Speaker slips will be available. Please fill out a slip and give it to the Chair prior to the meeting if you wish to speak to an item on the agenda. The Board may take action on any item listed on the Consent or Action agenda.

Introductions and Announcements

Approval of the Minutes of December 9, 2011

Executive Directors Report

Public Comment

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board and not appearing on today's agenda. Comments relating to items on today's agenda are to be taken at the time the item is heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items.

CONSENT

1. Receive and Distribute Audit for Year Ending June 30, 2011 (page 4)

2. Rancho Guejito Unpermitted Grading Activity (page 42)

3. El Camino Real - Wildlife Undercrossing Update (page 49)

4. Issues Pending Regarding David Kreitzer Lake Hodges Bicycle/Pedestrian Bridge and West Bernardo Bike Path (page 56)

ACTION

5. Election of Officers for 2012 (page 59)

6. Adopt Resolution Recognizing Dave Roberts for Service on JPA Board (page 63)
7. I-5 Corridor Widening Presentation – Caltrans (page 64)

8. Rancho Del Mar (former Hu property) (page 66)

   a. Discussion of Reversion to FY 08/09 Member Agency Assessment
   b. Date to Begin Implementation of Updated Contribution Formula adopted at the December 2011 JPA meeting.

INFORMATION

10. Reach the Beach Final Feasibility Study (page 82)

11. Coordination Reports (oral)
   a. San Dieguito River Valley Conservancy
   b. Friends of the San Dieguito River Valley
   c. Volcan Mountain Preserve Foundation
   d. San Dieguito Lagoon Committee

12. Status Reports (Oral)
   a. Sikes Adobe Museum Manager Report (Presentation)
   b. River Park Projects
   c. Proposed Trail Parking/Staging Area in Del Mar

13. Jurisdictional Status Reports
   An opportunity for the Board members to report on actions taken within their jurisdictions to further the park planning process, or on problems which have arisen.

14. Communications
   a. Letter from Carmel Valley Planning Board re Cantilever at El Camino Real Bridge (page 85)
   b. Letter from JPA to City of San Diego re El Camino Real Bridge (pg 87)
15. Closed Session

a. Conference with Legal Counsel pursuant to Government Code Sec. 54956.9(a) regarding pending litigation: City of Solana Beach et al. v. 22nd District Agricultural Association.

b. Conference with Legal Counsel to discuss liability claim pursuant to California Government Code Sec. 54956.9(b)(1) and (3): Tri-Group Construction Delay Damages Claim.

THE NEXT REGULAR JPA MEETING WILL BE APRIL 20, 2012.

If you have any questions, please call Dick Bobertz at (858) 674-2270.

****Due to the high cost of printing and mailing the JPA and CAC agendas, the JPA has converted to an email distribution of both agendas. Please advise the office at 858 674-2270 if you do not have an e-mail address and want other arrangements to be made. The agenda and minutes are available at no cost on the San Dieguito River Park web site at www.sdrp.org.
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
COUNTY OF SAN DIEGO
ESCONDIDO, CALIFORNIA
AUDIT REPORT
JUNE 30, 2011
INTRODUCTORY SECTION

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  Statement of Activities 11

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  Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Assets 13
  Statement of Revenues, Expenditures, and Changes in Fund Balances Governmental Funds 14
  Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities 15

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<thead>
<tr>
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<th>37</th>
</tr>
</thead>
<tbody>
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<td>Schedule of Audit Findings and Questioned Costs</td>
<td>38 - 39</td>
</tr>
<tr>
<td>Summary Schedule of Prior Audit Findings</td>
<td>40</td>
</tr>
</tbody>
</table>
SAN DIEGUITO RIVER VALLEY
REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY

FINANCIAL SECTION

JUNE 30, 2011
INDEPENDENT AUDITORS’ REPORT

Board of Directors
San Dieguito River Valley Regional Open
Space Park Joint Powers Authority
Escondido, California

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of San Dieguito River Valley Regional Open Space Park Joint Powers Authority as of and for the year ended June 30, 2011, which collectively comprise the San Dieguito River Valley Regional Open Space Park Joint Powers Authority’s basic financial statements as listed in the Table of Contents. These financial statements are the responsibility of San Dieguito River Valley Regional Open Space Park Joint Powers Authority’s management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and the State Controller’s Minimum Audit Requirements for California Special Districts. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of San Dieguito River Valley Regional Open Space Park Joint Powers Authority as of June 30, 2011, and the respective changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.
In accordance with Government Auditing Standards, we have also issued a report dated February 10, 2012, on our consideration of San Dieguito River Valley Regional Open Space Park Joint Powers Authority’s internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grants agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards, and should be considered in assessing the results of our audit.

The Management’s Discussion and Analysis on pages 4 through 9, and the budgetary comparison information identified as Required Supplementary Information in the table of contents are not a required part of the basic financial statements but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquires of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

San Diego, California
February 10, 2012
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY
STATEMENT OF NET ASSETS
JUNE 30, 2011

Governmental Activities

ASSETS:
Cash in Revolving Fund  $ 300
Investments 852,791
Accounts Receivable 172,222
Capital Assets:
  Land 33,927,783
  Improvements of Sites 16,770,671
  Furniture and Equipment 167,545
  Less: Accumulated Depreciation (1,787,854)
  Total Assets (1,787,854)

LIABILITIES:
Deficit Cash in County Treasury 181,517
Accounts Payable 26,317
Noncurrent Liabilities:
  Due Within One Year 5,181
  Due in More Than One Year 33,826
  Total Liabilities 65,324

NET ASSETS:
Invested in Capital Assets, Net of Related Debt 49,078,145
Unrestricted 959,989
  Total Net Assets $ 50,038,134

The accompanying notes are an integral part of this statement.
The accompanying notes are an integral part of this statement.
### SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY
### BALANCE SHEET - GOVERNMENTAL FUNDS
### JUNE 30, 2011

#### General Fund

<table>
<thead>
<tr>
<th>ASSETS:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash in Revolving Fund</td>
<td>$300</td>
<td></td>
</tr>
<tr>
<td>Investments</td>
<td>852,791</td>
<td></td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>172,222</td>
<td></td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>$1,025,313</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES AND FUND BALANCE:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>$26,317</td>
<td></td>
</tr>
<tr>
<td>Deficit Cash in County Treasury</td>
<td>181,517</td>
<td></td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>207,834</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Balance:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unreserved</td>
<td>817,479</td>
<td></td>
</tr>
<tr>
<td><strong>Total Fund Balance</strong></td>
<td>817,479</td>
<td></td>
</tr>
</tbody>
</table>

| **Total Liabilities and Fund Balances** | $1,025,313 |

The accompanying notes are an integral part of this statement.
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN
SPACE PARK JOINT POWERS AUTHORITY
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE
SHEET TO THE STATEMENT OF NET ASSETS
JUNE 30, 2011

Total Fund Balances - Governmental Fund Balance Sheet $  817,479

Amounts reported for governmental activities in the Statement of
Net Assets are different because:

Capital Assets used in governmental activities are not reported in
the funds. 49,078,145
Payable for San Diego Credit Union Note which is not due in the
current period is not reported in the funds. (12,355)
Payables for compensated absences which are not due in the
current period are not reported in the funds. (26,652)

Net Assets of Governmental Activities - Statement of Net Assets $ 49,856,617

The accompanying notes are an integral part of this statement.
The accompanying notes are an integral part of this statement.
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN
SPACE PARK JOINT POWERS AUTHORITY
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2011

Net Change in Fund Balances - Total Governmental Funds $ 129,484

Amounts reported for governmental activities in the Statement of Activities ("SOA") are different because:

Capital Outlays are not reported as expenses in the SOA. 1,446,727
The depreciation of capital assets used in governmental activities is not reported in the funds. (838,828)
Repayment of San Diego Credit Union Note principal is an expenditure in the funds, but is not an expense in the SOA. 4,882

Change in Net Assets of Governmental Activities - Statement of Activities $ 742,265

The accompanying notes are an integral part of this statement.
A. Organization

The County of San Diego and the cities of Del Mar, San Diego, Escondido, Poway and Solana Beach formed the JPA on June 12, 1989. The JPA was created in order to provide a coordinated program to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park for the benefit of the public. As mandated by the Joint Power Agreement, the JPA’s goal is to:

1. Preserve land within the focused planning area of the San Dieguito River Valley as a regional open space greenbelt and park system that protects the natural waterways and the natural and cultural resources and sensitive lands, and provides compatible recreational opportunities that do not damage sensitive lands.

2. 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.

The focused planning area of the San Dieguito River Park extends from the ocean at Del Mar to Volcan Mountain located north of Julian.

The Board of Directors consists of the following:

1. Two elected members of the governing bodies of the County of San Diego and the City of San Diego appointed by their respective councils.

2. One elected member of the City Council of the cities of Del Mar, Escondido, Poway and Solana Beach appointed by their respective councils.

3. Chairperson of the San Dieguito Citizens Advisory Committee.

B. Summary of Significant Accounting Policies

The accounting policies of the JPA conform to accounting principles generally accepted in the United States of America (GAAP) as prescribed by the Governmental Accounting Standards Board (GASB) and the American Institute of Certified Public Accountants (AICPA).

1. Reporting Entity

The JPA’s combined financial statements include the accounts of all its operations. The JPA evaluated whether any other entity should be included in these financial statements. The criteria for including organizations as component units within the JPA’s reporting entity, as set forth in GASB Statement No 14, “The Financial Reporting Entity,” as amended by GASB Statement NO. 39 “Determining Whether Certain Organizations are Component Units”, include whether:
B. Summary of Significant Accounting Policies (Continued)

- the organization is legally separate (can sue and be sued in its name)
- the JPA holds the corporate powers of the organization
- the JPA appoints a voting majority of the organization’s board
- the JPA is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the JPA
- there is fiscal dependency by the organization on the JPA
- it would be misleading or cause the financial statements to be incomplete to exclude another organization

Based on these criteria, the JPA has no component units. Additionally, the JPA is not a component unit of any other reporting entity as defined by the GASB statement.

2. Basis of Presentation, Basis of Accounting

a. Basis of Presentation

Government-wide Statements: The statement of net assets and the statement of activities include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double-counting of internal activities. These statements distinguish between the governmental and business-type activities of the JPA. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions. Business-Type activities are financed in whole or in part by fees charged to external parties.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the JPA’s governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. The JPA does not allocate indirect expenses in the statement of activities. Program revenues include (a) fees, fines, and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the JPA’s funds, with separate statements presented for each fund category. The emphasis of fund financial statements is on major government funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.
B. Summary of Significant Accounting Policies (Continued)

The JPA reports the following major governmental fund:

General Fund. This is the JPA’s primary operating fund. It accounts for all financial resources of the JPA except those required to be accounted for in another fund.

Non-Major Governmental Funds:

The JPA does not have any Non-Major Governmental Funds.

b. Measurement Focus, Basis of Accounting

Government-wide and Fiduciary Fund Financial Statements: These financial statements are reported using the economic resources measurement focus. They are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the JPA gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, entitlements, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Government Fund Financial Statements: Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The JPA does not consider revenues collected after its year-end to be available in the current period. Revenues from local sources consist primarily of property taxes. Property tax revenues and revenues received from the State are recognized under the susceptible-to-accrual concept. Miscellaneous revenues are recorded as revenue when received in cash because they are generally not measurable until actually received. Investment earnings are recorded as earned, since they are both measurable and available.

Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.
B. Summary of Significant Accounting Policies (Continued)

When the JPA incurs an expenditure or expense for which both restricted and unrestricted resources may be used, it is the JPA’s policy to use restricted resources first, then unrestricted resources.

Under GASB Statement No. 20, “Accounting and Financial Reporting for Proprietary Funds and Other Governmental Entities That Use Propriety Fund Accounting,” all proprietary funds will continue to follow Financial Accounting Standards Board (FASB) standards issued on or before November 30, 1989. However, from that date forward, proprietary funds will have the option of either 1) choosing not to apply future FASB standards (including amendments of earlier pronouncements), or 2) continuing to follow new FASB pronouncements unless they conflict with GASB guidance. The JPA has chosen to apply future FASB standards.

3. Encumbrances

Encumbrance accounting is used in all budgeted funds to reserve portions of applicable appropriations for which commitments have been made. Encumbrances are recorded for purchase orders, contracts, and other commitments when they are written. Encumbrances are liquidated when the commitments are paid. All encumbrances are liquidated as of June 30.

4. Budgets and Budgetary Accounting

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for all governmental funds. By state law, the JPA’s governing board must adopt a final budget no later than July 1.

These budgets are revised by the JPA’s governing board and JPA executive director during the year to give consideration to unanticipated income and expenditures.

Formal budgetary integration was used as a management control device during the year for all budgeted funds. The JPA employs budget control by minor object and by individual appropriation accounts. Expenditures cannot legally exceed appropriations by major object code. All appropriations lapse at year end.

