AGENDA
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
CITIZENS ADVISORY COMMITTEE

10:30 a.m. to 12:15 p.m.
Friday, June 6, 2014

Location: San Rafael Parish,
Pastoral Center, Rooms D&E
(The Pastoral Center building is located on the south side of the parking lot)
17252 Bernardo Center Drive, Rancho Bernardo
(north of Rancho Bernardo Drive)

In order to conduct the meetings effectively, the Chair has asked the Citizens Advisory Committee appointees to please sit at the front of the room. Alternates (who are not sitting in for the regular appointee) and others present are invited to sit in the rows behind the committee. Discussion during the meeting will be conducted by the appointees. Alternates and others are welcome to address the committee during the public comment period or if recognized by the Chair during the meeting. Speaker slips are available. It is important that CAC members comply with the Chair's Meeting Procedures and maintain decorum and politeness at all times. A quorum is a simple majority of current members. The Chair cannot start the meeting until a quorum is present. PLEASE ARRIVE BY 10:25 A.M! The CAC may take action on any item listed on the Consent or Discussion/Action agenda, but only when a quorum is present. If a quorum is temporarily lost during the meeting, no further discussion will take place until the quorum is regained. If the quorum is not regained, the meeting will be adjourned. Please advise the Chair at the beginning of the meeting if you must leave before 12:15 p.m.

NOTICE: Agenda packets are distributed by e-mail only. If you do not have an e-mail address, please contact the office at 858 674-2270 to make alternative arrangements.

Roll Call and Introductions

Chair

Late arrivals should speak to staff to make sure their attendance is noted.

Approval of April 4, 2014 Minutes
Chair's Report
Executive Director’s Report
Public Comment
Chair
Staff
Public

DISCUSSION/ACTION

1. Committee Reports
   a. Project Review Committee
      i. Ranger Station (Maintenance Building) (page 3)
   b. Trails Committee

2. CAC Review of Items Addressed by the JPA Board (page 4)

3. Coastal Commission Staff Letter re Proposed Removal/Elimination of Lagoon Boardwalk (page 7)


5. Appointment of Committee for Founders’ Tribute (page 28)

6. Review and Comment on Items Listed in Mayor of San Diego’s May 2nd Letter (page 29)

INFORMATION

7. Park Project Status
   a. David Kreitzer Lake Hodges Bike/Ped Bridge
   b. Sikes Adobe Creamery - Grand Opening June 4th at 4 p.m.
   c. Other

8. Communications An opportunity for any CAC member or the public to bring to the CAC's attention a project or activity not reviewed by the Project Review Committee in their reports.

9. Attachments

Adjournment
Chair

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

FROM: Shawna Anderson, Environmental Planner

SUBJECT: Update on San Dieguito River Park Coast Ranger Station

RECOMMENDATION:

Consider Information Provided and Recommend Action for JPA Board.

The JPA staff has been working with an architect (Rinehardt-Herbst) on a design for the coast ranger station. As you may recall, the San Dieguito River Park Master Plan for the Coastal Area includes a “park maintenance building” located off of San Andres and south of Via de la Valle on one of the restoration disposal sites (DS32). While the Master Plan includes other park facilities, such as a nature center, in the same complex, the JPA is proposing only the ranger station and a public restroom at this time.

Currently, JPA staff is preparing permit applications to the City of San Diego and the Coastal Commission for the project. Design plans were presented to the Project Review Committee at their April 2014 meeting and will be shared with the CAC at this meeting. JPA staff will also be presenting the design to the Carmel Valley Community Planning Board in June. The ranger station was included in the Final EIR/EIS for the San Dieguito Wetlands Restoration Project.

The proposed single-story ranger station would be 1,400 square feet in size with an attached 1,000 SF garage for a total building area of 2,400 SF as well as a 55ft by 48ft fenced work yard. The building would include ranger offices, an interior work space, employee restroom, and a public restroom and conference room. The front of the building would include an entry porch, a pedestrian access ramp and access to the public restroom. Project plans and other details including proposed building materials will be presented at the CAC meeting.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner
TO: CAC
FROM: Staff
SUBJECT: CAC Review of Items Addressed by JPA Board

RECOMMENDATION:

Review Attachment 1 at today’s meeting or appoint a subcommittee to review additional information to determine if all appropriate Board agenda items have been directed to the CAC for review and report results and recommendations to the Board.

SITUATION:

At the May 16 JPA Board meeting a Board member questioned if all appropriate items were being reviewed by the CAC. The CAC Bylaws (II A.) note that “The primary purpose of the CAC shall be to advise the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority in matters relating to the planning, funding, property acquisition, design, improvement, operation and management of the San Dieguito River Park”. Section II B.4. adds “Additionally, the purpose of the CAC shall be to advise the JPA on land use matters within or which directly impact the focused planning area”.

A review of action items on the JPA agenda over the past year (Attachment 1) shows that all land use matters have received CAC review but others that could be interpreted to be included under section II A of the Bylaws have not. There are various reasons why some items have not been referred to the CAC. For example, when the Board assigns an item to a Board Committee for review and recommendation it has been standard practice to not also assign the item to the CAC. The annual Budget is an example. Other exceptions have been made when timeliness of an action is important. An example is the recent response of the Board to the letter from the San Pasqual Band of Mission Indians sent to the Mayor of the City of San Diego which accused the San Dieguito River Park of not doing its job to protect the Piedras Pintadas pictographs. Since the letter was received several days before the Board agenda went out there was no time to schedule CAC review and still provide a timely response to correct misperceptions of the letter. Other items that traditionally have not been brought to the CAC are procedural actions such as accepting easements and granting contracts for projects that have been previously reviewed by the CAC.
## JPA Action Item Review by CAC

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<th>Agenda Date</th>
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<td>Budget Committee Report and Recommendation</td>
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<td>Final MND for Via De La Valle Widening and Proposed Letter of Support</td>
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<td>Proposed Lagoon Boardwalk Removal</td>
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<td>Letter from San Pasqual Band of Mission Indians Regarding Piedras Pintadas Pictographs</td>
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<td>Check Presentation from Supervisor Roberts</td>
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<td>Proposed Changes to Donation/Acceptance Policy</td>
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<td>Appoint Nominating Committee for Board Officers</td>
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<td>DAA CDP Application to Coastal Commission</td>
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<td>Award Contract for Electrical Connection for Lake Hodges Bridge</td>
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<td>Report from Sikes Adobe Bee Committee</td>
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TO: CAC
FROM: Staff
SUBJECT: San Dieguito Lagoon Boardwalk

RECOMMENDATION:
Consider Issue and Recommend Action for JPA Board.

SITUATION:
At the April 4, 2014 CAC meeting the CAC considered an item concerning the direction of California Coastal Commission staff to remove the San Dieguito Lagoon Boardwalk during a future 22nd District Agricultural Association project to restore a portion of the South Overflow Lot. The CAC recommended that the JPA send a letter to protest the Boardwalk removal which was sent on April 18, 2014 (Attachment 1). Subsequently, Coastal Commission staff responded with a letter on May 23, 2014 (Attachment 2). The letter suggested that retention of the Boardwalk would be considered by the Coastal Commission upon submittal of an application to amend the existing coastal development permit for the Coast to Crest Trail.

Although River Park staff do not agree with the Coastal Commission staff position that they have the authority to order removal of the Boardwalk without further consideration of the Coastal Commission, it is a complicated issue. Since the intent is to obtain a determination from the Coastal Commission after discussion and public input, staff will recommend to the JPA Board that the River Park submit the suggested permit amendment application.

