SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
9:30 a.m. – 12:00 p.m.
Friday, October 17, 2014
County Administration 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

Approval of the Minutes of September 2, 2014

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. Contract with Interim Executive Director Mark Ochenduszko (Page 3)

DISCUSSION/ACTION

2. Date/Time of Regular JPA Meetings (Page 9)

3. Lagoon Boardwalk – California Coastal Commission Hearing Date (Page 10)

4. St. John Garabed Armenian Church (Page 13)

INFORMATION

5. Status of Multi-Agency Discussions re JPA Revised Agreement (oral)
Agenda Item #1
October 17, 2014

6. **Park Project Status (oral)**
   a. Ranger Station/Temporary Ranger Station
   b. Pamo Valley Trail
   c. Founders Tribute
   d. Interpretive Center at the Lagoon
   e. Santa Ysabel Interpretive Center

7. **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

8. **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.

9. **Communications**
   1. Letter from Special District Risk Management Authority, 9/8/14 (Page 44)

THE NEXT REGULARLY SCHEDULED JPA MEETING WILL BE NOVEMBER 21, 2014.

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
FROM: Staff
SUBJECT: Contract with Interim Executive Director Mark Ochenduszko

RECOMMENDATION:

Approve attached contract.

At your September 2nd meeting, your Board interviewed candidates for the Interim Executive Director position and voted to hire Mark Ochenduszko for that position, and directed Counsel Brechtel to draw up a contract that reflected the Board’s intent. Because Mr. Ochenduszko began working in this capacity effective October 6th, the contract is retroactive to that date.

Attachment:
Draft Contract for Interim Executive Director
THIS AGREEMENT (herein “Agreement”) is made this ___ day of October, 2014, (the “Effective Date”) by and between the SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY ("JPA"), a governmental entity as employer, and MARK OCHENDUSZKO (herein “Ochenduszko”), an individual as employee.

I

RECITALS

A. JPA is a governmental entity existing pursuant to California law and the Joint Exercise of Powers Agreement, as amended (“JPA Agreement”), executed by the member agencies, having the powers and duties therein specified and generally responsible for planning and promoting a regional open space park in the San Dieguito valley; and

B. The JPA’s current Executive Director, Richard Bobertz, and its Deputy Director, Susan Carter, are retiring as of December 2014;

C. The JPA desires to hire an Interim Executive Director to manage the JPA on a temporary basis and assist with the transition to a new long-term Executive Director position,

NOW, THEREFORE, the parties agree as follows:

II

EMPLOYMENT AS INTERIM EXECUTIVE DIRECTOR

A. Employment.

Effective October 5, 2014, Ochenduszko is hired to be the JPA’s Interim Executive Director.

B. Term and Hours.

During the months of October and November 2014, Ochenduszko shall work at the JPA 20 hours per week and use the time to learn about the organization. During this preliminary period, the JPA shall continue to be managed by Executive Director Bobertz and Deputy Director Carter. On December 1, 2014, Ochenduszko shall assume full responsibility for management of the JPA as its Interim Executive Director.

C. Salary.

From October 5, 2014, through November 2014, Ochenduszko’s salary shall be Five Thousand Dollars ($5,000.00) per month, and beginning December 1, 2014, shall be Ten Thousand Dollars ($10,000.00) per month.

D. Expense Reimbursement.

JPA shall reimburse Ochenduszko for reasonable and documented expenses for attendance
at meetings, for official business related travel, and for other work related activities where expenses are incurred incident to the performance of Ochenduszko’s job and in conformance with JPA policies on budget and for expense reimbursement.

E. **Benefits.**

Ochenduszko’s payroll shall include standard deductions and payment of employer taxes (federal, state, FICA). Ochenduszko shall not otherwise be entitled to benefits generally provided to permanent employees, such as retirement, healthcare and vacation benefits.

F. **Duties.**

Prior to December 2014, Ochenduszko shall review and become familiar with the JPA organization. Beginning December 1, 2014, Ochenduszko will be the Interim Executive Director for JPA and shall be responsible for management of all aspects of JPA operations on a day to day basis, subject only to the policy direction of the JPA Board of Directors (“JPA Board”). Ochenduszko’s duties and responsibilities shall include, but not be limited to, the following:

1. Supervision and management of all department heads, departments and employees, including sole authority, except as Ochenduszko may delegate to staff, to hire and terminate JPA employees in accordance with applicable law and JPA policies, rules and regulations;

2. Preliminary review and report to the JPA Board within the first three months on the status of the JPA organization, together with recommendations regarding the feasibility of combining the Executive Director and Deputy Director positions into one position;

3. Improvement of the JPA’s working relationship with the City of San Diego, and assistance with negotiation of a revised JPA Agreement that addresses City of San Diego concerns and is satisfactory to all Member Agencies;

4. Assisting the JPA Board in community and public relations matters;

5. Monitoring, managing, and overseeing the JPA budget and the JPA’s revenues and expenses;

6. Overseeing timely development and presentation to the JPA Board of a proposed budget for each fiscal year;

7. Assuring that JPA's financial affairs are properly managed, accounted for, and audited, and that appropriate reports thereon are made to the JPA Board and to others as required by law;

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1 Except for general counsel who reports directly to the JPA Board.
(8) Attending all regular and special meetings of the JPA Board and of JPA Board subcommittees as requested, assuming overall responsibility for preparation and presentation of all agendas and staff reports;

(9) Representing the JPA Board and staff in contacts and communications with the public, member agencies, and other outside agencies and organizations;

(10) Such other and further activities as the JPA Board may from time to time direct; and

(11) Such other and further activities as Ochenduszko determines necessary to competently and professionally carry out his job within the scope of Board adopted goals and policies.

G. Direction From JPA Board

Ochenduszko shall take direction as to matters of JPA business only from the JPA Board as a whole, from the Chair of the JPA Board, or from a duly authorized JPA Board subcommittee which has been granted the power by the JPA Board to give direction to Ochenduszko

H. Outside Communications.

Ochenduszko shall restrict the content of any statements, written or oral, that he and/or his staff make on behalf of the JPA to the positions approved by the JPA Board as reflected in the JPA's adopted plans, policies, programs, and goals, and as reflected in the JPA Agreement, or as may otherwise be approved from time to time by the JPA Board.

III TEMPORARY - MONTH-TO-MONTH - AT WILL EMPLOYMENT

Ochenduszko’s employment is a temporary month-to-month position. It is anticipated that Ochenduszko’s employment will range from five to twelve months, but there is no guaranteed or presumed minimum or maximum term of employment. Further, Ochenduszko understands and agrees that he is an “at will” employee at the JPA and that he serves at the pleasure of the JPA Board subject to termination at anytime with or without cause subject only to the rights expressly set forth in this Agreement.

IV DISPUTE RESOLUTION

A. Informal Meet and Confer.

The parties agree to meet and confer informally as the first step towards resolution of any dispute. The JPA Board may be represented by a representative of its choosing, and Ochenduszko may be represented as well.

B. JPA Board Resolution.

If the parties are unable to resolve the matter informally through meet and confer, the
matter shall be submitted to the JPA Board for final resolution at a meeting to be held by the JPA Board within 30 days of submittal, and the JPA Board shall make a final decision within 45 days of the initial meet and confer session, unless Ochenduszko and the JPA Board mutually agree to a longer period.

C. Litigation.

Neither party shall commence any litigation, arbitration, nor other formal dispute resolution process until the above referenced informal meet and confer session and final JPA Board determination have occurred.

V
TERMINATION OF AGREEMENT

This Agreement may be terminated by either party by providing 30-days written notice to the other. Termination by the JPA Board shall require a majority vote at a duly noticed public meeting.

VI
MISCELLANEOUS PROVISIONS

A. Entire Agreement.

This Agreement represents the entire agreement between the parties and supersedes any prior agreements, written or oral, and any representations, written or oral, not expressly included herein.

B. Integration Clause.

If any part, provision, paragraph or subparagraph of this Agreement shall be held to be void or unenforceable by a final judgment of a court of competent jurisdiction, then unless that provision is found in such proceeding to be material to this Agreement, said void or unenforceable provision shall be severed from this Agreement and the balance of this Agreement shall remain in full force and effect. In the event that the void or unenforceable provision is found to be material to this Agreement then the entire Agreement shall be voided.

C. Attorneys Fees.

The prevailing party in any litigation to interpret or enforce this Agreement shall be entitled to recover his or its attorneys' fees in addition to costs.


Ochenduszko and JPA affirm in signing this Agreement that they have each had an opportunity to review and consider this Agreement, and to have it reviewed and to receive advice from independent advisors of their own choosing, including attorneys, and that each knowingly and voluntarily enters into this Agreement. Ochenduszko and JPA further affirm that this Agreement was the mutual product of their negotiations, including give and take, and that neither party shall be considered the drafter of this Agreement such that the Agreement is interpreted against that party.
G. **Public Record.**

Ochenduszko acknowledges that this Agreement, upon final execution, will become a public record under California law available for public inspection and copying.

H. **Counterparts.**

This Agreement may be signed in counterparts.

DATED: _______________ SAN DIEGUITO RIVER VALLEY  
REGIONAL OPEN SPACE PARK  
JOINT POWERS AUTHORITY

By: _______________________________  
Dave Roberts,  
Chair of the JPA Board

APPROVED BY JPA BOARD ACTION DATED _______________.

