SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY

9:30 a.m. – 12:00 p.m.
Friday, December 11, 2009
County Administrative Center
1600 Pacific Highway, Room 302/303
San Diego

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

Introductions and Announcements

Approval of the Minutes of October 16, 2009

Executive Directors Report

Public Comment

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

CONSENT

1. Resolution Applying to Resources Agency for Environmental Enhancement Mitigation Program (EEMP) Grant Funds for Horsepark Trail (page 3)

2. Citizens Advisory Committee Officers: Chair and Vice-Chair (page 8)

3. Citizens Advisory Committee By-Laws Amendments (page 9)

ACTION

4. Election of Board Officers (page 18)

5. Proposed Budget Cuts by City of San Diego (oral report)

6. Fairgrounds Master Plan Draft EIR Comments (page 21)
7. Coordination Reports (oral)
   a. San Dieguito River Valley Conservancy
   b. Friends of the San Dieguito River Valley
   c. Volcan Mountain Preserve Foundation
   d. San Dieguito Lagoon Committee

8. Status Reports (Oral)
   a. River Park Projects

9. 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.

10. Communications
    a. Letter from JPA to CDFG re MLPA, 11/24/09 (page 49)
    b. Letter from JPA to City of San Diego re El Camino Real Widening, 10/16/09 (page 50)
    c. Letter from T.Y. Lin Engineers to JPA re Feasibility of ADA Parking Spaces near Lake Hodges Bike/Ped Bridge. (page 52)

THE NEXT REGULAR JPA MEETING IS SCHEDULED FOR FRIDAY, JANUARY 15, 2010

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 will be made. Full packets will continue to be mailed free of charge to JPA and CAC members upon request. For others, the cost of the full agenda, with backup material, is $45 per year, and the cost of the agenda without backup material is $10 per year. The agenda and minutes are available at no cost on the San Dieguito River Park web site at www.sdrp.org
TO: JPA Board

FROM: Staff

SUBJECT: Application for State Environmental Enhancement and Mitigation Program (EEMP) Grant

RECOMMENDATION:

Adopt attached resolution applying for EEMP grant funds for the Horsepark Trail

SITUATION:

A. Summary and Recommendation

The Environmental Enhancement and Mitigation Program (EEMP) was established by the Legislature in 1989. It offers a total of $10 million each year for grants to local, state, and federal governmental agencies and to nonprofit organizations for projects to mitigate the environmental impacts caused by new or modified state transportation facilities. State gasoline tax monies fund the EEMP. Applicants may apply for these funds to undertake environmental enhancement and mitigation projects that are directly or indirectly related to the environmental impact of modifying existing transportation facilities, or for the design, construction or expansion of new transportation facilities. The related transportation facility must be modified or constructed in 1990 or later and the EEM project must be over and above the required mitigation for the related transportation project. The grant program funds three types of projects: Highway Landscape and Urban Forestry, Resource Lands, and Roadside Recreation. Roadside Recreation means projects which provide for the acquisition and/or development of roadside recreational opportunities, including parks and greenways, roadside rests, scenic overlooks, trails, and snow-parks. Grants are generally limited to $350,000.

The deadline this year was November 16. Your staff submitted a grant application by the deadline seeking $349,670 for the roadside recreation category. The funds would be used to construct a key link of the Coast to Crest Trail across the lower portion of the 22nd District Agricultural Association’s Horsepark property. The ½ mile long and 12-foot-wide trail would extend from the existing trail parallel to Via de la Valle on SCE property to El Camino Real. From El Camino Real it would connect to the trail along the Polo Fields. See Attachment 1.