5. Assets, Liabilities, and Equity

a. Deposits and Investments

Cash balances held in banks and in revolving funds are insured to $250,000 by the Federal Depository Insurance Corporation. All cash held by the financial institutions is fully insured or collateralized.
B. Summary of Significant Accounting Policies (Continued)

The JPA maintains substantially all its cash in the San Diego County Treasury. The county pools these funds with those of other JPAs in the county and invests the cash. These pooled funds are carried at cost, which approximates market value. Interest earned is deposited quarterly into participating funds. Any investment losses are proportionately shared by all funds in the pool.

The county is authorized to deposit cash and invest excess funds by California Government Code Section 53648 et seq. The funds maintained by the county are either secured by federal depository insurance or are collateralized.

Information regarding the amount of dollars invested in derivatives with San Diego County Treasury indicates the amount was less than 1% for the year ended June 30, 2011.

b. Stores Inventories and Prepaid Expenditures

Inventories are recorded using the purchase method in that the cost is recorded as an expenditure at the time individual inventory items are purchased. Inventories are valued at average cost and consist of expendable supplies held for consumption. Reported inventories are equally offset by a fund balance reserve, which indicates that these amounts are not “available for appropriation and expenditure” even though they are a component of net current assets.

c. Capital Assets

Purchased or constructed capital assets are reported at cost or estimated historical cost. Donated fixed assets are recorded at their estimated fair value at the date of the donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the assets’ lives are not capitalized. A capitalization threshold of $5,000 is used.

Capital assets are being depreciated using the straight-line method over the following estimated useful lives:

<table>
<thead>
<tr>
<th>Asset Class</th>
<th>Estimated Useful Lives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>25-50</td>
</tr>
<tr>
<td>Improvements of Sites</td>
<td>7-25</td>
</tr>
<tr>
<td>Equipment</td>
<td>5-20</td>
</tr>
</tbody>
</table>
B. Summary of Significant Accounting Policies (Continued)

   d. Compensated Absences

   Accumulated unpaid employee vacation benefits are recognized as long-term liabilities of the JPA.

   Accumulated sick leave benefits are not recognized as liabilities of the JPA. The JPA’s policy is to record sick leave as an operating expense in the period taken since such benefits do not vest nor is payment probable.

   e. Deferred Revenue

   Cash received for federal and state special projects and programs is recognized as revenue to the extent that qualified expenditures have been incurred. Deferred revenue is recorded to the extent cash received, on specific projects and programs, exceeds qualified expenditures.

   f. Fund Balance Reserves and Designations

   Reservations of the ending fund balance indicate the portions of fund balance not appropiable for expenditure or amounts legally segregated for a specific future use. The reserve for revolving fund, reserve for stores inventory, and reserve for prepaid expenditures, respectively. These amounts are not available for appropriation and expenditure at the balance sheet date.

   Designations of the ending fund balance indicate tentative plans for financial resource utilization in a future period.

   g. Use of Estimates

   The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

   h. Classification of Items

   Certain items may have been classified differently from one year to another.
C. Compliance and Accountability

1. Finance-Related Legal and Contractual Provisions

   In accordance with GASB Statement No 38, “Certain Financial Statement Note Disclosures,” violations of finance-related legal and contractual provisions, if any, are reported below, along with actions taken to address such violations:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>None Reported</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

2. Deficit Fund Balance or Fund Net Assets of Individual Funds

   Following are funds having deficit fund balances or fund net assets at year end, if any, along with remarks which address such deficits:

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Deficit Amount</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>None Reported</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

D. Cash and Investments

1. Cash in County Treasury:

   The JPA maintains substantially all of its cash in the San Diego County Treasury as part of the common investment pool (a deficit of $181,517 as of June 30, 2011). This deficit balance is listed as a liability in the accompanying financial statements.

2. Cash on Hand, in Banks, and in Revolving Fund

   Cash balances on hand and in banks ($0 as of June 30, 2011) and in the revolving fund ($300) are insured up to $250,000 by the Federal Depository Insurance Corporation. All cash held by the financial institution is fully insured or collateralized.

3. Analysis of Specific Deposits and Investments

   Cash and Investments as of June 30, 2011, are classified in the accompanying financial statements as follows:
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN
SPACE PARK JOINT POWERS AUTHORITY
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2011

D. Cash and Investments (Continued)

Statement of Net Assets:

<table>
<thead>
<tr>
<th>Credit Quality Rating</th>
<th>Deficit Cash in County Treasury</th>
<th>Cash in Revolving Fund</th>
<th>Investments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Rated</td>
<td>(181,517)</td>
<td>Not Applicable</td>
<td>852,791</td>
</tr>
<tr>
<td>Total</td>
<td>$ 671,574</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Cash and Investments as of June 30, 2011, consist of the following:

- Deficit Cash in County Treasury: (181,517)$
- Deposits with Financial Institutions: 853,091
- Total: $ 671,574

Investments Authorized by the JPA’s Investment Policy

The JPA’s Board of Directors established an internally managed investment account at Fidelity Brokerage Services with two funds, a growth fund for long term reinvestment and a non-wasting income fund for land management purposes. At June 30, 2011, the principal balance of the JPA’s Fidelity ETF combined fund was $852,791.

Disclosures Relating to Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment the greater the sensitivity of its fair value to changes in market interest rates.

Disclosures Relating to Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization.

Concentration of Credit Risk

The investment policy of the JPA contains no limitations on the amount that can be invested in any one issuer beyond that stipulated by the California Government Code, which is investments in any one issuer (other than U.S. Treasury Securities, mutual funds, and external investment pools) that represent 5% or more of total JPA investments.
D. Cash and Investments (Continued)

Custodial Credit Risk

Custodial credit risk for investments is the risk that, in the event of the failure of a depository financial institute, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The California Government Code and the JPA’s investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits, other than the following provision for deposits. The California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure governmental agency deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits.

The custodial credit risk for investment is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the JPA’s investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for investments. With respect to investments, custodial credit risk generally applies only to direct investments in marketable securities. Custodial credit risk does not apply to a local government’s indirect investment in securities through the use of mutual funds or government investment pools.

Investment Accounting Policy (Continued)

The JPA is required by GASB Statement No. 31 to disclose its policy for determining which investments, if any, are reported at amortized cost. The JPA’s general policy is to report money market investments and short-term participating interest-earning investment contracts at amortized cost and to report nonparticipating interest-earnings investment contracts using a cost-based measure. However, if the fair value of an investment is significantly affected by the impairment of the credit standing of the issuer or by other factors, it is reported at fair value. All other investment are reported at fair value unless a legal contract exists which guarantees a higher value.
D. Cash and Investments (Continued)

The term “short-term” refers to investments which have a remaining term of one year or less at time of purchase. The term “nonparticipating” means that the investment’s value does not vary with market interest rate changes. Nonnegotiable certificates of deposit are examples of nonparticipating interest-earning investment contracts.

The JPA’s investments in external investment pools are reported at an amount determined by the fair value per share of the pool’s underlying portfolio, unless the pool is 2a7-like, in which case they are reported at share value. A 2a7-like pool is one which is not registered with the Securities and Exchange Commission (“SEC”) as an investment company, but nevertheless has a policy that it will, and does, operate in a manner consistent with the SEC’s Rule 2a7 of the Investment Company Act of 1940.

E. Accounts Receivable

Accounts Receivable as of June 30, 2011, consists of the following:

<table>
<thead>
<tr>
<th></th>
<th>General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government</td>
<td>$161,064</td>
</tr>
<tr>
<td>Contracts and Grants</td>
<td>$11,158</td>
</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
<tr>
<td>Total Accounts Receivable</td>
<td>$172,222</td>
</tr>
</tbody>
</table>
F. **Capital Assets**

Capital Assets activity for the year ended June 30, 2011, was as follows:

<table>
<thead>
<tr>
<th></th>
<th>Beginning Balances</th>
<th>Additions</th>
<th>Deletions</th>
<th>Ending Balances</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital Assets, Not</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Being Depreciated:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>$33,927,783</td>
<td>-</td>
<td>-</td>
<td>$33,927,783</td>
</tr>
<tr>
<td>Construction in Progress</td>
<td>992,146</td>
<td>-</td>
<td>(992,146)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Capital Assets,</strong></td>
<td>34,919,929</td>
<td>-</td>
<td>(992,146)</td>
<td>33,927,783</td>
</tr>
<tr>
<td><strong>Capital Assets,</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Being Depreciated:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvement of Sites</td>
<td>14,359,114</td>
<td>2,411,557</td>
<td>-</td>
<td>16,770,671</td>
</tr>
<tr>
<td>Furniture and Equipment</td>
<td>140,229</td>
<td>27,316</td>
<td>-</td>
<td>167,545</td>
</tr>
<tr>
<td><strong>Total Capital Assets,</strong></td>
<td>14,499,343</td>
<td>2,438,873</td>
<td>-</td>
<td>16,938,216</td>
</tr>
<tr>
<td><strong>Less Accumulated Depreciation for:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvement of Sites</td>
<td>(889,508)</td>
<td>(810,386)</td>
<td>-</td>
<td>(1,699,894)</td>
</tr>
<tr>
<td>Furniture and Equipment</td>
<td>(59,517)</td>
<td>(28,442)</td>
<td>(1)</td>
<td>(87,960)</td>
</tr>
<tr>
<td><strong>Total Accumulated</strong></td>
<td>(949,025)</td>
<td>(838,828)</td>
<td>(1)</td>
<td>(1,787,854)</td>
</tr>
<tr>
<td><strong>Total Capital Assets, Net</strong></td>
<td>13,550,318</td>
<td>1,600,045</td>
<td>(1)</td>
<td>15,150,362</td>
</tr>
</tbody>
</table>

Capital Assets, Net of Depreciation $48,470,247 $1,600,045 $(992,147) $49,078,145

*Beginning Balances were restated to reflect actual ending balances at June 30, 2008. See Note N.*

Depreciation was charged to functions as follows:

- **Unallocated Depreciation** $838,828

G. **Long-Term Obligations**

1. **Long-Term Obligation Activity**

Long-term obligations include debt and other long-term liabilities. Changes in long-term obligations for the year ended June 30, 2011, are as follows:
G. Long-Term Obligations (Continued)

<table>
<thead>
<tr>
<th>Governmental Activities</th>
<th>Amounts</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Beginning</td>
<td>Increases</td>
<td>Decreases</td>
<td>Ending</td>
<td>Due Within</td>
</tr>
<tr>
<td></td>
<td>Balance</td>
<td></td>
<td></td>
<td>Balance</td>
<td>One Year</td>
</tr>
<tr>
<td>San Diego Credit Union Note</td>
<td>$17,237</td>
<td>$ -</td>
<td>$(4,882)</td>
<td>$12,355</td>
<td>$5,181</td>
</tr>
<tr>
<td>Compensated Absences*</td>
<td>26,652</td>
<td>-</td>
<td>-</td>
<td>26,652</td>
<td>-</td>
</tr>
<tr>
<td>Total Governmental Activities</td>
<td>$43,889</td>
<td>$ -</td>
<td>$(4,882)</td>
<td>$39,007</td>
<td>$5,181</td>
</tr>
</tbody>
</table>

* Because of the nature of compensated absences and uncertainty over when vacations will be taken, a statement of debt service requirements to maturity for compensated absences has not been presented.

2. San Diego Credit Union Note

On November 7, 2007, the JPA took out a note from San Diego Credit Union in the amount of $23,607. This note is secured by a 2008 Toyota Tacoma Truck. This note calls for 72 monthly principal payments of $482 with interest at 5.99%. The note matures in September 2013.

The annual requirements to amortize the San Diego Credit Union Note, outstanding as of June 30, 2011, are as follows:

<table>
<thead>
<tr>
<th>Year Ending June 30,</th>
<th>Principal</th>
<th>Interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$ 5,181</td>
<td>$ 603</td>
<td>$ 5,784</td>
</tr>
<tr>
<td>2013</td>
<td>5,501</td>
<td>277</td>
<td>5,778</td>
</tr>
<tr>
<td>2014</td>
<td>1,673</td>
<td>18</td>
<td>1,691</td>
</tr>
<tr>
<td></td>
<td>$ 12,355</td>
<td>$ 898</td>
<td>$ 13,253</td>
</tr>
</tbody>
</table>

H. Operating Leases

The JPA has entered into operating leases for office space and a copier with lease terms in excess of one year. These agreements contain a purchase option. Future minimum lease payments under these agreements are as follows:

<table>
<thead>
<tr>
<th>Year Ending June 30,</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$ 2,793</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>937</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$ 3,730</td>
<td></td>
</tr>
</tbody>
</table>
H. Operating Leases (Continued)

The JPA will receive no sublease rental revenues nor pay any contingent rentals associated with these leases. Total lease payments for the year ended June 30, 2011, was $2,793.

I. Employee Retirement Systems

The JPA has entered into an agreement whereby all permanent employees who work twenty (20) or more hours per week are eligible to participate in the San Diego County Employees Retirement System (SDCERA).