Attachments:
1. April 18, 2014 letter from JPA Board to California Coastal Commission
2. May 23, 2014 letter from California Coastal Commission to JPA
San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

April 18, 2014

Honorable Steve Kinsey, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Chairman Kinsey and Commissioners:

SUBJECT: San Dieguito Lagoon Boardwalk Trail

The San Dieguito River Park Joint Powers Authority has been informed that Coastal Commission staff has directed the 22nd District Agricultural Association to produce restoration plans for the South Overflow Lot that would remove the existing Lagoon Boardwalk Trail. At their meeting of April 18, 2014, the Board of Directors of the San Dieguito River Park Joint Powers Authority considered this item and voted unanimously to oppose removing the Boardwalk for the reasons stated in this letter and Attachment 1.

Our Board is concerned that Coastal Commission staff is attempting to move forward on a major change to an existing facility without public input or the Commission’s opportunity to address it. Removing the Boardwalk would be a significant change and loss to the community and should not be required without a full discussion at the Commission level, with the opportunity for public input. Our Board believes that the Boardwalk serves an important purpose consistent with the Coastal Act, which is nature study and environmental education, and therefore should not be removed. Accordingly, our Board requests that the condition in the existing permit for our trail that states, “The boardwalk is an interim use...which shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot (SOL) and the boardwalk may be relocated at that time,” be removed from our permit so that the existence of the boardwalk does not remain in peril or continued uncertainty.

Background

The San Dieguito River Park JPA strongly supports restoration of the SOL and other wetlands, having recently argued vigorously in favor of restoring the lower part of the East Overflow Lot instead of continuing to allow it to be used for parking. Over the 25 years of its life, the San Dieguito River Park JPA has spent millions of dollars purchasing coastal property and working with partners such as Southern California Edison and SANDAG to restore these disturbed lands to critical tidal wetlands. In fact, the very first land purchase that the JPA ever made...
was the acquisition of the former Birtcher/Del Mar 88 property in 1991 which now forms the deep lagoon basin known as W1 on the west side of the freeway. The priority for wetland preservation was instigated initially and has continued as a result of public activism by Del Mar’s San Dieguito Lagoon Committee, the Friends of San Dieguito River Valley and the San Dieguito River Valley Conservancy. Those organizations join the JPA in opposing the removal of the boardwalk. Please see Attachment 2, letters to the Coastal Commission from the Cities of Del Mar, Solana Beach and the San Dieguito River Valley Conservancy.

Notwithstanding the JPA’s long-term commitment to enhancing coastal wetlands, the JPA also has goals to promote public access, environmental education, and nature study to further a greater understanding of natural resources and the value of coastal wetlands among children and adults visiting the lagoon. We understand that the Coastal Commission biologist believes that the introduction of human activity into a habitat area has negative impacts on birds, and that the .25 acre space that the boardwalk takes up could be converted to additional wetlands. However, we believe that these concerns are offset by a compensating factor - that the boardwalk serves a valuable function for nature study. It should be noted that the boardwalk was designed to minimize habitat impact – it is off the ground but has a very low profile specifically to keep walkers at a low level so as not to disturb birds by being “above them”. There is also evidence that retaining the boardwalk could be beneficial to birds that use the wetlands as it gives them a place to hide from predators such as harriers and Coopers hawks (Attachment 3).

The boardwalk serves a purpose which is one of only 8 allowed uses in wetlands, and that is nature study. Its location adjacent to the river on one side and restored wetlands on the other makes it ideal for this purpose. The newly-approved trail along Jimmy Durante Blvd. next to the bus ramp serves a purpose for a multi-use trail connection and Coast to Crest Trail link, but it is not a replacement for the nature study and quiet reflection that the boardwalk provides.

The boardwalk has been in use for eight years and is a well-loved community asset, built with a considerable investment of state and federal grant funds and private donations of cash and labor. At the time that the boardwalk was approved, it was known that it was located adjacent to the river and wetlands, and its sensitive design reflects that. Removing or relocating it entirely is an extreme step that is not warranted. There are other actions that the JPA is willing to discuss that could be taken to reduce human activity short of the extreme step of removing the boardwalk. For example, if a short section of the center part of the boardwalk were removed, then the boardwalk would no longer function as a trail connecting point A to point B. That would eliminate use by a certain number of people who are not accessing the trail for nature study. It would also reduce the number of people who use the boardwalk to walk their dogs.

Please give consideration to the San Dieguito River Park Joint Powers Authority’s request to retain the boardwalk in its current location for all the reasons described herein and to remove the condition stating that the boardwalk is an interim use that could be relocated at some point in the future.
Sincerely,

Dave Roberts

Dave Roberts, Chair

cc:
Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Sherilyn Sarb, Deputy Director,
San Diego Coast District Office
7575 Metropolitan Dr., Suite 103
San Diego, CA 92108-4402

Attachments:
  1) Boardwalk Fact Sheet
  2) Letters from City of Del Mar, Solana Beach and San Dieguito River Valley Conservancy.
  3) Letter from Phil Pryde, Ph.D. regarding benefits of boardwalks for birds.
FACT SHEET
POTENTIAL REMOVAL OR RELOCATION OF
SAN DIEGUITO RIVER PARK BOARDWALK TRAIL

- The 1,200 foot-long Boardwalk Trail, built in 2006, is located on the southern edge of the Fairgrounds South Lot parking area and is for pedestrian use. A viewing platform, scope, and educational interpretive signs provide opportunities for nature study.
- The boardwalk was financed with funds from the State Coastal Conservancy and Federal Transportation Enhancement Activities program, and partially built by volunteers including the Del Mar Rotary who installed all the boardwalk planks.
- Ongoing maintenance is provided through donations made by selling name plates on the boardwalk planks. Approximately 545 name plates have been installed along the edge of the boardwalk.
- The Fairgrounds south lot is currently being converted to a new wetland by the 22nd Agricultural District – Phase I started in February 2014 restoring 3 acres of the parking lot to wetland habitat. Phase II (the remaining parking area) is required by a California Coastal Commission (CCC) order and is anticipated to be done in 2015. The District’s plan for the South Overflow Lot restoration that was approved by the Coastal Commission at the February 13, 2014 hearing did not require that the boardwalk trail be removed or relocated.
- As required by the CCC, the 22nd DAA staff prepared a detailed restoration plan for the Phase II restoration, but is now being told to prepare a new plan without the boardwalk trail and that the boardwalk trail will be removed.
- The original coastal permit for the boardwalk trail (2005) required a note be placed on the project plans that “the boardwalk...is an interim use...that shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot and the boardwalk may be relocated at that time”.
- A coastal permit for the SOL restoration was approved by the Coastal Commission on February 13, 2014. The opportunity for the Coastal Commission to “address” the boardwalk, as described in the permit condition quoted above, was at this hearing. The permit does not require the boardwalk trail be removed or relocated. No public process occurred that would give the public (or the JPA) a chance to weigh in on the boardwalk’s existence or replacement. Nor has a case been made that removal is necessary.
- The boardwalk serves Coastal Act goals, and San Dieguito River Park goals, to promote public access, environmental education, and nature study to further a greater understanding of natural resources and the value of coastal wetlands among children and adults visiting the lagoon. The boardwalk serves a valuable function for nature study, which is one of only eight allowed uses in wetlands. This benefit compensates for any potential gain in acreage (about 1/4 acre) of wetlands that would result if the boardwalk were removed. Its location adjacent to the river on one side and restored wetlands on the other makes it ideal for this purpose. The boardwalk was designed to minimize habitat impact – it is off the ground but has a very low profile specifically to keep walkers at a low level so as not to disturb birds by being above them. Other trails are not a replacement for the nature study and quiet reflection that the boardwalk provides.

ATTACHMENT 1
March 19, 2014

Honorable Steve Kinsey, Chair
California Coastal Commission
c/o San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Re: Opposition to Removal of the Boardwalk Trail on the South Side of the San Diego County Fairgrounds South Overflow Lot

Dear Chairman Kinsey and Commissioners:

On behalf of the City Council of the City of Del Mar, I am writing to express the City's opposition to the California Coastal Commission staff's direction to remove the Boardwalk Trail on the south side of the San Diego County Fairgrounds (22nd District Agricultural Association) South Overflow Lot.

