San Dieguito River Valley Regional Open Space Park
San Dieguito River Valley Joint Powers Authority

9:30 a.m. – 12:00 p.m.
Friday, March 18, 2011
County Administrative Center
1600 Pacific Highway, Room 302/303
San Diego

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

a. Introduction of new San Dieguito River Valley Conservancy Board Officers
   and new Board members.

Approval of the Minutes of January 21, 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. Resolution Approving Application for County Enhancement Program
   Grant Funds (page 4)

2. Receive and Distribute Audit Report for Year Ending June 30, 2010 (page 7)

3. Requests for Reinstatement to CAC Membership (page 8)
   a. Fairbanks Ranch Association
   b. Council of Homeowners Association
   c. Sierra Club
4. **FY 10/11 Budget Amendment** (page 10)

5. **Request for 30 Day Review Period for Fairgrounds Master Plan Final EIR** (page 14)

   **ACTION**

6. **Polo Club Site Development Permit** (page 41)

7. **Del Dios Gorge Habitat Restoration and Recreation Project** (page 49)
   a. **Approve CEQA addendums concerning Greenhouse Gas Emissions**
   b. **Powerpoint Presentation on Project**

8. **Background Check Policy** (page 65)

9. **Report on Proposed Trail Parking/Staging Area in Del Mar** (page 70)

10. **Report from Budget Committee** (page 74)
   a. **Appoint Ad Hoc Committee to Review Existing JPA Agreement**

**INFORMATION**

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. **River Park Projects**

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 JPA to California Coastal Commission re 22nd DAA Proposed Tent and Pre-Fabricated structure at Surf & Turf Golf Center (page 76)
   b. Request by 22nd DAA to Postpone Item above at Coastal Commission (page 78)

THE NEXT REGULAR JPA MEETING WILL BE MAY 20, 2011.

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.
TO: JPA Board

FROM: Staff

SUBJECT: County Community Enhancement Program Grant

RECOMMENDATION:

Adopt the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2011-12 Fiscal Year.

A. Background

The purpose of the County’s Community Enhancement Program funding is to encourage organizations and activities that promote and generate tourism and/or economic development within San Diego County. Funding for the Community Enhancement Program is from the County General Fund based on revenue projections forwarded to the Board as part of the proposed Program Budget. Currently funded are cultural activities, museums, visitor and convention bureaus, economic development councils, and other similar institutions/organizations, including County programs and projects, which promote tourism and/or economic development within San Diego County. The majority of the available funding is allocated among the five supervisorial districts. The San Dieguito River Park has received funding from this program numerous times in the past. This funding has been used in a variety of ways, to support the Trail Run & Hike and to provide materials and supervision to Scouts (boys and girls) and members of other youth organizations to construct projects (i.e., kiosks, signs and benches) to be located in the San Dieguito River Park as public amenities. In past years, funds from this program were used to prepare and print the Lake Hodges Bird Brochure, repair interpretive signage, prepare interpretive signs for the Boardwalk, and the Del Dios Gorge Trail, prepare teacher guides for the Ruth Merrill Children’s Interpretive Walk, partially restore the adobe creamery at the Sikes Adobe Historic Farmstead, and furnish the Farmhouse. Last year funds were received from the County at the recommendation of Supervisors Slater-Price and Jacob for interior and exterior exhibits at the Sikes Adobe Historic Farmhouse.

B. Summary and Recommendation

The application deadline for Fiscal Year 11-12 was March 1, 2011. Your staff submitted an application requesting $32,000. The funds would be used as follows:

1. $30,000 to design, fabricate and install three entry monuments for the San Dieguito River Park. These iconic monuments would be located at the western, central and eastern gateways to the San Dieguito River Park. The purpose of the entry monuments is to inform the public where and what the San Dieguito River Park is, where they can access River Park trails and facilities, and to provide a consistent look throughout different
Agenda Item 1  
March 18, 2011

geographic areas of the River Park. By installing entry monument signs at key locations, visible from the road, we will be raising the public's awareness that this resource is available and providing clear and consistent signals as to where the main access points are. With these grant funds, iconic entry monuments will be placed at the western, central and eastern gateways to the River Park. The monument at the eastern gateway near Volcan Mountain would be installed in consultation with County Parks. The monuments will be designed for low-maintenance. The monument signs will be designed to include this phrase: "Preserving and Interpreting the Natural and Cultural Resources of the San Dieguito River Valley". With that information, not only will the members of the public know that the monuments are entry ports, but also will obtain a very quick understanding of what the San Dieguito River Park is all about.

2. $2,000 for matching funds for scout projects. Many scouts wish to complete their Eagle Scout projects or Golden Award projects in the San Dieguito River Park. The purpose of this item is to be able to provide some funding to the scouts to help them with their projects, for when they are not able to obtain enough financial assistance or donations elsewhere. Scout projects are not only educational and skill-building for the scouts, but the resulting products are a real benefit to the Park and the community. Scout projects, such as kiosks, benches, and picnic tables, help to make the San Dieguito River Park a more desirable resource for visitors, both local residents and tourists. Many ambitious scout projects cost more than a scout can raise through donations. These funds will be used as a match.

Staff recommends adoption of the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2011-12 Fiscal Year.

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

ALTERNATIVES:
1. Adopt the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2011-12 Fiscal Year.
2. Direct staff to withdraw the application.

RECOMMENDATION:

Adopt the attached draft resolution approving the filing of an application for County of San Diego Community Enhancement Program funding for the County’s 2011-12 Fiscal Year.

Respectfully submitted,

Susan A. Carter  
Deputy Director
RESOLUTION NO.
RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY

WHEREAS, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority is a legally constituted public/governmental entity, under the laws of the State of California, and is in complete control of its affairs through its own officers and members,

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority hereby approves the filing of an application for the County of San Diego Community Enhancement Program funding for the County’s 2011/12 Fiscal Year.

Adopted on the 18th day of March, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

________________________________________
Sherri Lightner, Chair

________________________________________
ATTEST: Jan Lines, Clerk
AUDIT REPORT FOR YEAR ENDING
JUNE 30, 2010

WILL BE DISTRIBUTED SEPARATELY
TO: JPA Board
FROM: Staff
SUBJECT: Reinstatement of Organizations on the Citizens Advisory Committee

RECOMMENDATION:
Staff recommends that your Board approve the Fairbanks Ranch Association’s request to be reinstated on the CAC.

SITUATION:
Several times in 2010 the CAC was either unable to achieve a quorum or nearly did not achieve a quorum. Consequently, after warning letters were sent out, quite a few member organizations were notified that they had been eliminated from membership.

In the last few weeks staff has been contacted by three organizations, Fairbanks Ranch Association, Sierra Club and the Council of Homeowners Associations, asking how they can be reinstated. They were informed that they needed to send a letter seeking reinstatement, and those letters would be placed before your Board for consideration.

At the time of writing this staff report, the only letter which has been received is from the Fairbanks Ranch Association (see Attachment 1). If other letters arrive before today’s meeting, they will be provided to your Board for possible action.

Staff recommends that these organizations be reinstated because representation from key user groups such as these provides valuable input to the CAC and JPA Board with respect to multiple park-related issues.

Respectfully Submitted,

Dick Bobertz
Executive Director

ATTACHMENT:
1. Letter from Fairbanks Ranch Association
February 28, 2011

Mr. Dick Bobertz  
Executive Director  
San Dieguito River Park Joint Powers Authority  
18372 Sycamore Creek Road  
Escondido, CA 92025

Dear Mr. Bobertz:

SUBJECT: Request for Reinstatement to the CAC  
         William B. Haifley, General Manager, Fairbanks Ranch Association

This letter is to request that William B. Haifley a representative from Fairbanks Ranch Association be reinstated as a member of the Citizens Advisory Committee (CAC). There was some misunderstanding on our part about participation in this organization during the change of management at the Fairbanks Ranch Association.

Would you please reinstate me, as a representative of Fairbanks Ranch Association, to the CAC and a continuing member of the Project Review Committee?

If you have any questions regarding this, please do not hesitate to contact us.

Thank you for your cooperation and consideration.

Sincerely,

[Signature]

[Signature]

William B. Haifley  
General Manager

cc: Board of Directors, Fairbanks Ranch Association

CAC01

ATTACHMENT 1
TO: JPA Board

FROM: Staff

SUBJECT: FY 10/11 Budget Amendment

RECOMMENDATION:

Adopt the attached amendment to the FY 10/11 Operating Budget

A. Background

Staff recommends that your Board amend the current year operating budget as described below:

Increased Expenditures

1. On June 18, 2010, your Board adopted a budget that decreased the Environmental Planner position to half-time from three-quarter time. Your Board’s action included the direction to prioritize the use of unanticipated revenue to reinstate the Environmental Planner’s position to its usual ¾ time. A donation of $21,015 expressly intended for operational funding was received after your Board’s action. This amount allowed the Executive Director to continue the Environmental Planner position at ¾ time until the end of December, and this was reflected in the final budget your Board adopted on July 16th. Restoring this position to ¾ time for the balance of the year (after Dec. 31st) adds $20,862 to the Budget.

2. At your January 21st meeting, your Board adopted resolutions entering into a Workers Compensation Program with the Special District Risk Management Authority. This was a cost increase of $6,254 (two quarters) over the adopted FY 10/11 budget.

Increased Revenues

Two new sources of funding have been identified that allows the Environmental Planner position to continue at ¾ time until the end of the current fiscal year, and will pay for the Workers Compensation Program costs. These are $13,500 from work that Shawna Anderson will be performing in association with the City of San Diego’s Integrated Weed Management Plan grant, as approved by the San Diego City Council last year, and $13,616 from the State Coastal Conservancy grant’s “Reach the Beach” trail alternatives analysis for which Shawna is the Project Manager.
Agenda Item 4
March 18, 2011

Staff recommends that your Board adopted the attached FY 10/11 operating budget amendment.

Respectfully Submitted,

Dick Bobertz
Executive Director

ATTACHMENT:
Draft FY 10/11 Operating Budget Amendment
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<td>28 52220 Dept. of Health Services Permit, Hodges Bridge</td>
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<td>39 52370 County Services ($4,350)</td>
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<td>41 52370 Computer/Website Consulting Services ($1,500)</td>
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<td>46 52370 Water/Ice/Refreshments ($1050)</td>
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<td>48 52370 Mailings - Activity Schedule and Newsletter</td>
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12 ATTACHMENT 1
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<th>San Dieguito River Valley Regional Open Space Park</th>
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<td>Joint Powers Authority Fiscal Year 2010-11 Operating Budget</td>
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<td>06/18/10</td>
<td>07/16/10</td>
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<td>62</td>
<td>(included in postage &amp; printing line items)</td>
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<td>63</td>
<td>Scout Plaques/Awards ($625)</td>
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<td>Other Events (e.g., Earth Day) ($775)</td>
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<td>Docent Training/Volunteer Patrol Training ($1050)</td>
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<td>66</td>
<td>Intern Stipends/Education/Outreach ($1,875)</td>
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<td>67</td>
<td>Kiosk Displays ($200)</td>
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<td>Out of County Travel</td>
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<td>Training (incl Seminars, Trails Conf., Herbicide Applicator)</td>
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<td>Endowment</td>
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<td>Computer Software (Quickbooks, Antivirus renew, etc)</td>
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<td>Lease/Purchase Phone system</td>
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<td>Revenues</td>
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<td>Account</td>
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<td>Transfer from Amortization Reserve</td>
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<td>Transfer from Project fund for Sikes Adobe Activities</td>
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<td>Transfer from Land Trust Fund (rent payments)</td>
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<td>Transfer from Other Funds</td>
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<td>Fund Balance</td>
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<td>Integrated Weed Management Program (City of SD)</td>
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<td>Reach the Beach Analysis (SCC)</td>
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<td>Stipend Reimbursements</td>
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TO: JPA Board

FROM: Staff

SUBJECT: Request for extension of review period for Del Mar Fairgrounds Master Plan Final EIR

RECOMMENDATION:

Direct staff to send the attached letter to the 22nd DAA requesting a minimum 30-day review period for the Fairgrounds Master Plan Final EIR.