Plan Description

The SDCERA administers a single-employer defined benefit pension plan which provides retirement, disability, and death benefits for plan members and beneficiaries pursuant to the County Retirement Law of 1937 enacted and amended by the State legislature. The plan integrated with the Federal Social Security System. Cost-of-living adjustments are provided to members and beneficiaries at the discretion of the SDCERA Board of Retirement. SDCERA issues a publicly available financial report that includes financial statements and required supplementary information for the pension plan. The financial report may be obtained by writing to the San Diego County Employees Retirement Association, 1495 Pacific Highway, Suite 400, San Diego, California 92101 or by calling (619) 515-6800.

Funding Policy

State statutes require member contributions to be actuarially determined to provide a specific statutory level of benefit. Member contribution rates as a percentage of salary vary according to age at entry, benefit tier level, and certain negotiated contracts which provide for the County to pay a portion of the employees’ contribution. Participant’s contribution rates expressed as a percentage of salary varies from 9.03% to 14.05% based on the age at the time entry. The JPA is required to contribute at an actuarially determined rate; the current rate is 21.49% plus a negotiated off set of up to 3.5% of the annual covered payroll.

J. Risk Management

The JPA carries commercial insurance to cover various risks of loss related to limited torts; theft of, damage to and destruction of assets; errors and omissions and natural disasters.

Health care coverage is provided to qualified employees through a plan with the County of San Diego. Workers Compensation coverage is provided to the JPA through the Special District Risk Management Authority.
K. Endowment Funds

At June 30, 2011, the JPA had four (4) endowment funds. The endowments were established at three different foundations whereby the JPA irrevocably donated funds to the foundations with the JPA to receive the net investment income. The principal of the endowments are the property of the foundations and are not reflected in the JPA’s financial statements. The purpose of the endowments and the market value at June 30, 2011, including the amounts available for distribution to the JPA are as follows:

1. Rancho Santa Fe Foundation – Agreement dated September 9, 2003. The purpose of the fund is to provide funds for repair or replacement of the portion of the Coast to Crest Trail built by Crosby at Rancho Santa Fe within the 100-year floodplain. The balance of the fund at June 30, 2011, is $47,397.

2. Rancho Santa Fe Foundation – Agreement dated July 27, 2004. The purpose of the fund is to maintain and preserve certain parcels on Bernardo Mountain. The balance of the fund at June 30, 2011, is $548,578.

3. Del Mar Foundation – Agreement dated April 8, 2004. The purpose of the fund is to provide for the future physical maintenance and management of the San Dieguito Lagoon from the Pacific Ocean to El Camino Real. The balance of the fund at June 30, 2011, is $562,572.

4. San Diego Community Foundation - Agreement dated May 7, 1997. The purpose of the fund is to support the operations and programs of the San Dieguito River Park. The balance of the fund at June 30, 2011, is $599,876.

L. Federal and State Grants

The JPA has been awarded grants from the State of California and the Federal Government to fund land purchases in the San Dieguito River Valley. The State of California and the Federal Government both reserve certain rights with respect to all such land acquired using these funds.

M. Commitments and Contingencies

State and Federal Allowances, Awards, and Grants

The JPA has received state and federal funds for specific purposes that are subject to review and audit by the grantor agencies. Although such audits could generate expenditure disallowances under terms of the grant, it is believed that any required reimbursement will not be material.
SAN DIEGUITO RIVER VALLEY
REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY

REQUIRED SUPPLEMENTARY INFORMATION SECTION

JUNE 30, 2011
## SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY
### GENERAL FUND
#### BUDGETARY COMPARISON SCHEDULE
##### FOR THE YEAR ENDED JUNE 30, 2011

<table>
<thead>
<tr>
<th></th>
<th>Budgeted Amounts</th>
<th>Variance with Final Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Original</td>
<td>Final</td>
</tr>
<tr>
<td><strong>Revenues:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessments - Members</td>
<td>$ 452,935</td>
<td>$ 452,935</td>
</tr>
<tr>
<td>Off Track Betting</td>
<td>43,000</td>
<td>43,000</td>
</tr>
<tr>
<td>Contracts and Grants</td>
<td>2,532,428</td>
<td>2,551,428</td>
</tr>
<tr>
<td>Investment Income</td>
<td>90,168</td>
<td>90,168</td>
</tr>
<tr>
<td>Donations</td>
<td></td>
<td>21,015</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>725,000</td>
<td>762,052</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>3,843,531</td>
<td>3,920,598</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits</td>
<td>748,259</td>
<td>798,180</td>
</tr>
<tr>
<td>Auto and Travel Expense</td>
<td>13,000</td>
<td>13,000</td>
</tr>
<tr>
<td>Professional and Contracted Services</td>
<td>552,537</td>
<td>552,537</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>55,651</td>
<td>69,651</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,589,000</td>
<td>2,608,000</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>3,958,447</td>
<td>4,041,368</td>
</tr>
<tr>
<td><strong>Excess (Deficiency) of Revenues Over (Under) Expenditures</strong></td>
<td>(114,916)</td>
<td>(120,770)</td>
</tr>
<tr>
<td><strong>Net Change in Fund Balance</strong></td>
<td>(114,916)</td>
<td>(120,770)</td>
</tr>
<tr>
<td>Fund Balance - Beginning</td>
<td>859,810</td>
<td>859,810</td>
</tr>
<tr>
<td>Prior Period Adjustment</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fund Balance - Ending</strong></td>
<td>$ 744,894</td>
<td>$ 739,040</td>
</tr>
</tbody>
</table>
SAN DIEGUITO RIVER VALLEY 
REGIONAL OPEN SPACE PARK 
JOINT POWERS AUTHORITY 

OTHER SUPPLEMENTARY INFORMATION SECTION 

JUNE 30, 2011
The Board of Directors for the year ended June 30, 2011, was comprised of the following members:

### Governing Board

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Earnest</td>
<td>Chair</td>
<td>Del Mar City Council</td>
</tr>
<tr>
<td>Sherri Lightner</td>
<td>Vice-Chair</td>
<td>San Diego City Council</td>
</tr>
<tr>
<td>Olga Diaz</td>
<td>Director</td>
<td>Escondido City Council</td>
</tr>
<tr>
<td>Jim Cunningham</td>
<td>Director</td>
<td>Poway City Council</td>
</tr>
<tr>
<td>Carl DeMaio</td>
<td>Director</td>
<td>San Diego City Council</td>
</tr>
<tr>
<td>Dianne Jacob</td>
<td>Director</td>
<td>County of San Diego</td>
</tr>
<tr>
<td>Pam Slater-Price</td>
<td>Director</td>
<td>County of San Diego</td>
</tr>
<tr>
<td>David W. Roberts</td>
<td>Director</td>
<td>Solana Beach City</td>
</tr>
<tr>
<td>Tom Golich</td>
<td>Director</td>
<td>Citizens Advisory Committee</td>
</tr>
<tr>
<td>Becky Bartling</td>
<td>Ex Officio</td>
<td>22nd District Ag. Association</td>
</tr>
</tbody>
</table>

### Administration

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Bobertz</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Susan Carter</td>
<td>Deputy Director</td>
</tr>
</tbody>
</table>
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY

OTHER INDEPENDENT AUDITORS’ REPORTS SECTION

JUNE 30, 2011
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Board of Directors
San Dieguito River Valley Regional Open Space Park Joint Powers Authority
Escondido, California

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of San Dieguito River Valley Regional Open Space Park Joint Powers Authority (the JPA) as of and for the year ended June 30, 2011, which collectively comprise the JPA’s basic financial statements and have issued our report thereon dated February 10, 2012. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the JPAs internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the JPA’s internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the JPA’s internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, to detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.
Compliance and Other Matters

As part of obtaining reasonable assurance about whether the JPA’s financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statements amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of the Audit/Finance Committee, Management, Board of Directors, and federal awarding agencies and pass-through entities, if applicable, and is not intended to be and should not be used by anyone other than these specified parties.

San Diego, California
February 10, 2012
A. Summary of Auditors' Results

1. Financial Statements

   Type of auditors' report issued: ____________ Unqualified

   Internal control over financial reporting:

   One or more material weaknesses identified? ____ Yes  X  No

   One or more significant deficiencies identified that are not considered to be material weaknesses? ____ Yes  X  None Reported

   Noncompliance material to financial statements noted? ____ Yes  X  No

2. Federal Awards

   Internal control over major programs:

   One or more material weaknesses identified? ____ N/A

   One or more significant deficiencies identified that are not considered to be material weaknesses? ____ N/A

   Type of auditors' report issued on compliance for major programs: ____ N/A

   Any audit findings disclosed that are required to be reported in accordance with Section .510(a) of Circular A-133? ____ N/A

   Identification of major programs:

<table>
<thead>
<tr>
<th>CFDA Number(s)</th>
<th>Name of Federal Program or Cluster</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

   Dollar threshold used to distinguish between type A and type B programs: $300,000

   Auditee qualified as low-risk auditee? ____ N/A
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN
SPACE PARK JOINT POWERS AUTHORITY
SCHEDULE OF AUDIT FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2011

B. Financial Statement Findings

NONE

C. Federal Award Findings and Questioned Costs

NONE
## SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY
## SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
## FOR THE YEAR ENDED JUNE 30, 2011

<table>
<thead>
<tr>
<th>Finding/Recommendation</th>
<th>Current Status</th>
<th>Management's Explanation If Not Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
TO: JPA Board
FROM: Staff
SUBJECT: Unpermitted Grading of Road on Rancho Guejito

RECOMMENDATION:

Send letters to County of San Diego and California Department of Fish and Game Urging Thorough Investigation, Prosecution and Restoration

A. Background

In December, unpermitted grading activity on Rancho Guejito was stopped when the County issued a Stop Work Order. The stop order was for work on a dirt road on the southern portion of the 23,000 acre property which includes California's last intact Mexican land grant on its northern stretch. The order said there were four violations for unauthorized grading and clearing along a new road that County officials said extended several thousand feet, and that the road was graded near a water channel.

According to the North County Times, Hank Rupp, a spokesman for Rancho Guejito Corp., which owns the property, said that the road was nothing more than a farm road connecting two groves. He said it has been on the property for decades and "was maintained last summer." He said that the road had nothing to do with any possible development plans at Rancho Guejito.

A review of aerial photos appears to indicate that a new southern road was cut across Rancho Guejito. The road is not apparent in looking at Google Earth photos dated 8/23/10.

News articles (attached) indicate that Federal, state and county authorities are investigating the road in question.

B. Summary and Recommendation

Rancho Guejito is within the Focused Planning Area of the San Dieguito River Park. Your Board amended the Focused Planning Area on April 20, 2007 to add Rancho Guejito because of its legacy value to the region, and the desire to give the San Dieguito River Park a role in considering and reviewing future plans for the area. In addition, Guejito Creek is a tributary creek to the San Dieguito River. The unpermitted grading has the capacity to impact the River Park because of potential erosion adjacent to a creek and because of its growth-inducing potential in providing additional access for future development. For these reasons, staff recommends that your Board request the County, State and Federal agencies to investigate the matter closely, and if the road was illegally graded, then to prosecute to the fullest extent, including a requirement to restore the native grade, revegetate the graded area and mitigate to
offset the impacted habitat area.

CAC RECOMMENDATION: This item was discussed by the Citizens Advisory Committee at their meeting of February 3rd. The CAC voted 15 in favor, 1 opposed and 1 abstaining to recommend that your Board take strong action to request the responsible agencies to require that the road that was graded on Rancho Guejito without the proper permits be restored to its former native grade and the impacts mitigated appropriately.

ALTERNATIVES:

1. Send letters to the County and California Department of Fish and Game.
2. Do not send letters to the County and California Department of Fish and Game.

RECOMMENDATION:

Send letters to County of San Diego and California Department of Fish and Game Urging Thorough Investigation, Prosecution and Restoration

Respectfully submitted,

Dick Bobertz
Executive Director

Attachments

1 & 2 Photo of Graded Road
1 & 2 Photo before road was graded (2010)
3. North County Times news article, February 5, 2012
Above: after road construction; Below: pre-road construction
Above: close-up of road construction (with erosion control required by County)
EXCLUSIVE: Road into vast ranch could ease development, draw sanctions

By CHRIS NICHOLS cnichols@nctimes.com | Posted: Sunday, February 5, 2012 5:00 am

A review of photos and satellite images by the North County Times shows a new southern road was cut across Rancho Guejito last year, contradicting recent statements by the property owner's attorney and possibly paving the way for development on the legendary Old California ranch east of Escondido.

Federal, state and county authorities are investigating the road in question. County officials issued a stop work order in December to the property's owner, Rancho Guejito Corp., saying the company conducted grading and road work without a permit, and graded near a water channel.

Authorities inspected the road last month. They have yet to release any findings.

The stakes in the probe are high: If violations of the federal Clean Water Act are found, severe penalties could follow.

But veteran observers of development in Southern California say those penalties may be insignificant to Rancho Guejito Corp. compared with the benefit it gains from a new road on the land. They say such access could boost the property's value and someday unlock a city-sized development on the pristine acreage.

In a January interview, Hank Rupp, the corporation's attorney, told the North County Times that the road in question was an old farm road connecting two groves and "has been there for decades."