For years, we have been unable to complete this link. It is blocked by Horsepark, a horse boarding and showing facility owned by the State of California 22nd Agricultural District. The District has been very cooperative and willing to have the trail on their property, but there has been no room because their turf show ring directly abuts the river’s edge and there is no room for the trail. They are not able to reduce the size of the show rings even to put in a narrow trail because the rings are already the minimum size for their use, and if they were made smaller would not be functional.
Other alignments throughout the Horsepark facility have been investigated, to no avail. Then recently a landscape architect jointly hired by the State and the San Dieguito River Park, came up with a workable, cost-effective solution. His solution involves switching the turf ring next to the river with a dirt ring elsewhere on the site. Switching the two rings solves the problem because the relocated dirt ring can be narrower than the turf ring currently located next to the river, thereby allowing the trail to be placed between the river and the relocated dirt ring.

Grant funds would be used for design, permitting and construction of the trail along the edge of the District’s Horsepark property, as well as relocation of the turf and dirt show rings, and installing a lodgepole fence along the edge of the trail by the river, and a 6.5 foot high wire mesh see-through security fence on the other side of the trail. The District requires the fence to protect the boarding and show horses from the public.

Staff recommends that your Board adopt the attached resolution approving the filing of an application for the grant funds, certifying that the JPA will make adequate provisions for operation and maintenance of the project and appointing Dick Bobertz as the Board’s agent to execute all documents as may be necessary.

**ALTERNATIVES**

1. Adopt attached resolution
2. Do not adopt attached resolution and withdraw grant application.
3. Give staff other direction.

Respectfully submitted,

Susan A. Carter  
Deputy Director

Attachments:

1. Trail Alignment Map  
2. Draft Resolution
Resolution No: ________________

RESOLUTION of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority approving the application for grant funds for the Environmental Enhancement and Mitigation Program under the section 164.56 of the streets and highways code for the following project: Horsepark Trail Segment of the Coast to Crest Trail

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide $10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State; and

WHEREAS, the application contains assurances that the applicant must comply with; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance.

2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.

3. Appoints Dick Bobertz, Executive Director, as agent of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and Adopted the ________ day of ____________________, 2_________________.
I, the undersigned, hereby certify that the foregoing Resolution Number _______________ was duly adopted by the Board of Directors following roll call vote:

Ayes:

Noes:

Absent:

______________________________________
Pam Slater-Price, Chair

______________________________________
Jan Lines, Office Manager
TO: JPA Board

FROM: Staff

SUBJECT: Citizens Advisory Committee Officers (Chair and Vice-Chair)

RECOMMENDATION:

Approve CAC Chair and Vice-Chair as recommended by CAC

DISCUSSION:

The guidelines pertaining to CAC officers are included in the JPA Agreement and the CAC By-Laws. These documents say that the CAC is to recommend a Vice-Chair to the JPA Board annually. Additionally, the CAC Chair position is to be confirmed by the Board, after recommendation by the CAC. The CAC By-Laws were amended in 2003 to establish the term of the Chairmanship at two years, renewable by appointment for a total of 3 terms. After serving since 1988, Dr. Phil Pryde has been termed out and will no longer be serving as the CAC Chair.

At the CAC’s December 4th meeting, the CAC Nominating Committee recommended that the CAC elect Tom Golich as Chair and Dr. Pryde as Vice-Chair. The CAC action will be reported at today’s meeting. The CAC is seeking your Board’s concurrence on these selections.

Respectfully submitted,

Susan A. Carter
Deputy Director
TO: JPA Board
FROM: Staff
SUBJECT: Amend CAC Bylaws

RECOMMENDATION:
Concur with CAC Bylaw Revisions

Summary and Recommendation
At their December 4, 2009 meeting, the CAC reviewed their bylaws, and made a series of revisions for clarification purposes. It was felt that the section of the by-laws that addressed the election of officers was lacking clarity, and was in fact confusing and inconsistent with the JPA Agreement. The additions/deletions as shown on Attachment 1 were considered at the CAC Meeting on 12/4/09. The CAC action will be reported at today’s meeting. Attachment 2 is the full set of by-laws. The revisions will become effective upon your Board’s concurrence.