As you are aware, the Fairground's South Overflow Lot Restoration Project is currently underway. The City recently learned that Coastal Commission staff has indicated that they may require removal of the existing Boardwalk Trail in the Lot. The Boardwalk, as a vital public resource, remains a key component to the restoration project. It should be noted that the Coastal Commission approved the Restoration Project with the boardwalk in the Project.

This proposed action by Coastal Commission staff is a significant change that has not received any public input and is clearly contradictory to what has been in place and what the public has been utilizing. Therefore, the City is opposed to removal of the Boardwalk Trail.

Thank you for your consideration.

Respectfully submitted,

Lee Haydu
Mayor

cc: City Council
Frederick Schenk, President, 22nd District Agricultural Association Board of Directors
April 9, 2014

Honorable Steve Kinsey, Chair
California Coastal Commission
c/o San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Chairman Kinsey and Commissioners:

The City of Solana Beach is writing to express our opposition to the California Coastal Commission staff's direction to remove the San Dieguito Lagoon Boardwalk Trail as part of the 22nd Agricultural District Phase II Restoration Project at the Fairgrounds.

The Boardwalk is a vital public resource and a significant element in the approved restoration project. The Fairgrounds prepared a detailed restoration plan for Phase II that included the Boardwalk Trail. This plan was approved by the Coastal Commission in February of this year. This Trail was built in 2006 with public funds and is further maintained through private donations and volunteer efforts. It is a cherished public asset that provides educational and recreational access to the coastal wetlands to all of the County residents and visitors.

We encourage the Restoration Project to proceed as already approved and oppose this new direction being requested by Coastal Commission Staff. There has been no public input with respect to this change and we believe that all objectives of the Restoration can be met with the Boardwalk remaining in place as per the existing permit and plan.

Thank you for your consideration.

Respectfully,

Thomas Campbell
Mayor

Lesa Heebner
Deputy Mayor

David Zito
Council Member

Peter Zahn
Council Member

Mike Nichols
Council Member
March 20, 2014

Mr. Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

Dear Mr. Lester:

On behalf of the San Dieguito River Valley Conservancy (Conservancy), I am sending you this letter to oppose the removal of the San Dieguito Lagoon Boardwalk Trail from the 22nd Agricultural District (Fairgrounds) Phase II Restoration Project.

The Boardwalk Trail was built in 2008 with funds awarded by the State Coastal Conservancy and Federal Transportation Enhancement Activities Program. It was partially built by volunteers. Ongoing maintenance is provided through donations made by selling name plates on the Boardwalk planks. Approximately 545 names plates have been purchased and installed to date. The Boardwalk Trail is a valuable community asset that provides educational and recreational access to the coastal wetlands for persons of all ages and physical abilities and, in our view, it would be highly inappropriate for it to be removed.

The Fairgrounds prepared a detailed restoration plan for its Phase II Restoration Project that included the Boardwalk Trail. This plan was approved by the Coastal Commission on February 13, 2014. It has come to our attention that your staff now is requiring the Fairgrounds submit a NEW restoration plan that requires removal of the Boardwalk Trail in direct conflict with the approved plan.

We oppose this direction being taken by Coastal Commission staff. The permit and plan approved by the Coastal Commission on February 13, 2014, does not require removal of the Boardwalk. No public process has occurred that would give the public a chance to weigh in on the removal of the Boardwalk.

We highly encourage the Coastal Commission staff to comply with the requirements of the permit for the Fairgrounds’ restoration plan as approved by the Coastal Commission on February 13, 2014. If you have any questions, please contact Trish Boaz, Executive Director at 858-755-6956 or trish@sdrv.org.

Sincerely,

Peter M. Shapiro  
President

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EXECUTIVE DIRECTOR  
Trish Boaz  

ATTACHMENT 2
April 14, 2014

To whom it may concern,

With regard to the proposed removal of the existing boardwalk in the South Overflow Lot area of the San Dieguito Estuary wetlands, I would like to offer the following personal observations and comments.

Over the past twelve years I have led birding trips for San Diego Audubon Society to locations all over North America, and taken professionally led trips to dozens of other major birding venues. Most of these have wetlands, and many of them have boardwalks. From this, I have gained considerable experience observing bird behavior in the vicinity of such boardwalks, many of which are heavily used.

The biologist for the California Coastal Commission has been quoted as having said, “Putting human activity in the middle of a natural habitat is always a bad idea because it maximizes disturbance to the habitat. Wildlife, particularly birds, are especially sensitive to activity that is above them …”.

Unfortunately, this statement is an overly-broad generalization, and is not necessarily correct in the context of water birds. Birds, like all other animate life, are first and foremost concerned with self-preservation. In that regard, they quickly learn what does and does not constitute a threat to them, and water birds soon conclude that human beings walking nearby, or on a boardwalk above them, present little or no threat, and simply go on about their other main concerns, feeding and propagation. They are of course sensitive to threats above them, such as raptor activity, but not necessarily at all to people.

Indeed, since aerial predators are a major threat to smaller water birds, such birds quickly identify a boardwalk as a good place under which they can hide and conceal themselves from aerial attack. Thus, far from “maximizing disturbance to the habitat of marsh birds”, properly constructed boardwalks can provide a useful protective service to wetland birds. “Properly constructed” means, among other things, that there is suitable vegetation nearby that can also serve as shelter for the birds.

Some of the best-known and frequently visited protected wetlands in the United States are those that have been developed near the Convention Center on South Padre Island, Texas, at the Green Cay and Wakodahatchee reclamation ponds near Delray Beach, Florida, and at the Black Swamp Bird Observatory along Lake Erie in Ohio. Bird preservation and reproduction are the primary objectives at all these sites. And at all these sites, almost all of the trails are built on berms or boardwalks that extend through the wetlands, and at two of them, are exclusively on boardwalks.

I have visited these sites on numerous occasions, and have seen, for example Clapper Rails and other wetland birds saunter beside and under the boardwalks quite unconcerned about the visitors above. At the Florida sites, small trees that are prolific nesting sites for herons and anhingas are only a few feet from boardwalks where people are enthusiastically photographing them. Again, this occurs because the birds understand from experience that the nearby human movements and activities pose no danger to them.
Locally, in a similar vein, I have had Clapper Rails in the Tijuana Estuary wetlands along the McCoy trail (built on a berm) stroll within a few feet of me as I observed them from the trail, again unconcerned by my presence.

Thus, the statement quoted above should be viewed as not necessarily applicable to wetland areas where trails and boardwalks have been built in a proper manner in appropriate locations. Experience at sites across the country demonstrates that water birds don’t automatically react negatively to human presence at properly designed wetland boardwalks and berm trails, and may find the boardwalks useful as hiding places.

In conclusion, based on actual wetland avifauna behavior, there is no justification for removing the existing boardwalk in the San Dieguito wetlands area, an action which would in the future deprive the wetland birds of this useful form of shelter and protection.

Therefore, the recommendation to remove the boardwalk should be rejected.
As for the concern about dogs, there is no reason why the wetland trails and boardwalks can’t be made off-limits to dogs (and they should be).

