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 October 17, 2014

Chair’s Report - Proclamation

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.

DISCUSSION/ACTION

1. Appoint Nominating Committee for JPA Board Officers (page 3)

2. Approve Contract for Engineering Consulting Services for Osuna Valley Bridge Feasibility Study (page 7)


4. Double-Tracking/Seasonal Rail Platform Environmental Assessment (page 33)
INFORMATION

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

6. 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

7. 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.

8. Communications
   a. Letter from CAC to JPA re the JPA’s St. John Garabed Church Action of 10/17/2014 (page 51)

THE NEXT REGULARLY SCHEDULED JPA MEETING WILL BE DECEMBER 12, 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: Nominating Committee for next year’s Chair and Vice-Chair & Committees

RECOMMENDATION:

Appoint Nominating Committee for next year’s Chair and Vice-Chair & Committees

SITUATION:

A. Summary and Recommendation

In accordance with JPA Board Rule #1, Election of JPA Board Officers, a nominating committee is to be appointed by the Chair each calendar year. The nominating committee is to present to the Board of Directors for their consideration at their next meeting, a proposed slate which includes nominations for the two officers (Chair and Vice-Chair) and membership on the Board’s Ad Hoc Committees. It is customary for the Chair to announce the appointment of a committee of three JPA Board members to serve on the Nominating Committee. The Committee would confer before your next meeting to prepare a slate of officers and committee members for the Board’s review and approval. New officers will assume office at your first meeting in 2015.

Attachment 2 is the current Committee assignment list. Please review and inform staff or the Nominating Committee if you would like to be re-assigned or accept new responsibilities.

B. Citizens Advisory Committee Recommendation – This item has not been reviewed by the CAC.
C. Issues – No issues have been identified.

ALTERNATE ACTIONS

1. Approve the Nominating Committee selected by the Chair.
2. Do not approve the Nominating Committee selected by the Chair and elect other members instead.

Respectfully submitted,

Dick Bobertz
Executive Director

Attachments:

1) JPA Board Rule #1, Election of JPA Board Officers
2) Ad Hoc Committee Roster 2014
POLICY NO. P95 - 1
ADOPTION DATE: 3/17/95
POLICY OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
ELECTION OF JPA BOARD OFFICERS

PURPOSE

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

POLICY

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

OFFICERS/TERMS

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

NOMINATING COMMITTEE

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

REMOVAL FROM OFFICE

An officer of the San Dieguito River Park JPA may be removed by a majority vote of the Board of Directors.
Land Use Committee
Don Mosier
Dave Roberts
Jim Cunningham
Olga Diaz

1st Alternate: David Zito
2nd Alternate:

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

Acquisition and Financing Strategies Committee
David Zito
Dave Roberts
Tom Golich
Jim Cunningham
1st Alternate: Don Mosier
2nd Alternate: Dianne Jacob

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

Budget/Administration/Policy Committee
Sherri Lightner
Olga Diaz
Don Mosier
David Zito
1st Alternate: Jim Cunningham
2nd Alternate: Mark Kersey

Duties: 1) Review draft budget and work program and present recommendations to JPA Board
2) Executive Director Performance Review
3) Make recommendations regarding standing or ad hoc committees and membership
4) Review and set JPA policies and by-laws
Wetlands Advisory Committee
David Roberts
Don Mosier
David Zito
Tom Golich
Jacqueline Winterer, Public Member
Duties: Review and recommend policies and plans relating to the restoration of the San Dieguito Lagoon
TO: JPA

FROM: Staff

SUBJECT: Approve Contract for Engineering Consulting Services for Osuna Valley Bridge Feasibility Study

RECOMMENDATION:

Award Time & Materials Contract for Engineering Consulting Services for Osuna Valley Bridge Feasibility Study to Kleinfelder/Simon Wong for an Amount Not To Exceed $77,000

SITUATION:

Summary and Recommendation

The Coast to Crest Trail still has a number of gaps that need to be filled before the entire trail is completed. One of those gaps is a section near the coast between the Fairbanks Ranch Country Club and the Morgan Run Golf Club. This is where the section of trail planned along the south edge of the City of San Diego-owned Polo Club property ends at the edge of the Morgan Run Golf Course. In order for the trail to cross the river at that point, a bridge would need to be constructed. The project area (ATTACHMENT A), the area within which a bridge over the San Dieguito River would be located, is generally on property owned by the City of San Diego, and is bounded by the Polo Fields, the Fairbanks Ranch Golf Course and the Morgan Run Golf Course. There is an existing golf cart bridge on the Morgan Run Golf Course, just east of the City of San Diego property boundary. The entire project area is within the 100-year floodplain.

The San Dieguito River Valley Conservancy, in discussions with JPA staff and the CAC’s Trails Committee, has identified this proposed bridge (now named the Osuna Valley Bridge) as a top priority. JPA staff issued a Request for Proposals from qualified engineering firms to prepare a Feasibility Study to examine the alternative options to cross the river at this point, and received five responses. A team of JPA staff and several SDRVC Board members interviewed the two most qualified firms, and selected the firm of Kleinfelder/Simon Wong as the firm with the most directly equivalent experience and skills, and with the most practical approach to the Scope of Work. Following negotiations, Kleinfelder/Simon Wong (led by Project Manager Jim Frost) agreed to do the requested work in a Time and Materials Contract at a not to exceed amount of $77,000. The proposed work will take six months to complete. The JPA would manage the project, and SDRVC has agreed to provide the $77,000 to the JPA for this purpose.

The consultant’s scope of work includes the following:

1. Perform research at the City of San Diego and County of San Diego to obtain any tract maps, parcel maps, records of survey, corner records, recorded easements, etc., required
to accurately depict the existing property lines, lot lines, parcel lines, City of San Diego and private property right of way lines and easements.

2. Determine regulations that would apply to a bridge in the proposed general location.

3. Obtain topographic information within the limits shown on the attached exhibit, including but not limited to, the following:
   - Survey monuments to accurately depict the existing City and private right of way lines and easements in relation to existing improvements;
   - Contours at an interval sufficient for construction level documents;

4. Prepare a base map of project area at a scale of 1”=5’, or at an agreed-upon scale per the consultant’s recommendation. The following should be clearly marked on the base map:
   - Aerial photo image (from existing sources)
   - Easement lines (from recorded easements, not plotted or surveyed).
   - Property lines
   - APN parcel numbers
   - Existing Morgan Run Golf Club bridge
   - Utilities
   - San Dieguito River
   - Flood plain and floodway lines

5. Compile the following information from existing sources where possible and map:
   - Land use
   - Biological Resources including habitat types, potential species, etc.

6. Prepare a Wetland Delineation for the proposed bridge site(s). Use the prepared Wetland Delineation to ensure that the proposed alternatives avoid wetland impacts, if possible.

7. Prepare preliminary design for at least two different alternatives (locations and/or crossing types or bridge types) to construct a new non-vehicular bridge over the river on City of San Diego property downstream of the existing Morgan Run Golf Bridge, and cost for each alternative under consideration. All bridge types must accommodate all three trail user groups: horses, bikes, and hikers. There should be a clear walkway width of 8 feet.

8. Provide a table with a brief discussion of the components in the list below for each alternative. Provide estimated project costs for each component:
   - Preparation of all Plans, Specifications and Estimates
   - Environmental Impact Analysis
   - Permits required
   - Construction
   - Construction Management

The final deliverable report will provide a description of a feasible bridge type with estimated costs of construction and biological impact information. The report will be used to complete CEQA and apply for grants for construction funding.

Citizens Advisory Committee Recommendation – This item has not been reviewed by the CAC.

Fiscal Impacts – None. Project costs will be reimbursed by the San Dieguito River Valley Conservancy.
Environmental Review – None at this time, as the project is only at the Feasibility Study stage, and no environmental review is required. CEQA for the future bridge/trail construction will be completed at a later date.

Issues – No issues have been identified.

ALTERNATE ACTIONS

1. Approve the Contract with Kleinfelder/Simon Wong.
2. Do not approve Contract with Kleinfelder/Simon Wong and give staff other direction.

Respectfully submitted,

Susan Carter
Deputy Director

Attachments:
A. Project Area Map
TO: JPA Board
FROM: Staff
SUBJECT: Status of Revision of Joint Exercise of Powers Agreement (JEPA)

RECOMMENDATION:

It is recommended that the Board of Directors review the Working Group Recommendations Paper and Project Completion Schedule for the Joint Exercise of Powers Agreement, provide conceptual approval of the recommended revisions, and direct that a revised Joint Exercise of Powers Agreement consistent with the noted recommendations be placed on the December 2014 Board of Directors Meeting Agenda for consideration of approval.