He said the pathway was "maintenanced" last summer but had nothing to do with development plans for the giant ranch. Reports in 2009 that up to 10,000 homes could be built on the ranch placed Guejito (pronounced wuh-HEE-toh) at the center of a struggle between growth and conservation.

Rupp said in a phone interview last week that he stood by his January statements. He dismissed the idea that images provided to the newspaper by Mitch Perdue and Kit Wilson, two men with on-the-ground knowledge of Rancho Guejito, proved the road in question was new.

Perdue, a biologist for the Navy, worked for Rancho Guejito from 2005 to 2011 as a range land consultant. Wilson is a real estate agent who said he surveyed existing roads on the ranch during a recent sale of property to Rancho Guejito.

'Not the last word'

Perdue provided a chronological series of Google Earth satellite images showing there was no road that extended through Guejito Creek Canyon as recently as September 2011. He provided those images in tandem with an aerial photograph showing a recently cut dirt road that did extend through Guejito Creek Canyon. Perdue said he took that photo from a helicopter on Jan. 1, 2012.

"Both of those individuals have an axe to grind with Rancho Guejito," Rupp said of Perdue and Wilson, adding that "Google Earth images are not the last word in evidence."

Perdue said the ranch owes him $300,000 for service he has provided over several years. He said the unpaid invoices are not the reason he provided images contradicting Rupp's statements.

"I don't expect to see a red cent (from the ranch)," said Perdue, who said his primary source of income comes from his work with the Navy. "My pure motivation, being a biologist, is that (Rancho Guejito) is one of the premier chunks of real estate in the Western United States."

Rancho Guejito spans 22,500 acres, according to the corporation. It stretches nearly from Highway 76 and Lake Henshaw in the north to Highway 78 east of the San Diego Zoo Safari Park in the south. It borders the Cleveland National Forest and includes a 13,000-acre parcel that is the last intact Mexican land grant in California and dates to 1845.
The land includes old adobe homes, American Indian artifacts, running streams and high mountain territory. Rancho Guejito has been described as a "jewel" by historians and conservationists alike.

**Missing link**

Finding access to Highway 78 has long been considered crucial to development on Rancho Guejito. The main route to the property is along Old Guejito Road, which runs near Lake Wohlford but has no direct connection to any major highways.

Recent land purchases by the Rancho Guejito Corp. stretched the property south to Highway 78.

But as the ranch expanded, it still lacked a passable road connecting the highway to the ranch's Southern Pasture, an area identified by the corporation as a site for thousands of homes, Wilson said.

The road built last year does not stretch across the historic Mexican land grant far to the north.

But it does give Rancho Guejito its missing southern link, Wilson said.

"In order for there to be any development, there has to be a second access road — and that's what they just cut," said Wilson, who describes himself as an environmental land specialist and writes about the ranch on his website, [www.guejito.info](http://www.guejito.info).

Wilson provided the North County Times with photos he said he took last week showing a new road along Guejito Creek Canyon.

No such road existed in 2005 when he represented the Hillebrecht family's sale of their 260-acre ranch — just south of the canyon — to the corporation, Wilson said.

"During my representation, I had ample opportunity to inspect roads and terrain. Although the Guejito has many existing ranch roads as does the newly acquired Ranch in San Pasqual (Hillebrecht's former property), no connection between the two existed until now," Wilson wrote on his website. "Any suggestion that there was a pre-existing road in the transverse of Guejito Creek Canyon is false."

**Preservation aspirations**

Wilson, an Escondido native, said his fascination with Rancho Guejito dates back decades. And while he said he hopes the private property is someday preserved, Wilson said he does not have an ax to grind with the ranch's owner.

Rupp declined to elaborate on any conflict with Wilson.

In a 2010 interview, Rupp said Rancho Guejito Corp. was interested in gaining development rights on 6,200 acres south of the Mexican land grant. The corporation would preserve the 13,000-acre land grant in exchange, Rupp said.

The San Diego County Board of Supervisors would have to consider any such proposal, though the corporation has also considered placing such an idea on the ballot.

Supervisor Bill Horn, who in 2008 led an effort to raise government money to buy and preserve Rancho Guejito, was not available for an interview on Friday. His spokeswoman, Anita Lightfoot, said Horn did not know enough about the road matter to comment.

"He'd love to see Rancho Guejito preserved. But at this point, it's still in the (Coates) family. It's a private property," Lightfoot said.

The property was owned by shipping magnate Benjamin Coates from 1974 until his death in 2004. His daughter, Theodate Coates, a New York artist, inherited control of the corporation.

Rupp represents her interests and speaks for the company.

Bob Lerner, a Valley Center historian who has written extensively about Rancho Guejito, said a map from a century ago showed the Old Guejito truck trail connecting the rancho to the San Pasqual Valley. He said he did not know enough about the road in question to comment on the matter.

Another person with deep family ties near the pathway in question said no road ever ran up Guejito Creek Canyon. She
declined to be named for this article.

**Range of penalties**

Should authorities conclude Rancho Guejito Corp. illegally constructed a road along Guejito Creek, they could assess a range of penalties.

The maximum penalty handed out by the U.S. Army Corps of Engineers is limited to property owners who are repeat and flagrant violators of the federal Clean Water Act. It imposes a $50,000 criminal fine or imprisonment for each day a violation is in place following the agency's determination.

It was unknown whether Rancho Guejito Corp. has violated the Clean Water Act in the past.

The corps' less severe penalties include required restoration of the disturbed wetland or waterway, said Meris Bantilan-Smith of the corps' regulatory division.

She said it was possible a property owner could be required to restore a roadway to its original condition following an illegal grading violation.

**San Diego County's grading ordinance** includes restoration as one option to remedy illegal grading.

Dan Silver, a close observer of Rancho Guejito and president of the Los Angeles-based *Endangered Habitats League*, said illegal road grading is sometimes used to create "facts on the ground" that years later are accepted as legal and pave the way for development.

Rupp said in January that the road in question is too steep to ever allow the heavy flow of traffic from a large development.

Some observers say just having a road, whether it accommodates growth or not, can boost a property's value on paper.

That, combined with the relatively small fines often handed out for such violations, may be the reason Rancho Guejito Corp. decided to gamble on building an unauthorized road, Wilson said.

"It is so valuable to them. It increases the entire value of the ranch so significantly that any penalty they might pay would be well worth it," Wilson added.
Agenda Item 3  
February 17, 2012

TO: JPA Board  
FROM: Staff  
SUBJECT: El Camino Real Wildlife Undercrossing Update

RECOMMENDATION:

Approve the attached letter to City of San Diego urging completion of the El Camino Real culvert replacement project.

El Camino Real was recently widened on the east side between Derby Downs Road and San Dieguito Road to add a second travel lane, pedestrian path, and bike lane. The widening was funded by developer DR Horton as partial mitigation for development of Black Mountain Ranch.

In a separate agreement by the City and funded by the Community Financing District, DR Horton is also replacing the existing culvert under El Camino Real just south of San Dieguito Road with a wider, single span culvert to better facilitate wildlife movement and a future trail (Attachment 1). This new culvert is the result of years of effort by the community and the San Dieguito River Park advocating better wildlife movement across El Camino Real as well as a future trail connection under the roadway. Work on the culvert replacement began in November 2011, but was subsequently suspended in December 2011 due to flooding at the site. It was agreed by the developer and the City that work would discontinue until after the rainy season, and then resume in April 2012 should weather permit.

While a short delay of the project is not a big concern, recent correspondence between City staff and DR Horton regarding payment of extra costs associated with the project delay raises concerns about the project’s status and eventual completion (Attachment 2):

- The question over who takes responsibility for paying the extra delay cost of $115,000 is unresolved.
- Should cost be a significant issue, what is the plan for completing the work? Both entities share a responsibility to finish the work.
- The potential exists for a longer delay until August 2012 or later as stated in DR Horton’s letter.
- What is the assurance that the undercrossing will be completed?

The JPA’s draft letter urges the City to take aggressive action to ensure the project is completed
in a timely manner (Attachment 3).

**CAC RECOMMENDATION:**

The CAC has been following this project for many years. At their February 3, 2012 meeting, the CAC voted to recommend that the JPA Board consider sending a letter to the City urging completion of the project (Yes – 20, No – 0, Abstain – 1).

**ALTERNATIVES**

1. Send the attached letter.
2. Make changes to the attached letter.
3. Provide other direction.

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**RECOMMENDATION:**

Approve the attached letter to City of San Diego urging completion of the El Camino Real culvert replacement project.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:

1. [Click here for Plan sheet of El Camino Real widening project](#)
2. Correspondence between DR Horton and City of San Diego
3. Draft JPA letter
David Stearn
DR Horton
2280 Wardow Circle #100
Corona, CA 92880

Subject: El Camino Real Animal Undercrossing- Suspension of Work

Mr. Stearn,

I am in receipt of your letter dated January 3\textsuperscript{rd}, 2012 in regards to suspension of work. The City of San Diego is agreeable to your decision to the suspension of work until April 16\textsuperscript{th}, 2012 but not to any costs associated with your decision. The reasons are as follows:

- Per your email on March 10\textsuperscript{th}, 2010 we were notified that DR Horton will not be constructing the culvert till the roadway is completed. Almost a year and a half later, do to your delays in obtaining the approvals to advertise the project which had a bid opening on September 14\textsuperscript{th}, 2011 you subsequently pushed this project into the rain season of 2011/12.

- The contractor, bidding this project which would be in the rainy season should have made provisions in their bid to construct this undercrossing where a triple box culvert exists. This is not an unforeseen condition that the contractor should be compensated for.

If you have any questions please feel free to contact me.

Sincerely,

George Qsar, P.E
Construction Engineer

CC: Brad Johnson, Senior Civil Engineer, Right-of-Way Division, MS 908
Charles Wilcox, Debt Coordinator, Debt Management, MS 7B
Igor Levin, Assistant Civil Engineer, Field Engineering Division, MS 18
January 3, 2012

City of San Diego
Mr. George Qsar
9485 Aero Drive, MS 18
San Diego, CA 92123

Subject: El Camino Real Animal Undercrossing – Suspension of Work

Mr. Qsar,

As you are aware DR Horton publicly bid the construction of the El Camino Real Animal Undercrossing (“Project”) on September 14, 2011 and subsequently contracted with the low bidder Palm Engineering Construction Company, Inc (“Contractor”). As time progressed we began to assess the site conditions and it became apparent to construct the Project during the rainy season would be a huge challenge that would require additional resources and money that in all likelihood could be avoided/mitigated if the Project were to be temporarily suspended. It is DR Horton’s intention to suspend the construction of the Project until Monday, April 16, 2012 subject to weather conditions.

To assess what we would likely encounter if we proceeded with construction of the Project at this current time, we met onsite Monday, November 21st – a day or so after a minor storm passed through. The condition of the site and the flow of the water from upstream to downstream was substantial and proceeding now would create a situation of time consuming and costly delays. The only two remedies to control the storm water would be to (1) create a dam and then hard line divert the water through the construction area which would inconvenience the contractor when pouring the foundation of the arch culvert or (2) pump the storm water into an existing sewer manhole. The latter of which has been broached with the City and at the time of this letter we still do not have a clear indication of what is required in order to ascertain the feasibility of this scenario. Further, even without flowing surface water, the soils in the drainage would likely remain fairly saturated, compromising the culvert removal and replacement process.

Moving forward, we met with Igor Levin on Thursday, December 8th at the City offices on Aero Drive. At the meeting we discussed the issues at hand, the costs associated with mitigating storm water and it was suggested a suspension of work could be the most reasonable option at this time. We ran a cost analysis of both scenarios, (1) continuing work now or (2) suspending work to the future. To continue work now the additional cost would conservatively be approx. $350k whereas the cost to postpone and commence after the rainy season will be approx. $115k. With this analysis in hand and a clear indication a suspension of work makes most monetary sense, Igor requested we return to the site to it’s pre-existing condition and required us to perform the following: (1) replace the 6” AC Berm at the median curbs (northbound and southbound), (2) remove all BMP’s or maintain BMP’s throughout the suspension of work, (3) remove the port-a-potty, and (4) remove all temporary traffic signs. On Thursday December 22, 2011 we completed all required tasks and subsequently walked the site with Igor Levin to ensure we met those
requirements and left the site in its pre-existing condition prior to mobilizing. Effective Friday, December 23, 2011 we will be off site until further notice.

DR Horton tentatively plans to re-mobilize and start construction of the Project on or around Monday, April 16, 2012 subject to weather conditions and with the understanding all costs associated with the suspension of work and mitigating the gnatcatcher will be an eligible cost through the CFD. Should there be an issue with the City not willing to reimburse DR Horton for all expenditures required to suspend the Project, such as rent for the lay down yard, additional charge to store the arch culvert, remobilization and all requirements pertaining to the environmental mitigations (i.e. establishing requirements, sound wall, monitoring, etc.), then DR Horton would be forced to delay the Project even further to August 15, 2012 when the nesting season is over. Such delay could potentially push the Project out enough that we would be affected by and encounter the same conditions we face today – the rainy season. Please note that if we were to proceed with the project through this rainy season, there would be little chance of completing it before the nesting season begins anyway, so the noise mitigation costs would likely be incurred regardless.