SITUATION:

The 22nd District Agricultural Association (DAA) released a Draft Environmental Impact Report in October 2009 for the Del Mar Fairgrounds Master Plan. The JPA along with many other public agencies and organizations submitted lengthy comment letters on the DEIR (Attachment 1). The DEIR public review period ended on February 8, 2010 and the 22nd DAA staff has been preparing the required responses to comments and Final EIR, which is anticipated to be released later this month. CEQA requires that lead agencies provide a minimum 10 day review period for public agencies who submitted comment letters on the DEIR prior to certifying a Final EIR. Because of the complexity of this project and the lengthy comment letters submitted by the JPA and others, additional time is needed to review the Final EIR before the Fair Board certifies the document and acts on the Master Plan, anticipated to occur at their April 2011 meeting.

CAC RECOMMENDATION:

The CAC voted unanimously at their March 4, 2011 meeting recommending the JPA Board request a minimum 30-day review period for the Final EIR.

ALTERNATIVES

1. Direct staff to send the attached letter.
2. Give staff other direction.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:
1. JPA comment letter on Draft EIR
2. Draft letter requesting extension
December 16, 2009

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

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

Dear Mr. Fuller:

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

The San Dieguito River Valley Regional Open Space Park is a vision that is quickly becoming a reality. With the recent restoration of over 150 acres of wetlands within the San Dieguito Lagoon and the extension of the Coast to Crest Trail into this area, the Park’s western gateway is nearing completion. However, the Fairgrounds proposed 2008 Master Plan ignores their place within the regional public park and instead proposes a significant intensification and change in use that will severely impact the Park. The JPA supports Senator Kehoe’s recent proposal to work with stakeholder State
agencies including the 22nd DAA to extend and expand the public greenway west of I-5 along the north side of the San Dieguito River.

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

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

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

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

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

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

   1.1. The proximity of the project adjacent to the San Dieguito River and near to the Pacific Ocean requires that any proposed land uses be compatible with the significant coastal and wetland resources within these areas. Both the San Dieguito River and the Pacific Ocean are considered Environmentally Sensitive Habitat Areas mandating special protection. In addition, the proposed project is adjacent to a park and recreation area, which also mandates special protection. Because the Fairground is in an area of original jurisdiction for the Coastal Commission, the Policies of Chapter 3 of the Coastal Act govern the consideration of new development, and whether it will be permitted, in accordance with Public Resources Code Section 30200.

   1.2. One of the key policies in the Coastal Act is the limitation on development within wetlands. New development is prohibited within wetlands, except for such uses as restoration, incidental public services, or port facilities under Section 30233. Even coastal dependent uses, which are given priority in the Coastal Act, are generally not to be sited in a wetland. (30255). The proposed project is sited on historic wetlands, and proposes to develop in areas which are disputed to be wetlands. The DEIR did not adequately disclose the controversy regarding the issue of whether the South Overflow Lot and the East Overflow Lots are wetlands.

   1.3. The Fairgrounds Master Plan proposes new uses and significant land use intensification. The DEIR has failed to identify the controversy regarding whether the new uses and land use intensification are permitted under the Coastal Act, whether they are sited in an environmentally sound manner, and whether they adequately protect marine resources.

   1.4. We believe that the proposed Master Plan will result in significant physical impacts to traffic, recreation, hydrology, biology and aesthetics, as documented later in this letter. These physical impacts are in direct conflict with the Policies of the Coastal Act. The EIR has failed to identify the inconsistencies under the Coastal Act which will result with implementation of the Master Plan. These inconsistencies are the basis for much of the controversy surrounding the proposed expansion of uses and should be identified in the EIR. See comments below under Land Use regarding Tables 4.1-A through F.

2. **The DEIR’S Jurisdictional Delineation Reports for the East and South Parking Lots Improperly Constrict the Standards for Determination of Wetlands and Are Not Factually Supported.**
Paving the entire East Parking Lot (EOL) and further increasing the intensity of parking on the South Parking Lot (SOL) are impermissible uses because the entire SOL and the southern one-third of the EOL are documented wetlands. Any improvement to the surface of the parking lot is likely to be considered fill, which would not be permitted on any areas of the parking lot considered wetlands.

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

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

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

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

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1 The Jurisdictional Delineation Reports are found in Appendix C of the DEIR. The Report prepared by Glenn Lukos Associates (“GLA”) is Appendix A to the Biological Resources Report. Their ultimate conclusion is referred to collectively as the “Jurisdictional Delineation.”
these three areas are wetlands. Over time, however, since the Coastal Act was made law, the use of the Fairgrounds outside the fair and races has expanded significantly, and it now hosts multiple interim events nearly every weekend all year long. The applicant asserts that occasionally the SOL is used by patrons during these smaller events, especially for the annual Cinco de Mayo celebration, when attendance is high. In addition, the SOL has been used for periodic storage of trucks and materials. None of these uses have been authorized by the Coastal Commission, although they meet the Coastal Act definition of development and thus require permits. ) (CDP 6-04-049, page 12, March 2005; emphasis added)

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

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

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

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

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

The Coastal Act section 30121 defines ‘wetlands’ as land (within the Coastal Zone) ‘which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, or fens.’ The 1981 CCC Statewide Interpretive Guidelines state that hydric soils and hydrophytic vegetation ‘are useful
indicators of wetland conditions, but the presence or absence of hydric soils and/or hydrophytes alone are not necessarily determinative when the commission identifies wetlands under the Coastal Act. In the past, the Commission has considered all relevant information in making such determinations and relied upon the advice and judgment of experts before reaching its own independent conclusions as to whether a particular area will be considered wetland under the Coastal Act. The Commission intends to continue to follow this policy."

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

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

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

GLA’s position is unsupported by a number of reasons. First, as discussed above, the assumption that all existing fill and current uses are exactly the same as what occurred in the 1960s is not factually supported. Second, as discussed below, the GLA position ignores abundant evidence of wetland indicators within the East and South Parking Lots. Finally, GLA erroneously presumes that the “atypical” situation identified by the Army Corps of Engineers
and Coastal Commission was based upon when the existing uses commenced. That is not the case. The unique atypical situation identified by the Army Corps of Engineers and Coastal Commission was based upon the current status and use of the properties. For these reasons, GLA’s analysis applied the wrong standard from the onset.

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

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

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

The Jurisdictional Delineation Reports noted that surveys done in 2005 were especially appropriate for identification of vegetation because they followed a rainy season for several months in which the East and South Parking Lots had not been graded and otherwise disturbed. “It should be noted that the site was not cleared of vegetation prior to the March and April 2005 site visits because of the heavy rains associated with the 2005 rainy season, making it possible to identify the vegetation within both the East and South Parking Lots.” (GLA Report dated August 7, 2007, p. 3.) GLA’s assessment that the 2005 surveys would be informative was right on point. The surveys established that within the few months in which the Lots were allowed to remain undisturbed, wetland vegetation began making a comeback in both parking lots. This was documented by photographic evidence (see GLA Report dated August 7, 2007, photograph 3, p. 14) and written confirmation in the GLA Report, The 2007 GLA report confirmed that “Spergularia marina and S. bocconii [were] mixed throughout both parking lot areas with S. Marina more common on the site.” (GLA Report dated August 7, 2007, p. 14, fn. 16.)

Spergularia marina, commonly known as salt marsh sand spurry, is designated as an obligate species, i.e., one that almost always occurs in wetlands. There is some debate that it should be categorized as a facultative species, i.e., a species that usually occurs in wetlands, but in either instance, it is clearly a wetland indicator species. GLA dismisses the presence of this wetland indicator species for a couple of reasons. First, it contends that it is an opportunistic plant that is often seen in upland areas. Second, it states that it should be disregarded because it was found after the 2005 rainy season in which there was an unusually large amount of precipitation. “The unusually high rainfall, combined with the opportunistic character of the salt marsh sand spurry, make it a poor wetland indicator this season and it is not appropriate to make a positive determination for the presence of a predominance of hydrophytic vegetation. (GLA Report dated August 7, 2007, p. 15.).

GLA’s dismissal of the wetland vegetation indicator species cannot be reconciled with facts, and is inconsistent with the methodology employed in the report. On the one hand, GLA asserted that its survey conducted after the 2005 rainy season was especially appropriate for the identification of wetland species because of the large amount of precipitation and lack of recent maintenance activities within the East and South Parking Lots. (See p.3.) However, when the survey identified wetland vegetation, GLA asserts that it should be disregarded because of the
significant rain during the 2005 season. The reality is that in spite of the fill, compacted soil, and past maintenance activities, wetland vegetation quickly returned to both sites after a rainy season and a few months of no artificial clearing activities. These unique facts strongly support a finding that the sites are wetlands within the Coastal Act standards.

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

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

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

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

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

In 1990, the 22nd DAA was required to fence and berm 4 acres of the South Parking Lot as an interim least tern nesting site. During the time it was fenced, it became high quality salt marsh habitat used by the endangered Belding savannah sparrow. (See, Coastal Development Permit No. 6-02-161, p. 8.) The new wetlands area was, apparently, graded without authorization, triggering an enforcement action by the U.S. Army Corps of Engineers. (See, attached U.S. Fish and Wildlife Service letter dated June 15, 1990.) In any event, the quick return of the undisturbed portion of the South Parking Lot to viable wetland habitat is compelling evidence that the wetland characteristics of the East and South Parking Lots remain today.
In summary, the wetland characteristics of the East and South Parking Lots continue to exist in spite of decades of fill, parking, compaction, and maintenance activities to remove vegetation and even the intentional pumping of tidal waters from the site. The Jurisdictional Delineation Reports prepared for the DEIR fail to acknowledge these circumstances, and in doing so, artificially reduce the wetland delineation in a manner that is not scientifically or factually supportable. The Jurisdictional Delineation Reports should be redone to accurately depict the extent of wetlands, so that the Project can be appropriately designed to exclude any development, or intensity of uses within wetland areas.

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

3.1. There is no map of all existing facilities describing their size and use as well as all proposed facilities describing their size and use. A table quantifying the proposed changes to the site should be providing including: existing and future land uses, buildings and their size and locations; buildings to be demolished and their uses and sizes; and existing structures and uses at Horsepark and any proposed improvements as stated in the Fairgrounds the Master Plan. The table should also identify the existing and proposed intensity of each facility and/or use so that the impact of the increased intensity can be properly evaluated in the DEIR. This is especially important, given that a key project goal is to increase use of Fairground facilities.

3.2. There is not enough information about the “landscape buffer”. The “landscape buffer” is not labeled or described for the area next to the proposed hotel/exhibit halls although it is mentioned elsewhere in the DEIR (see comments on Land Use). The Project Description does not include floor plans of the proposed hotel or underground garage or quantify the square footage of the proposed new buildings.

3.3. There is not enough information about the “ecological setback area”. An “ecological setback area” east of Jimmy Durante Blvd. is mentioned on page 4.1-35 but is not described in the Project Description. Figure 3.7 and associated description of the East Parking Lot (EOL) does not mention or label this setback. The parking lot access road appears to be quite close to the river and may be within the “ecological setback”, although that distance cannot be determined from the figure. The existing Coast to Crest Trail is also not labeled on Figure 3.7. People who are not familiar with the project site cannot possibly evaluate whether impacts are accurately evaluated if the project is not accurately presented with existing conditions and uses.