BACKGROUND:

The Joint Exercise of Powers Agreement (JEPA) between the six member agencies of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) became effective in 1989, had a 25 year term, and was scheduled to expire on June 14, 2014. In early 2014, an extension was executed with a 50 year term limit and other modifications to conditions of the agreement. Approval of five of the six member agencies was reached and the new JEPA became effective. The City of San Diego did not enter into the agreement as it had unresolved concerns regarding some of the conditions of the original and new agreement, and certain JPA operations. San Diego requested renewal of its membership for a limited six month period pending resolution of the issues. The six month extension request was assented to by the other member agencies and expires on December 31, 2014.

In response to the City of San Diego’s concerns expressed in a letter of May 2, 2014 from Mayor Kevin Faulconer, the Board of Directors determined that an effort be undertaken to review and revise the JEPA. The Board empaneled an Ad Hoc Subcommittee to provide leadership to the process and appointed Chair Roberts, Vice Chair Mosier, and Directors Lightner and Kersey to serve. Subsequently, a Working Staff Group representing each of the member agencies was formed to perform the administrative work on the development of a revised JEPA.

The attached Working Group Recommendations Paper was drafted, and the staff group reached consensus on its provisions in early October. The Recommendations Paper was reviewed by the Ad Hoc Subcommittee on October 22nd. The Subcommittee reached consensus on the terms as provided in the attached document.

The major recommended changes to the JEPA and other operational matters (to be addressed in forthcoming By-Laws and Operational Guidelines documents) are as follows:
Term of JEPA: 50 years from execution. The JEPA shall be reviewed every five years by the member agencies, and if changes are determined to be necessary, a process to revise or amend the JEPA will be implemented subject to the approval of the Board and legislative bodies of the respective member agencies.

Weighted Vote: The JPA will continue using the existing tally vote system, however, a member may request a weighted vote on any matter if it has a fiscal impact on the JPA (i.e. expenditures, revenues, staffing, and/or facilities/space implications.) A weighted vote would be based on each actual member agency’s percentage financial contribution for the immediate prior fiscal year. In instances where a weighted vote is employed, the Citizen’s Advisory Committee Chair (who serves as a voting member of the nine member Governing Board) would become an ex-officio member for the purposes of the vote, and therefore, abstain. (Note that a current Board member, an executive staff member from the 22nd Agricultural District, serves as an ex-officio member and does not vote on matters presented to the Board).

Land Use and Management Authority: The JEPA should include a section that acknowledges that each member agency retains land use and management authority over property it owns within the park boundary. Further, By-Laws and Operating Guidelines are to be developed and implemented within one year of execution of the new JEPA.

Member Agency Contribution Formula: Member agency contributions are based on a formula that considers each agency’s total population and acreage within the Focused Planning Area. The contribution formula shall be included in the JEPA and may be reviewed every five years along with the review of the entire agreement. In the meantime, the Working Group Recommendations Paper acknowledges that the City of Poway may request a review of current contribution levels based on variance between population used for the purposes of the formula and the most recent U.S. Census data.

Maintenance/Service Levels: The JPA shall adopt trail maintenance standards that would be memorialized in either the pending By-Laws or Operational Guidelines.

Public Policy Positions: Presently, Board Policy P90-1 provides direction for JPA response to development proposals, environmental documents, and other public policy matters potentially impacting the park. The Board shall review the policy and how it is implemented by the JPA staff and Project Review Committee (a subcommittee of the Citizen’s Advisory Committee.) Specific changes recommended are that the JPA comments be consistent with the member agency’s land use plans within which the proposed development is sited, any comment letters sent by JPA staff shall be reviewed by the Board, and future comment letters sent out by staff shall reference specific Board policies relied upon for each comment. Finally, the recommendations prescribe that a member agency shall receive a copy of any comment letter addressing a project within its jurisdiction.

Purpose and Powers of JPA: The purpose section of the JEPA shall have an additional sentence noting that the JPA is to “coordinate” efforts for the river park; “Public Agencies” shall be
defined as two or more members; and the JPA may only dispose of property it owns. This section will also be revised to indicate that the JPA will exercise its powers consistent with the land use plans of the public agencies that have ownership of the land. It will also delete the section acknowledging that the JPA may sue or be sued by others in its own name (notwithstanding that this power is provided for in the California Government Code, and therefore the JPA will retain this power.)

Financial Reporting: The proposed By-Laws or Operational Guidelines shall specify that the JPA will report on how and where (within member agencies boundaries) member agency contributions and the operating budget are spent.

Annual Performance Review of Executive Director: The JEPA shall include a provision that the Executive Director will receive an annual performance evaluation by the Board.

Litigation: The JPA Board shall approve of, prior to the initiation of or participation in, any litigation. Additionally, the JPA shall provide defense and indemnification to member agencies as separate entities.

Voting Rights of Member Agencies Electing Not To Provide Its Contribution: The voting rights of a member agency that has determined not to provide its agency contribution shall be suspended and thereafter not reinstated until such agency pays its current fiscal year plus six months of its previous unpaid contribution.

Member Agency Withdrawal and JPA Dissolution: If a member agency decides to withdraw, it shall be provided with an accounting of the JPA’s assets and liabilities as of the withdrawal date; however, all assets and liabilities shall remain with the JPA until its dissolution. An updated report of assets and liabilities shall be prepared annually. If the JPA is dissolved, real property shall be distributed to each agency based on the boundaries within which the property is located. Non-real property assets and liabilities shall be apportioned based on the total proportionate contributions made by each member agency dating back to the JPA’s inception.

Public Access Agreements: The JEPA shall be amended to state that a Public Access Agreement will be obtained from each member agency for each trail segment maintained or operated by the JPA that is on land owned by such member agency.

**SUBSEQUENT ACTIONS:**

If the JPA Board conceptually approves the recommended changes to the JEPA and the organization’s operations, the attached schedule will be followed to complete the process of revising and approving the JEPA document, By-Laws, and Operating Guidelines. The City of San Diego will be required to extend its limited term membership to March 1, 2014, and member agencies will need to consent to the extension.
FISCAL IMPACT:

If one or more agencies choose not to participate in updating or extending the term of the JEPA and withdraws, a member assessment loss equal to the size of the discontinuing member agency(ies) proportionate contribution would result.

ALTERNATIVES:

1. Do not provide conceptual approval to the recommended changes to the JEPA and associated documents. Provide staff with further direction on modifications.

Respectfully submitted,

Mark J. Ochenduszko
Interim Executive Director

Attachments:

1. San Dieguito River Park Member Agency Working Group Recommendations Paper With Attachment A (October 22, 2014)
2. May 2, 2014 Letter from San Diego Mayor Kevin Faulconer
3. Fast Track Action Plan and Project Schedule to Approve San Dieguito River Park Revised JEPA
BACKGROUND:

The original 1989 Joint Exercise of Powers Agreement (JEPA) between the County of San Diego and Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach, created the San Dieguito River Park Joint Powers Authority (JPA). The JEPA had a term of 25 years and expired on June 12, 2014.

In 2013, in anticipation of the JEPA expiration date, the JPA Board of Directors approved an amended JEPA which extended the term indefinitely. The amended JEPA was distributed to member agencies for consideration. In order to fully execute the amended JEPA, all six member agencies had to approve it. The County and the cities of Del Mar, Escondido, Poway and Solana Beach approved the amended JEPA in fall 2013. The City of San Diego did not approve it, therefore it was not executed.

In early 2014, to avoid JPA dissolution, the JPA Board proposed a 50-year extension of the 1989 JEPA. Dissolution would have resulted in the distribution of JPA assets and open space management. The extension agreement was written so that only two member agency signatures were required to execute the extension. Five of the six member agencies approved the extension agreement in May 2014, therefore the extension is in effect. Member agencies that approved the extension included the County and the cities of Del Mar, Escondido, Poway and Solana Beach. The City of San Diego did not approve the extension as written, however, the extension agreement allowed member agencies to retain membership pursuant to an alternative agreement approved by all members.

The City of San Diego did not approve the 50-year extension due to unresolved concerns with the 1989 JEPA terms that need to be addressed before the City can agree to a long-term extension. Instead, the City of San Diego opted to renew its membership for six months only, during which time the member agencies will negotiate a new long-term JEPA. All member agencies have approved the City's six-month extension request. The City's extension will have taken effect on June 13, 2014 and will last through December 31, 2014, unless otherwise extended in writing by the City of San Diego.