Sincerely,

Philip R. Pryde (Ph.D.)
Professor Emeritus, San Diego State University
Past Chair, San Diego Audubon Society
Past Chair, San Diego County Planning Commission

Common Gallinule by the South Padre Island boardwalk
May 23, 2014

Tim Fennell  
22\textsuperscript{nd} District Agricultural Association  
2260 Jimmy Durante Boulevard  
Del Mar, CA 92014

Dick Bobertz  
Executive Director  
San Dieguito River Park JPA  
18372 Sycamore Creek Road  
Escondido, CA 92025

David Kaye  
Manager of Environmental Projects  
Southern California Edison  
1218 S. Fifth Avenue  
Monrovia, CA 91016

Re: Coastal Development Permit No. 6-04-088/Coast to Crest Trail – interim boardwalk trail segment

Dear Mr. Fennell, Mr. Bobertz, and Mr. Kaye:

Commission staff is currently working with the applicant, 22\textsuperscript{nd} District Agricultural Association (22\textsuperscript{nd} DAA), to finalize wetland restoration plans for Phase II of the SOL wetland restoration, pursuant to Commission-approved Coastal Development Permit (CDP) No. 6-12-067. As you are all aware, the South Overflow Lot (SOL) is undergoing phased restoration work. As part of that restoration, the elevated boardwalk segment of the San Dieguito River Valley Joint Powers Authority (JPA) Coast to Crest Trail that currently traverses the SOL within the property of the 22\textsuperscript{nd} DAA has become the subject of recent attention. Specifically, Commission staff has directed the 22\textsuperscript{nd} DAA to provide restoration plans that would include the relocation of the existing interim boardwalk segment to an alternate alignment along the northern boundary of the SOL restoration area. This alignment has been identified multiple times in various exhibits submitted by the 22\textsuperscript{nd} DAA in past Commission actions dealing with the SOL over the span of multiple years.

ATTACHMENT 2
The Commission has communicated to the 22nd DAA that such realignment will enhance the restoration program by allowing approximately 0.25 acre of additional wetland restoration, while also improving the hydrological connectivity between the restoration area and the adjacent San Dieguito River. The boardwalk segment of the Coast to Crest Trail would still exist adjacent to the SOL restoration area, but in a location that would be less impactful on coastal resources and still provide enhanced public access to and nature study of adjacent coastal resources within the lagoon system.

In response to this direction from Commission staff to the 22nd DAA, various parties have interceded to voice opposition to any realignment of the boardwalk trail segment. However, this opposition ignores the long and publicly available permit history of this particular area, which has identified and treated the boardwalk segment of the Coast to Crest Trail as an interim use with the final alignment being subject to the final plan for SOL wetland restoration.

Permit History

At the October 2005 Commission hearing, the Coastal Commission approved CDP No. 6-04-088, authorizing the applicants Southern California Edison (“SCE”) and the JPA to implement the San Dieguito Wetland Restoration Plan and construction of a portion of the Coast to Crest Trail. Special Condition No. 6 of CDP No. 6-04-088 directly addresses Segments 1 through 8 of the Coast to Crest Trail constructed pursuant to that permit, including the boardwalk segment (1b) in question. Special Condition No. 6 states, in relevant part:

6. Final Coast to Crest Trail Plans. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE TRAILS AND WITHIN 18 MONTHS OF COMMISSION ACTION ON THE PERMIT, the applicants shall submit final plans for construction of the coastal segment of the Coast to Crest Trail commencing at Jimmy Durante Blvd. and ending at the proposed weir or inland extent of the restoration work. Said plans shall be in substantial conformance with the trail alignment shown in the Wetland Delineation for the Proposed San Dieguito River Park Coast to Crest Trail San Diego, CA prepared by Tierra Environmental Services, Inc. and revised July 14, 2005, and City of Del Mar Sheets 36-46 dated 6/17/05 and City of San Diego Sheets 73-89 dated 5/26/05, and shall include the following revisions. Upon written approval by the Executive Director of trail plans for segments 1 through 8, the JPA may commence construction of segments 1 through 3 in accordance with the approved plans and written authorization by the Executive Director.

a. The trail segment including the boardwalk (segment 1a-1b) shall be designated pedestrian only.

[...]
d. A note indicating the following: The boardwalk (segment 1b) is an interim use in the approved alignment within non-vegetated wetlands in the South Overflow Lot until such time as the South Overflow Lot is restored to functional wetland habitat. The location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot and the boardwalk may be relocated at that time. [emphasis added]

At the November 2012 Commission hearing, the Coastal Commission approved Phase I of the South Overflow Lot restoration in CDP No. 6-12-040. Special Condition No. 9 of that CDP states, in relevant part:

9. Compatibility with South Overflow Lot (SOL) Phase II Restoration. Changes to the SOL Phase I Restoration may be required in order to implement the SOL Phase II Restoration including, but not limited to, the following:

[...]

c. Realignment of the existing San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) public access trail within the entire SOL. Realignment, reconstruction, and/or removal of the boardwalk in the future shall be the responsibility of Southern California Edison and the San Dieguito River Regional Open Space Joint Powers Authority. [emphasis added]

The findings for the November 2012 hearing staff report, dated October 25, 2012, and the related addendum dated November 9, 2012, supporting approval of CDP No. 6-12-040, as conditioned, addressed the presence of the Coast to Crest Trail boardwalk segment within the South Overflow Lot. The findings state, in relevant part:

"However, in approving the boardwalk in its current location, it was noted on the plans that ‘...The location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot [SOL] and the boardwalk may be relocated at that time.’ Special Condition 6 of CDP 6-04-088 required that the following language be included on the final plans for the boardwalk:

d. A note indicating the following: the boardwalk (Segment 1b) is an interim use in the approved alignment within the non-vegetated wetlands in the South Overflow Lot until such time as the South Overflow Lot is restored to functional wetland habitat. The location of the boardwalk shall be addressed in the coastal..."
development permit for the wetland restoration of the South Overflow Lot and the boardwalk may be relocated at that time.

The Commission typically does not endorse public access through mitigation sites. Public access paths are typically placed at the perimeter of restoration projects in order to facilitate maximum wetland habitat restoration and tidal circulation. In addition, a public access path traversing the restored habitat area also has the potential to disturb sensitive wetland species and may increase the amount of refuse that enters the restoration area... In addition, the Consent Orders [Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02], previously approved by the Commission, require that 22nd DAA construct an extension to the existing public access trail from its terminus at the existing boardwalk through the northern portion of the SOL upon completion of the Phase II SOL restoration. Thus, following restoration of the entire SOL, a new public access trail will be constructed in the SOL, and even if the existing boardwalk is required to be realigned, there will not be an adverse impact to public access. As stated previously, Special Condition No. 9 requires that the applicant submit a written agreement to the Executive Director of the Commission acknowledging that the existing JPA trail within the entire SOL may need to be relocated in coordination with the SOL Phase II restoration. Southern California Edison (SCE) and the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) were the permittees on CDP 6-04-088, which approved the boardwalk trail and required that the permittees acknowledge the boardwalk trail may be relocated at such time that the SOL is restored."

[emphasis added]

In applying for CDP No. 6-12-040 to implement Phase I of the South Overflow Lot wetland restoration, the applicant – 22nd DAA – submitted exhibits showing both Phase I and Phase II (yet to be applied for at that time) restoration plans that depicted an alternate alignment of the Coast to Crest Trail along the northern perimeter of the South Overflow Lot, the very alignment Commission staff continues to support.

At the November 2013 Commission hearing, the Coastal Commission approved CDP No. 6-12-067, which authorized, among other development, the second and final phase of South Overflow Lot wetland restoration (Phase II). Among the documents that the applicant (22nd DAA) submitted were preliminary grading plans for the proposed restoration work that showed an alternate alignment for the Coast to Crest Trail boardwalk segment. CDP No. 6-12-067 also contained Special Condition No. 4, which required the applicant to submit for Executive Director approval the final restoration plans for the Phase II wetland restoration. It is this final restoration plan to restore the SOL that all of the previous permits, special conditions, and findings pointed to when repeatedly identifying the boardwalk as an interim use with the final permanent location to be determined as part of the final Phase II wetland restoration plan.
The findings in the staff report supporting approval of CDP No. 6-12-067, as conditioned, yet again repeated the clear and explicit reference to the Commission’s past actions with regards to the anticipated total restoration of the South Overflow Lot into wetlands and the realignment of the existing Coast to Crest Trail boardwalk segment:

"However, in previously approving the boardwalk in its current location, it was noted on the approved plans that "...[t]he location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot [SOL] and the boardwalk may be relocated at that time." The Commission typically does not endorse public access through restoration sites. Public access paths are typically placed at the perimeter of restoration projects in order to facilitate maximum wetland habitat restoration and tidal circulation. In addition, a public access path traversing the restored habitat area also has the potential to disturb sensitive wetland species and may increase the amount of refuse that enters the restoration area. Special Condition No. 9 of CDP No. 6-12-040 approving SOL Phase I restoration required that the Applicant submit a written agreement to the Executive Director of the Commission acknowledging that the existing JPA trail within the entire SOL may need to be relocated in coordination with the SOL Phase II restoration." [emphasis added]

Because CDP No. 6-12-067 is the permit that addresses the restoration of the SOL Phase II area, the November 2013 hearing, in which the permit was publicly presented and debated, was the appropriate venue for concerns related to the possible realignment of the boardwalk segment to be brought to the Commission for discussion. Although many of the known interested parties were in attendance at the hearing, the realignment of the boardwalk segment in connection with the Phase II SOL restoration plan was not brought to the Commission’s attention as an issue or concern.