Please know it is every bit our intent to construct this project in the most productive and cost effective manner. We understand we are acting as an agent of the City and will continue to make the best decisions for the Project and the City. Thank you in advance for your attention to this matter and we look forward to working with the City to complete the Project in the most timely and cost efficient manner. Please feel free to contact me with any concerns or questions.

Sincerely,
Western Pacific Housing, Inc.

David Stearn
Sr. Vice President, Acquisitions & Planning
South Coast/Inland Empire Division

Cc: Charles Wilcox, City of San Diego
    Mel Millstein, City of San Diego
    Igor Levin, City of San Diego
    Brad Johnson, City of San Diego
    Steve Fitzpatrick, DR Horton
    Keith Alex, DR Horton
    Tom Lombardi, DR Horton
    Kim Molina, DR Horton
    Greg Perrine, Moote Group
February 17, 2012

Mr. Brad Johnson
City of San Diego
Public Works Right-of-Way Division
9485 Aero Drive, MS 908
San Diego, CA 92123

Subject: El Camino Real Animal Undercrossing

Dear Mr. Johnson:

It has come to our attention that the El Camino Real Animal Undercrossing project has experienced a construction delay and that the developer DR Horton is objecting to paying costs associated with the delay. The JPA has worked with the City and community for several years to see that this project is built to facilitate better wildlife movement across El Camino Real and a future trail under the roadway. We appreciate the City’s support for this project and their commitment to see it built. We urge the City and developer to resolve the cost delays without adversely impacting the completion of the undercrossing, and that it be completed in a timely manner.

We continue to support this worthwhile project. Because both the City and developer share a responsibility in finishing this project, we trust that the delay issues will be resolved expeditiously.

Thank you for your continued communication with our staff and we hope to join you this year in celebrating the opening of this new undercrossing!

Sincerely,

Olga Diaz, JPA Board Chair
City of Escondido Councilmember
TO: JPA Board
FROM: Staff
SUBJECT: Issues Pending Regarding David Kreitzer Lake Hodges Bicycle/Pedestrian Bridge and West Bernardo Bike Path

Issue #1. Electric Power Hookup (for lights and gates) for David Kreitzer Lake Hodges Bicycle/Pedestrian Bridge

RECOMMENDATION:

Authorize the Executive Director to 1) enter into a Reimbursement Agreement with the City of San Diego for $335 annually; and 2) withdraw $10,995 from the Endowment/Reserve Fund to pay for the design and construction of the pedestal/transformer to enable the bridge to be connected to the City of San Diego electrical pullbox.

A. Summary

When the David Kreitzer Lake Hodges Bicycle Pedestrian Bridge was constructed in 2007-2009, there was no signal light near the bridge and the closest source of electrical power was quite a long distance up West Bernardo Drive. Our engineers, in consultation with SDGE, determined that it would cost $140,000 to make an electrical connection between the bridge and that power source. Electricity is needed at the bridge to power the focused, low level LED lights that illuminate the walking surface of the bridge. In addition, electricity is needed to operate the automatic gates so that they close at night and reopen in the morning. The decision was made to install solar panels and obtain electrical power through that means. Unfortunately, you will recall that the solar panels were stolen twice and have not been reinstalled. After the bridge was completed, a signal light was installed on West Bernardo Drive near the south abutment of the bridge, making a connection to standard electric power much more feasible. Over the last year, your staff has been working with the City Engineering Department to address issues that would enable us to hook the bridge up to the City’s electrical pullbox. Although the bridge power usage is estimated to be quite low, we were informed that the City would require reimbursement for that usage. The estimated calculated power draw is 0.92 cents per day, or $335 per year. The JPA’s electrical engineering consultant designed plans for the components necessary to physically effect the hookup – a pedestal and transformer. The consultant’s fee for that service was $5,000. The electrical contractor who installed the lights on the bridge was asked to bid on installing the pedestal and transformer. Their bid is $5,995. The electrical engineering consultant reviewed that bid and felt that it was fair and reasonable for the work.

It is important to the community for safety purposes that the bridge be lighted as designed, and that the gates be closed at night. Grant funding for both the Lake Hodges Bike/Pedestrian Bridge and the West Bernardo Bike Path has been fully expended, with no funds remaining that
could be used for this purpose. Staff recommends that your Board approve entering into a reimbursement agreement with the City of San Diego (see Attachment 1) for the bridge’s annual electrical usage, and authorize the Executive Director to withdraw $10,995 from the JPA’s Endowment/Reserve Fund to pay for the electrical design and construction.

**Issue #2. Tri-Group Construction Claim**

The contract for the West Bernardo Bike Path project was awarded to the lowest responsive bidder, Tri-Group Construction. Due to environmental restrictions, work could not be completed in the construction window, and work had to be suspended until the following Fall. The contractor submitted three claims, two that were technical in nature associated with the project design, and a third claim that was for expenses associated with the delay in the amount of $120,000. T.Y. Lin International, the engineers on that project, have provided technical expertise in reviewing and rebutting the first two claims, which consequently lapsed and are no longer being pursued by the contractor. They are also assisting with the defense on the third claim. Counsel Brechtel is reviewing the case and preparing for mediation. This matter will be discussed in more detail at a Closed Session at today’s meeting, as staff is seeking your direction with respect to the mediation.

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**RECOMMENDATION:**

Staff recommends that your Board authorize the Executive Director to withdraw $10,000 from the JPA’s Endowment/Reserve Fund with which to pay T.Y. Lin International for their consulting services in rebutting the contractor’s claims and assisting in the defense and mediation.

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Respectfully submitted,

Susan A. Carter
Deputy Director
City of San Diego/San Dieguito River Park JPA
Electrical Power Reimbursement Agreement

Whereas, the San Dieguito River Park Joint Powers Authority (JPA) owns and operates the David Kreitzer Lake Hodges Bicycle/Pedestrian Bridge (Bridge) on land it leases from the City of San Diego Public Utilities Department;

Whereas, the Bridge is designed and configured for low intensity lighting for safety purposes;

Whereas, the Bridge is required by City Council action to be closed at night, and was configured with electric-powered gates for that purpose;

Whereas, in order to power the Pomerado overcrossing traffic signal on West Bernardo Drive, the City installed an electrical pull-box that is located at the south abutment of the Bridge;

Whereas, in order to acquire electrical power in order to operate the above-referenced lighting and gates, the JPA desires to tie into the City’s existing pullbox, and is willing to reimburse the City for that service; and

Whereas, it has been estimated by the JPA’s electrical consultant, and confirmed by the City’s electrical engineering staff, that the monthly power needs to operate the Bridge lights and gates are $0.92 per day.

Now therefore it is agreed,

City agrees that the JPA may utilize the City’s pullbox to make the required electrical connections and install a pedestal adjacent to the pullbox as necessary to accommodate overcurrent protection as required by the electrical code; and City agrees to pay San Diego Gas & Electric for the cost of the service per separate agreement; and

JPA agrees in return to reimburse the City Street Division/Transportation & Stormwater Department on an annual basis for the calculated power charges, in the amount of $335 per year.

______________________________
Name
City of San Diego Street Division/
Transportation & Stormwater Department
Date:

______________________________
Dick Bobertz, Executive Director
San Dieguito River Park JPA
Date:
Agenda Item 5
February 17, 2012

TO: JPA Board

FROM: Staff

SUBJECT: Election of Chair and Vice-Chair for 2012

RECOMMENDATION:

Approve Nominating Committee’s Recommendations for JPA Chair and Vice-Chair and Committee Assignments for 2012

SITUATION:

A. Summary and Recommendation

In accordance with JPA Board Rule #1, Election of JPA Board Officers, a nominating committee comprised of Tom Golich, Pam Slater-Price and Sherri Lightner was appointed by Chair Lightner, with Board member Golich named as Chair of the committee. The nominating committee charge was to present to the Board of Directors a proposed slate which includes nominations for the two officers (Chair and Vice-Chair). The recommended slate of officers that the nominating committee is presenting for your Board’s review and approval is: Chair: Olga Diaz, City of Escondido, and Vice-Chair: Jim Cunningham, City of Poway.

In addition, your Board appoints members annually to serve on the ad hoc Land Use Committee, Acquisition & Financing Strategies Committee, Budget/Administration/Policy Committee and Wetland Advisory Committee. The proposed list of committee assignments for 2012 is attached.

ALTERNATE ACTIONS

1. Approve the slate of officers recommended by the Nominating Committee.
2. Do not approve the Nominating Committee’s slate and elect a slate using an alternate procedure.

Respectfully submitted,

Dick Bobertz
Executive Director
POLICY OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY

ELECTION OF JPA BOARD OFFICERS

PURPOSE

The San Dieguito River Park Joint Powers Authority (JPA) was formed to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park (Park). The Joint Powers Agreement provides for the Board to select its officers from among the members. The purpose of this policy is to provide direction on the selection of officers.

POLICY

The success of the JPA in fulfilling its functions as authorized by its member agencies and in carrying out its programs to serve the people of San Diego County is in the hands of its Boardmembers and most importantly its officers. Therefore, it is the policy of this Board to select officers who are enthusiastically supportive, willing and able to promote the San Dieguito River Park and its goals and objectives, and to implement the will of the Board.

OFFICERS/TERMS

The Joint Powers Authority officers shall consist of a Chair and a Vice-Chair who will serve one year terms. In January of each year, customarily the Vice-Chair from the previous year will assume the Chair’s office. At any time during the year should the Chair resign or be unable to serve in the function of Chair, the Vice-Chair will assume the Chairmanship. An effort shall be made to rotate the Chair and Vice-Chair positions among the various jurisdictions.

NOMINATING COMMITTEE

A nominating committee will be appointed by the Chair in October of each calendar year. The nominating committee shall present to the Board of Directors for their consideration at the next JPA meeting a proposed slate which includes nominations for the two officers and membership on the Land Use Committee, Acquisition and Financing Strategies Committee and the Budget/Administration/Policy Committee. These committees will meet as needed to accomplish the business of the JPA. The Board may accept the recommendations of the nominating committee or amend them by a majority vote.

REMOVAL FROM OFFICE

An officer of the San Dieguito River Park JPA may be removed by a majority vote of the Board of Directors.
DRAFT JPA AD HOC COMMITTEES, 2012

Land Use Committee
Don Mosier
Pam Slater-Price
Jim Cunningham
Olga Diaz
1st Alternate: Lesa Heebner
2nd Alternate:

Duties: 1) Review CAC and staff recommendations on pending projects, when warranted. Make project recommendations to JPA Board.
2) Consider planning and environmental issues that relate to the San Dieguito River Park.

Acquisition and Financing Strategies Committee
Lesa Heebner
Pam Slater-Price
Tom Golich
Jim Cunningham
1st Alternate: Don Mosier
2nd Alternate: Dianne Jacob

Duties: 1) Review staff recommendations and advise staff on property negotiation. Make acquisition recommendations to JPA Board.
2) Serve as “Investment Committee”. Responsibilities as Investment Committee include review of internal and external endowment funds, preparation of annual analysis and report to the Board, and rebalancing of assets in internal fund as appropriate.

Budget/Administration/Policy Committee
Sherri Lightner
Olga Diaz
Don Mosier
Lesa Heebner
1st Alternate: Jim Cunningham
2nd Alternate: Carl DeMaio

Duties: 1) Review draft budget and work program and present recommendations to JPA Board
2) Executive Director Performance Review
3) Make recommendations regarding standing or ad hoc committees and membership
4) Review and set JPA policies and by-laws

Wetlands Advisory Committee
Pam Slater-Price
Don Mosier
Lesa Heebner
Tom Golich
Jacqueline Winterer, Public Member
Duties: Review and recommend policies and plans relating to the restoration of the San Dieguito Lagoon
RESOLUTION NO. ___

RESOLUTION OF THE SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY BOARD OF DIRECTORS HONORING FORMER BOARD MEMBER DAVID ROBERTS

WHEREAS, David Roberts served as a Board member of the San Dieguito River Park Joint Powers Authority for five years from May, 2006 to May, 2011 and as Board Chairman in 2008;

WHEREAS, David’s participation with the River Park has continuously demonstrated his commitment to help preserve and enhance natural assets of the community for current and future generations;

WHEREAS, David has shown a particular interest in supporting staff and volunteers during challenging times and provided both his own personal resources and his considerable institutional experience for the benefit of the River Park;

WHEREAS, David has consistently advanced objectives of the River Park with his original thinking, good humor, and talent for finding solutions when none were apparent;

NOW, THEREFORE BE IT RESOLVED by the San Dieguito River Park Joint Powers Authority Board of Directors that they take great pride in commending David Roberts for his service to the River Park, wish him well as he moves into new endeavors, and invites him to continue working as a citizen volunteer to help make our common dream a reality.