The City of San Diego's concerns regarding the JPA and JEPA were outlined in a letter from Mayor Kevin Faulconer addressed to JPA Board Chair Dave Roberts dated May 2, 2014. The County also identified concerns via Board of Supervisors letters brought forward through hearings related to the proposed 2013 amended JEPA (not executed) and the 2014 JEPA 50-year extension. To address these items, a JPA Board Subcommittee and a Working Group of member agency staff was created to assess the current JEPA and identify opportunities for improvements.
JPA BOARD SUBCOMMITTEE MEMBERS:

Dave Roberts, JPA Board Chair  
Don Mosier, JPA Board Vice-chair  
Sherry Lightner, Board member  
Mark Kersey, Board member  

WORKING GROUP REPRESENTATIVES:

County of San Diego  
Brian Albright, Director of Parks and Recreation (DPR)  
Cheryl Goddard, Land Use Environmental Planner, DPR  

City of Del Mar  
Jon Terwilliger, Assistant City Manager  

City of Escondido  
Loretta McKinney, Director of Library and Community Services  

City of Poway  
Robin Bettin, Director of Community Services  
David Richards, Management Assistant, City Manager’s Office  

City of San Diego  
Halla Razak, Director of Public Utilities  
Marie Wright-Travis, Assistant Director of Public Utilities  
Jeff Pasek, Watershed Manager, Public Utilities  

City of Solana Beach  
Wende Protzman, Deputy City Manager  

GOAL OF THE WORKING GROUP:

The goal of the Working Group is to discuss the concerns identified by member agencies and to reach consensus on recommendations that will provide guidance for a new long-term JEPA. The Working Group has reached consensus on the recommendations summarized below.
DISCUSSION ITEMS AND WORKING GROUP RECOMMENDATIONS:

I. Weighted/Non-Weighted Voting

The JPA Board consists of nine members. The two largest member agencies, the City of San Diego and the County, each have two representatives on the JPA Board while the remaining member agencies have one representative. The San Dieguito River Park Citizens Advisory Committee (CAC) chair is also a voting JPA Board member. Currently, the JPA Board has non-weighted voting.

The City and County collectively contribute 62% of member agency contribution (JPA funding) but only represent 44% or 4/9ths of the vote. The City of San Diego proposed weighted votes to reflect an agency’s percentage of financial contribution. This item must consider the vote of the CAC chair as the CAC does not contribute financially but in volunteer hours.

The Working Group discussed following the SANDAG Board voting method. All actions of the SANDAG Board must be approved by a majority of the tally and weighted votes. For SANDAG, the tally vote is compiled by counting the votes of each city and the county and the weighted vote reflects the population in each jurisdiction or the unincorporated area in the case of the County of San Diego. The County and City of San Diego each have two SANDAG Boardmembers. There is a Member A and a Member B for these two jurisdictions. For tally votes, Member A receives the tally vote. If Member A is absent, Member B receives the tally vote. For weighted votes, the County of San Diego receives 16 votes which are split evenly between Members A and B (8 votes each). The City of San Diego receives 40 votes which are also split evenly between Members A and B (20 votes each). If either Member A or B is absent, the other Member receives the full weighted vote.

Recommendation:

The Working Group recommends the JPA continue with non-weighted voting unless a JPA Board member calls for weighted voting. Weighted voting may only be called if there is a fiscal impact of the vote to the JPA: expenditure, revenue, staffing, and facilities/space consequences of implementing recommendations submitted for Board action. If weighted voting is called for, the CAC chair becomes an ex officio member who abstains from the vote.

While SANDAG’s weighted vote reflects the population in each jurisdiction, the Working Group recommends the JPA Board weighted vote reflect actual member agency contribution for the immediate prior fiscal year. Member agency contribution considers population and area in each jurisdiction.

The County and City of San Diego each have two JPA Board members. Like SANDAG, the County and City of San Diego’s weighted vote will be split evenly between their Board members. In the event that one of its Board members is absent, the full weighted vote will go to the Board member present.
II. **Land Use and Management Authority and Obtainment of Necessary Permits**

The JPA manages and maintains trails on some lands owned by member agencies. The land owner retains full land use and management authority over the land including trails.

There have been past trail events and construction projects held on City of San Diego owned lands where City of San Diego staff stated they were not notified of the event.

**Recommendations:**

The Working Group agrees each member agency retains land use and management authority on lands it owns within the park boundary and recommends the JEPA acknowledge this authority.

Additionally, the Working Group recommends the JEPA require the JPA to develop by-laws and operating guidelines by a certain date, e.g. within 1 year of executing a new long-term JEPA. Such document should direct JPA staff and/or trail event/project organizers to notify member agencies of events as early as possible. The trail event/project organizers would be required to obtain permits from the member agencies in advance of the event/ construction. Member agencies would provide a streamlined review process for trail events/projects within the park boundary.

III. **JEPA Expiration Date**

The proposed 2013 amended JEPA (not executed) did not include an expiration date. JPA staff and counsel recommended that the amended agreement have no specific expiration date because the JPA enters into conservation easements and agreements that do not have expiration dates and have ongoing obligations.

The executed 2014 JEPA extension has a term of 50 years. The City of San Diego believes the JEPA legally requires an expiration date due to the rule of perpetuities.

**Recommendations:**

The Working Group recommends keeping the 50 year term per the executed 2014 JEPA extension.

Additionally, the Working Group recommends the JEPA require member agencies to review the JEPA every 5 years. If no changes are proposed, no additional action is needed. If changes are proposed, the member agencies will coordinate with JPA staff on the proposed amendments. The amendments will need to be presented to the JPA Board for their consideration and ultimately to the member agencies' respective boards and councils for their consideration and approval.
the end of 50 years, the JEPA will need to be extended or amended in order to prevent dissolution of the JPA.

IV. Review of Data Used for Member Agency Contribution Formula

Member agency contributions are based upon the total population of each member agency and the amount of acreage each has within the San Dieguito River Park Focused Planning Area.

At the time the current member agency contribution formula was approved by the JPA, January 2010 projected population numbers were used to determine member agency contributions as census data was not yet available. The projected 2010 population for the City of Poway was 52,000. The release of census data shows the City of Poway actually has a population of 48,000.

The population ranges and associated assigned percentages used in the member agency contribution formula are as follows:

- 0-10,000: 5%
- 10-50,000: 8%
- 50-250,000: 11%
- 250-500,000: 22%
- 500,000+: 32%

As is the case with the City of Poway, the projected and actual population data used for the formula may impact contribution amounts for a member agency.

This discussion item involves how the approved contribution formula is currently being implemented as well as how the formula will be reviewed and adjusted moving forward.

Recommendations:

The City of Poway may request the JPA Board to review current contribution amounts based on actual (vs. projected) census data. Changes to the contribution percentages will need to be approved by the JPA Board and ultimately the member agencies’ respective boards and councils.

The Working Group recommends the member agency contribution formula be included in the JEPA. The original JEPA is silent on the contribution formula.

The Working Group also recommends member agencies review the JEPA every 5 years (as discussed in Item III. above) including review of the data used to implement the contribution formula. Adjustments to member agency contribution amounts may be required based on this review. Changes to the contribution percentages will need to be approved by the JPA Board and ultimately the member agencies’ respective boards and councils.
V. Service Levels for Maintenance Functions

Per discussions with JPA staff, the JPA does not have formal trail maintenance standards or best management practices for the river park but operates using trail maintenance standards per State Park guidelines and a Ranger Trail Patrol Protocol.

Recommendation:

The Working Group recommends the JPA approve formal trail maintenance standards or best management practices specific to the river park and should incorporate existing practices. These standards/practices should be documented in by-laws or in an operating guidelines document (as discussed in the recommendations for Item II. above).

VI. JPA Board Approval of JPA Public Positions and Outreach

It has been the practice of JPA staff to send comment letters on environmental documents at the administrative level when necessary to meet public review deadlines. This includes sending comments on JPA letterhead even though the item may not have been presented to the JPA Board for consideration. JPA staff has followed this practice per their interpretation of JPA Board Policy No. P90-1 adopted on May 18, 1990. Policy No. P90-1 states a project need not be referred to the Board where staff or the Project Review Committee (PRC), a subcommittee of the Citizen’s Advisory Committee, determines the project does not impact the focused planning area, or where staff or the Project Review Committee determines the project clearly falls within the policies the Board has previously adopted or policy statements the Board has previously issued.

To address the concern that JPA staff was sending comments on official JPA Board letterhead when comments had not been presented to the Board, the JPA Board adopted a Communication Policy (Policy No. P14-01) on June 20, 2014. The purpose of this policy is to establish procedures for sending communications that may convey individual Board member actions or approvals. The policy requires all communications commenting on private or public projects that are sent out by JPA staff but have not been approved by the JPA Board will be sent on letterhead that does not include Board member names in the masthead. Communications commenting on private or public projects that are approved by the JPA Board will be sent on letterhead that includes Board member names in the masthead, and the communication will list specifically how each Board member voted. If an individual Board member was absent, or voted no, or abstained, that information will be included in the communication.