Conclusion

In the long, multi-year permit history governing the development and restoration of the SOL and the boardwalk trail segment, the public record clearly identifies the boardwalk segment of the Coast to Crest Trail as an interim use within the SOL while the Coastal Commission and the 22nd DAA work toward a final restoration plan for the SOL area. Retention of the boardwalk segment in its current alignment would not only preclude the maximum restoration of wetlands in a highly sensitive site, it ignores the fact that the realignment would enhance the wetland restoration goals within the San Dieguito Lagoon system that multiple parties have supported over many years, while still allowing for continued public access and connectivity to adjacent trail segments along the wetland edge.

Therefore, Commission staff believes that there is sufficient direction and findings to support relocation of the boardwalk trail segment to the perimeter of the restored wetlands through condition compliance for CDP No. 6-12-067. Should SCE and the JPA
May 23, 2014
Page 6

wish to amend the coastal development permit for the Coast to Crest Trail (CDP No. 6-04-088) to retain the boardwalk segment as a permanent use in its current location, a permit amendment will be required to be approved by the California Coastal Commission. We appreciate that this determination may result in questions for each of the respective parties and would recommend we meet in the near future to discuss and respond to any identified issues. We will commit our staff resources to resolve this matter in an expeditious fashion and support the completion of the SOL restoration work.

Sincerely,

[Signature]
Deborah Lee
District Manager
California Coastal Commission
San Diego Coast District

Cc: Sherilyn Sarb
    John Dixon
    Supervisor Dave Roberts
    Pam Slater-Price
    Jacqueline Winterer
    Steve Schroeder
    Maggie Brown
    Susan Carter
    Dustin Fuller
TO: CAC
FROM: Staff
SUBJECT: Del Mar Request for Sea-Level Rise Planning Grant Letter of Support

RECOMMENDATION:

Consider Request and Recommend Action for JPA Board.

SITUATION:

The City of Del Mar has requested River Park support for a grant application to support planning for sea-level rise. The grant program was established by a joint program of the California Coastal Commission and the California Ocean Protection Council.

A description of the grant program and a draft letter of support are attached.

Attachments:

1. Description of sea-level rise planning grant program
2. Draft letter of JPA support
The State of California is pleased to announce grant funding for FY14-15 to support local governments in completing or updating Local Coastal Programs (LCP) consistent with the California Coastal Act, with special emphasis on planning for sea-level rise and climate change. The grant application form is available: http://www.coastal.ca.gov/lcp/lcpgrantprogram.html. Grant applications are due July 7, 2014 at 5 pm.

A total of $2.2 million is available for awards through two coordinated, competitive grant programs:

- **Coastal Commission LCP Planning Grant Program**: $1 million available for updating and certifying LCPs; may include updates to address impacts of climate change and sea-level rise.
- **Ocean Protection Council (OPC) LCP Sea-Level Rise Grant Program**: $1.2 million available for work that supports LCP updates, specifically to address sea-level rise, including sea-level rise modeling, vulnerability assessments, and adaptation planning and policy development.

**Joint Application Process**

To simplify the process for applicants and to streamline the review of the proposals, these two programs are offering a joint application. Applicants may apply for one grant program or both using the form.

**How to Decide Which Grant to Apply For (Please Read Carefully)**

- Projects to complete certification of a LCP or complete a comprehensive LCP amendment should apply for Coastal Commission funds.
- Projects related to sea-level rise modeling and vulnerability assessments should apply for OPC funds.
- Entities responsible for Public Works Plans, Port Master Plans, and Long Range Development Plans are only eligible for the OPC LCP SLR Grant Program.
- Projects that do not have a sea-level rise component, or that have other climate adaptation issues, should apply for Coastal Commission funds.
- Projects that have both a sea-level rise analysis component and a significant LCP planning component can apply for both grant programs.
LCP Planning Grants Application Form FY 14-15

Purpose of Grant Program
The purpose of the grants is to support local coastal planning to develop new LCPs for certification in areas that are not currently certified, or to update existing certified LCPs to reflect new information and changed conditions, especially in light of the effects of climate change, in a manner fully consistent with the policies of the California Coastal Act. LCP completions and updates to include policies and implementing ordinances that address sea-level rise and other climate change impacts will be given special consideration. The OPC funds can also support the development of sea-level rise modeling, technical analysis, and vulnerability assessments. Priority for OPC funds will be given to planning approaches that emphasize use of natural infrastructure to address climate change impacts.

Background

The Need to Update and Certify Local Coastal Programs
The LCP Program is an essential component of the California Coastal Act. LCPs implement the statewide goals and policies of the Coastal Act at the local level. LCPs are required by the Coastal Act for each coastal jurisdiction, and are the basic planning and regulatory tool that guides development in the coastal zone in conformity with Coastal Act goals and policies. LCPs must specify the kind, location, and intensity of land uses, the applicable resource protection and development policies, and implementing ordinances. LCPs are prepared primarily by local governments, and, once certified, govern most coastal permit decisions that can affect the short- and long-term conservation and use of coastal resources. Following adoption by the local planning authority, a LCP is submitted to the Coastal Commission which reviews and certifies as consistent with State law. The Coastal Act also includes requirements related to other authorized plans, such as Port Master Plans, Public Works Plans and University Long Range Development Plans which may involve entities other than the local government.

Goal 4 of the Commission’s adopted Strategic Plan¹ is to strengthen the LCP Program. One important way to do this is to complete the certification of LCPs. While most of the coast (approximately 85% of the geographic area) is governed by a certified LCP, there are some remaining uncertified areas. When these areas become certified, the local government would assume responsibility for issuing most coastal development permits in these areas.

In addition to the areas that are not yet certified, many of the LCPs that were certified in the 1980s and 1990s are out of date and would benefit from updates to reflect changed conditions, new information and knowledge, and new programs and policies, especially those related to climate change and sea-level rise. Updated LCPs provide more certainty for economic development and enable stronger coastal resource protection in light of current environmental conditions and other factors. Also, many important public access, coastal resource protection,
and priority coastal development issues remain to be more comprehensively addressed by an updated LCP in these areas, as contemplated by the Coastal Act.

**Sea-Level Rise Impacts Pose Significant Threats to Coastal Communities**
There is consensus that the California coast will experience significant impacts from the combined effect of sea-level rise, extreme high tides, storms, and coastal erosion in the future. These impacts will play out differently in each region of the coast depending on the shoreline structure, development pattern and many other variables. Understanding, planning for, and preparing for these impacts must be done at the local, regional, and statewide scale. The purpose of these grants is to support this work at the local and regional scale, particularly through local coastal planning pursuant to the Coastal Act.

The 2012 National Research Council (NRC) report “Sea-level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future” (NRC Report), confirms that California has already experienced sea-level rise and is likely to experience significant increases in sea-level over the next century. The NRC Report also concludes that over the next several decades the most significant impacts will come from the combined effects of sea-level rise and extreme weather events (coastal storms and surges), particularly during El Niño storm cycles and high tides. El Niño events of 1982 and 1997 caused temporary increases in sea-level that combined with storm surges, resulted in significant coastal flooding and erosion. Impacts from these kinds of events will likely be amplified as sea-level rises. The NRC Report concludes that sea-level change has enormous implications for coastal planning, land use, and development along the California coast. A 2009 Pacific Institute study, funded in part by the OPC, estimated that without any proactive planning the economic impacts of sea-level rise by 2100 could exceed $100 billion.