Respectfully submitted,

Dick Bobertz
Executive Director

Attachments:
1. Proposed CAC by-law amendments
2. CAC By-laws
CAC By-Laws, as presently worded  (Sept. 2009)

V. OFFICERS

A. Officers of the CAC shall be the Chair and Vice-Chair. The Chair shall be recommended by the CAC subject to the approval of the JPA Board. The Vice-Chair shall be selected by the CAC. The CAC shall select a Chair and Vice-Chair by secret ballot.¹

B. The terms of the Officers shall be two one years, renewable by appointment in the case of the Chair and election in the case of the Vice-Chair. The term shall begin with the effective date of these by-laws.

C. Nominations for Vice-Chair may be made from the floor by any eligible CAC member. The Vice-Chair must represent an organization or property owners.²

D. A vacancy in the office of the Vice-Chair shall be filled by a majority vote of CAC members present at the meeting following the meeting at which such vacancy is created, provided that such members present constitute a quorum.

¹ Added by JPA Board, April 18, 2003
² Changed by JPA Board, April 18, 2003
³ Added by JPA Board, April 18, 2003

CAC By-Laws, showing proposed changes  (Oct. 2009)  [ Additions in bold ]

V. OFFICERS

A. Officers of the CAC shall be the Chair and Vice-Chair. The Chair and Vice-Chair shall be recommended by the CAC subject to the approval of the JPA Board. The Vice-Chair shall be selected by the CAC. The CAC shall select a Chair and Vice-Chair by secret ballot.³

B. The terms of the Officers shall be two one years, subject to the stipulations in Paragraph G of this section. renewable by appointment in the case of the Chair and election in the case of the Vice-Chair. The term shall begin with the effective date of these by-laws.

C. Nominations for Chair and Vice-Chair may be made by a Nominating Committee or from the floor by any eligible CAC member. The Vice-Chair must represent an organization or property owners.³

D. A vacancy in the office of the Vice-Chair shall be filled by a majority vote of CAC members present at the meeting following the meeting at which such vacancy is created, provided that such members present constitute a quorum, and subject to approval by the JPA Board.
SAN DIEGUITO RIVER PARK CITIZENS ADVISORY COMMITTEE BY-LAWS

I. NAME AND AREA

A. The name of this organization shall be San Dieguito River Park Citizens Advisory Committee, known hereafter as CAC.

B. The area addressed by the CAC shall be the focused planning area of the San Dieguito River Valley Regional Open Space Park and areas which directly impact the focused planning area.

II. PURPOSE

A. The primary purpose of the CAC shall be to advise the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority in matters relating to the planning, funding, property acquisition, design, improvement, operation and management of the San Dieguito River Park. The CAC is a standing committee of the San Dieguito River Park Joint Powers Authority.

B. Additionally, the purpose of the CAC shall be

1. To provide an open forum for community discussion on park related issues;

2. To organize and implement special community events deemed of interest to persons interested in the San Dieguito River Park;

3. To gather and disseminate park-related information to residents and property owners within and adjacent to the San Dieguito River Valley.

4. To advise the JPA on land use matters within or which directly impact the focused planning area.

III. GENERAL PROVISIONS

A. All CAC activities shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of age, race, color, sex, creed, national origin or sexual preference.

B. The CAC shall not take part, officially or unofficially, in the election of any candidate for public office.
A copy of current CAC bylaws shall be available for perusal at any public meeting of the CAC. A copy of the bylaws shall be provided at cost to any individual or organization upon request.

IV. GENERAL MEMBERS

A. Membership shall be open to the following organizations: all community planning groups whose planning area overlaps or directly impacts the focused planning area of the San Dieguito River Park; a selection of homeowner associations; a biologist representing Association of Environmental Professionals; a landscape architect representing American Society of Landscape Architects; Friends of the San Dieguito River Valley; RVR PARC; San Dieguito Lagoon Committee; San Dieguito River Valley Land Conservancy; local governmental entities owning property in the river valley; region-wide environmental organizations with significant interest in the river valley, and selected other special interest organizations with significant interest in the river valley.