The Communication Policy does not address the City of San Diego’s concern regarding JPA public positions and outreach. The City’s position is that the JPA Board should not delegate to staff its authority to take a position on a development project that the JPA Board has not considered.
Recommendations:

The Working Group recommends the JPA Board revisit and review Board Policy P90-1 and how it is being implemented.

The Working Group recommends the JPA Board review the policies and policy statements that JPA staff and the PRC are using to base their comments. These documents must be consistent with member agencies’ land use plans including but not limited to master plans, specific plans, and habitat conservation plans.

The Working Group also recommends the JPA Board review sample comment letters prepared by JPA staff. The samples should be representative of comment letters presented to the JPA Board and those sent by JPA staff without JPA Board input. The letters must be evaluated to ensure comments are consistent with the intent of Board Policy P90-1.

Additionally, the Working Group recommends future comment letters sent by JPA staff without JPA Board input reference specific Board Policies as they relate to each comment and that the member agency whose jurisdiction a project is located be copied on the comment letter.

VII. Purpose and Powers of the JPA

The City proposes amendments to Sections 1 (Purpose), 3 (Creation of Independent Agency) and 10 (Powers of Authority) of the JEPA which address the purpose and powers of the JPA.

Recommendation:

The Working Group reviewed language proposed by the City of San Diego relating to purpose and powers of the JPA and has reached consensus on proposed language which is shown in Attachment A.

The proposed changes clarify 1) that the JPA is to coordinate efforts for the river park; 2) JPA actions related to the river park should be consistent with member agency land use plans; 3) “Public Agencies” means two or more member agencies; and 4) the JPA can only dispose of property it owns. The proposed language also deletes reference to the JPA’s ability to sue and be sued in its own name as this power is stated in Government Code Section 6508 and Government State Code commencing at Section 6500 is referenced in Section 1 - Purpose of the Agreement.

The Working Group recommends the language shown in Attachment A be incorporated in the new JEPA.

VIII. Requested Financial Documents
JPA staff prepares annual line item budgets for JPA Board consideration. The current budget format does not identify how member agency contributions are distributed/represented geographically throughout the park boundary.

Per discussions with JPA staff, an estimated 85% of member agency contribution is spent on lands owned by the City of San Diego while the remaining 15% is spent on lands owned by the County of San Diego.

**Recommendation:**

The Working Group recommends the JEPA include language regarding financial reporting requirements. The specific requirement to report on how and where member agency contributions and the operating budget are spent should be documented in by-laws or an operating guidelines document (as discussed in the recommendations for Item II. above).

**IX. JPA Staff Management Structure**

Per discussion with JPA staff, the JPA Executive Director has not been receiving performance reviews for many years.

**Recommendation:**

The Working Group recommends the JEPA include language requiring the Executive Director receive annual performance review from the JPA Board.

**X. Litigation by the JPA**

The City of San Diego is concerned that JPA staff may have initiated and/or commented on potential litigation without direction from the JPA Board.

**Recommendations:**

The Working Group recommends the JEPA include language requiring JPA staff to present items to the JPA Board regarding the intention to bring suit, be involved in a suit, or weigh in on something related to a lawsuit prior to taking any actions or providing comments on the lawsuit.

Additionally, the Working Group recommends the JEPA include language providing defense and indemnification to member agencies as separate entities from the JPA.

**XI. Voting Rights if a Member Agency Elects Not to Pay its Member Agency Contribution**

The 2013 amended JEPA (not executed) included a new provision that suspends the voting rights of any non-paying member agency until the outstanding annual
contributions are paid. The City of San Diego proposed that voting rights be reinstated if a member agency contributes to the current fiscal year.

Multiple member agencies are concerned that in some circumstances, suspension of voting rights may not provide sufficient incentive for a non-paying agency to meet its membership dues obligations.

The Working Group acknowledged that requiring a non-paying member agency to repay all outstanding annual contributions may be financially infeasible and may prevent agencies from re-establishing their membership into the JEPA.

**Recommendation:**

The Working Group recommends the JEPA include a provision that member agencies that elect not to pay its member agency contribution must pay current year plus six months of past unpaid contributions in order to be in good standing and to reinstate its JPA Board member’s voting rights.

**XII. Member Agency Withdrawal and JPA Dissolution Process**

The original JEPA is silent and does not include a process if a member agency decides to withdraw from the JPA. Section 18 (Disposition of Assets) of the JEPA includes general language regarding the distribution of assets should the JPA no longer exist. The language states at the termination of the JEPA, all property of the JPA, after all liabilities validly incurred under the JEPA are paid, will be returned to the member agencies as nearly as possible in proportion to the contributions.

It should be noted that all land acquisitions and capital projects were implemented using grants or donations. Annual member agency contributions are used for operations (staff, administration, etc.).

**Recommendations:**

The Working Group recommends the JEPA include specific language clarifying the distribution of assets and liabilities if a member agency elects to withdraw from the JPA or if the JPA ceases to exist.

The Working Group recommends assets should stay with the JPA as long as it is in existence and an inventory of assets and liabilities should be kept and updated annually.

In the event a Public Agency withdraws from the JPA, the Working Group recommends the JPA provide the withdrawing member agency with an accounting of the JPA’s assets and liabilities as of the withdrawal date.

In the event the JPA is later dissolved, the Working Group recommends real property be distributed to the jurisdiction on which the land, including any
structures or other improvements, is located. The Working Group recommends other properties and assets (non-real property) as well as liabilities be divided among the member agencies as nearly as possible in proportion to the contributions made since the execution of the original 1989 JEPA. The baseline for a withdrawn member agency’s proportionate share of any assets and liabilities should be based on the accounting as of the date of withdrawal.

XIII. Coast to Crest Trail Public Access Agreements

One of the San Dieguito River Park’s goals is to create a multi-use trail system for hikers, bicyclists and horseback riders that will extend from the ocean at Del Mar to the San Dieguito River's source on Volcan Mountain, just north of Julian. This is a distance of approximately 55 miles. This linear trail system has been named the Coast to Crest Trail.

Member agencies own lands and continue to acquire lands within the park boundary that include Coast to Crest Trail segments. While the member agencies manage these lands, the JPA manages and maintains the majority of the trails located on member agency lands. Additionally, the JPA has pursued grant funding to improve these trails including construction of bridges and other amenities. Public access agreements have not been secured by the JPA for the Coast to Crest Trail and connector trails. To ensure the Coast to Crest Trail is open for public recreational use in the future, the JPA should pursue public access agreements, e.g. trail easements, right of access permits, leases, license agreements.

Recommendations:

The Working Group recommends the JEPA include language requiring the JPA to pursue public access agreements for the Coast to Crest Trail and connector trails within the park boundary. This includes agreements on lands currently owned by member agencies as well as lands that are acquired by member agencies in the future.

Member agencies will work cooperatively and in good faith with JPA staff to draft public access agreements acceptable to their agency as it applies to their property.

NEXT STEPS:

The recommendations above will be presented to the JPA Board Subcommittee on October 22, 2014. The Subcommittee will report their recommendations to the full JPA Board of Directors at a publicly noticed JPA Board meeting.

Based on these recommendations, the County, City of San Diego, and the JPA attorney will draft a new long-term JEPA that will be distributed to the member agencies for review. Upon reaching consensus on the proposed long-term agreement, the agreement will be presented to the JPA Board for their consideration. If a new long-term agreement
is approved by the JPA Board it will be brought before member agencies’ governing boards for their consideration. If approved, the new long-term agreement will replace the 2014 JEPA extension currently in place.
VII. Purpose and Powers of the JPA
The City of San Diego drafted the following language which was discussed and reviewed by the Working Group. It is the Working Group’s recommendation to incorporate the following language in the new JEPA.

1. PURPOSE. This agreement is made pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California (commencing with Section 6500), relating to the joint exercise of powers common to public agencies. Public Agencies each possess the powers referred to in the recitals hereof. The purpose of this agreement is to exercise those powers jointly to coordinate, acquire, plan, design, improve, manage, operate and maintain the San Dieguito River Valley Regional Open Space Park which is described in the SANDAG Focused Planning Area map in a manner consistent with land use plans (including but not limited to master plans, specific plans, and habitat conservation plans) of the Public Agencies who own the land, Attachment A hereto, as amended in accordance with the terms of this agreement, which is hereby incorporated by reference as if fully set forth herein. Such purposes are to be accomplished and said common power exercised in the manner hereinafter set forth. The goals of the Public Agencies are to exercise such powers in order to:

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

(b) Provide a continuous and coordinated system of preserved lands with a connecting corridor of walking, equestrian, and bicycle trails, encompassing the San Dieguito River Valley from the ocean to the river’s source.