DATED: _______________ By: _______________________________  
MARK OCHENDUSZKO
TO: JPA
FROM: Staff
SUBJECT: Date/Time of Regular JPA Meetings

RECOMMENDATION:
Consider alternative dates/times for Future Regular JPA Meetings

It has been brought to JPA staff’s attention that your regular meeting time, the 3rd Friday of each month at 9:30 a.m., conflicts with the SANDAG Transportation Committee meeting which meets the same day at 9:00 a.m. This affects at least one JPA Boardmember, Mark Kersey, and possibly others. Boardmember Kersey has requested that your Board consider an alternative date for your regular meeting that would not be a continuing conflict.

SITUATION
Over the years, there have frequently been conflicts with SANDAG meetings, in particular the Board of Directors meeting, which was scheduled on the 4th Friday of the month except in November and December when it shifted to the 3rd Friday. Now the SANDAG Board apparently meets twice a month, on the 2nd and 4th Fridays. In November and December their schedule changes and the Board meets on the 1st and 3rd Fridays, with the Transportation Committee shifting to the 2nd Friday.

If your Board shifts your regular meeting to the 2nd or 4th Friday, there will be an ongoing conflict with the SANDAG Board of Directors meeting. Currently none of the JPA’s Board members are regular SANDAG Board members, but several are alternates (Jim Cunningham, Dave Zito, Dave Roberts and Sherri Lightner) and could become regular appointees next year.

Potential options for your consideration include:
  a) moving to the 1st Friday of the month. This conflicts with the regular CAC meeting, but the CAC meeting date could be changed.
  b) moving to the 2nd or 4th Friday of the month. As noted above, this change appears to be just as problematic as the current date.
  c) moving to a different day of the week.
  d) Keep the meeting on the 3rd Friday of each month, but move the time of the meeting back to 10:30 a.m. or 11:00 a.m., or possibly after lunch at 1 p.m. That way, JPA Board members who are also on the SANDAG Transportation Committee could go directly from the Transportation Committee meeting to the JPA meeting.

Staff requests that Board members please check their schedules (or with your scheduler, if you have one) in advance of today’s meeting to be prepared to discuss potential alternative dates/times.
TO:         JPA

FROM:      Staff

SUBJECT:   Lagoon Boardwalk Removal

RECOMMENDATION:

Discuss whether to take any action.

As reported at your Board’s September 2\textsuperscript{nd} meeting, the Coastal Commission had requested that the JPA prepare alternative designs both with and without the boardwalk in place, in order for Commission staff to evaluate your Board’s request to have the boardwalk removal item scheduled for discussion at the Commission. Your Board’s action in response was to send a letter to the Coastal Commission noting that the 22\textsuperscript{nd} DAA had already submitted a conceptual plan that would eliminate the boardwalk, and directly requesting that the Coastal Commissioners address this item at a public meeting in San Diego, which will be March 11-13, and inviting the Commissioners on a tour of the boardwalk at that time. See Attachment 1.

JPA staff has subsequently heard that the Coastal Commission is considering docketing this item for discussion before the Commissioners at their January 7-9 meeting at a “south coast” location (but not San Diego). While it is encouraging progress for this item to be scheduled to be addressed in a public meeting, as the JPA has repeatedly requested, it will be difficult for the boardwalk’s supporters to attend a meeting that is not in San Diego. And, obviously it means that the Commissioners would not have an opportunity to tour the site.

Your Board may wish to send a letter reiterating your request for the meeting to be held in March or discuss other alternatives.
September 15, 2014

Honorale 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 Site Visit in March

The Board of Directors of the San Dieguito River Park Joint Powers Authority ("JPA") has formally requested the Coastal Commission to publicly address the issue of whether the Boardwalk at the San Dieguito Lagoon should be relocated as the Coastal Commission staff has directed. In response to the JPA’s request, your staff requested additional information, including alternative restoration plans for the South Overflow Lot where the Boardwalk is located. On August 22nd, the 22nd District Agricultural Association provided a conceptual restoration plan to your staff that would eliminate the Boardwalk. We trust that the provision of this additional information will enable this item to be placed on the docket of the next Coastal Commission hearing that is held in San Diego, which will be in March 2015.

Also, in March, I have been informed that plans are underway for the Commissioners to visit the San Dieguito Lagoon in order to have an unveiling of a tribute to the late Peter Douglas. JPA staff and volunteers are preparing a trailside interpretive panel that will overlook the restored Southern California Edison wetlands and provide information about Mr. Douglas’ life and achievements in preserving our coastal wetlands and public access to the coast. Mr. Douglas’ family has been invited to join the Commissioners for this event.

The JPA Board would like to invite the Commissioners to also tour the Boardwalk on that occasion to give them a greater understanding of the issues at that site. I would appreciate it if you would request your staff to schedule discussion of the Boardwalk at the March meeting in San Diego, and to schedule a tour of the Boardwalk along with the Peter Douglas Tribute. JPA staff will work with your staff to coordinate the tour details.
Sincerely,

Dave Roberts, Chair

Motion: September 2, 2014 JPA Board Meeting:
AYES: 5 (ROBERTS, MOSIER, ZITO, KERSEY, GOLICH)
NOES: 0
ABSTAIN: 1 (DIAZ)
ABSENT: 3 (CUNNINGHAM, LIGHTNER, JACOB)

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

Frederick Schenk, President
22nd Agricultural Association
2260 Jimmy Durante Blvd.
Del Mar, CA 92014

Tim Fennell, General Manager
22nd Agricultural Association
2260 Jimmy Durante Blvd.
Del Mar, CA 92014
TO: JPA Board  
FROM: Staff  
SUBJECT: Final EIR for St. John Garabed Armenian Church

RECOMMENDATION:
Discuss and provide JPA staff with direction on whether to take any further action regarding this project.

SITUATION:
At your April 18, 2014 meeting, your Board approved a comment letter on the Draft EIR for the St. John Garabed Church project (Attachment 1). The project 13.4-acre site is on El Camino Real approximately 1/2 mile east of Interstate 5 within the San Dieguito River Park’s Focused Planning Area (FPA) adjacent to Gonzales Canyon (Attachment 2).

The Final EIR (FEIR) with responses to comments on the Draft EIR was received by JPA staff on October 8, 2014 (Attachment 3 is the FEIR response to the JPA’s letter). In summary, the JPA has repeatedly raised two main concerns: the impacts of the project on the adjacent wildlife corridor in Gonzales Canyon including noise, human activity, and lights, and the visual impacts to public views to and from the River Valley due to the excessive height of the main structure (93 feet). The impacts of this project on the San Dieguito River Park are detailed in the April 18th JPA agenda staff report (Attachment 4). No changes have been made to the project since your Board’s comments and the FEIR responses to JPA comments defend the Draft EIR analysis and conclusions.

CAC Chair Tom Golich requested that your Board consider taking further action regarding this project. The project is tentatively scheduled for approval at the City Planning Commission on October 30th, and will also require a coastal permit from the Coastal Commission. At this point, the options available to the JPA include sending a letter to the Planning Commission reiterating the JPA’s concerns with the project as designed, testifying at the project hearing, or taking no further action.

As required by CEQA, the Final EIR cites the “benefits” of the project that override the one significant unmitigable visual and neighborhood character impact identified in the EIR (associated with the height of the church dome and cross). According to the FEIR, these benefits would “outweigh the potential unavoidable adverse impacts and render those impacts acceptable”: (1) promote religious and cultural awareness, (2) public gathering space, (3) restoration of native habitat within Gonzales Canyon, and (4) jobs for area residents. The FEIR Statement of Overriding Considerations is included in Attachment 5.

The Carmel Valley Community Planning Board also submitted a lengthy Draft EIR comment letter citing many of the same concerns as the JPA’s letter. However, on 9/25/14 the Carmel Valley Board
approved the project as designed on a 6-4 vote.

Given the approvals the project has received thus far, including the planning group’s endorsement and the wildlife agencies’ approval of the MSCP Preserve boundary line adjustment, JPA staff feels it is unlikely that our concerns will have an impact on a City Planning Commission decision and they are likely to approve the project as is.

CAC RECOMMENDATION

The CAC has consistently agreed with JPA staff and PRC comments on the project. They last considered the project at their April 4, 2014 meeting and voted unanimously in favor of recommending that your Board confirm the Draft EIR comments as presented by staff. Although this item was on the CAC’s October 3rd agenda, no action was taken due to lack of a quorum.

ALTERNATIVES

1. Direct staff to send a letter to the City Planning Commission reiterating JPA’s concerns with the project as designed.
2. Designate someone to testify at Planning Commission hearing.
3. Give staff other direction.
4. Take no further action.

RECOMMENDATION

Discuss and provide JPA staff with direction on whether to take any further action regarding this project.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:

1. JPA comment letter on Draft EIR
2. Site map
3. Responses to JPA comments in Final EIR
4. 4/18/14 staff report
5. Statement of Overriding Considerations for Final EIR
April 28, 2014

Jeffrey Szymanski
Environmental Planner
City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: Comments on Draft EIR for St. John Garabed Church; Project #240283

Dear Mr. Szymanski:

At their April 18, 2014 meeting, the JPA Board of Directors considered the St. John Garabed Church Draft EIR and unanimously confirmed the EIR comments submitted by our staff in their April 14, 2014 letter to you. We do appreciate the fact that the applicant has made modest changes to the project since it was originally submitted in response to concerns that were raised. Considering that there remain substantial JPA concerns on this project that have not been addressed, we request that City staff and the applicant work together to resolve what are perceived as impacts to the function and quality of the San Dieguito River Valley. If desired, the JPA staff will participate in that effort. The JPA will continue to protect the vision of the San Dieguito River Park and we look forward to working with our future new neighbors to do the same.