3.4. There is not full disclosure about the status of the San Dieguito River Park Coast to Crest Trail on Fairgrounds property. The Fairgrounds Master Plan and DEIR should identify the segments of the Coast to Crest Trail that currently exist and are proposed on Fairgrounds property. Currently, the Coast to Crest Trail continues west of I-5 on
Fairgrounds property along the south edge of the Fairgrounds Driving Range and both the East and South Overflow parking lots. The Master Plan does not identify the trail as an existing allowed use on Fairgrounds property nor does it identify the proposed future extension of the Coast to Crest Trail west of Jimmy Durante. The JPA is concerned that the status of the trail is not fully recognized by the 22nd DAA.

LAND USE

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

   **Wetland Buffer**

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

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

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

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

   4.4. Paving the East Parking Lot (EOL) with an all-weather surface would significantly intensify automobile usage of the site by creating a year-round parking lot. The Draft EIR does not disclose that an all-weather surface would allow year-round parking and potentially other uses on the lot, whereas the lot is only approved by the Coastal
Commission for seasonal overflow parking during the fair and racing seasons. The proposed 100’ “ecological setback area” (page 4.1-35) is inadequate to buffer vehicular traffic and other potential high intensity uses from the adjacent wetlands. Also see additional comments under Biology.

4.5. Mitigation for impacts from permanently paving even a portion of the 20-acre EOL that is located within the coastal zone and San Dieguito River Park’s FPA, and next to a lagoon should include an adequate buffer area and the immediate restoration of documented wetland portion of the lot.

4.6. Paving the EOL would also enable the lot to be used for other convention and event related activities. This potential is not disclosed in the DEIR nor does the Master Plan limit the EOL use to seasonal parking. Neither the DEIR nor the Master Plan are clear about what other uses would be anticipated or allowed on the EOL once it is surfaced with all-weather pavement.

Intensification of Land Uses

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

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

4.8. This concentration of people in a single location is not consistent with Coastal Act Section 30212.5 which requires public facilities to be distributed to mitigate for overcrowding and overuse. The EIR has failed to identify this impact, instead indicating that the “Coastal Act promotes the concentration of development” (page 4.1-72), citing Policy 30250 which discusses new residential, commercial or industrial development, not new public facilities. The EIR also indicates that the “parking uses” are spread
within the project area at page 4.1-65, without addressing whether the fairgrounds facility itself is a concentration of use.

4.9. The project is misrepresented in the EIR as a continuation of existing uses. Page 4.1-27 falsely describes the 2008 Master Plan project as “a continuation of the existing uses”, rather than a wholesale redevelopment of the entire southwest portion of the property. The Master Plan proposes to continue the high concentration of the public use, significantly increase the intensity of use, and add new land uses. The Land Use Intensification analysis is biased and dismisses all significant impacts with subjective, unsubstantiated statements (pgs. 4.1-27, 4.1-44, and 4.1-47) when in fact the project will significantly increase the intensity of uses. These changes will cause direct harm to the San Dieguito River Park, the fragile coastal lagoon area, and is inconsistent with the San Dieguito River Park Concept Plan and Coastal Act policies.

4.10. The 9 structures proposed to be demolished (254,780 square feet of building space according to Table 8 in the Master Plan) were built 50 to 60 years ago and do not comply with the California Coastal Act. The proposed hotel/exhibit halls represent a significant increase in building coverage, yet the total square feet of new building area is not disclosed in the EIR. A table should be provided in the EIR quantifying the building uses and square feet proposed with a total and a comparison to the existing building areas. New buildings must be designed consistent with the Coastal Act regulations and policies.

4.11. The existing and proposed Fairground uses make it difficult for the public to access the San Dieguito River Park Coast to Crest Trail particularly during the summer season. Any increases in use will likely create additional impediments to public access. Therefore, there is no basis for the conclusion in Table 4.1A on page 4.1-65 that the Master Plan is consistent with Coastal Act Section 30212. The finding that the project does “not block” access is not accurate, and in and of itself is not evidence of consistency with this policy, which requires the provision of public access.

4.12. While it is true that the Fairgrounds is publicly owned and the Fair itself provides a lower cost visitor use (Table 4.1.A), the substantial increase in uses as a result of Fairgrounds Master Plan build-out as currently designed would represent a new barrier to public use of the adjacent Coast to Crest trail and the general public’s enjoyment of the San Dieguito River Park. Mitigation for impacts to the existing recreational uses (i.e., lagoon segment of the Coast to Crest Trail) should include the provision of a dedicated trail parking area and public accessway to maintain and improve public access to the coastal recreational resource. An example of a dedicated public access is the Coastal Rail Trail area between Highway 101 and the railroad tracks in Solana Beach. Signage, a meandering trail, and parking should be provided for the general public rather than a narrow strip behind a proposed hotel. A dedicated trail parking area should also be provided in the northern non-wetland portion of the EOL with a clearly-marked pedestrian access to the existing trail.
4.13. There is no commitment in the Master Plan to restore the south overflow lot, which is only listed as a mitigation “strategy” for a long-term project proposal that may never happen (i.e., parking garage). Future restoration of the SOL as mitigation for a parking structure that may never be approved is no better than the non-existent, delinquent restoration that the 22nd DAA has neglected to implement thus far. In reality this represents a permanent use of the SOL as a parking lot and continual maintenance as such.

4.14. Providing a minimal buffer between sensitive tidal wetlands and high-intensity uses is not a “land use separation benefit” as stated on page 4.1-44 of the EIR, but the absolute minimum typically required by the Coastal Act. The project represents new uses and intensification of existing uses that encroach into the small strip of open space along the river and would permanently change the landscape from low-scale agricultural-style exhibit halls built prior to the establishment of the Coastal Act and San Dieguito River Park to a looming 4-story wall along the river stretching from the railroad tracks to Jimmy Durante Blvd almost one-third of a mile. This represents a substantial change that is inconsistent with the California Coastal Act.

4.15. The JPA is not opposed to the Fairground and racing uses on the property nor to reasonable expansion of those uses, but the Coastal Act gives priority to coastal-dependent uses. The Fairgrounds is not a coastal dependent use and there should be a better balance between the Fairgrounds property and use of the public land for other recreational uses. A greater protection of the lagoon resource along with public access to recreational trails should be balanced with expansion of the Fairgrounds’ use of the property.

4.16. The Coast to Crest Trail is a component of the adopted State Trails Plan and the Fairgrounds redevelopment must include implementation of the trail through its property and evaluate impacts to the trail.

4.17. Claims made on page 4.1-27 that the Master Plan is consistent with the San Dieguito River Park Concept Plan are false. The project in fact significantly impacts the San Dieguito River Park as it represents over-intensification of uses too close to lagoon resources without providing adequate mitigation. The 100-year floodplain and open space corridor are not preserved but would be paved over for permanent parking uses in the case of the EOL and encroached upon by the large-scale hotel that does not respect the visual corridor or sensitive resources adjacent to it.

4.18. The Draft EIR includes the unsubstantiated statement that the project is a “limited encroachment on visual and physical development in the FPA”, when in fact it represents a substantial encroachment. The hotel and new exhibit halls are inconsistent
with Development Standards included in the Concept Plan which address the form, mass and profile of structures to blend and minimize impacts to the viewshed. Please see our comments under Aesthetics below.

5. AESTHETICS

5.1. The statement that there “are no dominating natural features or public viewpoints on site” is false and misrepresents the unique visual character of the area (page 4.5-2). The project site is part of a unique coastal lagoon setting with ocean views (including resources and viewpoints on the project site) and designated wetlands. That setting dominates the site and surrounding area. The San Dieguito River Park and surrounding community have worked for decades to protect this scenic treasure including a substantial public investment of over $18 million to acquire and protect nearby lands to preserve them for future generations. Public agencies like the City of San Diego have also acquired land within the lagoon area and have required that private property owners within the coastal valley dedicate portions of their property to preserve the sensitive resources. The DEIR does not objectively characterize the existing visual and aesthetic setting nor provide a balanced analysis. This is in violation of CEQA Section 15125(c) which states that “special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project”.

5.2. Section 4.5.2 should include a complete description of the project’s setting within the San Dieguito River Park FPA. The FPA is based on the viewshed from the river and the DEIR should describe the project within that context. The FPA boundary is not intended to establish a static demarcation between potentially developable and undevelopable land but instead serves to identify those areas where improper development could significantly impact the existing character of the land. The project site is located in the Del Mar Lagoon area, Landscape Unit A, the western gateway to the San Dieguito River Valley. One of the Special Design Considerations within the Del Mar Landscape Unit is to protect “the sweeping open space views” and that “future development should be compatible with the open space character of the lagoon area in terms of both visual compatibility and intensity of use”. The DEIR fails to adequately describe the important scenic context within which the Fairgrounds lie or evaluate the project impacts within that context.

5.3. The Existing Viewshed Descriptions (pg. 4.5-2) fails to cite the western extent of the Coast to Crest Trail that travels through the southern boundary of the project site (i.e., continues west to Jimmy Durante Blvd.).

5.4. Key View #7 is only taken from one point along the Coast to Crest trail (Fig. 4.5.1), that point is furthest east of the project site and does not fairly or objectively characterize the views from the existing trail. Key views should also include a view from the boardwalk.
trail section on the SOL and views along the river west of Jimmy Durante Blvd where the trail is planned.

5.5. The description of key view #7 is misleading in its treatment of views to the ocean. While whitewater ocean views cannot be seen from that particular location on the trail, near-distant views toward what is obviously the ocean horizon can be seen. Ocean horizon views increase substantially as one travels west along the trail still on Fairgrounds property. This view toward the ocean horizon on the western edge of the Coast to Crest trail is a captivating component of the trail because it represents the "coast" end of the trail. This important visual symbol is not adequately described in the DEIR and additional views should be added from the boardwalk and west of Jimmy Durante Blvd. to further document the true viewshed.

5.6. We agree with the qualifying statement on page 4.5-22 (DEIR, 2nd paragraph) about the limitations of visual simulations, yet much of the analysis and conclusions in this section of the DEIR seem to rest solely on the simulations as erroneous evidence of no impacts. The analysis should include scaled cross sections and line-of-sight diagrams with a clear description and visual analysis of existing and proposed building heights from existing and proposed ground elevations.

5.7. The addition of what is essentially a convention center complex is not a "modification" as described on page 4.5-23, but a wholesale redevelopment of the property adjacent to the river with a substantial increase in scale and massing of buildings. The analysis should reflect that fact. For example, the proposed 4-story hotel/exhibit buildings with the rooftop ballfield lights are out of scale with the surrounding area and would extend higher than most other uses in the area including existing commercial uses. The proposed exhibit halls (3 stories) would be close to double the height of the existing exhibit halls. As pointed out in the DEIR, the existing exhibit halls are mostly low-scale in character. Existing taller structures are significantly farther from the river corridor and primarily along Via de la Valle. The proposed 66-foot high hotel structure would be incompatible with the area particularly so close to the river where no other multi-story structures exist. Adding 70-foot tall rooftop lights would create an additional light envelope above the roofline visually extending the building height by another 70 feet. The impact on the existing river valley character from these dramatic visual changes would clearly exceed the DEIR's significance threshold 4.5.3 and require mitigation.