**Financial Assistance is needed to Assist Local Planning Efforts**
While a few communities have begun to update LCPs to address sea-level rise, there is a need for assistance to help complete this work. USC Sea Grant conducted a Coastal California Adaptation Needs Assessment in 2011 which found that local communities understand the need to start planning for climate change impacts but lacked the financial resources to complete this work. These grants directly address that need. A December 2012 Local Government workshop held by the Coastal Commission highlighted the need for additional local and technical assistance and Coastal Commission staff resources to assist with the updating of existing LCPs.

However, with limited available funds available, the Commission and Ocean Protection Council will prioritize projects that best meet the grant criteria and that demonstrate efficient and effective use of grant funds. The proposals for these LCP grant funds will require a complete work program, benchmarks and a schedule for completion of the LCP planning work.
San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270  Fax (858) 674-2280
www.sdrp.org

June 20, 2014

Hilary Papendick, Statewide LCP Grant Coordinator
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: City of Del Mar LCP Planning/Sea Level Rise Grant Program Application

Dear Ms. Papendick,

On behalf of the San Dieguito River Park JPA, I am pleased to offer support of the City of Del Mar’s grant application to the California Coastal Commission and California Ocean Protection Council for LCP and Sea-level Rise Planning. Several areas of the City are subject to effects of sea-level rise including the San Dieguito Lagoon and bordering tidelands, North Beach and the public beach from 29th Street to Powerhouse Park, and the 1.5 mile coastal bluff and public beach stretching south to the City limit. Many of these areas are in the San Dieguito River Park’s Focused Planning Area. If awarded, we support the City’s use of grant funds to update its certified Local Coastal Program with sea-level rise provisions to protect and enhance these sensitive coastal resources.

I urge the Coastal Commission and Ocean Protection Council to award a grant to the City of Del Mar for this project.

Sincerely,

County Supervisor Dave Roberts
Chair, San Dieguito River Park Joint Powers Authority
TO: CAC
FROM: Staff
SUBJECT: Founders’ Tribute

At your April meeting, it was proposed that there should be a memorial in the Park in honor of Abbe Wolfsheimer-Stutz. This proposal was forwarded to the JPA Board, with the suggestion that in addition to Abbe Wolfsheimer-Stutz, who was indeed instrumental in the creation of the San Dieguito River Park, that there were others who should also be remembered for their roles. One idea that was mentioned was a “founder’s wall” with names and, where possible, videos (on QR codes) of individuals who were significant to the founding of the San Dieguito River Park, including those who are still with us. The recognition of these individuals would be located at one place, rather than distributed in multiple locations throughout the Park. The JPA Board took the action that a committee should be formed to identify who should be honored in this way, what form it would take and where it would be located.

At today’s meeting, Chair Golich will seek volunteers from the CAC to work with other committee members to be appointed by JPA Chair Dave Roberts, and with JPA staff.
TO: CAC

FROM: Staff

SUBJECT: Review and Comment on Items Listed in Mayor of San Diego’s May 2nd Letter

RECOMMENDATION:

Discuss and provide comments to JPA Board

At the JPA Board’s May 16th meeting, the Board discussed the May 2nd Letter from Mayor Faulconer (Attachment 1) and the various issues that the letter raised. Below is the staff report that was provided to the Board in its entirety, with some comments added in italics about the Board’s discussion on certain points.

On May 2nd, Mayor Faulconer sent a letter (Attachment 1) to Chair Roberts informing him that he was reinstating funding for the San Dieguito River Park in the May Revise of the City of San Diego budget and would sign a one-year extension of the original agreement while a number of concerns that the City has with the JPA and the current agreement are addressed. See also Attachment 2, letter of response from Chair Roberts.

At the time of writing this report, JPA staff has not identified someone at the City of San Diego to be a liaison to provide additional information about the bullet points listed in the April 2nd letter. Clarification on some of the points is needed in order to have a productive discussion about them. Please see preliminary discussion of each below.

When the County authorized the extension of the JPA agreement on May 7th, the Board letter raised some issues that should also be addressed in a revised JPA agreement, along with the issues that the City of San Diego raised. Here is an excerpt from the County Board letter:

“In the evaluation of this matter, County staff uncovered ambiguities and additional areas of the original agreement that need to be clarified in a process that results in a revised JEPA [Joint Exercise of Powers Agreement] amendment. A revised long term JEPA amendment should address the changes in the amended JEPA that the member agencies considered over the past year discussed above. This revised JEPA amendment should also: 1) clarify the process should a member agency withdraw from the JPA, including the distribution of assets and resulting impact to remaining members’ annual contribution amounts; 2) clarify the process should the JPA dissolve in the future, including what would happen to properties that the JPA has acquired through grants and other funding sources outside of member contributions; 3) clarify the process for solidifying easements and cooperative agreements for operation and maintenance of trails and open space and 4) address the changes/clarifications
regarding non-paying members and the changes regarding JPA Board voting representation.”

The County has offered to take the lead in bringing together staff of the member agencies to assess the current agreement and identify additional opportunities for improvements. The County would work with member agency staff and JPA staff on these things and report to the JPA Board and report back to the Board of Supervisors in six months on the status of these discussions.

ISSUES RAISED IN MAYOR FAULCONER’S MAY 2ND LETTER:

Weighted/Non-Weighted Voting. Currently, the JPA has non-weighted voting, although the two largest agencies, the City of San Diego and the County of San Diego, which pay the largest membership contributions, each have two representatives on the Board, while the other agencies have one representative. Most issues addressed at the JPA Board meetings result in consensus or unanimous votes. The City of San Diego would prefer to have weighted votes to reflect the City’s percentage financial contribution. The Mayor’s letter also made another suggestion that the City’s proposed contribution could reflect the percentage of park users rather than the total land and citywide population. [The current formula your Board adopted is based on the agency’s geographic boundaries within the Park’s Focused Planning Area plus agency-wide population.] Basing the contribution on park users would have the effect of raising the City’s contribution level above 31% because the City has by far the highest number of residents in close proximity to the San Dieguito River Park among all the member agencies. However, there would be difficulties in tracking usage to verify who is using the Park. As currently proposed, the contribution formula would be updated each ten years after the census results are in.

Converting to weighted voting raises the following questions:

• If the City’s weighted vote was worth 31%, would that mean that there would only be one representative from the City of San Diego on the JPA Board, instead of two?
• If there were still two representatives, and each were present, would each representative’s vote be worth 15.5%?
• Because the County’s contribution level is the same as the City’s, then it is assumed their weighted vote would also be the same 31% as the City of San Diego’s. The remaining 38% of the vote would be split among the remaining four agencies and the CAC Chair. If their votes are also weighted, then Escondido and Poway’s votes would be worth 13% and Del Mar and Solana Beach’s votes would be worth 6%.
• What would the CAC Chair’s vote be weighted as? Would the CAC Chair position become ex officio as a result of converting to a weighted vote tied to percentage of financial contribution?

Your Board should discuss the pros and cons of converting to a weighted vote, and whether the current system is fair to all agencies, and whether switching to a weighted vote would be more fair, despite the evident complications of doing so.
Agenda Item 6  
June 6, 2014

The Board discussed this issue at some length. The concern was raised by a number of the Board members that if a weighted vote was instituted that the CAC Chair would become a non-voting position. Chair Golich would like the CAC to discuss the implications of this and provide input to the JPA Board.