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED THIS ______ DAY OF _______, 2012, BY THE FOLLOWING VOTE:

AYES ________
NOES: ________
ABSENT: ________
ABSTAIN: ________

________________________________________
Olga Diaz, Chair

ATTEST:

________________________________________
Dick Bobertz, Executive Director
North Coast Corridor Program
San Dieguito Lagoon Improvements

San Dieguito Lagoon is located at the mouth of the San Dieguito River, in between the cities of Del Mar and Solana Beach. The 55-mile-long San Dieguito River originates at Volcan Mountain in the Cleveland National Forest, just north of Julian and continues west until it reaches the Pacific Ocean. The river and its major tributaries flow through sensitive natural habitats, including oak/pine woodlands, sage scrub, and coastal wetlands, creating a network of critical wildlife habitats. As part of the North Coast Corridor (NCC) Program, the San Diego Association of Governments (SANDAG) and the California Department of Transportation (Caltrans) plan to meet the region’s transportation needs in an environmentally responsible manner through a series of coastal rail, transit, highway and environmental improvements including several to the San Dieguito Lagoon, which are highlighted below.

Key Benefits

Restoration
SANDAG and Caltrans will restore two critical coastal habitat sites located immediately east of Interstate 5 (I-5) and south of the San Dieguito River. As a result, over 100 acres within the San Dieguito Lagoon will be restored through wetland creation and upland preservation.

Water Quality
So far, the San Dieguito Lagoon Restoration Project has restored approximately 115 acres of coastal wetlands. The proposed widening of the I-5 bridge over San Dieguito Lagoon allows for current lagoon restoration to continue. Bridge widening will not constrict the improved tidal prism and its effect on tidal flow. Water quality will also be improved through additional detention basins and bioswales which are designed to filter runoff prior to reaching wetlands.

Trails
The bike/pedestrian trail on the north bank of the San Dieguito River is part of the Coast to Crest trail in the San Dieguito River Park. Once completed, the 55 mile Coast to Crest trail will run from Volcan Mountain, just north of Julian, to the San Dieguito River and Lagoon. Approximately 35 miles of the trail has been completed thus far. Additionally, the proposed North Coast Bikeway will connect to trails in the lagoon area on the west side of I-5.

Visual
The existing I-5 bridge crossing of the San Dieguito Lagoon is approximately 650 feet long and 179 feet wide. The proposed bridge widening would make the bridge 253 feet wide. Coastal views will not be obstructed.

NCC Program Alignment

The NCC Program offers a balanced transportation system to provide travelers new solutions for the future while enhancing the quality of life for residents. The NCC Program is comprised of three primary focus areas – the Interstate 5 (I-5) Express Lanes Project, coastal rail and transit enhancements and environmental protection and coastal access improvements.

The NCC Program will ensure a regional investment of more than $250 million to preserve and enhance sensitive coastal habitat and improve coastal access. Along with continued mitigation efforts and restoration, Caltrans and SANDAG will continue to work with the San Dieguito River Park Authority and other stakeholders to ensure the region’s transportation needs are met in a balanced way.

For more information about these plans, please visit: KeepSanDiegoMoving.com
TO: JPA Board
FROM: Staff
SUBJECT: Rancho Del Mar Decision

RECOMMENDATION:
Discuss situation and provide direction to staff.

SITUATION:

The subject property is a 23.88-acre parcel on the south side of Via de la Valle just north of the Polo Fields within City of San Diego’s Subarea II of the North City Future Urbanizing Area (NCFUA) (Attachment 1). The parcel is zoned agriculture. The JPA had at one time listed the parcel, which was formerly known as the Hu property, on its list of Identified Properties for Potential Acquisition because it is currently undeveloped, within the floodplain and the FPA, and adjacent to City-owned open space (Polo Fields) in the river valley. The property was subsequently sold and is now proposed for a high-density continuing care retirement community (residential care facility) called Rancho Del Mar (Attachment 2). The proposed project is controversial because of its high-density and location in the river valley. The property is located on Prop A lands and, as such, is subject to Proposition A, passed by the voters in 1985 that requires a vote of the people before any land in the FUA can be changed to a more-intensive land use designation.

Prior to submitting a project application to the City, the applicant went through a series of meetings and correspondence with City staff regarding the interpretation of Proposition A on this property with respect to the proposed use as a continuing care facility and the zoning code. The applicant disputed the City staff’s opinion that the project would require a vote of the people to increase intensity of use on the property beyond what is allowed in the zone. Although prior to Prop A, an “intermediate care facility” was allowed in an agricultural zone with a Conditional Use Permit (CUP), that code was changed after the passage of Prop A to not allow intermediate care facilities in the zone in Prop A lands. However, an “intermediate care facility” was not defined in the code. Finally, the City determined that the applicant qualified for a “classification of use” determination, which is made by the Planning Commission at a public hearing.

That hearing was held on December 8, 2011 and the Planning Commission determined that the 1984 Municipal Code “did include a use equivalent to a continuing care retirement community which was permitted in the agricultural zone”. They then determined that the use could be allowed on the parcel with a CUP and without a vote of the people if the applicant was able to amend the code to allow such a use. The Planning Commission did not appear to recognize that the Municipal Code had been specifically
amended by the City in 1990 after the passage of Prop A to expressly prohibit high intensity uses (hospitals, intermediate care facilities, and nursing facilities) in the agricultural zone on Prop A lands. Members of the Carmel Valley Community Planning Board attended the hearing and testified that the project is subject to Prop A and the proposed project cannot be allowed without a vote of the people because it is an intensification of use on the property. After the hearing the CVCPB sent a strongly worded letter to the City protesting the decision and asking that the City Attorney investigate the issue (Attachment 3). The CVCPB is asking your Board to support their position and to also send a letter to the City requesting further investigation.

**ISSUES:**

The issues are basically two:

- Is the proposed project allowed in the zone and what is the appropriate classification of use?
- Is the project subject to Prop A requiring a vote of the people to allow an intensification of use greater than what is allowed under the current zoning?

The applicant presented this project to the JPA’s Project Review Committee on several occasions early in the planning process (April 2010) prior to a formal submittal to the City. They also presented to the CVCPB in the same time frame and received many comments of concern from both groups regarding the high density of the project and other issues. At that time, it was believed by the CVCPB and PRC that the project would be subject to Prop A and would require a majority vote of the people for approval. No additional review of the project details has occurred while this classification of use issue was being decided at the City. If the project proceeds, it is anticipated that the applicant would obtain formal review and comments from the PRC, CAC, and JPA as it proceeds through the permit process.

The San Dieguito River Park’s Concept Plan (1994) does not specifically address the subject property within Landscape Unit B: Gonzales and La Zanja Canyons. Rather, the Design and Development Standards in Appendix B of the Concept Plan would apply, which address several design standards. The PRC identified several conflicts with respect to the proposed project and these standards including filling in the floodplain and intrusive development in the River Valley that was assumed to be regulated under Prop A as agricultural open space.

**Proposition A Lands**

Initially, City staff’s position was that the proposed use was classified as an intermediate care and nursing facility, which is not permitted in the agricultural zone in Prop A lands and represents an increase in density not allowed under Prop A without a vote of the people. Proposition A was a managed growth initiative that requires a vote of the people
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February 17, 2012

before any land in the FUA can be changed to another more-intensive land use designation and requires that “the provisions restricting development in the future urbanizing area shall not be amended except by a majority vote of the people”. After Prop A was enacted the City proceeded to amend the municipal code to implement the provisions of Prop A. One of those municipal code changes was to amend Section 141.0413 of the zoning code to prohibit hospitals, intermediate care facilities and nursing facilities in the agricultural zone on Prop A lands. Prior to the passage of Prop A those uses were allowed in the agricultural zone with a CUP. The City’s General Plan Land Use and Community Planning Element, Section J addresses Prop A lands and specifies the requirement of a phase shift vote for any intensification of use on Prop A lands that is inconsistent with uses allowed under the existing zone (Attachment 4).

The applicant however maintains (and apparently now is supported by City decision) that the proposed use is closest to an “intermediate care facility” and thus would have been allowed in 1984 before Prop A was passed, and only a code amendment would be required to permit the proposed use now.

Proposed Use as a Continuing Care Retirement Community

Much of the controversy surrounding this project relates to the definition (or classification) of use as defined by the City code. No such definition in the municipal code existed in 1984 (before Prop A was passed) for a “continuing care” facility, nor does one exist today. Instead the code uses the term “intermediate care facility”. Regardless, the Carmel Valley Planning Board’s position is that Prop A and its implementing ordinances clearly intended to restrict intensification of uses on Prop A lands without a vote of the people, and that intent was violated by a decision that will allow the applicant to process their project under a code amendment rather than the requirements of Prop A.

CAC RECOMMENDATION:

The CVCPB’s representative on the CAC brought this issue to the attention of the CAC at their February 3, 2012 meeting and the CAC voted in favor of bringing this item to the JPA Board for consideration (y-19, n-1, abstain-1).

RECOMMENDATION:

Discuss situation and provide direction to JPA staff.
Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:
1. Project Location Map
2. Rancho Del Mar site plan
3. Letter from Carmel Valley Planning Board to City
4. Pages from City General Plan
February 9, 2012

Eric Naslund, Chair
City of San Diego Planning Commission
202 C St.
San Diego, CA 92101

Kelly Broughton, Director
City of San Diego
Development Services Department
1222 First Ave., MS 301
San Diego, CA 92101

Mary Jo Lanzafane, Assistant City Attorney
City of San Diego
Office of the City Attorney
1200 Third Ave., Ste. 1620
San Diego, CA 92101

Nina Fain, Deputy City Attorney
City of San Diego
Office of the City Attorney
1200 Third Ave., Ste. 1620
San Diego, CA 92101

Re: Planning Commission Hearing of December 15, 2011
Classification of Use For Continuing Care Retirement Communities within the Prop “A”
Lands of the North City Future Urbanizing Area

Dear Chairman Naslund, Director Broughton and City Attorneys Lanzafane and Fain:

The Carmel Valley Community Planning Board is deeply concerned with both the outcome of this hearing and the presentation of issues. The 4-2 decision was that this “Continuing Care Facility” is consistent with an “Intermediate Care Facility”. We understand this as an intensity of use that was presented as one allowed in the A-1-10 zone prior to August 1, 1984. We believe that the essential problem with this decision is that it will have far-reaching impacts on our entire City’s open space and natural resources planning due to repercussions from misinterpreting “Proposition A.”

We also do not understand the basis of information available to the commissioners on which they were to make a decision. The information in the “Report to the Planning Commission” did include as an appendix a key 1990 ordinance implementing “Proposition A” by restricting institutional uses such as this proposal. The “background” section of the report was not clear on the importance of this ordinance and its significance was not discussed in detail. We understand that the commissioners believed that if they decided to equate a “continuing care facility” with an “intermediate care facility” then this applicant would not have to go before the voters for a vote. The argument presented was that because “intermediate care facilities” were allowed in the agricultural/open space zone prior to August 1, 1984 then this proposal should be allowed to proceed today without a phase-shift vote.
We would offer that there were two major omissions from the "Report to the Planning Commission" and from staff's discussion at the hearing:

- A justification for why the commissioners should decide if a "continuing care facility" would have been allowed in an agricultural or open space zone prior to August 1, 1984; and,
- A clear explanation that if this application were to be processed without a vote of the people and processed with a mere zoning code amendment this act may put on the table a violation of "Proposition A."

Completely absent from the discussion were explanations that such an intense use is specifically prohibited since implementation of "Proposition A" (the "Managed Growth Initiative").

Proposition A's key component reads:

"City of San Diego Initiative Measure Amends the City of San Diego General Plan. Shall the City...General Plan be amended by adding restrictions requiring that land areas which are designated as 'future urbanizing' not be redesignated without voter approval"

Especially relevant to a discussion of the December 15, 2011 hearing is the section on implementation of "Proposition A":

"The City Council, City Planning Commission, and City staff are hereby directed to take any and all actions necessary under this initiative measure, including but not limited to adoption and implementation on any amendments to the General Plan and zoning ordinance of City Code, reasonably necessary to carry out the intent and purpose of this initiative measure. Said actions shall be carried out forthwith." (emphasis added)

Thus, with this charge, Proposition A has been implemented through many land use actions, including five major city-wide votes to approve shifting to "urbanizing", six "Subareas" which were formed by the "North City Future Urbanizing Area Framework Plan", a key implementation of "Proposition A" in the early 1990s.

A more critical implementation of Proposition A occurred December 10, 1990 when the City Council considered five actions regarding "Development in the Future Urbanizing Area" presented as implementing ordinances.” The intent was to delineate the "Northern Tier" in the Future Urbanizing Area. One of these actions as we understand it amended the Land Development Code to restrict certain uses in Proposition A lands:

"San Diego Municipal Code...Chapter 14: General Regulations.
#141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities

(These uses) may be permitted with a Process Four Conditional Use Permit...subject to the following regulations:
(a) These facilities are not permitted in agricultural zones in Proposition A Lands or within floodplains located in the Coastal Overlay Zone."