5.8. The lighting plan referenced on page 4.5-22 is critical for the analysis and should not be hidden in an appendix since light and glare is a potentially significant impact on the surrounding sensitive habitat.
5.9. The statement on page 4.5-23 "the project site would remain a Fairgrounds and Racetrack facility with implementation of the proposed near-term and long-term projects" is false. Change in use to a year-round convention facility and increased intensity represents a substantial change.

5.10. The Aesthetics section of the DEIR contains vague, dismissive language such as page 4.5-23 which states that the 22nd DAA is "committed to minimize nighttime lighting" from the training facility and other on-site light sources. This language in the DEIR is unsubstantiated, and in fact, contradicted by project elements such as roof top lighting for recreational facilities. Impacts of night lighting are not clearly documented.

5.11. The analysis of whether the proposed reader board sign will be seen from the Coast to Crest Trail is missing from the DEIR (pg 4.5-23). Mission type architecture does not mitigate the impact of views of the lagoon to the south, or views from the Coast to Crest Trail of the proposed Las Vegas-style electronic, double sided reader board sign. The purpose of the sign is to be seen, and therefore, will impact views from almost any place in the eastern lagoon area.

5.12. The DEIR should analyze alternative locations for the proposed multi-story parking garage where it would have less impact on the visual setting by clustering it with other already developed Fairground uses on the west side of Jimmy Durante Blvd, rather than encroaching into an undeveloped area. The visual impact of this use is not adequately analyzed in the DEIR and alternative project sites should be discussed.

5.13. The proposed lighting of the public trail adjacent to the hotel is inconsistent with the rest of the Coast to Crest trail which is not lighted.

5.14. The DEIR does not specify whether the paved EOL will contain night lighting. The lot is temporarily lit during parking for the fair and horse racing seasons, so is it proposed to be lit during the interim season and if so when and how often? Would night use of the parking lot for exhibits also be allowed? The DEIR is deficient because it does not evaluate these issues. Lighting that illuminates the habitat, particularly during the bird breeding season, represents a significant impact and is not adequately analyzed in the DEIR.

5.15. The statement on page 4.5-25 that views from I-5 are "fleeting" and "not considered to be views of a scenic vista" is incorrect. In fact views from the freeway are long in duration as the freeway approaches the southern edge of the valley and through the scenic lagoon area. This scenic vista has been recognized by Caltrans as it is listed as a potential scenic highway according to this DEIR (page 4.5-28).
5.16. The analysis of adverse effects on scenic vistas is inadequate. The 66-foot tall convention center complex (i.e., hotel and convention halls) will not be screened by a landscaped berm as stated on page 4.5-25. Rather, the hotel will be twice as high as the current exhibit halls and the scale and massing of the structures will be substantially greater and closer to the river than the existing exhibit buildings. The use of “Mission style” architecture is not a mitigation measure and will not mitigate the visual impacts (page 4.5-41). These impacts clearly exceed the significant threshold 4.5.1 and require mitigation.

5.17. The height of the proposed hotel and convention buildings may be inaccurately portrayed in the DEIR. According to the Floodplain Study in Appendix C of the DEIR, the habitable floor elevations of these buildings must be built at least one foot above the 100-year flood surface elevation of 12.5 feet, or an elevation of 14 feet. The existing site elevation is 7 feet according to the Geotechnical Evaluation in Appendix G of the DEIR. Are the proposed building elevations cited in the DEIR taken from the existing grade or the new grade of 14 feet? This lack of information or error would add at least another 7 feet to the height of the proposed buildings as compared to the existing condition. This must be disclosed and clearly described in the DEIR.

5.18. Currently the closest buildings to the river’s north bank within the lagoon area are ¼ mile to 1/3 mile away with the sole exception of the Fairgrounds exhibit halls and associated structures. These represent the only structures protruding into a substantial open space corridor that exists along the entire north side and most of the south side of the river/lagoon for a distance of over two miles. The Fairground structures were built long before the San Dieguito River Park was established. The new greater-intensity uses now proposed (convention center complex) will have a significant impact on the Park because instead of the redevelopment of this area contributing to the open space buffer that has been established and protected along the river/lagoon, it will intensify urban development close to the river without mitigation. The 22nd DAA as a state agency controlling 300 acres of public land must mitigate for the impacts caused by such a major intensification of use and must comply with the Coastal Act. Mitigation should include a substantial contribution to the open space greenbelt along the north side of the river thereby furthering the goals of the San Dieguito River Park. A substantial greenbelt should be a highlight of the Fairgrounds Master Plan, instead of the narrow space proposed adjacent to the river filled with uses such as berms, parking, and hotel service roads with a 66-foot tall structure that will cover almost one-third of a mile from the railroad tracks to Jimmy Durante Blvd. The DEIR fails to acknowledge these impacts and is therefore deficient.

5.19. The DEIR claims that because the hotel complex will be shorter than the Grandstand that it would not further obstruct views within and into the river corridor and towards the ocean. This is false. The Grandstand is 900 feet from the river and located in the interior
of the property, while the proposed convention center complex will be almost directly adjacent to the river. The mass and scale will be significantly greater than the existing structures. The DEIR does not adequately demonstrate this. An overlay analysis should be included in the DEIR superimposing the new structures over the existing to show the difference in scale and massing.

5.20. The statement on page 4.5-27 that there are “no other agency-designated scenic resources within a scenic corridor on site” is not true. The JPA is just such an agency with an adopted Concept Plan the purpose of which is to preserve the visual quality of the river corridor. Although most of the Fairgrounds property was developed before the River Park was established, the 22nd DAA proposed new development must now recognize the importance of the Fairgrounds’ setting within the coastal zone and San Dieguito River Park. The substantial redevelopment of the site with new uses must comply with the California Coastal Act and should be consistent with the development standards contained within the Park’s Concept Plan.

5.21. The viewsheds impact analysis for view #7 from the Coast to Crest trail is inadequate by limiting the view to only that adjacent to the freeway and underestimates the impacts as the trail moves toward the west. View 7 is not a “typical public view from the trail” (as defined on pg 4.5-45) and views from the trail would become increasingly affected by proposed new development on the Fairgrounds. The view from the trail particularly west of Jimmy Durante would change from low-scale agricultural-style exhibit halls to a looming 66-foot tall 4-story complex over the river and trail. The additional 70-foot lighting proposed on the roof would add to the imposing nature of this building, especially at night. Analysis must document the change in land cover/massing between existing and future. Mitigation should include reducing the buildings’ mass and scale and increasing the buffer between the river and the buildings to reduce the visual impact to the public river corridor.

5.22. The analysis incorrectly concludes that views toward the EOL “would not substantially degrade or reduce the visual quality from View 7” because “views would change from a dirt field to paving and bioswales”. The DEIR must disclose that the view would change from a dirt field most of the time to a year-round paved vehicular parking lot with parked vehicles adjacent to the trail on a year-round basis as well as potentially other facilities such as tents, lights, exhibits, and other related structures. This would substantially degrade the visual quality and represents a significant impact that is not mitigated.

5.23. The proposal to place 70’ tall light poles on roof-top sports fields adjacent to the sensitive river and lagoon is not adequately evaluated and mitigated in the DEIR. This proposed project represents a substantial addition of light and glare to the lagoon environment that is not currently there, and the DEIR’s reliance on a lighting plan to
mitigate this impact is not credible and defers mitigation in violation of CEQA Guideline 15126.4(B). In addition, the unclear comparison of foot candle lighting discussed on page 4.5-48 does not add any credible evidence to the impact conclusion. The DEIR also fails to evaluate the fact that the rear of the convention center complex facing the river would be brightly lit at night for security and service reasons as it contains the access road, loading docks, and other service facilities.

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

6. BIOLOGY

6.1. What mechanisms will be put in place to ensure the mitigation measures in the EIR will be carried out and enforced? What role will the 22\textsuperscript{nd} DAA play?

6.2. The biology analysis inadequately characterizes the lagoon and river adjacent to the project site by not defining it as an Environmentally Sensitive Area (ESHA) as defined in Article 5, Section 30107.3 of the Coastal Act.

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

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

6.3. Furthermore, per Article 5, Section 30240 development adjacent to ESHAs “shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas”. The placement of hotel and convention facilities and vehicular uses adjacent to the river and lagoon violate these principles.

6.4. The Biological Resources section of the Draft EIR (section 4.6) mentions indirect impacts to special status species, sensitive habitats, wetlands, and habitat conservation plans from noise and light, but does not quantify the impacts, even though more information about noise and light impacts is provided in sections 4.4 and 4.5 of the DEIR. Information from the Noise and Aesthetics sections should be used in section 4.6.
6.5. The EIR does not adequately evaluate the impact of noise on the lagoon and river emanating from the hotel/convention service facilities and dismisses all operational impacts as insignificant without supporting information. The Project Description states that the western rooftop ballfield may be used for events, which would increase light and noise on the adjacent habitat but this is not evaluated in the DEIR. The Noise section states, “Activities occurring on site, such as the proposed parking lots, the loading docks, and the rooftop events, would be located within 100 ft of the San Dieguito River. At this distance, the noise levels from these activities would range from 64 dBA Lmax from the parking lots to 74 dBA Lmax from the rooftop activities.” This information should be disclosed in the biology section. Some studies have concluded that 60 dBA is a single criterion to use when evaluating impacts to wildlife, in the absence of more specific research. Because the predicted noise levels exceed 60 dBA, a significant impact should be identified, and mitigation should be proposed.

6.6. The DEIR must describe how turning off lights directly adjacent to the lagoon and river at 11pm would mitigate for impacts to wildlife that rely on darkness as cover. Lighting can have significant impacts to nearby habitats and sensitive species. According to significance guidelines in the region for biological resources, the impacts of increases in nighttime lighting include the following: (1) plants depend on darkness for the management of their metabolism; (2) deciduous trees lose their leaves during the fall by the production of hormones that are caused by lengthening nights and do not lose their leaves when light pollution simulates summer’s long days and short nights; (3) animals depend on darkness in order to hunt, conceal their location, navigate, or reproduce, (4) mammals waste energy trying to stay away from lighted areas (5) some physiological processes only happen in the dark, such as resting, repairing, or charging of systems; (6) birds use dark skies to navigate during bi-annual migrations; and (7) migrating birds can become disoriented when they fly through an artificially brightened area. This is not addressed in the DEIR and potential impacts are dismissed with no supporting analysis.

6.7. According to the DEIR, rooftop lights from the Health Club/Sports Training Facility would produce light spillage of up to 0.1 footcandles (fc) along I-5. The light spillage to the San Dieguito Lagoon to the east and south should be quantified and assessed for biological impacts. Since 0.1 foot-candles is 5 times the brightness of moonlight and 500 times the brightness of starlight, it would be a significant increase over natural nighttime conditions. Likewise, the rooftop sports field lighting would generate an additional 0.02 to 0.06 footcandles along the north side of the San Dieguito River. On the north shore, the light created by rooftop sports field lighting would be up to three times the brightness of a full moon, disrupting wildlife for the reasons cited above. This should be identified as a significant biological impact, and mitigation or a reduced project should be proposed. Nighttime lighting will have an even greater impact when combined with the noise generated by the same rooftop events.
6.8. Subjective unsubstantiated statements are used to justify that the project would not impact sensitive species that rely on the lagoon habitat. For example, the argument on page 4.6-43, 4th paragraph implies that the San Dieguito Wetland Restoration mitigation project being implemented by Southern California Edison will mitigate for indirect edge effects caused from the Fairgrounds Master Plan. The DIER states that “sufficient habitat” south of the project site “provides adequate wildlife movement”. What is considered “sufficient” and “adequate”, according to what and to whom, and what measures are used to draw those conclusions? Just because new habitat was created and restored by SCE beyond the project boundary does not make the project’s impacts insignificant. The river habitat narrows west of Jimmy Durante and the proposed expansion of uses will exacerbate impacts. Project-caused indirect edge effects must be mitigated.