Sincerely,

Dave Roberts

County Supervisor Dave Roberts
JPA Board Chair
April 14, 2014

Jeffrey Szymanski  
Environmental Planner  
City of San Diego  
Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

Subject: Comments on Draft EIR for  
St. John Garabed Church; Project #240283

Dear Mr. Szymanski:

Thank you for providing the JPA with the Draft EIR for this project. As you know, we have been following this project since it was originally submitted to the City in 2011 and have met with the project representatives on at least two occasions (2012) including a site visit to the project site. The issues we’ve raised on multiple occasions have not been adequately addressed (see attached letters). Despite repeated requests from JPA staff to modify the project’s design to reduce impacts to the San Dieguito River Park the project has proceeded largely as originally proposed. The comments in this letter focus on the adequacy of the Draft EIR and are consistent with concerns previously raised.

Due to the timing of the Draft EIR public review period and the JPA Board meeting schedule, the JPA Board has not yet reviewed or approved these comments. Therefore, the comments are solely of the JPA staff based on our interpretation of the policies and programs adopted by the San Dieguito River Park JPA Board of Directors. It is anticipated that the JPA Board will consider these comments at their next meeting scheduled for April 18, 2014.

Our concerns relate to two main issues: the impact of the project on the MSCP Preserve area and on the visual quality of the San Dieguito River Park.

Impacts to MSCP Gonzales Canyon Wildlife Corridor:

The proposed structures are located on the edge of the mesa top directly adjacent to the Gonzales Canyon wildlife corridor, the closest structure being approximately 20 feet from the slope. According to the Draft EIR, the project is proposing to develop 4.23 acres of the MSCP Preserve, 0.88 acre beyond the allowed 25% encroachment. This additional encroachment does not seem justified nor is it sensitive to the value of this area as a wildlife movement corridor and as a visually important component of the river valley landscape. Statements made in the Draft EIR regarding the
Mr. Szymanski
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necessity to build the magnitude proposed are unsupported. Both recently-approved adjacent projects adhered to the MSCP Preserve boundaries.

- The Gonzales Canyon wildlife corridor identified in the City’s MSCP and the SDRP Concept Plan comes out of Gonzales Canyon from the southeast and connects to the broad floodplain of the San Dieguito River Valley. Evidence of high wildlife use of this corridor was collected in March 2013 from recent camera traps (placed on the adjacent property) by the San Dieguito River Valley Conservancy. Mammals including bobcat, coyote, and mule deer, as well as numerous smaller species, use this corridor. The function and use of this wildlife corridor has become more important as the lagoon has been restored, as open space has been set aside and restored to native habitat as a result of adjacent projects (Rancho Valley Farms and Formosan Church), and as an improved wildlife undercrossing was installed under El Camino Real as a safe crossing of this busy roadway. The importance and high use of this corridor is not adequately documented in the Draft EIR.

- The Draft EIR does not sufficiently recognize the importance of the wildlife corridor or the diversity of species that currently move through the area and claims “the project would have a beneficial impact on the habitat linkage within Gonzales Canyon” while dismissing its impacts. It states that “the habitat on the site currently provides relatively few resources for wildlife due to the lack of cover and structural diversity” (page 5.4-11). This is contrary to recent evidence of a heavily used corridor. Although the proposed mitigation plan would improve the habitat, the project’s adjacency to the corridor would impact its quality and function. The proposed buildings and activity areas could be reduced in size and moved further away from the mesa edge to provide a buffer. The EIR does not adequately explain why the project couldn’t be built on a smaller footprint to provide an adequate buffer.

- The EIR and accompanying biology report are misleading with the use of the term “active agriculture” throughout the text to describe land use on the site. Agriculture operations (i.e., crops) have not existed onsite for several years. Active agriculture evokes an image where monotypic stands of productive crops are planted and weeds kept down with herbicides, which is not occurring at the site. The EIR concludes that “the area in the lower portion within Gonzales Canyon is unaffected by the take and management will be unaffected” (page 5.1-73) with no substantive evidence or analysis to support such a conclusion. The EIR states that the area “is periodically in crops or is devoid of vegetation and disked” (page 5.1-73). However, based on our observations most of the project site had not been farmed for several years and mature native vegetative cover did exist in the bottom portion of the corridor closest to the wildlife undercrossing before it was recently mowed and disked (no crops were planted), just prior to the release of the NOP.

- The EIR does not acknowledge that native habitat on the project site in the wildlife corridor was recently mowed and disked without authorization and claims that Gonzales Canyon has “currently no cover or foraging opportunities for wildlife”. The mowing and disk for May or June of 2013 under the current ownership where sensitive
native habitat was destroyed during the nesting season and just prior to the release of the NOP.

- The EIR does not acknowledge the impact of the project on the corridor itself and only promotes the benefits of the mitigation plan (page 5.1-72 and 73). The EIR also states that the project would “not compromise the preserve efficiency or effectiveness” and “no impacts will occur to the habitat linkage” because the project would be confined to the mesa on existing disturbed land. Edge effects to the wildlife corridor are dismissed and conclusions are not substantiated with evidence. The EIR states that the project mitigation to restore/enhance 1.76 acres of onsite habitat will “vastly improve the function of the canyon for wildlife movement” (page 5.1-72). While there is no question that restoration improves habitat value for wildlife, the corridor had been heavily used by wildlife for years (including mule deer, bobcat, and coyote). It is likely that wildlife use has declined since the vegetation was mowed and disked in 2013. The EIR does not adequately analyze the impact of the project design or the loss of a buffer from the corridor. The supposed net benefit of the mitigation plan to the wildlife corridor is unsubstantiated (considering the adjacency edge effects of the project) and the EIR analysis does not adequately support the conclusion made.

- As currently designed the project does not provide a buffer between development and wildlife habitat and will introduce light, noise, and human activity, potentially intimidating to the wildlife moving through the area. The biology analysis does not support the conclusions made. For example, a statement is made that the project “is separated from the Gonzales Canyon by a 20-40 foot slope which will protect wildlife as they move through the canyon”, yet it does not explain how that slope would protect wildlife next to a 93-foot tall structure at the edge of that slope and next to the proposed project access road cut into the slope, nor whether the project’s proximity and use would impact wildlife moving through the corridor.

- The proposed project entrance off El Camino Real would also be located within the MSCP Preserve approximately 400 feet north of the Formosan Church entrance driveway. This access will isolate the habitat mitigation site that was required for the adjacent Formosan church (which currently is within the Preserve) and will shine automobile lights, and add noise directly adjacent to the wildlife corridor particularly at night when animals move through the area. Although lights and noise from El Camino Real pass by the open space, the access road will bring cars directly into the Preserve area. The access entrance drive is only evaluated in the context of a location further into the MHPA Preserve that had been previously proposed by the project representative and subsequently rejected. The EIR dismisses impacts of the access road by promoting it as better than what had been considered previously (page 5.1-72). CEQA requires that the analysis be based on the impacts of a proposed project on the existing condition and setting, not compared to an earlier design. Typically, the existing condition is defined as when the notice of preparation is published (in this case, July 2013). The most sensitive portion of the project site, where mature vegetation offered cover for wildlife species, was mowed and disked, just prior to the release of the NOP.
Mr. Szymanski  
Page 4  

- The EIR makes inaccurate statements and cites mitigation measures that don’t exist. For example, only one biology mitigation measure exists (BIO-1) yet the analysis states that measures “BIO-2” and “BIO-3” would mitigate impact from invasive species and impacts to the MSCP, yet these measures do not exist.

- The EIR states that exterior lighting would provide “general illumination” of proposed plazas, along pathways, and around landscape areas, and at entry points at the structures. The intensity of lighting proposed is not provided in the Draft EIR. It goes on to say that compliance with the City’s Outdoor Lighting Regulations would reduce impacts to less than significant, yet no explanation is given on the details of that regulation and how compliance would mitigate lighting impacts (page 5.9-17). These potential edge effects are not adequately analyzed in the DEIR and the conclusion that impacts would be insignificant is not supported with substantial evidence.

Impact to the Visual Open Space Character of the River Valley:

The EIR states that deviations from the AR-1-1 zone “base maximum height” of 30 feet are allowed in circumstances where side yard setbacks are increased (as proposed for the church and hall). But, deviations for side and rear yard setbacks are also being requested for the education and youth center buildings. The community plan and SDRP Concept Plan policies regarding protection of visual quality and open space must also be considered. Height deviations are discretionary and should be considered in the context of the goals and policies of the SDRP Concept Plan. Given the constraints on the project site, the sensitivity of the surrounding area both biologically and visually, the site’s prominent location within the San Dieguito River Valley, the visibility of the site from public views (trails and roads), and the goals and policies of the FUA Framework Plan and SDRP Concept Plan that protect open space, valleys, and wildlife, the project appears to be overbuilt for the site.