B. Member organizations may be recommended by the CAC and approved by the JPA Board.

C. Member organizations will appoint, preferably from among their members, an individual and an alternate who will represent the organization on the CAC.

D. Additionally, the JPA Board shall appoint to the CAC six property owners representing a geographic range of the river valley. Property owners should agree to serve as the conduit for other property owners' interests as well as their own.

E. Organizations or property owners are expected to be represented at the meetings by either the appointed representative or an alternate. If neither the appointed representative nor alternate attends a meeting the organization or property owner is considered absent. Three consecutive absences or four absences within a twelve-month period shall result in the organization or property owner no longer being a member of the CAC. The Executive Director shall keep an up-to-date roster from which shall be determined membership status and each month's quorum. Organizations or property owners who lose their membership status under this paragraph may petition the JPA Board in writing for reinstatement and upon approval thereof shall be reinstated to full membership status after attendance at two consecutive meetings.

F. No person shall represent more than one organization on the CAC.
G. A quorum for the purpose of conducting business will consist of a simple majority of the members of the Citizens Advisory Committee.

H. When an organization or member is added to a newly created position on the CAC, that organization or member shall not have full voting status until after attendance at two consecutive meetings.

I. New CAC members and alternates, and new representatives, are required to obtain an orientation about the River Park and the role of the CAC from River Park staff.

V. OFFICERS

A. Officers of the CAC shall be the Chair and Vice-Chair. The Chair shall be recommended by the CAC subject to the approval of the JPA Board. The Vice-Chair shall be selected by the CAC. The CAC shall select a Chair and Vice-Chair by secret ballot.

B. The terms of the Officers shall be two one years, renewable by appointment in the case of the Chair and election in the case of the Vice-Chair. The term shall begin with the effective date of these by-laws.

C. Nominations for Vice-Chair may be made from the floor by any eligible CAC member. The Vice-Chair must represent an organization or property owners.

D. A vacancy in the office of the Vice-Chair shall be filled by a majority vote of CAC members present at the meeting following the meeting at which such vacancy is created, provided that such members present constitute a quorum.

E. The Chair shall be the principal officer and shall preside over all meetings of the CAC. The Chair may or may not represent an organization. Should the Chair be selected from the CAC body, then during the term of office he or she shall no longer be the formal representative of the organization that appointed him or her, and that organization will appoint another representative. The Chair shall vote only in the case of a tie vote.

F. The Vice-Chair shall, in the absence of the Chair, carry out all the duties and responsibilities of the principal officer.
G. The maximum term of office of the Chair shall be 3 (three) two year terms. However, the Chair may be reelected to office and serve a maximum of 2 (two) additional two year terms if he/she has been out of office for at least one full two year term. This clause shall take effect beginning with election of officers in the first election held after its inclusion in the by-laws. 

VI. SUBCOMMITTEES

A. The Chair, with the advice and consent of the CAC, shall establish subcommittees and approve membership in those subcommittees, as necessary or appropriate to carry on the work of the CAC.

1. Each subcommittee shall have a chair, and the chair of each subcommittee shall be a member of the CAC.

2. All members and alternates shall be eligible to serve on subcommittees.

3. The chair of a subcommittee may invite non-members to attend in a non-voting capacity if necessary.

4. The subcommittee shall report its activities to the CAC at each regularly scheduled meeting.

5. A subcommittee shall not represent itself as speaking for the CAC unless the CAC has taken action on the item being represented.

6. All subcommittees shall be comprised of CAC members only who constitute less than a quorum of the CAC, unless inclusion of outside members is approved by the full CAC and/or unless a membership greater than a quorum of the CAC is approved by the CAC. In either such case all meetings of the subcommittee shall be noticed and held in conformance with the Ralph M. Brown Act. Other subcommittee meetings of less than a quorum and containing no outside members need not comply with the Brown Act, but as a
matter of policy shall be open and public attendance and participation shall be encouraged.