6.9. The only proposed mitigation measure that addresses permanent operational impacts is to restore 0.2 acre of the SOL (measure 4.6.7). The other measures only control construction timing and methods. The restoration of 0.2 acre of the SOL is not adequate to sufficiently mitigate for the direct and indirect impacts to an endangered wetland resource from a substantial redevelopment and expansion of the Fairgrounds property. Impacts from noise, lights, air quality, human activity, substantial construction in a floodplain and floodway, and the conversion of jurisdictional wetlands to permanent parking areas are not fully mitigated.

6.10. The basis for use of the SOL for parking is flawed as discussed under our comments in #2 above. The DEIR should disclose the controversy associated with the wetland delineations and identify the loss of this habitat over the years in addition to new impacts from the proposed project. The DEIR is deficient and does not fully mitigate for the temporal loss of wetlands on the SOL or for new impacts.

7. HYDROLOGY AND WATER QUALITY

7.1. According to the DEIR, flow rates at drainage basin 16 (EOL) will increase substantially (72% increase) in the Q2 flow between the existing and proposed condition. The runoff quantity will also increase resulting in a larger ponded area and duration of ponding water on the driving range as stated on page 4.11-57. What is the surface area and depth of the existing pond and future pond area and how long would it remain? Would it potentially extend into the Coast to Crest Trail or the habitat restoration project south of the driving range? Would such a large surface pond become an attractive nuisance and attract sensitive birds and other animals to a polluted area with other dangers such as flying golf balls? Where does the 12” pipe discharge into the river and since the rate of discharge would stay the same (per the DEIR) how would the duration of discharge change between the existing and future condition? Would a longer duration of flow change the vegetation type south of the driving range?
7.2. The DEIR does not contain any information about the quality of the effluent coming from the discharge pipe at basin 16 and whether it would change as a result of the project. Impacts to the lagoon cannot be evaluated without that information. The analysis to determine whether project implementation would degrade water quality (Threshold 4.11.6) is lacking and conclusions are not substantiated.

7.3. Are doors on all four sides of the new structures in the floodway sufficient to call the new buildings “flow-through” (page 4.11-58)? They are not designed like other newer structures located in the floodway along the San Diego River in Mission Valley where expansive openings in the parking areas allow floodwaters to flow through, not just doors that can be easily closed.

7.4. All the mitigation measures listed in Section 4.11 are just compliance with existing regulations and are inadequate to fully mitigate the proposed project.

8. RECREATION

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

9. TRAFFIC

9.1. Typically, the JPA does not comment on traffic-related issues unless they impact the Park directly. However, existing project site operations are already causing a significant unmitigated impact on the area. The busy Fair and racing seasons already negatively impact Park facilities from gridlock traffic on I-5 and surrounding surface streets to illegal long-term parking at nearby park facilities. In the case of the proposed project, the severe impacts of traffic and air emissions and noise from a considerable increase in traffic may have a significant impact on the health of the sensitive habitat and the enjoyment of the San Dieguito River Park. The Master Plan and DEIR do not address how long-term traffic issues can be effectively addressed except to suggest adding more street lights. This is a major deficiency of the DEIR.
9.2. Access to the existing Coast to Crest Trail would be impacted by the proposed new uses and substantial need for parking to accommodate users. No parking facilities are proposed for the general public trail users. Access to the trail will be walled off by the intensity of uses west of Jimmy Durante Blvd. This is not considered in the DEIR.

9.3. The traffic impact analysis assumes the future widening of El Camino Real and Via de la Valle. The DEIR fails to address the public dialogue that has occurred over the past several years with respect to the future widening of these major roadways and previous positions taken by the JPA and Carmel Valley Community Planning Board regarding the redesign of these widening projects because of their significant impacts to community character. The DEIR does not address how the proposed project will contribute to the need to widen these roadways.

9.4. It appears that one way to reduce the project’s impact on the surrounding community from significant unmitigable traffic impacts is to take a more aggressive role in providing and supporting public transportation. The proposed project mitigation measures to widen surface streets, pave wetlands for parking lots, add a proliferation of streetlights, and build a multi-story parking garage do not address the long-term impacts of these measures on sustainability of the site and the surrounding sensitive resources and community character. This represents a significant long-term impact and irreversible environmental change that is not adequately addressed in the DEIR.

9.5. Consideration and evaluation of improving access to the project site is absent from the Master Plan and DEIR. The only proposed public transit component is a possible train platform that is only addressed as a long-term project with no strategy presented on how that project will be implemented. The seasonal trail platform must be given a higher priority and should be part of a reasonable mitigation package.

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

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

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

Sincerely,

Pam Slater-Price, District 3 County Supervisor
JPA Chair

Cc: Senator Christine Kehoe
    California Coastal Commission staff
    City of Del Mar
    City of Solana Beach
    City of San Diego Council offices
    County of San Diego, Supervisors
    Carmel Valley Community Planning Board
    Torrey Pines Community Planning Board
March 18, 2011

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

Subject: Request for Extension of Review Period for Del Mar Fairgrounds Master Plan Final Environmental Impact Report

Dear Mr. Fuller:

The JPA Board is anticipating the impending release of the responses to comments and Final EIR for the Fairgrounds Master Plan. This important project is of great interest to the JPA and involves a multitude of significant issues as detailed in our comment letter on the Draft EIR. We are requesting that the 22nd DAA increase the review period from the CEQA mandated minimum 10-day period for public comments on the DEIR to a minimum 30-day review period in order to allow us more time to review this critical document and responses to our concerns.

We feel that a 10-day review period is inadequate considering the many comment letters received and the complex issues raised. We are anticipating reviewing what will be a lengthy document covering a broad array of issues. Therefore, we request a more reasonable timeframe to review the document before the Fairboard considers certifying the Final EIR.

Thank you for considering our request.

Sincerely,

Sherri Lightner, Chair
San Dieguito River Park JPA
TO: JPA Board

FROM: Staff

SUBJECT: Rancho Santa Fe Polo Club Request for Support of Final Site Plan

RECOMMENDATION:

Approve letter of support for Rancho Santa Fe Polo Club Site Development Permit.

SITUATION:

The Rancho Santa Fe Polo Club has been processing a Site Development Permit application through the City of San Diego since 2006 to address grading code violations and violations of their lease including the encroachment of their operations onto the public trail. The project site is located on City-owned land between Via de la Valle and the San Dieguito River, east of El Camino Real. The land has been leased to the Polo Club since 1986; the lease is due to expire in 2012 although plans for a lease renewal or another use on the site have not been made public by the City. The JPA has inquired on many occasions as to the lease status and plans for future use of this area, but no information has been made available.

The San Dieguito River Park’s main issues of concern regarding this project has been the continued encroachment over the years of the Polo Club’s equestrian uses on the public trail, the continued diskimg and grading of the public trail adjacent to the river causing impacts to habitat and resulting in a trail unusable to bikes and pedestrians, and the impacts of their operations on the sensitive wetland habitat along the river.

The San Dieguito River Park has been working with many other agencies including City staff, the Carmel Valley Community Planning Board, resources agencies (US Fish and Wildlife and CA Fish and Game), and others to ensure that Polo Club representatives address concerns about the proposed restoration areas and locations of the public trail and Polo Club equestrian track. Substantial progress has been made by the Polo Club to satisfy many of the concerns raised including the amount of native restoration, location and width of the public trail, and adequate buffers from the river’s edge. Buffer widths between the Polo Club operation and the river, however, are limited due to the size and location of the Polo Club lease boundary and uses permitted years ago.

In June 2010, a Mitigated Negative Declaration for the permit was distributed for public review. At that time substantial progress had been made to separate the public trail from the Polo Club equestrian track; however, the issue of the trail surface remained a concern by JPA staff so a comment letter to the MND was submitted (Attachment 1). The Final MND is not yet available, but is expected to be released later this month. Although most of the public trail will not have a d.g. surface, a vegetated buffer between the public trail and the restoration areas has been added to better protect new habitat from impacts associated with drainage and runoff. The JPA could
decide later to add d.g. to the trail surface if drainage issues persist. All remaining issues have been resolved to the satisfaction of JPA staff. The Polo Club has produced a final plan and is asking for the JPA’s support (Attachments 2 and 3). A final decision by a City Hearing Officer is expected in April or May 2011.

CAC RECOMMENDATION:

The CAC voted unanimously at their meeting on March 4, 2011 in favor of recommending your Board send a letter to the City supporting the Polo Club’s final plans for the public trail and restoration.

ALTERNATIVES

3. Approve staff’s recommendation.
4. Provide other direction to JPA staff.
5. Take other action.

RECOMMENDATION:

Approve letter of support for Rancho Santa Fe Polo Club Site Development Permit.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:
1. JPA Draft MND comment letter
2. Polo Club Site Plan
3. Draft JPA letter of support
San Dieguito River Valley  
Regional Open Space Park  
14103 Highland Valley Road  
Escondido, CA 92025  
(858) 674-2270  Fax (858) 674-2280  
www.sdrp.org

June 29, 2010

Terri Bumgardner  
Environmental Planner  
City of San Diego Development Services  
1222 First Ave., MS 501  
San Diego, CA 92101

Subject: PTS No. 169091/Rancho Santa Fe Polo Club  
Comments on Draft Mitigated Negative Declaration

Dear Terri:

The San Dieguito River Park JPA has been actively involved in this project over many years specifically to see that the public trail is restored and wetland habitat is replaced along the river. We are pleased that permits are almost secured to finally correct the Polo Club’s impacts relative to the City’s notice of code violation issued in 2005.

The majority of the JPA’s issues have been resolved through the permit process. Although we are disappointed that the applicant is not proposing to install a decomposed granite surface on the public trail for stability and to minimize erosion into the adjacent habitat, we will rely instead on the project MMRP requirement that site drainage be controlled in a manner to “ensure that sediment and toxics do not flow directly into the river” and proper function of the native vegetated buffer strip to keep this from happening. Particularly since the Civil Penalty Notice and Order specifically speaks to erosion prevention and sediment control (Code Section 142.0220(b)). We do request however that the City defer to the JPA’s judgment, as the designated trail manager, regarding trail erosion and drainage issues and require that the lessee address any problems that arise. We are hopeful that erosion into the restored habitat will not occur with proper trail grading and compaction, adequate trail maintenance (JPA), and the adjacent native buffer zone.

We are also concerned about the extended time it has taken to resolve the violations and would like to see the Polo Club’s plan implemented in a timely manner. Considering this project is a result of a City code violation, we urge City officials to be vigilant in ensuring that the lessee implements the project within a specified time that is prior to the lease expiration in 2012 and prior to any discussion of a lease renewal on this publicly-owned property. Consequences from failure to implement the plan should be clearly specified in the permit and MND.

We appreciate the opportunity to comment on the MND and we look forward to seeing this problem resolved.

Sincerely,

Shawna C. Anderson, AICP  
Environmental Planner
PROPOSED TRAIL, REVEGETATION AND RESTORATION AREAS
March 18, 2011

Ms. Jeanette Temple  
City of San Diego, Development Services Department  
1222 1st Avenue, 5th Floor  
San Diego, CA 92101

Subject: Rancho Santa Fe Polo Club - Project 169091

Dear Ms. Temple:

After careful consideration, the JPA Board of Directors voted at their meeting on March 18, 2011 in support of the Polo Club’s project plan dated 2/11/2011. The JPA appreciates the efforts of the City staff, elected officials, and other agencies and community members to work with Polo Club on a plan that preserves and restores the public trail and much of the habitat that has been lost over the years from Polo Club operations. We also appreciate the willingness of Polo Club representatives to create a solution that meets most of the concerns raised throughout this process.