Specific Draft EIR comments are:

- The project is inconsistent with the land use plans and policies for this area that were written to protect views into and from the San Dieguito River Valley. Policies in the NCFUA Framework Plan and SDRP Concept Plan require developments to be “low lying in profile and not visually prominent” in this part of the valley. The EIR states that the church “would be visually prominent from low-lying areas of the western side of Gonzales Canyon”, but that the structures “will be screened with landscaping that will include native shrubs and groundcover, grasses, lawn, etc.” and “the stone finish or plaster finish with earth-tone colors” would “tend to recede into the background landscape with distance” and that the church has been “set back from the property line to the extent possible”. The proposed landscaping cannot screen a 93-foot tall structure that would greatly exceed the height of most plantings and surrounding buildings and loom over the adjacent wildlife corridor. Furthermore, reasons given that the square footage is the minimum necessary to meet the goals of the project lack substantial evidence to justify the need to impact the river valley’s visual quality to such an extent.
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- The Draft EIR concludes that “based on the visual analysis presented and based on the discussion of scenic views/vistas, the project would not be located in a highly visible area” and “would not contrast visually with the overall character of the surrounding area” (page 5.9-15). These conclusions are false and appear to be based on poor-quality visual simulations that show the proposed structures faded in the distance. The church structure itself would be more than two times higher than the adjacent church and four times the height of the neighboring residential structures. Substantial evidence is lacking to support conclusions reached in the EIR.

- At the same time, the EIR also states that the project would have a significant and unavoidable impact on neighborhood character because the church dome is 50 feet higher than the adjacent church and 70 feet higher than the adjacent residential development (page 5.9-16). Confusing statements are made to support this conclusion: “though portions of the proposed church will be visible from adjacent properties, with landscaping and natural building materials and colors, the project would not be located in a highly visible area and contrast with the overall character of the area”. And “because the proposed 91-foot tall dome would be taller than surrounding development and would result in visible contrast” impacts are “considered significant and unavoidable” (page 5.9-16). It appears that impacts to surrounding private developments were considered to be a significant impact, yet impacts to surrounding public views into and from the river valley were not.

- A modified design that reduces the height of the structures would mitigate the high impact this project would have on the open space character of the San Dieguito River Valley (see next comment).

Project Alternatives Analysis

CEQA requires that an EIR provide feasible project alternatives capable of “avoiding or substantially lessening any significant effects of the project” while feasibly attaining most of the project objectives (Section 15126.6). The subject EIR dismisses the “Reduced Project Alternative” as not feasible without defining or explaining the characteristics of the “reduced project”, and only states that it would not meet the needs of the Armenian Church community without substantiating the conclusion with evidence. An alternative that meets the MSCP encroachment allowance of 25% and moves the structures further back from the mesa away from the wildlife corridor to provide a buffer from Gonzales Canyon, thereby reducing significant impacts to the MSCP Preserve, should be analyzed as a viable alternative.

A project alternative design consistent with the height of the surrounding structures (I.e., 45 feet) should also be included to mitigate impacts to the surrounding area. The EIR does not offer or meaningfully consider such alternative designs.

Trail Connection

According to City Park and Recreation planning staff, a proposed condition on the subject project requires the property owner to grant a recreation easement for trail purposes. According
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to the project Cycle Issue Report, “the exact location of the easement will be determined at a later date and the property owner will not be responsible for the cost associated with granting, constructing or maintenance of the trail”. The EIR should acknowledge and discuss the future trail even if an exact alignment hasn’t been determined. Our concern is that the EIR does not acknowledge the trail use on the subject property, potentially jeopardizing its status and ability to continue the trail in the vicinity of the proposed mitigation site.

We urge the City as part of the San Dieguito River Park and an active participant in the restoration of the lagoon area, to consider this comments and the impact this project design will have on the long-recognized goals to protect the open space and visual quality of the San Dieguito River Valley.

We appreciate the opportunity to comment on the Draft EIR and look forward to receiving further documentation on this project. Thank you.

Sincerely,

[Signature]

Shawna C. Anderson, AICP  
Principal Planner
Response to Comment Letter B

San Dieguito River Park Joint Powers Authority
Shawna C. Anderson, AICP, Principal Planner
April 14, 2014

B-1 Comment noted. The deadline for comment submittal was extended to April 18, 2014. The JPA Board’s comment letter has been included as Comment Letter E in this Final EIR. Comments regarding the impact of the project on the MSCP Preserve area and on the visual quality of the San Dieguito River Park are discussed in detail below. This comment also notes the inclusion of “attached letters”; however, no letters were attached to this public review comment letter dated April 14, 2014.

B-2 The MHPA boundary adjustment is partly necessary in order to provide vehicular access to the site. The applicant was directed by staff from the City of San Diego, as well as the Wildlife Agencies, to pursue joint access through the Formosan Church; however, the neighboring church would not agree to share access. As noted in the MSCP implementing agreement, vehicular access cannot be reasonably denied by the City and Wildlife Agencies; however, impacts to the MHPA shall be counted against the encroachment calculation. The developable area of the site is located atop a twenty to twenty-five foot slope and, therefore, is separated from the wildlife corridor horizontally and vertically. The siting of the buildings atop the mesa would place them on the portion of the project site considered the least environmentally sensitive and significant; locating the buildings close to each other also minimizes impacts to the adjacent wildlife corridor.

Furthermore, as indicated in Section 5.4 of the DEIR, the criteria detailed in the MSCP provide for solutions to boundary issues such as the one represented by the project. The City, through consultation with the Wildlife Agencies, can allow an encroachment and/or boundary adjustment when said encroachment/adjustment represents a net increase in the preserve or it provides functional equivalency. The City and Wildlife Agencies met on several occasions to discuss the project and required the applicant to redesign the access road to limit impacts to the MHPA and the canyon. The northeastern portion of the site includes a portion of Gonzales Canyon, which is considered a major habitat linkage/wildlife corridor in the MSCP. Tracks of various wildlife species and observations of mammals and reptiles have been documented within the area designated for restoration in the Conceptual Restoration Plan for the St. John Garabed Church Project. No development is proposed to occur within this habitat linkage, as the development is proposed to occur
on the mesa top located over 400 feet to the southwest of Gonzales Canyon. Additionally, as part of the project, the applicant will restore 1.76 acres of disturbed habitat in Gonzales Canyon. As such, the proposed project would not interfere with existing wildlife movement in the Canyon (due to its location on the mesa top), and would in fact improve the corridor to improve wildlife movement. Based upon the redesign and the agreement to provide on-site restoration, the City and Wildlife Agencies have agreed that the project meets the functional equivalency standard.

B-3 Refer to Response to Comment B-2. The DEIR adequately addresses the importance and value of the corridor; however, the property owner has the right to gain access to and develop the site. The MHPA encroachment is required to provide vehicular access to the site. Absent access across the property west of the site, all other points of access will affect the MHPA. The access has been designed to limit impacts to the MHPA and comply with the City’s street design requirements. Encroachment upon the MHPA beyond what is allowed by right would be approximately 0.88 acres, of which 0.45 acres would be attributable to the access road and the remaining 0.43 acres attributable to site development.

The current wildlife corridor within Gonzales Canyon provides relatively few resources for wildlife due to the lack of cover and structural diversity; the Conceptual Restoration Plan for the proposed project requires the total restoration of 1.76 acres within Gonzales Canyon in order to better provide cover for movement and opportunities for nesting, foraging, and roosting. Thus, restoration would occur at a 2:1 ratio and provide for increased habitat acreage as determined by the functional equivalency analysis presented in Section 5.1 of the DEIR.

B-4 Refer to Response to Comment B-2. As discussed in Section 5.4 of the DEIR, the proposed driveway is designed to be the shortest, least impactful route. Additionally, all buildings are proposed to be sited on the mesa top, not within Gonzales Canyon; therefore, it would not interfere with wildlife movement through the corridor.

B-5 As discussed in Section 5.2 of the DEIR, efforts to farm the land have not been productive. Recent efforts to plant onions and garlic on the land also were not successful. Efforts to address the high cost of water resulted in the refurbishment of an existing on-site well, but that water was unacceptable for most crops because of a high concentration of particulates. More recent efforts have included the installation of a water filtration system in an effort to address the problem with the well water. Although efforts to farm the land have and will continue prior to development of the project, the land has not historically been productive agricultural land. Moreover, in Appendix E to the Concept Plan, the Joint Powers Authority made it clear that “there
is nothing in the Concept Plan or in the powers of the JPA that would require a property owner to farm or ranch his property, if the underlying zoning of the land use agency permit other uses.” The A-1-10 Zone of the City allows for the development of a church on the property pursuant to the issuance of a CUP.

Additionally, as part of the proposed project, the farming activities which are currently allowed on the project site would cease, as all areas within the MHPA would be placed within a Covenant of Easement.

B-6 A portion of the Church property was mowed in the summer of 2013. It remains unclear who was responsible for the mowing activity; however, the mowing did not result in a change in the vegetation community since the previous mapping was disturbed habitat, and that is currently how this area has been mapped. The road into the property provides access for a number of land owners and easement holders, and multiple groups use the road on a routine basis. These other groups may have been involved in mowing or clearing vegetation not related to the farming activity. A Dudek botanist visited the site upon hearing the concerns from the U.S. Fish and Wildlife Service. The purpose was to identify the species within the Church property that were mowed, and to provide photos of the area that was mowed. The photos show that the mowing stopped away from the mouth of the culvert (leaving a few weeds behind) and also shows the remaining shrubs to the side of the culvert which were all preserved. The view from the sidewalk shows the remaining coastal sage scrub along the slope, which also was preserved.

B-7 Refer to Response to Comment B-2, B-3, and B-5. No further response is required.

B-8 Refer to Response to Comment B-2, B-4, and B-5. No further response is required.