B. The Chair may appoint a Steering Subcommittee to coordinate CAC activities with staff, and such other tasks as may be necessary. The Chair or Vice-Chair of the CAC shall be a member of the Steering Subcommittee.

VII. MEETINGS

A. All regular and special meetings of the CAC shall be open to the public.

B. Regular meetings shall be held at least once a month unless otherwise designated by majority vote of the Board or at the discretion of the Chair.

C. Special meetings held to obtain input from the community at large shall be publicized and scheduled at a time and place so as to maximize participation.

D. The Ralph M. Brown Act (Govt Code Sections 54950-54961) shall govern the proceedings, noticing and general activities of this Citizens Advisory Committee.

VIII. AGENDAS

A. The Chair of the CAC shall establish a proposed agenda for each meeting of the CAC, and shall cause staff to mail it one week in advance of the meeting.

B. The agenda will have a place for Consent items, Action items, and Information items. It will also list the names of currently active Subcommittees.

C. At the beginning of each meeting, a supplemental item may be added to the agenda if 2/3 of the total membership agrees to place the item on the agenda, and if the need to place the item on the agenda arose after the publication of the agenda. In addition, if an emergency is found by majority vote, based on specified facts, an item may be added to the agenda. Unless any supplemental items are added as Consent Agenda items, they shall be placed at the end of the Action Agenda and shall be heard at the conclusion of the items on the proposed agenda.
D. At the beginning of any meeting, any CAC member may request a different order of business than that proposed by the Chair. Granting such a request shall be the decision of the Chair.

IX. TESTIMONY AND DISCUSSION

A. All agenda items shall be open for public discussion following discussion by the CAC members prior to making a decision.

B. If necessary, the Chair shall establish appropriate time limits for individuals and group presentations, to maximize the participation of interested parties.

C. Additional public comment will be accepted at the end of the meeting.

X. ACTIONS

A. The CAC staff will record the aye votes, no votes, and abstentions on each action taken, and such will be noted in the meeting notes.

B. Each member organization or property owner representative member will have one vote.

C. Unless they are time-sensitive, CAC actions will be referred to the JPA Board for review and action. Where time does not permit such referral, a letter from the CAC will be directed to the JPA Boardmember(s) in whose jurisdiction the matter lies.

D. If no quorum is present, the CAC may, at the discretion of the Chair, take an informal and non-binding vote that conveys the sense of the attendees and that vote may be conveyed to the JPA Board, provided that the Board is informed of the count of the vote and that there was no quorum present.

XI. PARLIAMENTARY AUTHORITY

A. All matters not covered in these Bylaws shall be governed by the most current edition of Robert's Rules of Order.

XII. AMENDMENTS

A. These Bylaws may be amended at any regular meeting by a two-thirds (2/3) vote of the CAC membership, provided that the proposed
changes were listed on the agenda mailed out to the CAC members, and are later approved by the JPA Board of Directors.

1 Adopted by JPA Board, November 15, 1990
2 Deleted by JPA Board, April 18, 2003
3 Deleted by JPA Board, April 18, 2003
4 Added by JPA Board, October 20, 1995
5 Added by JPA Board, October 20, 1995
6 Added by JPA Board, April 18, 2003
7 Added by JPA Board, April 18, 2003
8 Changed by JPA Board, April 18, 2003
9 Added by JPA Board, April 18, 2003
10 Added by JPA Board, April 18, 2003
11 Added by JPA Board, April 18, 2003
12 Added by JPA Board, July 18, 1997
13 Deleted by JPA Board, April 18, 2003
TO: JPA Board
FROM: Staff
SUBJECT: Election of Chair and Vice-Chair for 2010

RECOMMENDATION:
Approve Nominating Committee’s Recommendations for JPA Chair and Vice-Chair for 2010

SITUATION:

A. Summary and Recommendation

In accordance with JPA Board Rule #1, Election of JPA Board Officers, a nominating committee comprised of Phil Pryde, Sherri Lightner and Dave Roberts was appointed at your 10/16/09 meeting, with Board member Pryde named as Chair. The nominating committee is to present to the Board of Directors for your consideration, a proposed slate which includes nominations for the two officers (Chair and Vice-Chair). The Committee has prepared a recommended slate of officers for the Board’s review and approval, which they will present at today’s meeting.