The JPA urges the City to approve the Polo Club’s Site Development Permit so that the project can be implemented this year. The section through Polo Club represents a critical extension of the Coast to Crest Trail that has been anticipated for many years. Combined with the soon-to-be-completed Coast to Crest lagoon trail segment to Horsepark and the anticipation of constructing the segment through Horsepark to El Camino Real later this year, the public trail will be extended another 2.25 miles – truly a cause for celebration.

Thank you for keeping the JPA informed and involved throughout this lengthy permit process. We look forward to seeing the trail and restoration implemented.

Sincerely,

Olga Diaz, Vice-Chair  
San Dieguito River Park JPA
TO: JPA Board

FROM: Staff

SUBJECT: CEQA Addendums to the San Dieguito Watershed Invasive Species Control Program Final Mitigated Negative Declaration and the Santa Fe Valley Specific Plan Final Environmental Impact Report

RECOMMENDATION:

Adopt resolutions approving CEQA Addendums to the San Dieguito Watershed Invasive Species Control Program Final MND and Santa Fe Valley Specific Plan Final Environmental Impact Report

The purpose of the two CEQA Addendums is to address potential greenhouse gas impacts for two separate projects that are receiving grant funding from the California Natural Resources Agency. The Natural Resources Agency has requested that the JPA evaluate greenhouse gas impacts for the two projects before they release the grant funds.

The CEQA process was completed for the two subject projects prior to the requirement that CEQA documents evaluate a project’s contribution to greenhouse gas (enacted through the CEQA Guidelines in March 2010). The two subject projects include a eucalyptus treatment and removal project within the Del Dios Gorge and Santa Fe Valley areas of the San Dieguito Watershed being implemented under the San Dieguito Watershed Invasive Species Control Program. A Mitigated Negative Declaration (MND) was adopted by the JPA in 2009 for this multi-phased and multi-year invasive species removal project, the subject project being one component. This project was identified in the previous San Dieguito Watershed Invasive Species Control Program Final MND (2009); however, the MND did not evaluate the emissions of greenhouse gas at the time of its adoption because it was not required at that time.

The second project is to construct trail improvements/amenities to the existing Del Dios Gorge multi-use trail and trail staging area. Improvements include a viewing platform, benches, a monument sign, directional signage, erosion control, revegetation, fencing and a gate. The Del Dios Gorge Trail was included as a component of the SFV Specific Plan in the SFV Final EIR (certified by the County of San Diego in 1995) and was further evaluated in more detail by the County in 2006 in an Addendum to that FEIR. However, neither the original FEIR nor the previous Addendum evaluated the emissions of greenhouse gas by the project because it was not required by CEQA at that time.

The subject CEQA addendums address the potential for greenhouse gasses by both projects as requested by the Natural Resources Agency.
CAC RECOMMENDATION:

Although the CAC made recommendations of approval for both these projects in previous actions, they did not review the subject Addendums.

FINANCIAL IMPACT:

None. The projects are being funded by a grant from the California Natural Resources Agency.

ALTERNATIVES:

1. Approve resolutions for the two Addendums.
2. Do not approve Addendums and give staff other direction.

Respectfully Submitted,

Shawna C. Anderson, AICP
Principal Environmental Planner

Attachment 1: Resolutions of Approval for Addendums
Attachment 2: Addendum to the Santa Fe Valley Specific Plan Final Environmental Impact Report
Attachment 3: Addendum to the San Dieguito Watershed Invasive Species Control Program Final Mitigated Negative Declaration
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
RESOLUTION NO. R11-__

ADOPTING AN ADDENDUM TO THE SANTA FE VALLEY SPECIFIC PLAN AREA FINAL ENVIRONMENTAL IMPACT REPORT TO EVALUATE THE IMPACTS OF GREENHOUSE GAS EMISSIONS FROM PROPOSED TRAIL IMPROVEMENTS

WHEREAS, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) was approved for a grant from the California Natural Resources Agency to construct certain improvements/amenities to the Del Dios Gorge (Santa Fe Valley) Trail and staging area;

WHEREAS, the Del Dios Gorge trail was evaluated in two CEQA documents, the Santa Fe Valley EIR (1995) certified in 1995 by the County of San Diego, and an addendum to that EIR adopted by the County of San Diego on December 14, 2006; and

WHEREAS, the San Dieguito River Park JPA constructed the subject trail as approved and permitted in 2007;

WHEREAS, the previously certified and adopted CEQA documents did not address the potential for greenhouse gas emissions because it was not required by CEQA at the time the documents were prepared and certified;

WHEREAS, improvements to the subject trail to be funded by a State Natural Resources Agency grant including staging area fencing and signage and a viewing platform require that GHG emissions be evaluated for those improvements;

WHEREAS, the JPA prepared an addendum to the certified EIR to address greenhouse gas emissions from new proposed trail improvements, attached as Exhibit A (Addendum).

NOW THEREFORE, BE IT RESOLVED, by the JPA Board of Directors, that it hereby adopts the Addendum in compliance with the California Environmental Quality Act (CEQA), as amended (California Public Resources Code Section 21000 et seq.) and Section 15164(b) of the CEQA Guidelines;

BE IT FURTHER RESOLVED that the Addendum reflects the independent judgment and analysis of the JPA as the Lead Agency and that the information they contain has been reviewed and considered by the JPA Board of Directors;

BE IT FURTHER RESOLVED that a subsequent or supplemental EIR pursuant to Section 15162 was not required because:

1. There are no substantial changes to the project which would require major revisions of the previous EIR from the involvement of new significant environmental effects or
a substantial increase in the severity of previously identified significant effects because the
subject improvements were anticipated for the trail;

2. No substantial changes have occurred with respect to the circumstances under
which the project is undertaken that would require major revisions to the previous EIR; and

3. Based on the information in the attached addendum, there is no new information
of substantial importance to the project that reveals new significant impacts from the project
not discussed in the previous EIR, significant impacts that would be substantially more severe,
mitigation measures previously found infeasible that would now be feasible to substantially
reduce one or more significant effects, or measures that are considerably different that were
declined could now be implemented to reduce impacts. Construction of the proposed
improvements would not be expected to increase greenhouse gasses to a measureable amount,
because of the short duration of construction; therefore, no new significant impacts are
anticipated.

BE IT FURTHER RESOLVED that the location and custodian of the documents or other
materials which constitute the record of proceedings upon which this decision is based is as
follows:

San Dieguito River Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025

Approved and Adopted the ______________________ day of ____________, 2011.

Ayes: __________

Noes: __________

Absent: __________

Abstain: __________

________________, Chair

ATTEST: Dick Bobertz, Executive Director

Attachment: Addendum
ADOPTING AN ADDENDUM TO THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE SAN DIEGUITO WATERSHED INVASIVE SPECIES CONTROL PROGRAM TO EVALUATE THE IMPACTS OF GREENHOUSE GAS EMISSIONS FROM THE EUCALYPTUS TREATMENT AND REMOVAL PROJECT

WHEREAS, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) was approved for a grant from the California Natural Resources Agency to implement a component of the San Dieguito Watershed Invasive Species Control Program;

WHEREAS, the eucalyptus treatment and removal component of the San Dieguito Watershed Invasive Species Control Program was evaluated in a Final Mitigated Negative Declaration approved in 2009 by the San Dieguito River Park Joint Powers Authority;

WHEREAS, the previously adopted CEQA document did not address the potential for greenhouse gas emissions because it was not required by CEQA at the time the MND was prepared and approved;

WHEREAS, implementation of the eucalyptus treatment and control project to be funded by the Natural Resources Agency grant including applying herbicide to eucalyptus trees, removing the smaller trees, and planting native trees requires that GHG emissions be evaluated for the project;

WHEREAS, the JPA prepared an addendum to the previously approved MND pursuant to CEQA Guidelines 15164 to address greenhouse gas emissions from the eucalyptus treatment and control project, attached as Exhibit A (Addendum).

NOW THEREFORE, BE IT RESOLVED, by the JPA Board of Directors, that it hereby adopts the Addendum in compliance with the California Environmental Quality Act (CEQA), as amended (California Public Resources Code Section 21000 et seq.) and Section 15164(b) of the CEQA Guidelines;

BE IT FURTHER RESOLVED that the Addendum reflects the independent judgment and analysis of the JPA as the Lead Agency and that the information it contains has been reviewed and considered by the JPA Board of Directors;

BE IT FURTHER RESOLVED that a subsequent or supplemental EIR pursuant to Section 15162 was not required because:

1. There are no substantial changes to the project which would require major revisions of the previous MND from the involvement of new significant environmental effects or a substantial increase in the severity of previously
identified significant effects because the subject project is substantially the same as identified in the previous MND;

2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require major revisions to the previous MND; and

3. Based on the information in the attached addendum, there is no new information of substantial importance to the project that reveals new significant impacts from the project not discussed in the previous MND, significant impacts that would be substantially more severe, mitigation measures previously found infeasible that would now be feasible to substantially reduce one or more significant effects, or measures that are considerably different that were declined could now be implemented to reduce impacts. The project would generate temporary emissions at well below the threshold normally considered significant, therefore, no new significant impacts would occur.

BE IT FURTHER RESOLVED that the location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is as follows:

San Dieguito River Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025

Approved and Adopted the ________________ day of ____________, 2011.

Ayes: ____________

Noes: ____________

Absent: ____________

Abstain: ____________

____________________, Chair

____________________, Chair

ATTEST: Dick Bobertz, Executive Director

Attachment:
Environmental Review Update Checklist Form  
For Projects with Previously Approved Environmental Documents  

FOR PURPOSES OF CONSIDERATION OF:  
Implementing improvements/amenities to the Del Dios Gorge Trail and staging area  

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.  

1. Background on the previously adopted ND or previously certified EIR:  

The project lies within the boundaries of the Santa Fe Valley (SFV) Specific Plan Area (SPA). An EIR for the Santa Fe Valley SPA was certified by the County of San Diego on December 13, 1995. The certified EIR found significant effects to biological resources, cultural resources, visual quality/aesthetics, traffic/circulation, noise, air quality, hydrology/water quality, geology/seismicity/soils, paleontological resources, and cumulative. These effects were determined to be mitigated or avoided to a level below significance.  

Subsequent to the certification of the EIR, an addendum was adopted by the County of San Diego on December 14, 2006 pursuant to the requirements of 15162, 15163, and 15164 of the State CEQA Guidelines. The addendum was for the issuance of a grading permit to the San Dieguito River Park JPA for the construction of the Del Dios Gorge public trail, which was included in the Santa Fe Valley Specific Plan Area on the Santa Fe Valley Specific Plan land use map and Circulation Plan as a segment of the San Dieguito River Park Coast to Crest Trail. A trail river crossing and staging area were also identified in the Santa Fe Valley Specific Plan Land Use Plan. However, the river crossing and proposed trail staging area were not described in detail nor specifically evaluated in the EIR. Therefore, an addendum was prepared and adopted by the County to evaluate the details of the trail. The addendum made minor technical changes to the project description that did not trigger a subsequent or supplemental document.  