B-9 As explained previously, the applicant was directed by staff from the City of San Diego as well as the State and Federal Fish and Wildlife Agencies to pursue joint access through the Formosan Church; however, the neighboring church would not agree to share access. As noted in the MSCP Implementing Agreement (Section 10.5) and the MSCP Subarea Plan (Section 1.4.2), vehicular access cannot be reasonably denied by the City and Wildlife Agencies; however, impacts to the MHPA shall be counted against the encroachment calculation.

As discussed in Section 5.4 of the DEIR, overall human presence would increase in the area as a result of the proposed project and would potentially result in impacts to sensitive biological resources. Such impacts also would include noise and lighting resulting from cars traveling along the proposed driveway. While these impacts
would occur over the long term, noise and light spillover from cars traveling along
the driveway would not be a constant occurrence as compared to cars currently
traveling along El Camino Real. Furthermore, the angle of approach of vehicles
entering the site would be such that light spillover would only occur for a very short
period of time within the MHPA, after which light would be focused away from the
MHPA areas and toward the church facilities. Vehicles leaving the site would not
result in light spillover into the MHPA. The proposed driveway was designed to be
the least impactful and closest to existing development in order to minimize both
direct and indirect impacts of project development.

The MHPA area north of the Formosan Church contains habitat that is currently
isolated from other habitat areas. Given the proximity of the adjacent MHPA on the
Formosan Church property to the church parking lot and El Camino Real, and the
above access limitations, the habitat on the church property will continue to be
isolated. This impact was considered in the Wildlife Agencies’ determination that the
proposed project would provide a preserve that is improved upon or functionally
equivalent to the existing preserve due to the proposed restoration activities. See also
Response to Comment B-2 and B-5.

B-10 Staff has made revisions and clarifications to the DEIR. These revisions to the DEIR
are presented in strikeout-underline format. Throughout the DEIR, references to
biological mitigation measures have been revised to correctly reference the correct
measure. Prior to the public circulation of the DEIR, the mitigation measures labeled
as LU-1 and LU-2 (found in Section 5.1, Land Use) were originally found within
Section 5.4, Biological Resources. The location of these mitigation measures were
moved as the Section 5.1, Land Use was determined to be the more appropriate
location and the relabeling was not carried over to Section 5.4, Biological Resources.
It should be noted that the content of these mitigation measures have not been altered,
only the labels.

To the extent these changes and additions to the DEIR provide new information that
may clarify or amplify information already found in the DEIR, and do not raise
important new issues about significant effects on the environment, such changes are
insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

B-11 All projects adjacent to the MHPA are required to comply with the MSCP adjacency
guidelines. These guidelines are included as project features. Additionally, as
provided in mitigation measure LU-2 (Section 5.1 of the DEIR), all lighting will face
away or be shielded from the MHPA, and low-intensity nighttime safety lighting shall be located along sidewalks and at building entrances.

B-12 The analysis of the project found in the DEIR includes review of the applicable policy documents. While the documents include policies relative to site planning, bulk, scale, and adjacency to open space, among others, none of these documents prohibit construction of the project. The North City Future Urbanizing Area Framework Plan (NCFUA Framework Plan) includes language under Policy 4.10l which states that “structures located within the view of the park, if within 200 feet vertically and 50 feet horizontally of a ridgeline, shall be set back and be low in profile so as not to be visually prominent from the future park.” The NCFUA Framework Plan also states that “these regulations may be superseded by regulations adopted in the park plan without amendment to the Framework Plan.” Regarding the San Dieguito River Park Concept Plan, the project’s consistency with pertinent objectives, special design considerations, and recommended design and development standards of the Concept Plan are provided in Table 5.1-3 of the DEIR. The Concept Plan also states in Appendix E that the “JPA has adopted design and development standards which apply only to park-initiated projects on public land (page 100 of the Concept Plan). The JPA cannot adopt design and development standards which are binding on private property owners.” When adopting the Concept Plan, the City Council made it clear that where there is a substantive conflict between the provisions of the Concept Plan and any City regulation or policy, the City regulation or policy shall take precedence over the Concept Plan, as discussed in Section 5.1 of the DEIR. The decision made by the City Council when adopting the Concept Plan to grant priority to City regulation or policy, in this case the standards of the A-1-10 Zone concerning allowable height, may very well constitute a superseding of the language in Section 4.10l of the NCFUA Framework Plan. Nevertheless, as discussed in Section 5.9 of the DEIR, the project will not result in significant view impacts from key public vantage points, including several located within the boundaries of the San Dieguito River Park, because the project’s proposed landscaping and use of earth-tone colors on the finished buildings would cause the buildings to recede into the background landscape with distance and would not substantially alter the existing visual character of the area. As a result, the project’s profile is consistent with the Section 4.10l’s implementing policy because its profile will not be “visually prominent from the future park.” The proposed project is set back from the ridgeline of the mesa, and a vast majority of the church is considered to be “low in profile,” as it would be similar in height to approved surrounding development at the Formosan Church. The portion of the church building that exceeds 50 feet in height is the dome and cross, and as shown in the depiction below, this portion of the structure is not substantial enough to block any views and would not be considered “visually prominent.”
The AR-1-1 zone is an agricultural zone which is applied across the City and has been applied to the site as well as the surrounding valley. Included in these zoning regulations is an allowance to increase building height when setbacks are increased; this is not a discretionary action or a deviation, as it is allowed in the text of the zoning ordinance. Please refer to the graphical depictions below, which indicate the setbacks being proposed for each structure as well as the San Diego Municipal Code section regarding maximum structure heights.
Refer to Response to Comment B-12. As stated in the previous response, the policy documents cited cannot rewrite the legally binding ordinances that affect the development of the property. The overall height of the Church cannot be screened with landscaping; however, the majority of the structure is at or less than 50 feet in height, and landscaping will effectively screen that portion of the structure. Additionally, the building materials will be of a natural colors and materials which will blend into the fabric of the community. The fact that only a portion of the Church will exceed 50 feet in height, combined with the project’s landscaping plan and use of natural colors and materials, will ensure that there will be no significant impacts to keys public views, including views from the San Dieguito River Park. Lastly, it should be noted that the DEIR does identify a significant and unavoidable impacts due to the project’s contrast from surrounding development. This contrast from surrounding development is entirely attributable to the proposed height of the dome and cross.

Staff has made revisions and clarifications to the DEIR. These revisions to the DEIR are presented in strikeout-underline format (see revisions within Section 4.9, Visual Effects). Revisions have been made to clarify that the project would be located in a highly visible area, but would not contrast with the overall character of the surrounding area through utilization of landscaping and earth toned building materials and colors that would tend to recede into the background landscape with distance.
The visual impacts identified in the DEIR results specifically from the project’s contrast with surrounding development, not its location in a highly visible area; this contrast, entirely attributable to the proposed height of the dome and cross, is considered significant and unavoidable.

To the extent these changes and additions to the DEIR provide new information that may clarify or amplify information already found in the DEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

B-15 Refer to Response to Comment B-14. No further response is required.

B-16 Comment noted. Please refer to Section 9.0, Alternatives, of the DEIR for a discussion and analysis regarding a Reduced Height Alternative.

B-17 As indicated in Section 9.5.3 of the DEIR, a reduced development alternative was considered as part of the alternatives process that would involve a reduction in the size of the proposed buildings or elimination of one or more of the proposed buildings with the goal of avoiding or substantially lessening one or more of the project’s identified biological, historical, or paleontological impacts. However, a reduced development alternative would not meet the project objectives as it would not provide for adequate facilities to serve the existing and future needs of the Church’s community, including the Church, associated offices and classrooms, a hall for banquets, and a gymnasium. The St. John Garabed Armenian Church congregation has now grown beyond the capacity of their current facilities (15,000 square feet) located at 4473 30th Street, San Diego. In addition, the existing Armenian Church facilities do not represent traditional Armenian Church architecture, and the site’s size limits the level of associated services and activities that the Armenian Church can provide to the Church’s community. Parishioners are relegated to the social hall most Sundays due to the lack of capacity within the sanctuary, which can only accommodate approximately 125 worshippers. The reduced development alternative would result in the project not meeting the needs beyond which their current site provides the Church’s community and would not accommodate additional future growth of the Church’s community.

Furthermore, there is a historical precedent for Armenian churches to be designed with certain dimensions. Traditional Armenian architecture evolved in a region subject to significant seismic activity. By incorporating a central dome as the focal point of the structure, it was the first Christian church with a vertical composure (i.e., having a height that exceeded the length or width of the central portion of the
building). This emphasis on the upright massing generated the pyramidal shape – the optimal shape for resistance to seismic motion. This design has since been an integral part of Armenian architecture, and Armenian churches have historically been what give the community its character and identity.

Therefore, the reduced development alternative was also not considered in this analysis. Reducing the size of the Church will not achieve the project goals related to serving the existing and future membership.

B-18 Refer to Section 9.6.2 of the DEIR, which includes an analysis of a Reduced Height Alternative. No further response is required.

B-19 The commenter is correct that a proposed condition on the subject project would require the property owner to grant an easement for trail purposes. The project applicant has agreed to grant a trail easement, not to exceed 24 feet wide, at a location outside of the area approved for development or restoration areas. The exact location of this easement will be determined at a later date by the City of San Diego in order for the proposed trail easement to integrate with the City of San Diego's approved trail plans. The project applicant shall not be responsible for the cost associated with granting, construction or perpetual maintenance of this trail.