3. CREATION OF INDEPENDENT AGENCY. Pursuant to Section 6507 of the California Government Code, there is hereby created a public entity known as the “San Dieguito River Valley Regional Open Space Park Joint Powers Authority” herein called “Authority” and said Authority shall be an entity separate and apart from the Public Agencies comprised of two or more member agencies.
10. POWERS OF AUTHORITY. Authority shall have the powers:

(a) To acquire, hold and dispose of property owned by the Authority by any legal method for Park purposes, to undertake overall planning for and to plan and design the Park, and to take any and all actions necessary to accomplish these powers. Decisions by Authority to acquire or dispose of real property owned by the Authority or at or near the property owned by a Public Agency shall be subject to prior approval of the Public Agencies Agency wherein the property to be acquired or disposed of lies. Prior to acquisition or disposal of real property within the Park by Public Agencies, they shall refer the proposed transaction to Authority for review and recommendation. However, failure of a Public Agency to so refer a transaction shall not affect its validity.

(b) To establish guidelines for and advise Public Agencies on appropriate land uses within the Park.

(c) To review and comment on land use planning or development proposals submitted to under consideration by Public Agencies which are within or have an impact on the Park.

(d) To improve, coordinate, manage, operate and maintain the Park.

(e) To make and enter into contracts and agreements to carry out its activities.

(f) To employ agents and employees.

(g) To sue and be sued in its own name—(Stated in Government Code Section 6508)

(h) Pursuant to California Government Code Section 6509, the powers of Authority shall be subject to those legal restrictions which the County of San Diego has upon the manner of exercising said power.
May 2, 2014

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

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

Dear Supervisor Roberts:

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

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

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

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

- The Agreement needs to include adequate language that does not compromise the City’s right to retain full management authority of its land within the Focused Planning Area.
• City permits must be obtained when events and development occur on City land.

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

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

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

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

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

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

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

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

Sincerely,

Kevin L. Faulconer  
Mayor

cc: Honorable City Councilmembers  
Andrea Tevlin, Independent Budget Analyst  
Scott Chadwick, Chief Operating Officer  
Stacey LoMedico, Assistant Chief Operating Officer  
Jaymie Bradford, Deputy Chief of Staff/Chief of Policy, Office of the Mayor  
John Ly, Director of Outreach, Office of the Mayor  
Erin Demorest, Chief of Staff, Council District 1  
Tiffany Vinson, Policy Advisor, Council District 5
Fast Track Action Plan and Project Schedule to Approve San Dieguito Regional Park Revised JEPA  
Updated October 29, 2014

### Completed To Date

- Working Group Recommendations for Revisions to JEPA
- Development of Recommendations Paper
- Consensus of Working Group On Recommended Revisions
- Consensus of Ad Hoc Committee On Recommended Revisions
- Revisions to Recommendations Paper from Meeting with Ad Hoc Committee

### To Be Completed


- Draft Revised JEPA with Working Group Recommendations and By-Laws Outline  
  Responsible Person: Palmucci/Attorneys  
  Deadline: Nov. 6
- Circulate Redline Revised JEPA with W.G. Recommendations and By-Laws Outline to Working Group Representatives  
  Responsible Person: Palmucci/Attorneys  
  Deadline: Nov. 6
- Meeting between Attorneys and Working Group Reps To Review Redline Draft JEPA and By-Laws Outline  
  Responsible Person: Och/Wright/Goddard  
  Deadline: Nov. 14
- Make Any Necessary Changes to JEPA/By-Laws Outline Based on Comments and Forward to W.G. Reps  
  Responsible Person: Palmucci/Attorneys  
  Deadline: Nov. 17
- Circulate Revised JEPA and By-Laws Outline to Entire Working Group  
  Responsible Person: Goddard/Wright  
  Deadline: Nov. 18
- Hold Working Group Meeting to Review JEPA Draft and By-Laws Outline (Obtain Consensus) and Review Schedule  
  Responsible Person: Goddard/Wright/W.G.  
  Deadline: Nov. 19
- Working Group Comments Back to Attorney/Staff Committee (if any)  
  Responsible Person: Goddard/Wright  
  Deadline: Nov. 19
- Incorporate Any Necessary Comments from Working Group to JEPA and By-Laws Outline  
  Responsible Person: Palmucci/Attorneys  
  Deadline: Nov. 21

#### B. Deadline Extension

- City of SD To Develop/Circulate Deadline Extention To Other Agencies  
  Responsible Person: Wright-Travis  
  Deadline: Nov. 28
- Member Agencies and City of San Diego Approval of Extension  
  Responsible Person: Working Group-All  
  Deadline: Dec. 31

#### C. JEPA Approval Process

- Brief JPA Board of Working Group Recommendations, Schedule, Obtain Prelim. Approval to Proceed  
  Responsible Person: Och/Ad Hoc  
  Deadline: Nov. 21
- Advise of Deadline Extension  
  Responsible Person: Goddard/Wright  
  Deadline: Dec. 1
- Circulate Final Draft Revised JEPA to All Working Group Members  
  Responsible Person: Goddard/Wright  
  Deadline: Dec. 1
- Working Group Members Schedule Approval of Revised JEPA Agreement with Respective City Councils/Board  
  Responsible Person: Working Group-All  
  Deadline: Dec. 31
- Working Group Members Circulate JEPA/By-Laws Outline Within Agencies for Any Necessary Review/ 
  Provide Any Necessary Feedback From Agency Review  
  Responsible Person: Working Group-All  
  Deadline: Dec. 12

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ATTACHMENT 3
C. JEPA Approval Process (continued)

| JPA Board of Directors Meeting to Approve JEPA and By-Laws Outline (subject to approval of member agencies) | Och/Ad Hoc | Dec. 12 |
| Member Agency Legislative Body Meetings- Approval of Revised JEPA | Working Group-All | by Feb. 27 |

D. Prepare By-Laws and Operating Guidelines (Subsequent to Approval of JEPA)

| Prepare Draft By-Laws Document from Outline | Palmucci/Attorneys | Jan. 30 |
| Revise as Necessary | Palmucci/Attorneys | Feb. |
| Approve Draft By-Laws | JPA Board | Mar. 13 |

| Prepare Operating Guidelines | Och/JPA Staff | Feb. 27 |
| Revise as Necessary | Och | Mar. |
| Approve Operating Guidelines | Och/BOD | Apr. 10 |

E. Review and Revise JPA Policy P90-1 (within 60 days after execution of JEPA)

| Review Existing Policy with JPA Board and Obtain Approval of Process for Review | Och/BOD | Mar. 13 |
| Meet with Working Group and Obtain Input/Suggestions/Recommendations | Och | Mar. |
| Draft Proposed Revised Policy | Och | Mar. 27 |
| Review with Working Group/Obtain Consensus | Och | Early Apr. |
| Review with Ad Hoc Committee/Obtain Consensus | Och/Ad Hoc | Early Apr. |
| JPA Board Meeting to Approve Revised Policy | Och/BOD | Apr. 10 |

Notes:
1. This Fast Track Schedule is predicated on an extension to February 28, 2015 of the City of San Diego's deadline of December 31.
2. Tasks depicted in red are meetings necessary to review and or approve drafted documents.
3. Where a specific date is not noted, task will be completed in sequence to meet project deadline.
TO: JPA Board

FROM: Staff

SUBJECT: Comments on Environmental Assessment for San Dieguito River Bridge Replacement, Double Track, and Del Mar Fairgrounds Special Events Platform

RECOMMENDATION:

Direct staff to write EA comment letter to SANDAG addressing the issues discussed in this report or as determined by your Board.

SITUATION:

The San Diego Association of Governments (SANDAG) has released a NEPA Environmental Assessment (EA) for the San Dieguito railroad bridge replacement, double tracking, and Del Mar Fairgrounds Special Events Platform. Public comments are due to SANDAG by December 1, 2014.

PROJECT SUMMARY:

This project is a 2.1-mile-long section of the LOSSAN rail corridor from Lomas Santa Fe Drive in Solana Beach to just north of Coast Boulevard in Del Mar. The project includes construction of a new double-track railroad bridge over the San Dieguito River, track improvements including double tracking a gap where the track is currently only one track, and a special events rail platform at the Del Mar Fairgrounds to serve patrons to the County Fair and race meets or other special events (Attachment 1).