2. Lead agency name and address:  
San Dieguito River Park Joint Powers Authority  
18375 Sycamore Creek Road  
Escondido, CA 92025
3. Contact: Shawna Anderson, Environmental Planner
   Phone number: (858) 674-2270
   E-mail: shawna@sdrp.org

4. **Summary of the activities authorized by the present action:** the JPA is receiving a public grant from the California Natural Resources Agency to construct trail improvements/amenities to the existing Del Dios Gorge multi-use (pedestrians/bicycles/equestrians) trail and trail staging area. Improvements include a viewing platform, benches, a monument sign, directional signage, fencing and a gate. The existing trail was built under the previous grading permit and CEQA addendum discussed above. No new discretionary permits are required.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?
   - YES
   - NO
   If yes, describe ALL differences.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following.

   - ☑ NONE
   - □ Aesthetics
   - □ Biological Resources
   - □ Hazards & Haz. Materials
   - □ Mineral Resources
   - □ Public Services
   - □ Utilities/Service Systems
   - □ Agriculture Resources
   - □ Cultural Resources
   - □ Hydrology/Water Quality
   - □ Noise
   - □ Recreation
   - □ Mandatory Findings of Significance
   - □ Air Quality
   - □ Geology/Soils
   - □ Land Use/Planning
   - □ Population/Housing
   - □ Transportation/Traffic
DETERMINATION:
On the basis of this analysis, the JPA Board of Directors has determined that:

☑️ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or previously certified EIR is adequate without modification.

☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.

☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

[Signature]
Shawna C. Anderson

3/8/11

[Date]
[Printed Name]
[Title]
INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

   a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or

   b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or

   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

GREENHOUSE GAS EMISSIONS. Since the previous EIR was certified and addendum adopted for the trail, State CEQA Guidelines were amended per SB 97 (March 2010) to require that the potential environmental effects of greenhouse gas emissions be addressed in CEQA documents in response to state legislation regulating greenhouse gas. Therefore, would the current project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

No. The project is to construct amenities to an existing trail, and would not open up a new area to access nor extend the existing trail that may generate new automobile trips from increased usage. The project is to construct signs, benches, a viewing platform, and other amenities that would not generate greenhouse gasses. Construction of these trail amenities may involve the use of gas-powered machinery but this would be a short-term use for a few hours that would not be expected to increase greenhouse gas to any measurable amount.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No. The trail is an existing trail that is included in the land use plans for the area (Santa Fe Valley Specific Plan) and would not conflict with these plans. No greenhouse gas emissions policy would apply. Therefore, no conflict or new environmental impacts associated with greenhouse gas emissions would occur and no revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects would be required.

No other changes to the project are proposed. The project will improve conditions and add amenities on the existing trail and staging area that were described in CEQA Addendum #1 approved in December 2006. No substantial changes are being made to the trail, no changes in circumstances apply, and no new impacts are anticipated.
REFERENCES USED:

Santa Fe Valley Specific Plan EIR (1995)
Addendum to the Santa Fe Valley Specific Plan EIR (December 2006)
CAPCOA White Paper CEQA and Climate Change (January 2008)
EPA Emission Facts, Average Carbon Dioxide Emissions Resulting from Gasoline and Diesel Fuel (February 2005)
ADDENDUM TO FINAL MITIGATED NEGATIVE DECLARATION FOR THE SAN DIEGUITO WATERSHED INVASIVE SPECIES CONTROL PROGRAM

SUBJECT:
San Dieguito Watershed Invasive Species Control Program Eucalyptus Treatment and Removal Project. The project is to implement eucalyptus treatment and removal as part of the San Dieguito Watershed Invasive Species Control Program. The Final MND approved for the overall Program did not include a greenhouse gas emission analysis which is now required by the funding agency for the subject project to meet the requirements of State CEQA Guidelines per SB 97 (March 2010) requiring that the potential environmental effects of greenhouse gas emissions be addressed in CEQA documents.

I. DESCRIPTION OF CURRENT ACTION:
The JPA is receiving a public grant from the California Natural Resources Agency to implement a component of the San Dieguito Watershed Invasive Species Control Program, the treatment and removal of eucalyptus within the Del Dios Gorge and Santa Fe Valley areas of the San Dieguito Watershed. This project was identified in the previous San Dieguito Watershed Invasive Species Control Program Final MND (2009); however, the MND did not evaluate the emissions of greenhouse gas at the time of its adoption because it was not required at that time.

The project is to apply herbicide to eucalyptus trees within a 21-acre area and remove smaller trees as appropriate and as described in the previous MND. The main eucalyptus stands within the river channel below the Hodges Dam will be treated and removed using a phased approach so as not to remove large areas of trees all at one time. As the smaller trees are removed, areas will be revegetated with native trees and shrubs (willows, sycamores) and given time to establish and mature somewhat before additional eucalyptus are removed. This approach is meant to maintain vegetative cover and scenic quality within the stream channel as the invasive species control project moves downstream along the river corridor.

Treatment of eucalyptus trees will be dependent on access to the site and how much rock is present. Areas directly below Hodges Dam have limited access and extensive cover of rock. This makes it impossible to reduce the eucalyptus in place. This area will require that felled trees be hauled to staging areas where it will be chipped and spread on trails, roads, parking lots or taken off site (as green
waste). Staging will be located at the existing Santa Fe Valley trail staging area. Cut stumps will be treated with Garlon. Larger trees may be girdled or treated by injection and left standing (to leave structure called “snags” for wildlife). Typically trees over 16” DBH (Diameter Breast Height) will be left standing (to leave high canopy and nest cavities for wildlife) unless they occur near roads or trails. Rubber-tired skidders will be used to haul felled trees to the staging area for chipping. Areas too rocky for the skidder require that cut material be hauled by hand or bundled and picked up by a helicopter and taken to the staging/chipping area. All conditions described in the previous MND would apply including: no material may be placed in the low flow channel areas, no grading, and no use of tracked equipment (which would significantly disturb soil surfaces). All environmental conditions required by the previous MND approved Mitigation and Monitoring Program would apply to this project.

II. ENVIRONMENTAL SETTING:

The project is located downstream of Lake Hodges Dam within unincorporated San Diego County along an approximate 1.8-mile long stretch of the San Dieguito River in the Del Dios Gorge and Santa Fe Valley areas. The river stretch is undeveloped with the exception of a public trail (Coast to Crest Trail). Low-density estate homes exist on the hillsides west of the project site.

III. PROJECT BACKGROUND

A Mitigated Negative Declaration (MND) for the San Dieguito Watershed Invasive Species Control Program was adopted by the San Dieguito River Park JPA Board of Directors on June 19, 2009 (resolution number R09-5). The MND concluded that issues regarding biological resources, cultural resources, and hazardous materials would be mitigated and measures were incorporated into the project to reduce impacts to below a level of significance. Some components of the invasive species program have been initiated and others have yet to start. The invasive species program will be implemented over the next several years as funding becomes available. Because the granting agency (Natural Resources Agency) for this eucalyptus component requires that greenhouse gas emissions be evaluated for the project prior to receiving funding, this Addendum addresses the impact of greenhouse gas emissions from the subject project.

IV. DETERMINATION

The San Dieguito River Park JPA adopted an MND for the San Dieguito Watershed Invasive Species Control Program in June 2009. A subsequent MND pursuant to Section 15162 was not prepared for this change because:

a. There are no substantial changes to the project which would require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
The project itself would not change. No major revisions to the previous MND are required.

b. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require major revisions to the previous MND.

The project is identical to what was proposed and approved in the previous MND for the San Dieguito Watershed Invasive Species Program. No changes are proposed that would require any revisions to the previous MND.

c. There is no new information of substantial importance to the project that would result in new impacts from the project not discussed in the previous MND, or significant impacts would be substantially more severe, mitigation measures previously found infeasible would now be feasible to substantially reduce one or more significant effects, or measures that are considerably different that were declined could now be implemented to reduce impacts.

With the exception of the recent requirement to include a greenhouse gas emissions evaluation in CEQA documents, no new information or impacts would occur that was not discussed in the previous MND. All mitigation would remain in effect and no new impacts are expected.

Therefore, in accordance with Section 15164(b) of the State CEQA Guidelines this addendum to the previous MND has been prepared.

V. ENVIRONMENTAL ANALYSIS:

Greenhouse Gas Emissions

The project would not generate new significant sources of greenhouse gas. Based on an estimate of the work period and hauling methods, the project would generate an estimated 1.23 tons of CO$_2$e which is well below the threshold normally considered significant. This estimate is based on an average of 4 heavy-duty truck haul trips per day (or 40 truck trips per acre) for a total of 840 trips multiplied by 2 miles per trip or 1,680 miles over the duration of the project. At an average of 12 MPG (Ford F250 truck) it is estimated that the truck hauling trips would consume 140 gallons of gasoline fuel. EPA estimates that one gallon of gasoline generates 19.4 lbs of CO$_2$, so the project would generate 2,716 lbs of CO$_2$ or 1.23 metric tons over the duration of the eucalyptus treatment and removal project. This is far less than what just one light truck generates over a one year period (6.32 metric tons CO$_2$e for light trucks and 5.03 metric tons for a passenger vehicle). In addition, the emissions would be temporary in nature, and not a permanent increase. Therefore, the project would not involve a new significant environmental effect from greenhouse gas emissions.

References Used

Final Mitigated Negative Declaration San Dieguito Watershed Invasive Species Control Program (June 2009).
CAPCOA White Paper, CEQA and Climate Change (January 2008)
EPA Office of Transportation and Air Quality, Emission Facts, Average Carbon Dioxide Emissions Resulting from Gasoline and Diesel Fuel (February 2005)

[Signature]

Shawna C. Anderson, AICP, Environmental Planner
San Dieguito River Park Joint Powers Authority

3/8/11  Date
TO:            JPA Board
FROM:        Staff
SUBJECT:     Background Check Policy

RECOMMENDATION:

Adopt resolution approving the Criminal Background Check Policy

SITUATION:

At your Board’s September 17 meeting, your Board approved requiring a background check process for volunteers in certain capacities. At that meeting, your Board directed staff to prepare a policy that would describe how the background checks would be applied and which volunteers are subject to the policy. Other issues that were specifically raised to be addressed in the policy related to privacy of the background check results, how the decisions would be made regarding whether an applicant is disqualified and whether someone needs to have a background check if they have already received a check through another agency. A draft policy that followed the outline provided by the Department of Justice was brought to your Board at your January meeting. At the January meeting, your Board asked that the policy be simplified to be more in keeping with similar policies that have been adopted by other local agencies. The modified policy is attached for your review.

Staff recommends that your Board adopt the attached draft resolution approving the policy.

CAC RECOMMENDATION:

The CAC reviewed the previous draft at their November 4th meeting. They approved the following motion on a vote of 12 in favor and 3 opposed: Approve the policy in principle with the additional comments suggested by various CAC members:

Section 1a. Add Citizens Advisory Committee chair (done)
Concern was raised about one person (the Executive Director) having the authority to decide whether an applicant must be disqualified or not. The suggestion was made that perhaps the decision would be made by the Executive Director in consultation with the JPA Chair and Counsel. Alternatively, the Executive Director’s decision could be appealable to the JPA Chair and Counsel.