Because a trail alignment has not yet been identified, analysis of this trail easement is not possible and has therefore not been included in the DEIR. This subsequent analysis would need to be conducted at such time more detailed information becomes available regarding the siting and intent of the trail.

B-20 Comment noted.
TO: JPA Board

FROM: Staff

SUBJECT: Comment Letter on St. John Garabed Church Draft EIR

RECOMMENDATION:

Send letter to City of San Diego confirming JPA staff comments on the Draft EIR.

SITUATION:

A. Background

The St. John Garabed Church project (project) is proposed on a 13.4-acre site on El Camino Real approximately ½ mile east of Interstate 5 within the San Dieguito River Park’s Focused Planning Area (FPA) (Landscape Unit B) adjacent to Gonzales Canyon and the San Dieguito lagoon wetland restoration project (Attachments 1 and 2). The site is directly behind (east of) the recently-built Formosan Church and just north of the Stallions Crossing residential development. The project consists of a 350-seat church and three additional buildings totaling 51,680 square feet on a mesa overlooking the Gonzales Canyon open space corridor that connects to the San Dieguito Lagoon.

A Draft EIR was circulated for public review and comments on the EIR were due by April 15, 2014. JPA staff submitted a comment letter on the Draft EIR (Attachment 3) based on our internal review and comment from the PRC and CAC.

The PRC spent considerable effort reviewing this project beginning in June 2011 when the JPA first became aware of the project. The project has been before the PRC on several occasions where PRC members and project representatives conducted site visits and discussed the project design. In addition, three comment letters were submitted to the City and project representative between 2011 and 2013 (Attachment 4). Despite requests from JPA staff and the PRC to modify the project’s design to address issues raised (see below) the project has proceeded largely as originally proposed.

A church is an allowed use in the project site zone (AR-1-1) with a Conditional Use Permit (CUP). The site is in Subarea II of the North City Future Urbanizing Area, and requires a coastal permit from the Coastal Commission because Subarea II does not have a subarea plan and is considered a “deferral area”.

The church structure is 93 feet in height including a 50-foot tall dome. This is equivalent to a 9-story structure, much taller than the surrounding development (the tallest approved structure in the area is the Formosan church next door at 45 feet). The church itself represents approximately 11 percent of the total building area. The other three structures consist of an 18,090 sf multi-purpose hall (2 story, 40 feet tall), an 11,010 sf education facility with 10 classrooms (2 story,
less than 30 feet), and a 13,840 sf youth recreational facility (less than 30 feet).

B. Project Issues

Relevant Policies

The project site is at the western edge of the San Dieguito River Park Concept Plan’s Landscape Unit B (Gonzales and La Zanja Canyons) near the San Dieguito lagoon wetland restoration project and includes land in Gonzales Canyon. Much of the site is within the City’s Multiple Habitat Preserve Area (MHPA) because it is a wildlife corridor. The special design considerations in the SDRP Concept Plan most relevant to this site include:

- Future development proposals within this area shall include the dedication of open space corridors consistent with the intent of the SDRP. These open space corridors, which would be provided within La Zanja and Gonzales Canyons, should be of adequate size to accommodate both wildlife and human movement.

- Adequate measures should be taken by the development to ensure the preservation of existing sensitive habitat or where necessary, native habitat within the areas should be restored in order to ensure functional open space linkages between the San Dieguito River Park and open space areas to the south.

- Development on the adjacent ridges should be set back from the top of slope in order to reduce its visibility from the FPA, as well as to provide for an upland transition area that will serve to buffer the development from the adjoining natural habitat.

- Future development within Gonzales Canyon shall conform to the Implementing Principles for Development adjacent to Significant Natural Areas (4.10a-4/10o), as outlined in the North City FUA Framework Plan.

The Environmental Tier in the NCFUA Framework Plan is an open space system similar in both intent and area to the MSCP Preserve area. The relevant Framework Plan implementing principles “apply to development adjacent to significant natural areas such as the environmental tier and the San Dieguito River Valley FPA” and include:

4.10i – Development adjacent to ridges and bluffs shall minimize visual impacts to these topographic features through setbacks and landscaping, especially near major canyons or valleys.

4.10l – Structures located within the view of the park (SDRP), if within 200 feet vertically and 50 feet horizontally of a ridgeline, shall be set back and be low in profile so as not to be visually prominent from the future park.

4.10n – All exterior lighting shall be low-sodium type with horizontal cut-off and shall be shielded downward such that the light would not be visible to the adjacent properties and the
proposed park.

5.2d – Because of the importance of continuous open space that provides for plant and animal movement, portions of the environmental tier may not be eliminated based solely on an absence of sensitive resources within the area designated.

5.4c – Wildlife corridors shall be the width required to provide for a continuous space in which animals can move without fear, undisturbed by lighting, noise and intense human activity.

**Impacts to MSCP Gonzales Canyon Wildlife Corridor:**

The proposed development is proposed on a mesa top above the Gonzales Canyon drainage floodplain and includes a mitigation plan to preserve and restore the habitat area (drainage) that leads to the new wildlife culvert undercrossing at El Camino Real. The proposed mitigation will improve and restore the native vegetation including riparian wetlands along the drainage (Attachment 5). However, the project buildings are proposed on the edge of the mesa top directly adjacent to this wildlife corridor. The project sits at the edge of the existing slope (i.e., the mesa) above the Gonzales Canyon open space and the closest structure would sit approximately 20 feet from the slope. Attachments 1 and 6 illustrate the project’s location in context with the surrounding uses and future projects. The northern portion of the mesa and the lower drainage area is part of the MSCP Preserve Area and identified as an Environmental Tier in the NCFUA Framework Plan (see below). The adjacent open space (recently dedicated to the City as MSCP Preserve as a condition of the Rancho Valley Farms project) includes wetlands and a pond that attracts wildlife as they pass through Gonzales Canyon and into the lagoon area.

The proposed development will encroach into the MSCP Preserve area, which will require an MSCP “boundary adjustment” to accommodate the development. Because a majority of the project site is within the MSCP Preserve area (82% of the project site – the majority in the floodplain below the mesa), a 25% development encroachment into the Preserve area is allowed per the MSCP. This “encroachment allowance” provides the project with the ability to develop 3.35 acres of the Preserve (in addition to area outside the MSCP Preserve). However, the project is proposing to develop an additional 0.88 acre into the Preserve beyond the allowed encroachment, for a total of 4.23 acres of development within the MSCP Preserve. This additional encroachment does not seem justified nor is it sensitive to the value of this area as a wildlife movement corridor and as a visually important component of the river valley landscape. As an alternative, the church and associated buildings could be reduced in size and moved back from the mesa edge to reduce the impact to the corridor. Statements made in the Draft EIR regarding the necessity to build at the magnitude proposed are unsupported.

- The Gonzales Canyon wildlife corridor identified in the City’s MSCP and the SDRP Concept Plan comes out of Gonzales Canyon from the southeast and connects to the broad floodplain of the San Dieguito River Valley. Evidence of high wildlife use of this corridor has been collected from recent camera trap images (on the adjacent property) by the San Dieguito River Valley Conservancy. Mammals including bobcat, coyote, and
mule deer, as well as numerous smaller species, use this corridor. The function and use of this wildlife corridor has become more important as the lagoon has been restored, as open space has been set aside and restored to native habitat as a result of adjacent projects (Rancho Valley Farms and Formosan Church), and as an improved wildlife undercrossing was constructed under El Camino Real as a safe crossing of this busy roadway. The importance and high use of this corridor is not adequately documented in the Draft EIR.

- The proposed project site plan includes a 93-foot-tall church located 20 feet from the edge of the mesa overlooking the MSCP wildlife corridor. The proposed development should be designed to minimize its impact on the function of the wildlife corridor by locating tall buildings further from the mesa edge. Currently as designed the project does not provide a buffer between development and wildlife habitat and will introduce light, noise, and human activity, potentially intimidating the wildlife moving through the area. The project should set the buildings further back from the mesa edge to provide the necessary buffer from the open space as intended by the MSCP and Environmental Tier.

- The proposed project entrance off El Camino Real would also be located within the MSCP Preserve approximately 400 feet north of the Formosan Church entrance driveway. This access will isolate the habitat mitigation site that was required for the adjacent church and will shine automobile lights, and add noise directly adjacent to the wildlife corridor particularly at night when animals move through the area. Although lights and noise from El Camino Real pass by the open space, the access road will bring cars directly into the Preserve area. The Draft EIR does not adequately address this issue.

- Public gathering spaces are also proposed directly adjacent to the open space (at the edge of the mesa top overlooking the corridor). Exterior lights would exist within the plazas, walking spaces, and access road directly adjacent to the native habitat and wildlife corridor. These potential edge effects are not adequately analyzed in the DEIR and the conclusion that impacts would be insignificant is not supported with substantial evidence.

- The subject project would consist of four large high-activity buildings with a circulation system adjacent to the open space. The buildings range from 28 to 40 feet in height and the church structure, closest to the wildlife corridor, would be 93 feet in height (equivalent to a 9-story structure). Human encroachment including lights and noise from human activity and vehicles will impact the corridor’s function unless an adequate buffer is provided.