In addition, your Board appoints members annually to serve on the ad hoc Land Use Committee, Acquisition & Financing Strategies Committee, Budget/Administration/Policy Committee and Wetland Advisory Committee. Each Boardmember was asked to review last year’s list of committee assignments (attached) and advise the Committee or staff if changes were desired. A draft list of committee assignments for 2010 is attached. Because of the change in representation from Poway, your Board may wish to wait until January to approve the committee assignment list.

ALTERNATE ACTIONS

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

Respectfully submitted,

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

ELECTION OF JPA BOARD OFFICERS

PURPOSE

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

POLICY

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

OFFICERS/TERMS

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

NOMINATING COMMITTEE

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

REMOVAL FROM OFFICE

An officer of the San Dieguito River Park JPA may be removed by a majority vote of the Board of Directors.
JPA AD HOC COMMITTEES, 2009

**Land Use Committee**
Richard Earnest
Pam Slater-Price
Betty Rexford
Sherri Lightner
1st Alternate: Olga Diaz
2nd Alternate: Dave Roberts

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**
Dave Roberts
Pam Slater-Price
Phil Pryde
Betty Rexford
1st Alternate: Richard Earnest
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
Richard Earnest
Dave Roberts
1st Alternate: Betty Rexford
2nd Alternate: Carl DeMaio

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

**Wetlands Advisory Committee**
Pam Slater-Price
Richard Earnest
Dave Roberts
Phil Pryde
Jacqueline Winterer, Public Member

Duties: Review and recommend policies and plans relating to the San Dieguito Lagoon Wetland Restoration Project

**Representation on 22nd District Agricultural Association Master Plan Committee**
Richard Earnest
Sherri Lightner
Dave Roberts, Alternate
TO: JPA Board
FROM: Staff
SUBJECT: JPA Comments on Del Mar Fairgrounds Master Plan Draft EIR

RECOMMENDATION:
Direct staff to send the attached comment letter on the Fairgrounds Master Plan Draft EIR.

SITUATION:
The 22nd District Agricultural Association (DAA) released a Draft Environmental Impact Report for the Del Mar Fairgrounds 2008 Master Plan. The Draft EIR is available for review and comment during a 90-day public review period that ends on January 8, 2010. A draft JPA comment letter is attached for your consideration (Attachment 1). The draft letter reflects input from JPA staff, the Project Review Committee, and the JPA attorney.

ISSUES:
The attached draft letter contains many issues of concern regarding the Master Plan itself as well as the analysis included in the Draft EIR. The main themes covered in the letter are:

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

CAC RECOMMENDATION:
The CAC will consider this item at their December 4, 2009 meeting and their recommendation will be provided at your JPA meeting.
ALTERNATIVES

1. Direct staff to send the attached letter.
2. Provide direction on additional issues/items to include in or delete from the letter.
3. Give staff other direction.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:

1. Draft JPA EIR comment letter
FAIRGROUNDS DRAFT EIR COMMENT LETTER

December __, 2009

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

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

Dear Mr. Fuller:

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

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

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

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

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

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

Our specific comments are as follows:

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

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

1.2. One of the key policies in the Coastal Act is the limitation on development within wetlands. New development is prohibited within wetlands, except for such uses as restoration, incidental public services, or port facilities under Section 30233. Even coastal dependent uses, which are given priority in the Coastal Act, are generally not to be sited in a wetland. (30255). The proposed project is sited on historic wetlands, and proposes to develop in areas which are disputed to be wetlands. The DEIR did not adequately disclose the controversy regarding the issue of whether the South Overflow Lot and the East Overflow Lots are wetlands.
1.3. The Fairgrounds Master Plan proposes new uses and a significant land use intensification. The DEIR has failed to identify the controversy regarding whether the new uses and land use intensification are permitted under the Coastal Act, whether they are sited in an environmentally sound manner, and whether they adequately protect marine resources.