ALTERNATIVES

1. Adopt attached draft resolution and policy.
2. Revise policy
3. Give staff other direction.
RECOMMENDATION:

Adopt resolution approving the Criminal Background Check Policy

Respectfully submitted,

Susan A. Carter
Deputy Director

Attachments:
   1. Draft Resolution
   2. Draft Background Check Policy
RESOLUTION NUMBER R0-_______

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY ADOPTING A CRIMINAL BACKGROUND CHECK POLICY FOR EMPLOYEES AND VOLUNTEERS

WHEREAS, the San Dieguito River Park Joint Powers Authority ("JPA") has determined that it is necessary to conduct background checks on certain employees and volunteers to ensure the safety of the public with respect to park activities and programs;

WHEREAS, the JPA has requested and received authorization from the California Department of Justice to access federal, state and local summary criminal history information for employment, licensing and certification purposes; and

WHEREAS, the JPA wishes to establish clear protocols and procedures for implementing said background checks;

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS

a. Adopts the attached policy for conducting criminal background checks and securing received criminal history information; and

b. Authorizes the Executive Director to obtain said summary criminal background information from the Department of Justice and to carry out the responsibilities assigned to the Executive Director in the attached policy.

I, the undersigned, hereby certify that the foregoing Resolution Number ______ was duly adopted by the Board of Directors following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

________________________________________
Chair

ATTEST:

________________________________________
Jan Lines, Clerk
PURPOSE

Establish a policy for the use of criminal background checks for employees and volunteers to ensure the safety of members of the public who use the San Dieguito River Valley Park and participate in JPA activities.

BACKGROUND

The JPA owns and/or manages extensive public park, trail and open space facilities (“Park facilities”) that are used and enjoyed by members of the public, including minors. The JPA also has a strong volunteer program that includes members of non-profit organizations, clubs and individuals who help enhance, restore, maintain and oversee Park facilities. Volunteers also include minors under the age of 18. As a result, JPA employees have frequent contact with minors as part of their daily work assignments, and at times, supervisory authority over minors. Park volunteers may also come into contact with minors and have supervisory authority over their conduct. For these reasons, the JPA finds it appropriate to adopt this policy, which provides for criminal background checks of JPA employees and volunteers.

POLICY

1. A criminal background check pursuant to Section 11105.3 of the Penal Code shall be conducted for:

   i. All new applicants for JPA employment;
   ii. All existing JPA employees and volunteers whose responsibilities include supervisory or disciplinary authority over children under the age of 18;
   iii. All new volunteers whose responsibilities could include supervisory or disciplinary authority over children under the age of 18 and/or whose duties would include work on or at Park facilities that are used by members of the public.

2. Criminal background checks shall not be required for:
i. One-time or occasional volunteers who attend organized volunteer events, such as Habitat Restoration Work Parties, provided that their duties do not include any supervisory or disciplinary control over minors; or

ii. Citizens Advisory Committee members and members of other volunteer committees whose duties do not involve supervision or disciplinary authority over minors.

3. Criminal background checks that reveal sex related convictions as defined by California Education Code section 44010, including any sex offense listed in Penal Code section 290, shall automatically disqualify the individual from being a JPA employee or volunteer.

4. Other criminal convictions may be considered a disqualifying offense, depending upon the nature of the conviction and the duties associated with the proposed volunteer or employment position, as determined by the Executive Director.

5. Any individual who is denied an employment or volunteer position as a result of a criminal conviction shall be provided with notice of the basis for the rejection and an opportunity to respond.

6. Background information obtained by the JPA pursuant to this Policy shall be retained by the Executive Director as a confidential record and not be disclosed, except as the Executive Director determines is necessary to assist with employment or volunteer decisions and then only to individuals who have been instructed and agree to maintain the confidentiality of the information.

7. The Executive Director shall be responsible for implementing this Policy.
TO: JPA Board

FROM: Staff

SUBJECT: Report on Proposed Trail Parking/Staging Area in Del Mar

RECOMMENDATION:

Information. No action required.

SITUATION:

At your Board’s January 21 meeting, your Board determined to send a letter to the City of Del Mar requesting that the parcel located at the northeast corner of San Dieguito Drive and Jimmy Durante Blvd. be designated for open space and parking use. See Attachment 1. This site is owned by North County Transit District but has been under a long-term lease by the City of Del Mar as a recycling center. The lessee has left and other uses are being considered. Your Board also determined to send a letter to NCTD requesting that the parcel be declared surplus property. This letter was not sent because the Chair determined that staff should conduct additional research into the situation first. Consequently, JPA staff did meet with NCTD staff at the site to discuss the issue, and is scheduled to meet with the City of Del Mar City Manager and Planning Director on March 17th. The information that has been learned will be reported to your Board at today’s meeting, and further direction can be given then if desired.

Respectfully Submitted,

Dick Bobertz

Attachment:

1. Letter from JPA to City of Del Mar
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

January 23, 2011

Mayor Don Mosier  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

Dear Honorable Mayor Mosier:

SUBJECT: Trailhead Parking Area Proposed for Northeast Corner of San Dieguito Drive and Jimmy Durante Blvd.

In the last few years, several trails have been constructed or are being planned in the San Dieguito Lagoon area west of I-5 that serve Del Mar residents and visitors. These include the San Dieguito River Park’s Coast to Crest Trail north of the river and the City of Del Mar’s Riverpath Del Mar south of the river. In addition, the Lagoon Overlook at Grand Avenue Bridge is an attraction for trail users that will ultimately be connected to the trail system. Yet there is a severe shortage of parking for trail users in the San Dieguito Lagoon area west of I-5.

This shortage of parking spaces makes it very difficult for trail users to access the Boardwalk or the west end of the Coast to Crest Trail. Our Outreach Specialist has explained that she cannot program educational activities and school programs in the lagoon area west of the freeway because there is nowhere for students and/or parents to park. The 22nd District Agricultural Association is willing to allow a parking area for trail users in their parking lots south and east of Jimmy Durante, but most of the areas on their property near the trail are in designated wetlands, and therefore not appropriate for parking. Recently we have learned that there is a possibility of securing a parking area for trail users at the northeast corner of Jimmy Durante Blvd. and San Dieguito Drive (hereafter “Jimmy Durante Parcel”). We understand that this site is owned by North County Transit District and being leased by the City of Del Mar.

At the January 21, 2011 meeting of the Board of Directors of the San Dieguito River Park Joint Powers Authority, the Board voted to request the City of Del Mar to exercise its land use authority to facilitate use of the Jimmy Durante Parcel as an open space and trailhead parking/staging area. This site would provide almost direct connection to all of the sites mentioned above. See Attachment 1 for map of the area. Our Board also determined to ask NCTD to declare the property as surplus and to agree to sell it to the City of Del Mar, the JPA or other appropriate entity such as the San Dieguito River Valley Conservancy.
Thank you for your consideration of the JPA Board’s request to facilitate use of the Jimmy Durante Parcel for open space and trailhead/parking purposes.

Sincerely,

[Signature]
Sherri Lightner, Chair

cc: Karen Brust, City Manager
    Kathleen Garcia, Planning Director
TO: JPA Board

FROM: Staff

SUBJECT: Budget Committee Report and Recommendations

RECOMMENDATION:

Appoint Ad Hoc Committee to Review Existing JPA Agreement and Make Recommendations on Potential Changes.

SITUATION:

On March 4, your Board’s Budget Committee (Lightner, Roberts, Cunningham and Mosier) met to begin developing the FY 11/12 budget.

Items discussed included:

- JPA’s legal responsibilities with respect to habitat management, land management, trails management, facilities management and pension obligations;
- Discussion of whether the San Dieguito River Park should be funded through tax payer dollars as a Park and Recreation service to taxpayers;
- Discussion of potential changes that should be made to the JPA Agreement;
- Member Agency Contribution Formula, review of options given that population and acreage ownerships of the six member agencies have increased over the 22 years since the initial formula was established.
- Opportunities for Potential New Revenue in 2011/12:
  - Sikes
  - Water Dept., City of San Diego
  - Bingo
- Potential Expenditure Reductions in 2011/12
  - Offset (continue transition from 7% in 2009/10 to 0% in 2011/12.)
  - Staffing – continued Executive Director volunteer status in coming year
  - Continued cap on flex credit (health insurance benefit).

It is the Budget Committee’s recommendation that your Board appoint an Ad Hoc Committee composed of Board members Lightner, Roberts, Cunningham and Slater-Price, to review the existing JPA agreement and make recommendations on potential changes to it. The Ad Hoc Committee will report its recommendations on the above directly to the Board at a future meeting.

The Budget Committee will continue meeting to develop a proposed budget for FY 11/12, with
the intention of bringing it to your Board for action at your May 20, 2011 meeting.

Respectfully Submitted,

Dick Bobertz
Executive Director
March 2, 2011

California Coastal Commission and Staff
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Subject: Consideration of Permit Number 6-10-084, 22nd District Agricultural Association

Dear Commissioners and Coastal Commission Staff:

JPA staff has carefully reviewed the staff report for the 22nd DAA’s permit application before you now to place tent structures, a prefabricated structure, and other items on the Del Mar Fairgrounds’ “Surf and Turf” site. We are concerned about the Coastal Commission allowing additional uses for this site at this time while the 22nd DAA’s proposed Master Plan and EIR remain outstanding. As you know, a Draft EIR for the proposed Master Plan was circulated by the 22nd DAA in October 2009. Many agencies (including the Coastal Commission and the JPA), organizations, community groups, and individuals commented on the DEIR raising many substantive issues regarding existing and proposed uses, their impacts, and the lack of adequate mitigation. Responses to those comments have not been made available yet by the 22nd DAA and no decision has been made on the Master Plan or EIR. Many comments related to the inappropriate increase of intensity of uses on the Fairgrounds site without adequately addressing the impacts and providing inadequate mitigation.

The proposed project before you now involves proposed and “after-the-fact” uses on the Fairgrounds’ property that are either not included in their draft Master Plan or are inconsistent with the Plan. We are opposed to the piecemeal fashion at which development has been allowed to proceed on this sensitively located site. At a minimum, the staff report and decision makers should acknowledge the 22nd DAA’s DEIR and issues raised. For example, concerns have been raised on many occasions regarding the 22nd DAA’s lack of compliance with restrictions placed by coastal permits for parking on the south and east overflow lots. The staff report before you goes into much detail about the 22nd DAA’s lack of compliance. The JPA staff is concerned about the effectiveness of requiring more monitoring under this new proposed Coastal Permit application when violations continue and not adequately monitored. Many conditions included in the coastal permit you are currently considering require ongoing monitoring, an approach that has not proven effective for past 22nd DAA projects and uses.
In addition to the above, the JPA staff requests copies of 22nd DAA submittals mentioned in the proposed special conditions including the “comprehensive sign program” (special condition #2), parking monitor program (#4), landscape plan (#5), drainage and polluted runoff control plan (#6), water quality monitoring plan (#8), and final site plans (#10). We would like the opportunity to review these plans.

We urge you to consider the larger picture regarding the continual increase in uses on the Fairgrounds property without a comprehensive plan and the impact that has had on the surrounding sensitive estuary now undergoing an $83 million restoration. Another isolated decision to allow more uses will potentially add to those impacts.

Thank you for the opportunity to comment on the permit application before you.

Sincerely,

[Signature]
Shawna C. Anderson
Environmental Planner

Cc: Dustin Fuller, 22nd District Agricultural Association
March 7, 2011

California Coastal Commission
Eric Stevens, Coastal Analyst
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108

Subject: CDP #6-10-084

Dear Mr. Stevens:

The 22nd District Agricultural Association (22nd DAA) is requesting a postponement of the above listed item from the Commission's March 2011 meeting to the Commission's May 2011 meeting. If you have any questions or need additional information, please don't hesitate to contact me. We look forward to working with you to complete the application process for this project.

Sincerely yours,

22nd District Agricultural Association

Dustin Fuller,
Sr. Environmental Planner

Cc: Tim Fennell, CEO/General Manager, 22nd DAA
Becky Bartling, COO/Deputy General Manager, 22nd DAA
Matt Clay, Del Mar Golf Center/22nd DAA
File