**Draft EIR Analysis**

The Draft EIR does not sufficiently recognize the importance of the wildlife corridor or the diversity of species that currently move through the area and claims “the project would have a beneficial impact on the habitat linkage within Gonzales Canyon” while dismissing its impacts. It states that “the habitat on the site currently provides relatively few resources for wildlife due
to the lack of cover and structural diversity” (page 5.4-11). This is contrary to recent evidence of a heavily used corridor. Although the proposed mitigation plan would improve the habitat, the new human use adjacent to the corridor would impact its function. The proposed buildings could be reduced in size and moved further away from the mesa edge to provide a buffer. The EIR does not adequately explain why the project couldn’t be built on a smaller footprint to provide an adequate buffer.

The EIR does not acknowledge that native habitat on the project site in the wildlife corridor was recently mowed and disked without authorization and claims that Gonzales Canyon has “currently no cover or foraging opportunities for wildlife”. The mowing and disking took place in May or June of 2013 under the current ownership where sensitive native habitat was destroyed during the nesting season. The EIR does not acknowledge the impact of the project on the corridor itself and only promotes the benefits of the mitigation plan (page 5.1-72 and 73). The access entrance drive is only evaluated in the context of a location further into the MHPA Preserve that had been previously proposed by the project representative and subsequently rejected. The EIR dismisses impacts of the access road by promoting it as better than what had been considered previously (page 5.1-72). CEQA requires that the analysis be based on the impacts of a proposed project on the existing condition and setting, not compared to an earlier design. Typically, the existing condition is defined as when the notice of preparation is published (in this case, July 2013). The most sensitive portion of the project site, where mature vegetation offered cover for wildlife species, was mowed and disked in May or June 2013, just prior to the release of the NOP. Furthermore, the project’s mitigation is partially on this area that until recently was native habitat.

- The EIR concludes that “the area in the lower portion within Gonzales Canyon is unaffected by the take and management will be unaffected” (page 5.1-73) with no substantive evidence or analysis to support such a conclusion. The EIR states that the area “is periodically in crops or is devoid of vegetation and disked” (page 5.1-73). However, based on our observations most of the project site had not been farmed for several years and mature native vegetative cover did exist in the bottom portion of the corridor closest to the wildlife undercrossing before it was recently mowed and disked (no crops were planted).

- The biology analysis does not support the conclusions made. For example, a statement is made that the project “is separated from the Gonzales Canyon by a 20-40 foot slope which will protect wildlife as they move through the canyon”, yet it does not explain how that slope would protect wildlife next to a 93-foot tall structure at the edge of that slope and next to the proposed project access road cut into the slope, nor whether the project’s proximity and use would impact wildlife moving through the corridor. The EIR also states that the project would “not compromise the preserve efficiency or effectiveness” and “no impacts will occur to the habitat linkage” because the project would be confined to the mesa on existing disturbed land. Edge effects to the wildlife corridor are dismissed and conclusions are not substantiated with evidence.
The EIR states that the project mitigation to restore/enhance 1.76 acres of onsite habitat will “vastly improve the function of the canyon for wildlife movement” (page 5.1-72). While there is no question that restoration improves habitat value for wildlife, the corridor had been heavily used by wildlife for years (including mule deer, bobcat, and coyote). It is likely that wildlife use has declined since the vegetation was mowed and disked in 2013. The EIR does not adequately analyze the impact of the project design or the loss of a buffer from the corridor, and primarily just promotes the benefits of the mitigation plan. The supposed net benefit of the mitigation plan to the wildlife corridor is unsubstantiated (considering the adjacency edge effects of the project) and the EIR analysis does not adequately support the conclusion made.

The EIR makes inaccurate statements and cites mitigation measures that don’t exist. For example, only one biology mitigation measure exists (BIO-1) yet the analysis states that measures “BIO-2” and “BIO-3” would mitigate impact from invasive species and impacts to the MSCP, yet these measures do not exist.

The EIR states that exterior lighting to provide “general illumination” would be installed in proposed plazas, along pathways, and around landscape areas, and at entry points at the structures. It goes on to say that compliance with the City’s Outdoor Lighting Regulations would reduce impacts to less than significant, yet no explanation is given on the details of that regulation and how compliance would mitigate lighting impacts (page 5.9-17).

The EIR never explains nor substantiates why a smaller project footprint wouldn’t meet the goals and objectives of the project.

Impacts to the Visual Open Space Character of the River Valley:

The EIR states that according to the City code, deviations from the AR-1-1 zone “base maximum height” of 30 feet are allowed in circumstances where side yard setbacks are increased (as proposed for this project). However, the community plan and SDRP Concept Plan policies regarding protection of visual quality and open space must also be considered. Height deviations are discretionary and should be considered in the context of the goals and policies of the SDRP Concept Plan. Furthermore, additional deviations for side and rear yard setbacks are also being requested by the project proponent for the education and youth center buildings. Given the constraints on the project site, the sensitivity of the surrounding area both biologically and visually, the site’s prominent location within the San Dieguito River Valley, the visibility of the site from public views (trails and roads), and the goals and policies of the FUA Framework Plan and SDRP Concept Plan that protect open space, valleys, and wildlife, the project appears to be overbuilt for the site.

The building location and scale is inconsistent with the Concept Plan design guidelines and the NCFUA Framework Plan. The Framework Plan policies and implementing
principles include an open space plan (Environmental Tier) to protect the river valley and view corridors through height reductions and setbacks.

- The 93-foot high sanctuary and 40-foot high “hall” structure technically comply with the City building height codes because they provide greater than the minimum setbacks from some of the property lines (the wider setbacks from these property lines are easy to achieve because of the irregular linear shape of the property). However, the project is inconsistent with the land use plans and policies for this area that were written to protect views into and from the San Dieguito River Valley. Policies in the NCFUA Framework Plan and SDRP Concept Plan require developments to be “low lying in profile and not visually prominent” in this part of the valley. The EIR states that the church “would be visually prominent from low-laying areas of the western side of Gonzales Canyon”, but that the structures “will be screened with landscaping that will include native shrubs and groundcover, grasses, lawn, etc.” and “the stone finish or plaster finish with earth-tone colors” would “tend to recede into the background landscape with distance” and that the church has been “set back from the property line to the extent possible”. The proposed landscaping cannot screen a 93-foot tall structure that would greatly exceed the height of most plantings and surrounding buildings and loom over the adjacent wildlife corridor (Attachment 7). Furthermore, reasons given that the square footage is the minimum necessary to meet the goals of the project lack substantial evidence to justify the need to impact the river valley’s visual quality to such an extent.

- Recently-approved surrounding projects (Formosan Church and Rancho Valley Farms) have adhered to the MSCP boundaries and goals and policies of the SDRP Concept Plan and environmental tier of the Framework Plan. The Formosan Church will have a maximum height of 45 feet (currently only a portion of that project is built).

The proposed buildings will dominate public views from the San Dieguito River Valley, extend into the MSCP Preserve and environmental tier, and will eliminate any buffer to the Preserve, and will not be set back sufficiently to minimize impacts to the FPA.

**EIR Analysis**

The Draft EIR concludes that “based on the visual analysis presented and based on the discussion of scenic views/vistas, the project would not be located in a highly visible area” and “would not contrast visually with the overall character of the surrounding area” (page 5.9-15). These conclusions are false and appear to be based on poor-quality visual simulations that show the proposed structures faded in the distance. Substantial evidence is lacking to support conclusions reached in the EIR.

At the same time, the EIR also states that the project would have a significant and unavoidable impact on neighborhood character because the church dome is 50 feet higher than the adjacent church and 70 feet higher than the adjacent residential development (page 5.9-16). Confusing statements are made to support this conclusion: “though portions of the proposed church will be
visible from adjacent properties, with landscaping and natural building materials and colors, the project would not be located in a highly visible area and contrast with the overall character of the area”. And “because the proposed 93-foot tall dome would be taller than surrounding development and would result in visible contrast” impacts are “considered significant and unavoidable” (page 5.9-16). It appears that impacts to surrounding private developments were considered to be a significant impact, yet impacts to surrounding public views into and from the river valley were not.

Project Alternatives Analysis

CEQA requires that an EIR provide feasible project alternatives capable of “avoiding or substantially lessening any significant effects of the project” while feasibly attaining most of the project objectives (Section 15126.6). The subject EIR dismisses the “Reduced Project Alternative” without defining or explaining what a “reduced project” would look like, and only states that it would not meet the needs of the Armenian Church community (currently provided on 30th Street in North Park, San Diego) without substantiating the conclusion with evidence. An alternative that meets the MSCP encroachment allowance of 25% should be analyzed as a viable alternative, as well as an alternative that is consistent with the heights of the surrounding structures (i.e., 45 feet). A project alternative that moves the structures further back from the mesa away from the wildlife corridor would provide a buffer from Gonzales Canyon thereby reducing significant impacts to the MSCP Preserve. The EIR does not offer or meaningfully consider such alternative designs.

Trail Connection

For several years both City and JPA staff have been planning a trail route through Gonzales Canyon to eventually connect trails in Pacific Highlands Ranch and beyond to the Coast to Crest Trail. The trail currently exists through Pacific Highlands Ranch to Old El Camino Real. The PRC and JPA have had multiple discussions with the subject project owner about the need for a trail easement through a short length of their property to connect the trail from the adjacent Rancho Valley Farms project to El Camino Real. The property owner has consistently stated that they do not object to providing a trail easement. Yet, no mention is made in the Draft EIR about trail connections from Gonzales Canyon to El Camino Real and the Coast to Crest Trail.