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

2. **The DEIR’S Jurisdictional Delineation Reports for the East and South Parking Lots Improperly Constrict the Standards for Determination of Wetlands and Are Not Factually Supported.**

Paving the entire East Parking Lot (EOL) and further increasing the intensity of parking on the South Parking Lot (SOL) are impermissible uses because the entire SOL and the southern one-third of the EOL are documented wetlands. Any improvement to the surface of the parking lot is likely to be considered fill, which would not be permitted on any areas of the parking lot considered wetlands.

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

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1 The Jurisdictional Delineation Reports are found in Appendix C of the DEIR. The Report prepared by Glenn Lukos Associates (“GLA”) is Appendix A to the Biological Resources Report. Their ultimate conclusion is referred to collectively as the “Jurisdictional Delineation.”
2.1. The Jurisdictional Delineation Reports Assume, Without Factual Support, That All Existing Fill And Use Of The East And South Parking Lots Are Lawful Uses Established Prior To The Coastal Act.

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

Historically, the EOL, SOL and GDR have been used by the applicant as a public parking reservoir during the annual fair and thoroughbred race meet. Because use of the lots for parking for these two main yearly events predated the Coastal Act, the Commission has not challenged the continued use of this area for overflow parking during these events, even though major portions of these three areas are wetlands. Over time, however, since the Coastal Act was made law, the use of the Fairgrounds outside the fair and races has expanded significantly, and it now hosts multiple interim events nearly every weekend all year long. The applicant asserts that occasionally the SOL is used by patrons during these smaller events, especially for the annual Cinco de Mayo celebration, when attendance is high. In addition, the SOL has been used for periodic storage of trucks and materials. None of these uses have been authorized by the Coastal Commission, although they meet the Coastal Act definition of development and thus require permits. (CDP 6-04-049, page 12, March 2005; emphasis added)

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

The biggest concern is that the increase in intensity of use could force reliance on the Fairgrounds unimproved overflow parking lots, all of which contain some wetland resources and a potential for restoration. A special condition thus prohibits new events at the horse arena facility using overflow parking lots (which the applicant has already stated will not be necessary to accommodate future events) (CDP 6-07-082, page 1 March 2008; emphasis added)
2.2. The Jurisdictional Delineation Fails To Comply With The Broad Definition Of Wetlands Pursuant To Coastal Commission And Army Corps Standards And Further Failed To Account For The “Unique” Circumstances That Have Inhibited Wetland Recovery Within The East And South Parking Lots.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In 1990, the 22\textsuperscript{nd} DAA was required to fence and berm 4 acres of the South Parking Lot as an interim least tern nesting site. During the time it was fenced, it became high quality salt marsh habitat used by the endangered Belding savannah sparrow. (See, Coastal Development Permit No. 6-02-161, p. 8.) The new wetlands area was, apparently, graded without authorization, triggering an enforcement action by the U.S. Army Corps of Engineers. (See, attached U.S. Fish and Wildlife Service letter dated June 15, 1990.) In any event, the quick return of the undisturbed portion of the South Parking Lot to viable wetland habitat is compelling evidence that the wetland characteristics of the East and South Parking Lots remain today.

In summary, the wetland characteristics of the East and South Parking Lots continue to exist in spite of decades of fill, parking, compaction, and maintenance activities to remove vegetation and even the intentional pumping of tidal waters from the site. The Jurisdictional Delineation Reports prepared for the DEIR fail to acknowledge these circumstances, and in doing so, artificially reduce the wetland delineation in a manner that is not scientifically or factually supportable. The Jurisdictional Delineation Reports should be redone to accurately depict the extent of wetlands, so that the Project can be appropriately designed to exclude any development, or intensity of uses within wetland areas.