These changes to the Municipal Code were further codified in permanent ordinances, which govern land use in the NCFUA today.
Naslund
February 9, 2012
Pg 3

Whether or not a continuing care facility is equivalent to a use allowed prior to August 1, 1984 either uses are specifically prohibited by ordinances passed to implement "Proposition A." The specific language of "Proposition A" is not about fixing a point in time, but is intended to guide future actions and decisions concerning intensification of existing land use in the Future Urbanizing Area. In fact, there were no "Hospitals, Intermediate Care facilities and Nursing Facilities" located within the FUA at the time "Proposition A" was passed, yet possible development of this use under the zoning code at the time was subsequently determined an intensification of use inconsistent with "Proposition A."

The Issues Before the Commission

In a letter to Shapouri & Associates dated June 2, 2011, City staff addressed the applicant's position that the proposal was equal to uses (intermediate care facility) that were allowed in the agricultural/open space zone in 1984.

"It is staff's determination that the use that most closely resembles the project as currently proposed is housing for the elderly. Staff could also determine that the continuing care facility is a hybrid of housing for the elderly and residential care homes for the aged. However, on August 1, 1984 these uses could be considered with a conditional use permit only in residential and/or commercial zones. Therefore, staff concludes that the project was not a permitted use in the agricultural zones on August 1, 1984 and that in order to proceed, the project will require approval of a city-wide ballot measure in addition to other permits and approvals that may be required." (emphasis added)

Here, staff clearly states the case for challenging the applicant's position.

We believe that the report should have stated clearly that (1) even if this proposal was seen to be similar to uses allowed in 1984 these uses could only be allowed "in residential and/or commercial zones"; and (2) institutional uses are precisely not allowed today in "Proposition A" future urbanizing lands.

We understand that the decision was based on two things: (1) that the only decision was if a continuing care facility was similar enough to a nursing facility; and (2) that there would be no violation of City land use ordinances and regulations if the decision were to be made that, because of this equivalency argument, the applicant would not be restricted by Proposition A. This decision proceeded to free the applicant from "Proposition A" restrictions and that only a Land Development Code amendment was necessary. If such an amendment to the LDC were processed and approved it would not directly violate Proposition A, one of the landmark actions taken in the City.

This decision raises many questions for us, the most important one is: "why is a use permitted prior to the passage of "Proposition A" any rationale for this decision when "Proposition A" was authored and widely-approved by the voters of San Diego for the purpose of preventing intense development such as this proposal and intermediate care facilities, among other institutions on Proposition A Lands? Does the decision by the planning commissioners to take an action that would remove this application from the restrictions of "Proposition A" create a potential violation of "Proposition A?" We strongly believe that limiting the processing of this proposal to merely a Municipal Code amendment will create a situation in which amending the Municipal Code is a violation of "Proposition A."

For a community of 40,000+ residents, we would appreciate in future hearings that our representatives are allowed to more fully explain their position, especially in this case when they have long-term land use experience and are familiar with Proposition A. And be given time to defend against remarks questioning their credibility.
The critical issues of Proposition A should have been more underscored:
"No property shall be changed from the 'future urbanizing' land use designation in the Progress Guide and General Plan to any other land use designation and provisions restricting development in the future urbanizing area shall not be amended except by majority vote of the people voting on the change or amendment at a City-wide election thereon."

Summary

We believe it is clear to conclude that:

- The purpose of the electorate in passing "Proposition A" in 1985 was to curb the ability of owners to affect administrative increases in development intensity allowed in areas designated as "Future Urbanizing" and as open space in San Diego.
- "Proposition A" changed the process by which land could be removed from "Future Urbanizing" and by which intensification of development could occur in agricultural and open space zones.
- The fact that "Proposition A" defined a point in time to define land use designations did not grant the right to use pre-"Proposition A" entitlement processess in lieu of the "Proposition A" entitlement process.
- The December 10, 1990 Ordinance which amended the Municipal Code Section 141.0413 regarding lands in the northern tier of the "Future Urbanizing Area" indisputably amended the General Plan to carry out the intent and purposes of "Proposition A" - to implement "Proposition A".
- Even if an "Intermediate Care Facility" designation is seen to be sufficiently similar to the proposed "Rancho Del Mar Continuing Care Retirement Center" the 1990 City Council Ordinance amending the General Plan regarding "Proposition A" lands clearly excludes the ability to reduce processing of this application to Conditional Use permit or a mere Municipal Code amendment.

Given the seriousness of our concerns we ask that the City Attorney advise this board on what is the interpretation and implementation of Proposition A. If our long standing understanding is in error, we would appreciate the correct and clear interpretation so that future projects that come before us for recommendations are reviewed with the correct meaning of Proposition A. I would appreciate your attendance at one of our board meetings to walk us through how Proposition A is interpreted? You can reach me at 619-542-1188 and I will put you on a future agenda.

Sincerely,
Carmel Valley Community Planning Board

Frisco White, AIA
Chair

cc: Councilwoman Sherri Lightner
Bernie Turgeon, John Fisher
Ali Sharpouri
c. Promote environmental education including principles and issues of environmental justice (see also Conservation Element, Section N).

d. Use sustainable development practices (see also Conservation Element, Section A).

LU-I.14. As part of community plan updates or amendments that involve land use or intensity changes, evaluate public health risks associated with identified sources of hazardous substances and toxic air emissions (see also Conservation Element, Section F). Create adequate distance separation, based on documents such as those recommended by the California Air Resources Board and site specific analysis, between sensitive receptor land use designations and potential identified sources of hazardous substances such as freeways, industrial operations or areas such as warehouses, train depots, port facilities, etc. (See also Appendix C, EP-2)

LU-I.15. Plan for the equal distribution of potentially hazardous and/or undesirable, yet necessary, land uses, public facilities and services, and businesses to avoid over concentration in any one geographic area, community, or neighborhood.

LU-I.16. Ensure the provision of noise abatement and control policies that do not disenfranchise, or provide special treatment of, any particular group, location of concern, or economic status.


Goal

♦ Future growth and development that is consistent with current land use intensity or that is subject to a “phase shift” process to approve increased intensity.

Discussion

The Managed Growth Initiative

In 1985, the electorate approved Proposition A, an initiative amending the Progress Guide and General Plan (1979 General Plan) to require approval of a majority vote of the people for shifting land from the Future Urbanizing to the Planned Urbanizing Area phase of growth or development. The ballot measure further provided that the “provision restricting development in the Future Urbanizing Area shall not be amended except by majority vote of the people, and except for amendments which are neutral or make the designation more restrictive in terms of permitting development.” The full text is included in Appendix B, LU-3.

By 2005, phase shifts, per Proposition A and the 1979 General Plan, have occurred for the land determined to be appropriate for more urban levels of development within the planning horizon of this General Plan. The City also completed planning efforts to address land use in the remainder of the Future Urbanizing Area subject to its jurisdiction. The City Council adopted a
comprehensive update to the San Pasqual Valley Plan that requires the preservation of the San Pasqual Valley for agricultural use, open space, and Multi-Habitat Planning Area (MHPA) (see Conservation Element for more detail). Additionally, the City adopted a specific plan for Del Mar Mesa that severely limits residential development to rural densities and sets aside over half of the plan area as MHPA. Furthermore, federal, state, county, and other jurisdictions have participated with the City in planning for open space and habitat preservation in the San Dieguito and Tijuana River Valley. Proposition A lands also include military and other lands not subject to the City’s jurisdiction. In the past, the City Council has chosen to follow the development intensity restrictions and the requirement for a vote of the people to approve an amendment to shift the area from Future to Planned Urbanizing Area as specified in Proposition A, upon receipt of jurisdiction over former military installations.

As described, the phased development areas system has, for the most part, become an outdated system to address future growth and development. The City has grown into a jurisdiction with primarily two tiers, see Figure LU-4, Proposition A Lands Map:
- Proposition A Lands – (as previously defined) characterized by very low-density, residential, open space, natural resource-based park, and agricultural uses; and
- Urbanized Lands – characterized by older, recently developed, and developing communities at urban and suburban levels of density and intensity.

As of 2006, communities formerly known as Planned Urbanizing were largely completed according to the adopted community plan, and of that group, the oldest were beginning to experience limited redevelopment on smaller sites. For information on how the tier system was linked to public facilities financing, see the Public Facilities Element Introduction and Section A.

**Policies**

LU-J.1. Identify non-phase shifted lands as Proposition A lands and no longer refer to them as Future Urbanizing Area.

LU-J.2. Follow a public planning and voter approval process consistent with the provisions of this Land Use Element for reuse planning of additional military lands identified as Proposition A lands, and other areas if and when they become subject to the City’s jurisdiction.
Figure LU-4

Proposition A Lands

Planning Area Boundaries
Military Use
Proposition 'A' Lands
Urbanized

PLANNING AREAS
1 Balboa Park
2 Barrio Logan
3 Black Mountain Ranch
4 Carmel Mountain Ranch
5 Carmel Valley
6 City Heights*
7 Clairemont Mesa
8 College Area
9 Del Mar Mesa
10 Downtown
11 East Elliott
12 Eastern Area*
13 Encanto Neighborhoods**
14 Fairbanks Country Club
15 Greater Golden Hill
16 Greater North Park
17 Kearny Mesa
18 Kensington-Talmadge*
19 La Jolla
20 Linda Vista
21 Los Penasquitos Canyon Preserve
22 Midway-Pacific Highway
23 Mira Mesa
24 Miramar Ranch North
25 Mission Bay Park
26 Mission Beach
27 Mission Valley
28 Navajo
29 Normal Heights*
30 North City Subarea 2
31 Ocean Beach
32 Old San Diego
33 Otay Mesa
34 Otay Mesa-Nestor
35 Pacific Beach
36 Pacific Highlands Ranch
37 Peninsula
38 Rancho Bernardo
39 Rancho Encantada
40 Rancho Penasquitos
41 Sabre Springs
42 San Pasqual
43 San Ysidro
44 Scripps Miramar Ranch
45 Serra Mesa
46 Skyline-Paradise Hills
47 Torrey Hills
48 Southeastern San Diego**
49 Tierrasanta
50 Tijuana River Valley
51 Torrey Highlands
52 Torrey Pines
53 University
54 Uptown
55 Via De La Valle

* Mid-City Community Plan
** Southeastern San Diego Community Plan

PROSPECTIVE ANNEXATIONS
A 4S Ranch
B Davis Ranch Island
C Southeastern County Island
D East Otay Mesa
TO: JPA Board
FROM: Staff
SUBJECT: Fiscal Year 2012-13 Budget Setting Process

RECOMMENDATION:

Provide direction to staff concerning the Board’s intention whether to revert to the FY 08/09 level and implementation of the updated contribution percentages in the FY 2012/13 budget.

A. Summary

Discussion of Reversion to FY 08/09 Member Agency Assessment

Last year when your Board adopted the FY 11/12 budget, there was a shortfall. To balance the budget without laying off employees, the budget was balanced by withdrawing $30,000 from our Endowment/Reserve Fund, and by Escondido and Del Mar agreeing to revert to the FY 08/09 assessment level, which was 14% higher than it is currently. As you can see in the Table below, in FY 09/10 the JPA cut expenses significantly to address our member agencies’ financial concerns, in particular the City of San Diego. That reduction in the assessment level has not been sustainable, and further cuts are not feasible. The discussion at the Board in May last year when the FY 11/12 Budget was adopted was that by reverting to the FY 08/09 numbers we would be able to avoid withdrawing funds from the Endowment/Reserve Fund. Unfortunately, by the time that year’s Budget was adopted, most of the JPA’s member agencies had already completed their own Budget process and, with the exception of Escondido and Del Mar, couldn’t revert to the higher numbers. However, the consensus at the time was that the others would revert to those numbers in FY 2012/13 in order to avoid having to withdraw more from the endowment fund or cutting employees or services.

<table>
<thead>
<tr>
<th>San Dieguito River Park JPA Annual Member Agency Assessment</th>
<th>Adopted</th>
<th>Adopted</th>
<th>Adopted</th>
<th>Adopted</th>
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</thead>
<tbody>
<tr>
<td>%</td>
<td>FY 08/09</td>
<td>FY 09/10</td>
<td>FY 10/11</td>
<td>FY 11/12</td>
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<tr>
<td>Total Contribution</td>
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<td>707,711</td>
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<tr>
<td>Del Mar</td>
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<tr>
<td>Solana Beach</td>
<td>8.00%</td>
<td>65,574</td>
<td>56,617</td>
<td>56,617</td>
</tr>
<tr>
<td>Poway</td>
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<td>81,968</td>
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</tr>
<tr>
<td>Escondido</td>
<td>13.00%</td>
<td>106,558</td>
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<tr>
<td>County</td>
<td>26.00%</td>
<td>213,117</td>
<td>184,005</td>
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<tr>
<td>San Diego</td>
<td>36.00%</td>
<td>295,085</td>
<td>254,776</td>
<td>0</td>
</tr>
</tbody>
</table>
Discussion of Date to Begin Implementation of Updated Contribution Formula adopted at the December 2011 JPA meeting.