The existing trail currently terminates at Old El Camino Real, but will soon continue west on the Rancho Valley Farms project currently under construction (required as a project condition). The trail route will then continue further west toward El Camino Real along the edge of the MSCP Preserve area (dedicated as part of the Rancho Valley Farms project), although the exact alignment hasn’t been determined. Various trail routes have been explored by City and JPA staff. To connect to El Camino Real the trail must cross a short segment of the St. John Garabed Church property (see Attachment 8).

JPA staff was hopeful that the new El Camino Real culvert undercrossing could be used to route the trail under the road. However, the head room in the new culvert is low (particularly for horses) and a large quantity of sediment exists on the floor of the culvert. Furthermore, the
mitigation plan proposed by the Garabed Church project will restore wetlands leading into the culvert thereby eliminating space needed for a trail. However, other trail route alternatives exist. Recent field reconnaissance done jointly by JPA and City staff confirmed that a workable trail route through the open space on both parcels could connect to the existing D.G. path along the east side of El Camino Real that leads to the intersection at San Dieguito Road. At that point the trail route would continue to the Coast to Crest Trail, which is being designed in coordination with the City’s El Camino Real bridge replacement project and the SANDAG/JPA wetland restoration project (called “W19”) on the west side of El Camino Real.

According to City Park and Recreation planning staff, a proposed condition on the subject project requires the property owner to grant a recreation easement for trail purposes but that “the exact location of the easement will be determined at a later date and the property owner will not be responsible for the cost associated with granting, constructing or maintenance of the trail”. It is JPA staff’s understanding that the open space on the subject church project will be preserved through a conservation easement although no specifics have been provided. The EIR should acknowledge and discuss the future trail even if an exact alignment hasn’t been determined. The concern is still that the EIR does not acknowledge the trail use on the subject property.

Potential Inconsistency with CUP Finding

A place of worship (i.e., church) in an agricultural zone is allowed with a Conditional Use Permit if certain required findings can be made. One of those findings is that the “development will not adversely affect the applicable land use plan” (Section 126.0305 of City Municipal Code). The land use plan for this area is the NCFUA Framework Plan. For the reasons described above regarding the visual impacts of the project on the San Dieguito River Valley and Gonzales Canyon open space under the Framework Plan and SDRP Concept Plan, a finding that the project would not adversely affect the land use plan would be difficult to make. In addition, the EIR concludes that the project would create significant visual impacts that couldn’t be mitigated. The project design should be reduced in bulk and scale to provide a wider setback from the MSCP Preserve and reduce its visibility in such a visually scenic area.

CAC RECOMMENDATION

The CAC considered the PRC project comments at their April 4, 2014 meeting and voted unanimously in favor of recommending that your Board confirm the Draft EIR comments as presented by staff. They also voted unanimously in favor of recommending that the Draft EIR include an alternative design with a maximum height of 45 feet consistent with the surrounding development.

ALTERNATIVES

1. Confirm staff’s comment letter.
2. Modify staff’s comments.
3. Give staff other direction.
RECOMMENDATION

Send letter to City of San Diego confirming JPA staff comments on the Draft EIR.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:

1. Project Vicinity
2. Site Plan
3. JPA comment letter on Draft EIR
4. Previous letters from JPA staff
5. Restoration Plan
6. MSCP Preserve and NCFUA Environmental Tier
7. Visual Simulation
8. Continuation of Gonzales Canyon Trail
XI.
STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081(b) of CEQA, Section 15093 and 15043(b) of the Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable adverse environmental impacts when determining whether to approve the Project.

If the specific economic, legal, social, technological, or other benefits, including considerations for the provision of employment opportunities for highly trained workers outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and the Guidelines Section 15093, the City has balanced the benefits of the proposed project against unavoidable adverse impacts to Visual Effects and Neighborhood Character associated with the proposed project and has considered all feasible mitigation measures with respect to significant and unmitigated impacts associated with this environmental issue. The City also has examined alternatives to the proposed project and has rejected them as infeasible, finding that none of them would fully meet most of the project objectives and result in substantial reduction or avoidance of the project’s significant and unmitigated environmental impacts.

The California Supreme Court has stated that, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply is simply requires that those decisions be informed, and therefore balanced.”


Courts have upheld overriding considerations that were based on policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plans and general plans, and provision of construction jobs. See Towards Responsibility in Planning v. City Council (1988) 200 Cal.App.3d 671; Dusak v. Redevelopment Agency (1985) 173 Cal.App.3d 1029; City of Poway v. City of San Diego (1984) 155 Cal.App.3d 1037; Markley v. City Council (1982) 131 Cal.App.3d 656.

Each of the Separate Benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these findings, so that if a court were to set aside the determination that any particular benefit would occur and justifies the project’s approval, the City Council determines that if would stand by its determination that the remaining benefits are sufficient to warrant the project’s approval.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternative to the project and, based on this examination, determined that all those alternative are either environmentally inferior, fail to meet the project objectives, or are not economically or otherwise
viable, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project’s significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, aesthetic, environmental, and other benefits of the project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

1. **Promote Religious and Cultural Awareness.** The St. John Garabed Church Project would provide for a church that is consistent with the specific requirements of Armenian architecture based on a tradition that dates back to 301 A.D., which will help preserve the religious, historical, and social culture and traditions of the Armenian people living in San Diego and promote religious awareness and diversity with the resulting benefit of shared religious and cultural experiences for the San Diego community. Various cultural events, such as the Church’s “International Dances Under the Stars,” would be held onsite rather than at offsite venues. The project would also include a library with documentation and displays on the history of Armenia, including the genocide tragedy.

2. **Public Gathering Space.** The St. John Garabed Church Project would provide for public gathering space in the form of a church, multi-purpose hall, cultural and education facility, and recreation facility. This space allows for events and recreation for the St. John Garabed community at large, such as specific event for the holidays throughout the year, seasonal events, and regularly occurring community events. The memorial plaza would serve as an interactive space for the public, and the festival and annual picnic would be open to the public as well. Additionally, the youth center and hall could be open to the public for local events and meetings, as appropriate.

3. **Restoration of Native Habitat within Gonzales Canyon.** As part of the approval of the MHPA Boundary Line adjustment required for the project, the project will be required to prepare and implement the Conceptual Restoration Plan on a total of 1.95 acres on the eastern portion of the site with Gonzales Canyon. The Plan stipulates the creation of 1.64 acre of wetland habitat and restoration of 0.12 acre of transitional upland/wetland buffer, as well as an additional enhancement of 0.19 acre of unvegetated swale. The newly created habitat will provide both wildlife cover as well as vegetation within which wildlife species, especially sensitive bird species, can nest, forage, and roost. Cover will also provide opportunities for movement for terrestrial species that are more elusive. Therefore, the project would have a beneficial impact on the MHPA habitat linkage within Gonzales Canyon (refer to EIR Section 5.1.13 for more information). The preservation of the MHPA habitat linkage will also provide an opportunity for future habitat restoration activities unrelated to the project, such as the recently approved 0.08-acre wetland mitigation effort associated with The Elms and The Ivy project.

4. **Jobs for Area Residents.** Approximately 100 temporary construction jobs will be created in connection with the construction of the project. Upon completion, the St. John Garabed Church Project will generate approximately seven full-time equivalent jobs.
September 8, 2014

Dave Roberts  
San Dieguito River Valley Regional Open Space Park Joint Powers Authority  
18372 Sycamore Creek Road  
Escondido, CA 92025

Dear Dave,

Congratulations! Enclosed is your acknowledgement from SDRMA of No Paid Property/Liability Claims in 2013-2014 policy year for your entity.

Please let me know if you have any questions. Thank you for your business.

Sincerely,

Candace Porter

Candace Porter, CIC, CISR  
Account Manager-Lead  
Phone: (949) 660-8108  
Fax: (619) 699-0906  
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August 22, 2014

Mr. Dave Roberts
Board Chair
San Dieguito River Valley Regional Open Space Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, California 92025

Re: No Paid Property/Liability Claims in 2013-14

Dear Mr. Roberts:

This letter is to formally acknowledge the dedicated efforts of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority’s Governing Body, management and staff towards proactive risk management and loss prevention training. Your agency’s efforts have resulted in no “paid” property/liability claims for program year 2013-14. A “paid” claim for the purposes of this recognition represents the first payment on an open claim during the prior program year and excludes property claims. This is a great accomplishment!

It is through the efforts of members such as San Dieguito River Valley Regional Open Space Park Joint Powers Authority that SDRMA has been able to continue providing affordable property/liability coverage to over 481 public agencies throughout California. In fact, 406 members or 84% in the property/liability program had no “paid” claims in program year 2013-14.

In addition to this annual recognition, members with no “paid” claims during 2013-14 earn 2 credit incentive points (CIPs) thereby reducing their annual contribution amount. Also, members with no “paid” claims for at least 3 consecutive program years may receive a lower “risk factor” which also reduces their annual contribution amount.

As SDRMA is dedicated to serving its members and preventing claims, we would appreciate your agency taking a moment and sharing with us what made your District successful in preventing property/liability losses. Our goal is to incorporate your successful ideas and suggestions into our loss prevention programs to benefit all members of SDRMA. Please forward any comments or suggestions to Dennis Timoney, SDRMA Chief Risk Officer at dtimoney@sdrama.org.

On behalf of the SDRMA Board of Directors and staff, it is my honor to congratulate the Governing Body, management and staff of San Dieguito River Valley Regional Open Space Park Joint Powers Authority for their commitment to proactive risk management and loss prevention training.

Sincerely,
Special District Risk Management Authority

David Aranda, President
Board of Directors