The new bridge would be 1,650-feet long and higher than the existing railroad bridge (one foot higher at the north end and up to 8 feet at the south end) in order to allow for 100-year flood conditions. The new bridge would allow over 400 feet of the existing railroad embankment to be permanently removed because the new bridge span will be longer than the existing bridge. The existing railroad bridge structure is approximately 25 feet wide (estimate based on cross section in EA) and the new proposed width including the platform would be 63 feet (plus the platform ramps/stairs). The longer span of the bridge itself and increased width between the bridge piers would reduce the overall intrusion into the inlet channel of the lagoon and expand the lagoon tidal range. See Attachments 2 and 3.

The EA addresses three alternative configurations for the new bridge and platform, an East Side-Loading Alternative, a West Side-Loading Alternative, and an East Center-Loading Alternative. Physically, the new bridge consists of two connected rail bridges to form the double track. In the side-loading options the platform exists on both sides (east
and west) of the bridge, and in the center-loading option the platform exists between the

two rail bridges.

The Special Events Platform would be 1,000 feet long to accommodate a 10-car

passenger train. The side-loading configurations would require a minimum 16-foot-wide

platform on both the west and east sides of the track. The center-loading platform would

be a minimum width of 35 feet. The platform would also include ADA ramps along the

length of the platform and stairways to provide access to the Fairgrounds, and a

maintenance road along the Fairgrounds side of the rail embankment (Attachment 4).

The East Side-Loading Platform would shift the bridge 50 feet to the east of its current

location and realign Stevens Creek. The shifted new rail embankment would fill in a

portion of the creek and the creek would be realigned to flow under the new railroad

embankment in a box culvert. The West Side-Loading Platform would shift the existing

embankment 26 feet to the west and would not necessitate the realignment of the creek.

However, it would expand the embankment to the west encroaching 40 feet further into

tidal wetlands.

ISSUES:

JPA staff has been attending the technical working group meetings established by

SANDAG for this project. Based on the information presented at those meetings and in

the EA project description, the East Side- or Center-Loading alternatives would be

preferred over the West Side-Loading alternative because they would not encroach

further into the lagoon on the west side. However, Stevens Creek would obviously be

impacted. In addition, the new bridge would increase the overall span and distance

between bridge piers thereby increasing the interface between and opening up views to

the wetlands and beach.

The platform would hopefully reduce the dependency on vehicles for access to the

Fairgrounds during major events thereby reducing the pressure for large expanses of

parking lots on the East Overflow Lot. Nevertheless, the project will have impacts to the

adjacent lagoon and planned trail.

JPA staff has reviewed the EA and has the following comments for your Board’s

consideration:

• A Coast to Crest Trail undercrossing required by the North Coast Corridor Public

  Works Plan (PWP) recently approved by the California Coastal Commission is not

  mentioned in the EA. The project does not include a trail undercrossing on the north

  side of the river (i.e., adjacent to the Fairgrounds) identified as Community

  Enhancement DM#1 in the PWP (Attachment 5). The project does include a

  pedestrian undercrossing at the south abutment of the new bridge that would allow

  the public to safely cross the tracks from the Riverpath Del Mar Trail to get to the

  beach. A pedestrian undercrossing at this location was also encouraged by JPA staff

  as recommended in the JPA’s Reach the Beach Feasibility Study, but it would not
accommodate the Coast to Crest Trail because it is not multi-use (i.e., hikers, cyclists, and equestrians). The Coast to Crest Trail is planned on the north side of the river along the Fairgrounds and would need to cross under the tracks/bridge as shown in the PWP and JPA’s Reach the Beach study.

SANDAG has resisted including such an undercrossing on the north side for several years during planning this project (see Attachment 6, correspondence between JPA and SANDAG). The time to design the trail with the project is now, during the 30-60 percent design and environmental stages, not later after the project design is finalized. Trail configuration options that should be considered include routing the trail under the north bridge abutment or designing the proposed Stevens Creek culvert realignment to accommodate a trail.

- The EA does not adequately address the impact of the project on the location of the future Reach the Beach Trail along the western edge of the Fairgrounds and the project appears to preclude the future trail. The Land Use impact section of the EA (page 4.9-22) references the planned future Reach the Beach Trail but states that “the trail is only conceptual at this stage and there are no easements for the trail”. It does not state that an undercrossing as part of this trail is a Community Enhancement required by the PWP that is supposed to be implemented as part of the project. While a trail easement does not yet exist, an 8 to 25 foot-wide public access easement is required by Section 3.6.C of the Coastal Commission’s Fairgrounds Consent Order and the area has been delineated (fenced) by the 22nd DAA along the western edge of the Fairgrounds. It is JPA staff’s understanding that the easement language is being drafted by Coastal Commission staff although we have not seen the language after repeated requests to review it. We have also learned that SANDAG has requested that the easement language include a provision for the future Platform.

The EA concludes that “implementation of any of the Action Alternatives would not preclude the future construction (by others) of the future Reach the Beach Trail and no impacts would occur”. In fact, based on the project design plans, the proposed location of the platform ramps and stairs would consume most, if not all, of the public access easement thereby precluding a public trail.

- The EA does not adequately describe the operation of the platform such as ridership and number of passengers that could potentially be on the platform at any given time, the hours of operation, the frequency of use per day/night, etc. These details are needed to adequately evaluate the potential impacts of the platform on the adjacent land uses and habitat. The noise section of the EA states that a maximum of 900 people could be on the platform at one time with a fully-loaded 10-car train (90 passengers per car). In fact the platform design was driven by the ability to accommodate a 10-car train, but the EA does not disclose or quantify the level of use anticipated and other sections of the EA, such as biology, do not quantify impacts from this level of human activity.
Overall the EA analysis is lacking in detail. Although trains already traverse the site adjacent to sensitive wetland habitat, the Platform introduces a new use with noise, lights, and glare next to rare coastal wetlands that support endangered species (the biology report notes that California least tern were observed foraging in the area). The EA biology analysis does not quantify the level of human activity anticipated for the Platform (e.g., frequency of use, numbers of people and duration), nor does it characterize the level of increase in noise from human use and a public address system on the adjacent habitat (a public address system is mentioned in the noise section only but nowhere else in the EA). This analysis is needed to identify detailed strategies and design elements that could effectively reduce the impacts. The EA relies only on “routine maintenance” of the platform as a mitigation strategy and details in both the analysis and mitigation are missing. The EA should quantify the noise levels anticipated while the platform is in use, how those levels might impact the nearby wetland species, and include specific standards for reducing noise levels and containing trash. In addition, the EA should include measures that commit NCTD and/or the Fairgrounds to guaranteeing debris maintenance in the adjacent wetlands.

No description is provided in the EA about lighting although visual simulations in Section 4.8 depict tall light posts along the length of the platform. The platform would be lit at night potentially for several hours at a time during the breeding season of sensitive nearby wetland species. No details are provided about the number or type of light standards, the duration of illumination at any given time (for example, would lights be on continually or only when a train is at the platform?), nor does the EA quantify the light levels (lumens). The EA visual simulations depict the lights as tall light standards similar to those along freeways. Tall light standards would surely illuminate the lagoon wetlands directly below and adjacent to the platform. Yet the minimization measure described on page 4.5-40 of the EA is that lighting would be “directed downward towards the platform and away from adjacent habitat”. No analysis is provided to allow the reader to understand the impact or conclude that it would be minimized. Nor is there adequate detail in the Aesthetics section to determine the level of lighting that might be expected. Minimization measures should include detailed design standards that specify lights be low and designed to illuminate the platform surface only and used only when trains are loading or unloading passengers.

Section 3.1 of the EA (Proposed Action) page 3-13 states that excavated material would be exported to an off-site location (approximately 84,456 cubic yards of export for the East Side-Loading alternative) yet no potential off-site locations are identified. Off-site locations could potentially be in the San Dieguito River Park FPA and the large quantity of material could cause an impact that is not disclosed in the EA.

**CAC RECOMMENDATION:**

The EA has not been reviewed by the CAC because the EA was published just after the
CAC’s November 7th agenda was distributed and because there was not adequate time for JPA staff to review the EA in time for the CAC meeting. However, the CAC has reviewed and discussed the double track project and PWP in previous meetings.

