District 3 County Supervisor
JPA Chair

Cc: Senator Christine Kehoe
California Coastal Commission staff
City of Del Mar
City of Solana Beach
City of San Diego Council offices
County of San Diego, Supervisors
Carmel Valley Community Planning Board
Torrey Pines Community Planning Board