**Agreement Needs to Include Adequate Language that Does Not Compromise the City’s Right to Retain Full Management Authority of its Land within the Focused Planning Area.**

Additional information from the City is needed to understand the intent of this bullet. Does it refer to private land development projects in its jurisdiction? The JPA does not have land use authority and its role is advisory when commenting on projects in an agency’s jurisdiction. Or does it actually mean management of its own land as it says? The land that the City owns in the FPA is managed by the department that owns it. The JPA’s role is to manage and operate the trails that cross the land, unless as in some cases the agency itself manages the trails. In both the City of San Diego and the County of San Diego there are some trails that are managed by the JPA and some that are managed by the agency itself. If the JPA carries out projects such as habitat restoration or invasive removal on an agency’s land, the JPA must and does obtain permits for right of entry. This practice could be memorialized in the revised JPA agreement (for all agencies).

**City Permits Must be Obtained when Events and Development Occur on City Land.**

**Events:** The JPA follows existing City procedures regarding events that the JPA holds on City Land. The JPA has a permit policy and procedure of its own when events are proposed to be held on JPA managed trails. That policy states that an event organizer will need a permit both from the underlying owner (usually the City of San Diego Public Utility Department) as well as the JPA. The purpose of the JPA permit is to ensure that the event does not cause damage to the trails or conflict with other events or use of the trail. These practices could be memorialized in the revised JPA agreement (for all agencies).

**Development:** The JPA has obtained permits from the City of San Diego for projects on City Land, such as the Dust Devil Nature Trail at the Lagoon. On land owned by the City but outside of the City’s jurisdiction, the JPA has been advised by City staff that it is necessary to process a permit, and the JPA is complying with those instructions. This is the case with the planned Pamo Valley Trail. These practices could be memorialized in the revised JPA agreement (for all agencies).

**An Expiration Date Must be Included in the Agreement As it is Important to Reserve the Right of Future Board Members and the City to Consider and Evaluate the Cost Effectiveness of the JPA.**

JPA staff and counsel recommend that the revised agreement have no specific expiration date because the JPA enters into conservation easements and agreements that do not have expiration dates and have ongoing obligations. Future board members and agencies always retain the right to consider and evaluate the cost effectiveness of the JPA and to make a decision at any time to withdraw from the JPA upon 90 days notice. This is the case in the existing agreement or the proposed revised agreement.
Service Levels for All Maintenance Functions Associated with Resource Management, Watershed and Public Recreational Areas are Not Defined and there is No Enforcement Mechanism for Failure to Provide Sufficient Services. Based upon a Recent Site Visit by City Staff, Concerns about the Current Level of Maintenance on Publicly Accessible Trails Must be Addressed.

JPA staff needs additional information about this comment to fully understand the intent. Would this apply only to trails on City of San Diego land, or to all JPA trails? Our ranger staff would like to know what concerns were identified regarding the current level of maintenance on JPA trails, and which trails these concerns apply to. JPA staff believes that establishing optimal service levels would be problematic as different trails experience greatly different usage (numbers and type of use); some require more maintenance than others based on their location, whether they were adapted from an existing trail or were designed from scratch, whether they are steep or flat, etc. Most importantly, as we have noted previously, the level of maintenance is tied to the number of park rangers that the JPA employs to work on the trails. When the City of San Diego eliminated its funding from April 2010 to July 2013, the only way that the JPA avoided laying off any of its rangers was by transferring 2.5 rangers to the coast so that their salaries could be reimbursed by Southern California Edison per the terms of our MOA with SCE. This left a large gap in ranger coverage for the rest of the Park. The JPA continued patrolling and maintaining trails in the area of the Park east of the coast, including the portion in the City of San Diego, but necessarily at a reduced level. Resumption of City funding has enabled the JPA to add to its ranger staff and increase its management level. Staffing levels is a concern for all agencies, not just the JPA. We would note that the City of San Diego’s own Park & Recreation website recognizes this. For example, the webpage for the Clevenger Canyon Trail that the City manages states that "The trail is in need of maintenance and several miles in, the trail is so overgrown that it is no longer a trail and there are no directional markers. (We are currently trying to find where the original trail is and map it.) We recommend hikers to stop when the trail is no longer defined. Maps are available upon request by calling the park ranger office." Guaranteeing to meet a specific level of service would almost certainly result in higher costs, and accordingly higher member agency assessments. The JPA ranger staff is very proud of their work product, and the leverage they have achieved by working with skilled volunteers on the trails. The JPA Board may wish to discuss this bullet in more detail and provide direction to staff regarding priorities in trail management.

Public Positions and Outreach on Behalf of the JPA Must be Approved by the Board. Such Action Compromises the Ability of Councilmembers to Act on Items Under Consideration Within Their Own Cities and Potentially Incorrectly Represents Opinions of the Board.

It has been the practice of the JPA staff to send comment letters on EIRs at the administrative level when necessary to meet deadlines. Meeting these deadlines was an issue even previously when the JPA Board met monthly, and certainly now that the Board meets every other month. When the JPA staff comments on an EIR the response is based on the design guidelines in the adopted Concept Plan and other JPA policies, and the purpose is to advise the applicant and agency how the proposed project may impact the San Dieguito River Valley and the goals and objectives of the San Dieguito River Park. The JPA is an advisory body with no land use authority. Adopted JPA Board Policy (Attachment 3) addresses whether JPA Board members should recuse themselves on proposed projects within their
jurisdiction. The JPA Board may wish to modify that policy or give staff additional direction on this issue. The JPA Board may wish to have staff use letterhead without Board member names on it when responding to EIRs, if that would help resolve this concern.

Attachment 4 is a letter from Board member Lightner that clearly indicates her concerns regarding this issue. The JPA Board decided on two measures to address this issue: 1) when letters are sent that are not the result of a JPA Board approved action, the letterhead used will not have JPA Board member names on it; and 2) when a letter is sent out that is the result of a JPA Board approved action, the vote of each of the Board members will be included in the letter. That is, if a Board member votes against the item or abstains, their name will be listed specifically as taking that action.

All JPA Financial Documents Requested for Review by the Board Must be Provided as the Board holds a Fiduciary Responsibility to Make Sound, Responsible Decisions on Behalf of the Taxpayers. There has been a Reluctance to Provide Such Documents in the Past.

JPA staff needs additional information about this comment to fully understand it and to address it. To our knowledge all financial documents have been made available to the Board.

Review and Approval of the Management Structure of the JPA Staff Must Fall Under the Purview of the JPA Board.

JPA staff needs additional information about this comment to fully understand it and to address it. The JPA has been functioning effectively with a small, tight staff for a long time, with no known objections raised to date. However, ultimately, the management structure is always under the purview and responsibility of the Board. If changes to the existing management structure are desired, the Board may request that this matter be agendized for discussion at any time. An ideal opportunity for this type of discussion would have been during the Board’s Retreat last September, or perhaps in response to the memo about Succession Planning that was on the Board’s agenda last year during the budget discussion, but the subject was not raised.

Legal and Board Review is Necessary to Evaluate Potential Conflicts and Liability Prior to Initiation of Litigation by the JPA.

JPA staff needs additional information about this comment to fully understand it and to address it. The concern appears to be that JPA staff or Counsel has initiated litigation without authorization by the JPA Board, which is not the case. Only the JPA Board may authorize litigation, and would do so after full discussion with its Legal Counsel. Language to this effect could be included in the revised JPA agreement if it is determined to be necessary.
May 2, 2014

The Hon. Dave Roberts
Supervisor, District 3
County of San Diego
1600 Pacific Highway, Room 335
San Diego, CA 92101

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

Dear Supervisor Roberts:

As a result of discussions during the April 17, 2014, meeting, I have directed City of San Diego (City) staff to include funding of $254,000 in the City’s Proposed FY 2015 Budget through the May Revision process to extend the current 1989 Joint Powers Authority (JPA) Agreement (Agreement) for up to one year beginning July 1, 2014. The proposed allocation will be considered by San Diego City Council as part of the adoption of the May Revise.