**ALTERNATIVES**

1. Add or modify comments.
2. Give staff other direction.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:

1. Photo of new Bridge location
2. East Side-Loading Alternative (EA Fig 3-3e)
3. Cross sections (EA Figs 3-1, 3-2)
4. Platform configuration graphic
5. PWP Figure 5.3-1B Planned Coastal Access
6. Correspondence between JPA and SANDAG (2 letters)
East Side Loading Platform Alternative

SAN DIEGUITO LAGOON

Construction to the east

New Track Locations

LOOKING NORTH

ATTACHMENT 1

3
Proposed Low Flow Drainage Channel

Existing Berm to be Removed

East Side-Loading Alternative

SAN DIEGUITO RIVER BRIDGE, DOUBLE TRACK, AND DEL MAR FAIRGROUNDS SPECIAL EVENTS PLATFORM PROJECT

Figure 3-3e

ATTACHMENT 2-2
SAN DIEGUITO RIVER BRIDGE, DOUBLE TRACK,
AND DEL MAR FAIRGROUNDS SPECIAL EVENTS PLATFORM PROJECT

East Side-Loading Alternative

Figure 3-3f
Side-Loading Platform Cross-section
SAN DIEGUITO RIVER BRIDGE, DOUBLE TRACK, AND DEL MAR FAIRGROUNDS SPECIAL EVENTS PLATFORM PROJECT

Figure 3-1

NOTES:
- PRECAST SLAB PLATFORM AND RAMP STRUCTURE OPTION SHOWN
- EAST SIDE LOADING ALIGNMENT SHOWN
- LOWER RAILWAY TO DEL MAR RACETrack NOT SHOWN
- RAMP SUPPORT STRUCTURE SHOWN
- CONSTRUCTION TO BE STAGED TO ALLOW CONTINUOUS RAIL OPERATIONS
- BRIDGE TYPE SHOWN IS FOR ILLUSTRATIVE PURPOSES, FINAL BRIDGE TYPE TO BE DETERMINED

Source: David Evans and Associates 2013
Platform, Ramps, and Stairs Configuration

[Diagram showing a 1000' special events platform with emergency stairs and ramps for enter/exit access.]
Planned Improvements
- PWP/TREP Pedestrian and Bicycle Improvement
- I-5 North Coast Bike Trail (I-5 ROW)
- I-5 North Coast Bike Trail (Outside I-5 ROW)
- Traffic Signal/Intersection Improvement
- Direct Access Ramp (DAR)
- Mid-City to Palomar Airport Road BRT
- Enhancements to Coast Highway Bus Service

Existing Pedestrian and Bicycle Facilities
- City of Encinitas Recreational Trail
- Local Bicycle Route
- Regional Bicycle Route
- Coastal Rail Trail
- Coast to Crest Trail
- California Coastal Trail

Existing Parks and Preserves
- State Beach/Park/Preserve
- Open Space & Parks

Project Areas and Boundaries
- I-5 Project Area
- LOSSAN Project Area
- LOSSAN Rail Station
- City Boundary
- California Coastal Zone Boundary

Community Enhancement

Other Bike/Ped Improvement

(Data Sources: Caltrans, California Coastal Commission, Local Jurisdictions, SanGIS, SANDAG, Imagery: DigitalGlobe March 2008)

The Coastal Zone boundary, jurisdiction and Local Coastal Program data in this map are for planning and engineering study purposes only. Data are derived from multiple sources. The digital Coastal Zone boundary, jurisdiction and Local Coastal Program data in this map are not to be used for enforcement of any regulations, project design, or construction. The State of California makes no representations or warranties regarding the accuracy or completeness of the files or the data from which they were derived. The State shall not be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of these Coastal Zone boundary, jurisdiction and Local Coastal Program files or the data from which they were derived. Because the Coastal Zone boundary, jurisdiction and Local Coastal Program data are merely representational, they and the data from which they were derived are not binding and may be revised at any time.)
July 18, 2014

Heather Johnston
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Subject: Conservation Easement
Del Mar Fairgrounds Consent Cease and Desist Order

Dear Ms. Johnston:

It is our understanding that Section 3.6.C of the Consent Order requiring an offer to dedicate an easement of varying width along the western edge of the Del Mar Fairgrounds has not yet been executed. Although the JPA is the intended recipient of the easements as specified in the Consent Order (CO), we have not received information regarding the status of the easement two and a half years after approval of the CO. In fact, it has recently come to the JPA’s attention that the easement may be seriously compromised.

The intent of this easement, per the Consent Order, is for conservation, restoration, and public access along Stevens Creek; however, its very purpose is at risk. First, we have learned that the metes and bounds legal description provided to Commission staff by the 22nd DAA does not match the language in the CO and as shown in Exhibit 2.

Secondly, we have learned through our involvement in the San Dieguito LOSSAN Double Track and Fairgrounds Special Events Platform projects, that SANDAG intends to place much of the Special Events Platform within the subject easement, which would essentially block the ability to route the Coast to Crest Trail along Stevens Creek within the easement as intended. It has been a long-standing adopted plan and goal to complete the western end of the Coast to Crest Trail to the beach and to utilize the easements provided along the Fairgrounds for the trail alignment. But, according to SANDAG staff, they have requested that the 22nd DAA include the Platform (access stairs and ramps and maintenance road) as a permitted use in the easement, which would consume most the easement making it no longer available for a trail without expanding the easement further into the Fairgrounds.

Although the JPA supports the Seasonal Platform in concept, we strongly object to a design that would block the ability to use the easement for its intended purpose and that would be in direct conflict with the Consent Order.
As the Commission considers the final NCC Public Works Plan/TREP at their meeting in August 2014, they must recognize that the Community Enhancement Project to construct a Coast to Crest Trail crossing at San Dieguito (DM#1) is seriously affected by these most recent revelations, which, if carried out as proposed, may block any practical construction of a public access trail through the area. We trust the Commission will abide by its Consent Order and preserve the intent of the public access easement and require that SANDAG develop a design that accommodates all uses and is consistent with the Consent Order. We look forward to resolving this matter with your staff.

Sincerely,

Dave Roberts
JPA Board Chair

Cc: Linda Culp, Principal Planner, SANDAG
    Gabriel Buhr, Coastal Commission San Diego office
    Becky Bartling, 22nd DAA
    Del Mar City Council and Staff

Passed July 18, 2014 JPA Board Meeting:

AYES: 5 (ROBERTS, MOSIER, VAUS, KERSEY, GOLICH)
NOES: 0
ABSTAIN: 1 (DIAZ)
ABSENT: 3 (ZITO, LIGHTNER, JACOB)
August 6, 2014

Ms. Heather Johnson
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Ms. Johnson:

SUBJECT: Conservation Easement Del Mar Fairgrounds Consent Cease and Desist Order

This letter is in response to the San Dieguito River Park Joint Powers Authority’s (SDRPJPA) July 18, 2014, letter regarding the same subject.

The San Diego Association of Governments (SANDAG) staff has worked closely with SDRPJPA staff over the past two years as project details have been developed for the San Dieguito Double Track, Bridge Replacement, and Del Mar Fairgrounds Special Events Platform (SDDT) Project. We will continue to work with SDRPJPA staff to ensure the rail project does not preclude a future coast to crest trail to the beach.

The Project is needed to replace a nearly 100-year old railway bridge, complete an important section of double track, and construct a passenger platform with direct access to special events at the fairgrounds. This Project also completes a coastal access trail undercrossing along the south side of the San Dieguito River. It is currently only funded through environmental review and preliminary engineering.

This Project is one of more than 20 Los Angeles-San Diego-San Luis Obispo Rail Corridor coastal rail line improvements currently under development by SANDAG. When complete, these projects will offer additional passenger and freight rail service along the second busiest rail corridor in the United States, improve current conditions in San Diego’s coastal lagoons, and take cars off both Interstate 5 and local streets.

Our ongoing engagement with the SDRPJPA includes eight Technical Working Group meetings hosted by SANDAG, in addition to numerous staff and field meetings when requested.

Through this process, SANDAG has developed preliminary designs that will not preclude a future coast to crest trail to the beach. However, the trail alignment as proposed in the SDRPJPA’s Reach the Beach Trail Segment of the Coast to Crest Trail Feasibility Study (February 2012) has potential roadblocks. Foremost, the conservation easement does not apply to the railroad
right-of-way. Furthermore, the easement is not contiguous and does not extend far enough north for the SDRPJPA to take advantage of the Project’s proposed culvert railroad undercrossing. The trail as envisioned in the 2012 Report will require additional analysis in order to work through these challenges. We have also offered additional alignment ideas the SDRPJPA may consider studying and we will continue to provide assistance and coordination as they consider these alignments.

We appreciate the California Coastal Commission’s attention to the North Coast Corridor and look forward to continuing to work with your staff and the SDRPJPA. Should you have any questions, please contact Linda Culp, SDDT Project Manager, at linda.culp@sandag.org or (619) 699-6957.