At your Board’s December 2011 meeting, your Board determined to update the member agency contribution percentages to reflect current population and acreage statistics in each agency. The approved changes are shown in the Table below.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Current Percentages</th>
<th>Revised Percentages</th>
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</thead>
<tbody>
<tr>
<td>City of Del Mar</td>
<td>7%</td>
<td>6%</td>
</tr>
<tr>
<td>City of Solana Beach</td>
<td>8%</td>
<td>6%</td>
</tr>
<tr>
<td>City of Poway</td>
<td>10%</td>
<td>13%</td>
</tr>
<tr>
<td>City of Escondido</td>
<td>13%</td>
<td>13%</td>
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<tr>
<td>County</td>
<td>26%</td>
<td>31%</td>
</tr>
<tr>
<td>City of San Diego</td>
<td>36%</td>
<td>31%</td>
</tr>
</tbody>
</table>

Because the discussion of the contribution percentages was held in conjunction with the discussion of the revised JPA agreement, staff is requesting clarification from the Board whether it is the Board’s intention to enact the revised percentages in the FY 2012/13 budget.

If it is the intention of the Board to revert to the FY 08/09 assessment level and to enact the newly revised percentages in the upcoming fiscal year, then the member agency assessments for FY 12/13 will be as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>FY 11/12 Assessment</th>
<th>FY 12/13 Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Del Mar</td>
<td>$475,328</td>
<td>$819,679</td>
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<td>City of Solana Beach</td>
<td>$57,378</td>
<td>$49,181</td>
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<tr>
<td>City of Poway</td>
<td>$56,617</td>
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<tr>
<td>City of Escondido</td>
<td>$70,771</td>
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<tr>
<td>City of San Diego</td>
<td>$184,005</td>
<td>$254,100</td>
</tr>
</tbody>
</table>

Staff recommends that your Board confirm its intention regarding the reversion to the FY 08/09 level and implementation of the updated contribution percentages in the FY 2012/13 budget. Staff will then use these numbers in the preparation of a draft budget for review with your Board’s Budget Committee.

CAC RECOMMENDATION: This item has not been reviewed by the CAC.
RECOMMENDATION:

Provide direction to staff concerning the Board’s intention whether to revert to the FY 08/09 level and implementation of the updated contribution percentages in the FY 2012/13 budget.

Respectfully submitted,

Susan A. Carter
Deputy Director
TO: JPA Board

FROM: Staff

SUBJECT: Final Reach the Beach Trail Feasibility Study

At your last meeting in December 2011, your Board was presented with a progress report and preliminary results for the Reach the Beach Trail Feasibility Study being conducted by JPA staff and funded by the State Coastal Conservancy. JPA staff presented the preliminary results of the feasibility study including trail alignment alternatives and a preferred alignment to extend the Coast to Crest Trail to the beach in Del Mar. The study has now been completed and includes final maps, design plans, and environmental analysis for the preferred alignments. JPA staff also presented the preliminary results to the Del Mar Lagoon Committee. The report is available to review or download from the San Dieguito River Park’s website (click here) and will be available in hard copy form at your meeting.

Based on the analysis and input from the public and stakeholders, the preferred trail route consists of two components:

- Coast to Crest Trail route along the north side of the San Dieguito River, along the Fairgrounds property and under the railroad to the beach.
- Pedestrian trail links at Jimmy Durante Boulevard to link the Coast to Crest Trail to the Riverpath Del Mar with the potential for a future trail undercrossing at the railroad.

**Future Considerations**

The Coast to Crest Trail was approved in concept by the JPA when the Concept Plan and accompanying Final EIR was adopted in 1994. However, the Concept Plan states that additional environmental review and detailed planning for individual trail segments would be done subsequently as funding became available to build segments of the trail. The Concept Plan does not provide specifics or a proposed alignment for the Reach the Beach segment of the trail.

The Reach the Beach Feasibility Study will be used by the JPA to understand the opportunities and constraints for extending the Coast to Crest Trail to the beach, the potential impacts, and feasible trail alignments/options and costs associated with the trail extension. The study can also be helpful for securing future grant funding. The JPA is not adopting a trail alignment at this time nor is funding currently available for preparing construction plans, project approvals, CEQA, or trail construction.

**Next Steps**

The following steps are anticipated to continue planning and implement the trail:

- Secure grants to pay for future steps
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- Consider phased development and other opportunities for implementation
- Continue public outreach
- Continue coordinating with stakeholders (Del Mar, 22nd DAA, SANDAG)
- Adopt an alignment and proceed with approvals
- Conduct CEQA
- Prepare construction plans
- Obtain approvals from Del Mar and Coastal Commission
- Construct project

Horses at the Beach

While conducting this study it became apparent that some Del Mar residents and others are concerned about allowing horses to access the beach. Concerns were voiced at various meetings regarding potential conflicts with existing beach users including people and dogs. Currently, horses are allowed on the beach by Del Mar ordinance north of the lagoon inlet only (also known as dog beach). However, few equestrians are seen there probably due to a lack of access for most equestrians. This beach is also popular as a leash-free dog play area during the off-season (after Labor Day through mid June), but dogs are allowed on leash throughout the year. Other concerns raised included potential water quality and habitat impacts from horse manure.

While some voiced concern over horses on the beach, it was also apparent during the public workshop and other input that equestrians strongly support access to the beach and feel that the trail would be used by equestrians.

The Feasibility Study has prompted the issue of horse access to the beach to be revisited in Del Mar. The City ordinance allowing horses on the beach has been in effect for many years but such use is infrequent. The Del Mar Lagoon Committee will be considering the issue of horses at the Del Mar beach at their February 15, 2012 meeting. JPA staff also understands that the Del Mar City Council may be considering this issue in a public meeting in the near future. JPA staff does not know whether the City ordinance will be changed to prohibit or restrict horses on the beach.

These uncertainties raise questions that may need to be considered by the JPA:

- If horses were prohibited or restricted at the beach, would it still be desirable to extend equestrian access west of I-5?
- What are the opportunities for providing equestrians access west of I-5 to view the ocean but not access the sand, a viewing area and turn-around spot for example?
- Other reasons exist to extend the trail for bikes and pedestrians on both the north (connection to the future rail platform) and south sides (existing trail) of the river, but
would lack of equestrian use change the desirability of one side of the river over the other?

- Timing – the timeline for replacing the railroad bridge to accommodate a trail underpass is unknown at this time. This situation may change as the LOSSAN double tracking plan proceeds and funding availability evolves. This situation may influence the JPA’s decisions regarding grant applications particularly if SANDAG’s design incorporates the trail underpass and they are able to construct it in a timely manner.

- The situation regarding an interim and permanent trail along the railroad embankment may change if LOSSAN plans proceed at a faster pace than grant funding availability for trail construction.

**CEQA Compliance**
Per Section 15262 of the CEQA Guidelines, a project involving only a feasibility or planning study for possible future actions, but not yet approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration, but does require consideration of environmental factors. The Reach the Beach Feasibility Study does include an evaluation of environmental issues and an Initial Study. If and when a trail alignment is adopted by the JPA and funded in the future, CEQA review and compliance will take place. The Initial Study will provide guidance for future CEQA analysis and grant applications.

**CAC RECOMMENDATION:**
The CAC was presented with the final report at their February 3, 2012 meeting.

**FINANCIAL IMPACT:**
None. The project is funded by a grant from the California Coastal Conservancy.

Respectfully Submitted,

Shawna C. Anderson, AICP
Principal Environmental Planner
CARMEL VALLEY COMMUNITY PLANNING BOARD
Attn: Allen Kashani, CVCPB Secretary
6025 Edgewood Bend Court
San Diego, CA 92130
858-794-2571 / Fax: 858-794-2599

February 9, 2012

Mr. Dean Marsden
City of San Diego
Engineering and Capital Projects Department
1222 First Avenue
San Diego, CA 92101

Re: Multi-use Trail Accommodation in the Design of the El Camino Real Eastern Alignment Bridge and Roadway

Dear Mr. Marsden:

The Carmel Valley Community Planning Board strongly recommends that the City include a dedicated, cantilevered or otherwise separated from vehicular traffic, multi-use trail connection across the San Dieguito River as part of the planned improvements to the El Camino Real bridge and roadway.

The CVCPB represents some 40,000 residents of Carmel Valley as well as the current and future residents of Pacific Highlands Ranch, and is also the City advisory board for NCFUA Subarea II, or the western San Dieguito River Valley. Since 1998 we have worked with public agencies and private developers to create both public trails in our many and various neighborhoods and public multi-use trails within and connecting to the larger regional open space systems, including the Trans-County Trail in Los Penasquitos Canyon Preserve and the Coast-to-Crest Trail in the San Dieguito River Park. Most recently, we have advocated for the developer-funded City trail segment north of Cavallo Farms, the wildlife and trail undercrossing beneath El Camino Real at Gonzales Creek, the developer-provided trail through Rancho Valley Farms, and the planned trail across the St. John Garabed church property, all to facilitate the enthusiastically anticipated off-road connection from Pacific Highlands Ranch and Carmel Valley to the SDRP trails.

We were surprised and dismayed to learn that the most recent iteration of the ECR Eastern Alignment bridge design does not truly accommodate horses or recreational bicyclists (including small children), walkers and hikers. We believe that all trail users are entitled to peacefully and safely enjoy the open space which we and many others have fought for, in thousands of volunteer hours and literally millions of public and private dollars, for the benefit of all of the citizens of San Diego.
We urge you to rethink the bridge and roadway design once again and to reinstate the separate trail accommodation which we, elected officials, City staff, and private property owners have relied upon throughout nearly fifteen years of hard work and planning.

Sincerely,
Carmel Valley Community Planning Board

Frisco White, AIA
Chair
San Dieguito River Valley
Regional Open Space Park
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

December 13, 2011

Mr. Dean Marsden
City of San Diego
Engineering and Capital Projects Department
1222 First Avenue
San Diego, CA 92101

Dear Mr. Marsden:

After serious consideration the JPA Board has determined that they cannot take ownership and maintenance of the existing El Camino Real Bridge if it remains in place after a new bridge is built. Although the JPA supports the use of the existing bridge as a trail and appreciates the opportunity provided by the City to take ownership of the trail bridge, the JPA cannot be responsible for the potential liability and maintenance costs for the facility. Our decision is based on careful review of the materials provided to us by your staff and our current financial constraints. The JPA does not have sufficient evidence that meets the criteria outlined in the resolution.

1) The documentation you supplied from the DEIR and Rick Engineering does not provide convincing evidence that there would not be a liability risk to the JPA or potential flood damage during a 100-year (or lesser) flood event should debris become caught and trapped at the existing bridge. The Draft EIR cites this potential occurrence as one of the reasons why the bridge is being replaced. If the old bridge is left in place that situation would not change and the JPA would be liable for any damage caused by such an event.

2) The JPA would also be responsible if the existing bridge was damaged in an earthquake or other catastrophic event, and repairs could be beyond the financial capacity of the JPA.

3) The JPA cannot take on a financial and liability burden of this magnitude particularly since we remain in a constrained financial situation since the City of San Diego withdrew their JPA funding.

4) Information regarding the “projected annual maintenance cost to the JPA” to assume ownership and maintenance for the facility has not been provided to us as requested in JPA Resolution R10-2 condition #1.

Although the JPA is not able to assume ownership of the existing bridge, it is nonetheless our position that the El Camino Real Bridge project must enable a trail link to the regional multi-use trail network as stated in the Draft EIR (Section 2.2.11 Recreational Trail Connections). The DEIR states that replacement of the El Camino Real Bridge will provide a connecting link to the regional multi-use trail network in the area (page 2-15):
Mr. Marsden  
December 13, 2011  
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“There are existing and planned regional and community trails in the surrounding area that depend on the El Camino Real bridge as an essential connecting link, including the San Dieguito River Park Coast to Crest Tail and a network of multi-purpose trails in the Pacific Highlands Ranch Specific Plan which are planned to be extended to the west to connect to the Coast to Crest Trail as this portion of the NCFUA is developed.”

A north/south trail connector will be dependent on provision of a multi-use path on the new bridge, and we are relying on the City to provide that connection as part of replacing the bridge. This could be in the form of a multi-use cantilever designed to accommodate horses but also bicyclists. Although the Eastern Alignment’s (preferred alternative) present design includes a pedestrian path and a bike lane, it would not accommodate equestrians or the majority of bicyclists that do not want to travel in an unprotected bike lane on a busy high-speed road. Trail users coming from the south on the Pacific Highlands Ranch trail system will include families on bicycles, mountain bikers and equestrians from the adjacent communities. These users would not be able to safely connect to the Coast to Crest Trail because the El Camino Real Eastern Alignment bridge design does not accommodate those users and thus would represent a barrier in the trail network. We urge the City to design this project as a multi-modal facility that benefits the community.

We look forward to our continued involvement in this important project and our staff would like to work with you to ensure that the bridge design will accommodate all trail users in the community if the existing bridge cannot be used as a trail. If you have any questions regarding our decision please feel free to contact Dick Bobertz of our staff.

Sincerely,

Olga Diaz, Councilmember City of Escondido  
San Dieguito River Park JPA Vice Chair