San Dieguito River Valley Regional Open Space Park (Park) is a valuable recreational asset to the San Diego region. It is important that the City and its partners provide visitors a quality, accessible experience while maintaining precious resources. At the end of any long-term agreement, it is prudent for the City to evaluate effectiveness and deliverables prior to engaging in another long-term contract that financially commits the City well into the future. It is in our collective best interest to ensure the proposed term makes sense for taxpayers in all jurisdictions participating in the JPA.

Over the course of the year, the City’s objective is to work cooperatively with the JPA to alleviate the following concerns within the draft Agreement:

- Non-Weighted Voting: Two of the nine JPA members are represented by the City, comprising approximately 22% of the vote. The City requests a weighted vote to reflect the City’s percentage financial contribution (31%) in the proposed agreement. Alternatively, the City’s proposed contribution could reflect the percentage of park users rather than total land and citywide population.

- The Agreement needs to include adequate language that does not compromise the City’s right to retain full management authority of its land within the Focused Planning Area.

ATTACHMENT 1
The Hon. Dave Roberts  
May 2, 2014  
Page Two

- City permits must be obtained when events and development occur on City land.

- An expiration date must be included in the Agreement as it is important to reserve the right of future Board members and the City to consider and evaluate the necessity and cost effectiveness of the JPA.

- Service levels for all maintenance functions associated with resource management, watershed and public recreational areas are not defined and there is no enforcement mechanism for failure to provide sufficient services. Based upon a recent site visit by City staff, concerns about the current level of maintenance on publically accessible trails must be addressed.

- Public positions and outreach on behalf of the JPA must be approved by the Board. Such action compromises the ability of Councilmembers to act on items under consideration within their own cities and potentially incorrectly represents opinions of the Board.

- All JPA financial documents requested for review by the Board must be provided as the Board holds a fiduciary responsibility to make sound, responsible decisions on behalf of the taxpayers. There has been a reluctance to provide such documents in the past.

- Review and approval of the management structure of the JPA staff must fall under the purview of the JPA Board.

- Legal and Board review is necessary to evaluate potential conflicts and liability prior to initiation of litigation by the JPA.

The City is proud of its expansive and accessible recreational amenities, including one of the largest municipal park systems in the nation boasting more than 41,000 acres of open and developed parkland and regional parks. Balboa Park and Mission Bay Park are maintained and operated for all San Diego County residents and visitors without annual financial assistance of any other local municipalities. The City also enjoys successful partnerships with neighboring jurisdictions at Mission Trails Regional Park and Otay Valley Regional Park. We understand the value and importance of these assets to all users, including those residing outside the City. However, we have a duty and responsibility to City taxpayers to evaluate long-term proposals that dedicate City revenues for regional benefits.
The Hon. Dave Roberts  
May 2, 2014  
Page Three

The City looks forward to working with you and the JPA Board to determine the best outcome for participating jurisdictions. It is my hope to embark on a new era of cooperation and confidence in the management of the Park, ultimately for the enjoyment all San Diegans.

Sincerely,

Kevin L. Faulconer  
Mayor

cc: Honorable City Councilmembers  
Andrea Tevlin, Independent Budget Analyst  
Scott Chadwick, Chief Operating Officer  
Stacey LoMedico, Assistant Chief Operating Officer  
Jaymie Bradford, Deputy Chief of Staff/Chief of Policy, Office of the Mayor  
John Ly, Director of Outreach, Office of the Mayor  
Erin Demorest, Chief of Staff, Council District 1  
Tiffany Vinson, Policy Advisor, Council District 5
May 9, 2014

Mayor Kevin Faulconer
City of San Diego
202 C Street
San Diego, CA 92101

Dear Mayor Faulconer:

Thank you for your April 2, 2014 letter agreeing to restore funding for the San Dieguito River Park Joint Powers Authority.

Your recommendation for the City of San Diego to sign a one-year agreement will give the members of the JPA an opportunity to resolve concerns that the city has identified.

I have docketed discussion of your letter for the JPA Board of Directors’ next meeting, which is May 16. I am confident that over the span of several meetings the issues you raised in your letter will be fully discussed and given the attention each deserves.

I personally look forward to working with City of San Diego representatives to modify the JPA agreement to the satisfaction of all the participating agencies.

Thank you once again for your thoughtful engagement on this important issue. The San Dieguito River Park is one of the region’s most valuable assets and over the generations will stand as a reminder of what can be accomplished when we work in partnership.

Sincerely,

Dave Roberts

DAVE ROBERTS
CHAIRMAN
SAN DIEGUITO RIVER PARK JPA

SAN DIEGO COUNTY SUPERVISOR
THIRD DISTRICT

ATTACHMENT 2
POLICY NO. P96 - 2

ADOPTION DATE: 1/19/96

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

ABSTENTION ON LAND USE PROJECTS

PURPOSE

The San Dieguito River Park Joint Powers Authority (JPA) was formed to plan, create, preserve and enhance the San Dieguito River Valley Regional Open Space Park (Park). While the member agencies have land use decision making authority, the JPA agreement provides for review and comment on development proposals submitted to public agencies by private property owners which are within or have an impact on the Park. The purpose of this policy is to provide direction to the JPA Boardmembers on such review and comment where they may subsequently be voting on the same project in their decision making capacity at their respective City Council or Board of Supervisors meeting.

Policies regarding this matter differ among the JPA member agencies. It is not the intention of the JPA that this policy supersedes JPA member agency policies which apply to Boardmembers when representing JPA member agencies. This policy is instead intended to provide direction to JPA Boardmembers in the absence of applicable member agency policies.

POLICY

It is the policy of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority that Boardmembers look first to the adopted policies of his or her own member agency for direction regarding participation in the JPA’s review and comment on privately initiated land use development projects over which the member agency has land use decision making authority.

In the absence of adopted member agency policy, it is the policy of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority that Boardmembers representing the JPA member agency which has final land use authority -should abstain from voting on privately initiated land use development projects when they come before the JPA Board for review and comment to the land use agency. This policy would not require Boardmembers to leave the room or refrain from discussion. This policy would not affect Boardmembers' participation in park planning or voting on public agency development or planning proposals or park initiated plans and projects.

ATTACHMENT 3
CITY OF SAN DIEGO
COUNCIL PRESIDENT PRO TEM SHERRI S. LIGHTNER
DISTRICT ONE

MEMORANDUM

DATE:      May 15, 2014

TO:        Robert Vacchi, Director, Development Services Department

FROM:      Council President Pro Tem Sherri S. Lightner

SUBJECT:   San Dieguito River Park JPA Comments Regarding St. Garabed Church Draft Environmental Impact Report

It has come to my attention that a letter was sent to the City of San Diego's Development Services Department (DSD) regarding the San Dieguito River Park JPA staff's comments on the St. Garabed Church Draft Environmental Impact Report (DEIR).

This letter dated April 14, 2014 (att. 1); was issued on JPA letterhead and included my name as a member of the Board of Directors. It was subsequently approved at a JPA Board meeting on April 18, 2014, a meeting which I did not attend. Additionally, the JPA sent another letter on its letterhead to DSD dated August 12, 2013 (att. 2) providing comments on the project's Notice of Preparation. A third letter dated April 28, 2014 on JPA Board letterhead (att. 3) ratified the comments made in the first attached letter.

This project is currently under review by City staff and the Carmel Valley Community Planning Board and will eventually come before the City Council for approval.

As a board member of the JPA, I have not participated in any discussions regarding the St. John Garabed Church project, nor have I taken any position on this project. I did not participate in any votes of the JPA Board to authorize any of the comments on the project that have been provided by the JPA.

Please feel free to contact me if you have any questions.

Attachments

cc:           Honorable Mayor Kevin L. Faulconer
             Honorable Councilmember Mark Kersey
             Cathy Winterrowd, Deputy Director, Development Services Department
             Jeffrey Szymanski, Environmental Planner, Development Services Department
             Shawna Anderson, Principal Planner, San Dieguito River Park JPA
             Corrine Neuffer, City Attorney's Office