Sincerely,

CHARLES “MUGGS” STOLL
Director of Land Use and Transportation Planning

MST/LCU/abar

cc: Dave Roberts, Chair, SDRPJPA
    Garbriel Buhr, Coastal Commission San Diego Office
    Becky Bartling, 22nd District Agricultural Association
    Del Mar City Council and Staff
May 17, 2013

Gary Gallegos
Executive Director
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Comments on Draft North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program, March 2013

Dear Mr. Gallegos:

The JPA Board considered SANDAG’s Draft North Coast Corridor Public Works Plan at their meeting of May 17, 2013. Although the JPA Board meeting schedule did not permit us to consider this document by the public review period deadline of April 29, 2013 our JPA staff reviewed the Draft PWP in detail and submitted a comment letter dated April 16, 2013 (attached). The JPA applauds the effort by SANDAG to incorporate major public access and transit amenities into the planning for both the I-5 NCC project and the LOSSAN project. However, as stated in the JPA’s letter, the lack of specificity in the PWP regarding trail crossings under the planned San Dieguito double-tracked railroad line is of great concern considering the existing tracks represent the final impediment to realizing the JPA’s goal of completing the Coast to Crest Trail to the beach in Del Mar.

Significant local and state resources have gone into building the Coast to Crest Trail in the coastal area resulting in the recent completion of over two miles of trail along the San Dieguito Lagoon that now terminates at Jimmy Durante Boulevard, but will soon be completed west through the Fairgrounds. The JPA has been communicating with SANDAG staff and the San Dieguito Double Track design team from the beginning regarding the importance of and regional need to incorporate public trail crossings into the San Dieguito Rail Bridge to allow for public access across the railroad tracks to the beach in Del Mar. Specifically, a pedestrian undercrossing is needed under the new south railroad bridge abutment to address the issue of public safety as the public has been crossing the tracks at this location for many years, and a trail crossing north of the river is needed to provide access for the Coast to Crest Trail from the Fairgrounds west to the beach. Both of these proposed crossings are consistent with the findings in the JPA’s Reach the Beach Trail Feasibility Study (February 2012).
We urge SANDAG to provide the necessary details of how new rail crossings will be implemented including funding and project design so that they are incorporated into the project as it is being designed.

Sincerely,

Jim Cunningham
JPA Board Chair and Poway Councilmember

Cc: Bruce April and Shay Harrison, Caltrans
    Deanna Spehn, California Assemblymember Toni Atkins office
    Linda Culp, SANDAG
    Kathleen Garcia, City of Del Mar
November 13, 2014

To: San Dieguito River Park Joint Powers Authority
Fr: Citizens Advisory Committee

Subject: JPA October 17, 2014 Action on “Saint John Garabed Armenian Church”

At the November 7 meeting of the San Dieguito River Park JPA Citizens Advisory Committee, the JPA’s October 17 action regarding the Saint John Garabed Armenian Church project was discussed. Concerns were expressed that the action failed to adequately address the conflicts of the project as proposed with the Park Concept Plan and CEQA, which requires that all feasible alternatives to a project be addressed in an EIR. The CAC voted (18 - 0 - 0) to ask that the JPA reconsider their previous action and send a letter to the California Coastal Commission regarding this project, taking a stronger position consistent with the Concept Plan and CEQA. To do anything less places the integrity of the Concept Plan in question and creates a precedent which could result in future projects inconsistent with our park and plan being approved.

The CAC has studied this proposal for more than three years and its member organizations, which have strongly supported the river park, have done vast environmental review of the church complex proposal. We thoroughly concur with your staff’s consistent findings:

“Our concerns relate to two main issues: the impact of the project on the MSCP Preserve and on the visual quality of the San Dieguito River Park.” (comments on the draft EIR, April 14, 2014)

The motion included a request that the JPA reconsider its October 17, 2014 actions and take a stronger position indicating a recommendation of denial to the Coastal Commission based on conflicts with the “Concept Plan” which the CAC and JPA are tasked to uphold to preserve the unique quality of the river park. Alternatives 1 and 2 would reduce impacts to the river park in terms of compatibility with the low-intensity, semi-rural character of the area and the preservation of a currently viable wildlife corridor which has vastly improved with the Wetland Restoration Project which the CAC and JPA have successfully brought to success.

The San Diego Planning Commission voted (October 30, 2014) to approve the church proposal, violating the City of San Diego open space regulations. The Carmel Valley Community Planning Board, charged with overseeing NCFUA Subarea II, had a split vote which was nullified due to lack of a quorum.

Summary of the church complex inconsistency with the river park “Concept Plan” and with habitat preservation are found in JPA and staff’s assessments since 2011:

October 26, 2011

1. “Because the project location is within the...FPA and adjacent to the newly restored San Dieguito Lagoon and on a prominent mesa just above the valley floor, the project’s visual characteristics are of concern to the JPA. As currently designed, the project includes four prominent structures totaling 51,680 sq. ft. of floor area including a 93-ft. tall sanctuary and a 40-ft. tall church hall. The proposed sanctuary is 63 ft. over the 30-ft. maximum allowed in the (City of San Diego) AR-1-1 zone and the 30-ft.
height limit recommended in the...“Concept Plan” design guidelines...this height is excessive and would significantly intrude on the open space character of the valley, and could not be mitigated.”

November 13, 2012

2. “The mass and scale of the project is in direct conflict with the (river park)...The project is not solely a church use, but additional uses housed in a complex of large structures totaling 51,680 sq. ft. that is out of scale with the surrounding area representing an over-intensification of use on the property...the proposed project is not limited to a church sanctuary but includes a school, recreation/meeting hall, and youth center that together represent an intensity of use incompatible with the surrounding open space, sensitive adjacent MHPA land, and the goal to protect the San Dieguito River Valley...The sanctuary represents only 17% of the total square feet.”

3. “…the project structures substantially encroach into the MHPA and two of the four structures do not even meet the minimum setbacks (gym and cultural/education building) and a setback deviation is being requested. Approximately 3/4ths of the property is within the MHPA...the proposed buildings...are proposed on a mesa above an existing wildlife corridor, wetlands, and expansive open space to the northwest...the open space and rural character of the site would be harmed with the number of buildings proposed and their height.”

April 14, 2014

4. “Impacts to MSCP Gonzales Canyon Wildlife Corridor:

The proposed structures are located on the edge of the mesa top directly adjacent to the...corridor..the project is proposing to develop 4.23 acres of the MSCP Preserve, 0.88 acre beyond the allowed 25% encroachment. This...does not seem justified nor is it sensitive to the value of this area as a wildlife movement corridor and a visually important component of the river valley landscape. Statements made in the Draft EIR regarding the necessity to build the magnitude proposed are unsupported.”

(Note: when asked why the proposal cannot be scaled down the applicant has only responded that this is the only scale of development the church desires.)

5. “The Draft EIR does not sufficiently recognize the importance of the wildlife corridor or the diversity of species that currently move through the area...Although (a minor mitigation proposal is provided) 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.”

6. 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.”

7. “Impacts to the Visual Open Space Character of the River Valley:

(The AR-1-1 zone allows deviations to the 30 ft. height limit in MSCP open space if side yard setbacks are increased) [“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...“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...“Concept
Plan. Given the constraints of the project site, the sensitivity of the surrounding area...the site’s prominent location within the San Dieguito River Valley...and the goals and policies of the NCFUA Framework Plan and “Concept Plan” that protect open space, valleys, and wildlife, the project appears to be overbuilt for the site."

8. The project is inconsistent with the land use plans and policies for this area that were written to protect views into and from the...river valley. Policies in the NCFUA Framework Plan and...“Concept Plan” require developments to be ‘low lying in profile and not visually prominent’ in this part of the valley...The proposed landscaping cannot screen a 93-ft. tall structure.”

(Note: a major portion of the roof structure is the large dome; the cross is only 8-9 ft. of this structure.)

9. The final EIR even states that because the church dome is 50 feet higher than the adjacent Formosan Church and 70 feet higher than adjacent residential development the project “would result in visible contrast’ impacts are ‘considered significant and unavoidable’...(however) 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.”

10. A “Reduced Project Alternative” was rejected and the EIR only states it would not meet the needs of the Armenian Church community...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.”

**Conclusion**

The JPA action was limited to assigning two conditions to the proposal: that a trail easement connecting Gonzales Canyon to the upland and wetland habitat to the northwest be provided and that no further development would be proposed for the site. There is nothing in the proposal and its final EIR assures a trail and the proposal, as presented, leaves little room for further development, given its mass and site constraints.

We urge the JPA to reconsider the more serious overall impacts to the river valley park and to wildlife habitat preservation that seemed to have been overshadowed by the natural desire of most people to encourage a religious facility. We support a church facility in this setting but one which is not one of the most massive development proposals in the river valley. The “Concept Plan” well portrays the goals and policies of the river park which we are, and are sure the JPA is, dedicated to uphold.