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

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

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

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

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

LAND USE

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

Wetland Buffer

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

**Paving of the East Parking Lot**

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

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

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

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

**Intensification of Land Uses**

4.6. The proposed hotel and exhibit buildings represent a convention center complex and a change of use. The project would change the site from low-intensity use most of the year during the 40-week long “interim season” (page 4.1-47) to year-round high intensity uses by adding the proposed convention and trade uses. The impacts from this change in intensity are not adequately disclosed nor mitigated in the Draft EIR.
The existing public use brings huge numbers of people to the Fairgrounds. According to the Master Plan the annual fair has between 40,000 to 60,000 spectators on weekdays and 60,000 to 90,000 on weekends, with peak attendance over 100,000 in a single day, along with 500,000 to 800,000 attendees for approximately 300 yearly events during the non-fair, non-racing season (i.e., interim season) (Master Plan, page 7). 1.2 million people attend the fair during the 22 day run (Master Plan, page 1). The races bring in 700,000 spectators (Master Plan, page 1). In 2006 three million people attended year round events (Master Plan, page 1). The DEIR fails to disclose the intensity of the existing uses. The DEIR and Master Plan fail to disclose what the attendance projections will be at Master Plan buildout. The only information provided is in the traffic analysis, which projects a 20 percent increase in attendees for events during the interim season (DEIR, page 4.2-86). No future increase in fair attendance is projected, although the trend has been for the attendance at the fair to increase each year. According to the Del Mar Fairground website, attendance has gone up approximately 10 percent since 2000.

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

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

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

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

4.11. While it is true that the Fairgrounds is publicly owned and the Fair itself provides a lower cost visitor use (Table 4.1.A), the substantial increase in uses as a result of Fairgrounds Master Plan build-out as currently designed would represent a new barrier to public use of the adjacent Coast to Crest trail and the general public’s enjoyment of the San Dieguito River Park. Mitigation for impacts to the existing recreational uses (i.e., lagoon segment of the Coast to Crest Trail) should include the provision of a dedicated trail parking area and public accessway to maintain and improve public access to the coastal recreational resource. An example of a dedicated public access is the Coastal Rail Trail area between Highway 101 and the railroad tracks in Solana Beach. Signage, a meandering trail, and parking should be provided for the general public rather than a narrow strip behind a proposed hotel. A dedicated trail parking area should also be provided in the northern non-wetland portion of the EOL with a clearly-marked pedestrian access to the existing trail.

4.12. There is no commitment in the Master Plan to restore the south overflow lot, which is only listed as a mitigation “strategy” for a long-term project proposal that may never happen (i.e., parking garage). In reality this represents a permanent use of the SOL as a parking lot and continual maintenance as such.

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

4.14. The JPA is not opposed to the Fairground and racing uses on the property nor to reasonable expansion of those uses, but the Coastal Act gives priority to coastal-dependent uses. The Fairgrounds is not a coastal dependent use and there should be a better balance between the Fairgrounds property and use of the public land for other recreational uses. A greater protection of the lagoon resource along with public access to recreational trails should be balanced with expansion of the Fairgrounds’ use of the property.
4.15. The Coast to Crest Trail is a component of the adopted State Trails Plan and the Fairgrounds redevelopment must include implementation of the trail through its property and evaluate impacts to the trail.

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

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

5. **AESTHETICS**

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

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

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

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

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

5.6. We agree with the qualifying statement on page 4.5-22 (DEIR, 2nd paragraph) about the limitations of visual simulations, yet much of the analysis and conclusions in this section of the DEIR seem to rest solely on the simulations as erroneous evidence of no impacts.

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

5.8. The lighting plan referenced on page 4.5-22 is critical for the analysis and should not be hidden in an appendix since light and glare is a potentially significant impact on the surrounding sensitive habitat.

5.9. The statement on page 4.5-23 “the project site would remain a Fairgrounds and Racetrack facility with implementation of the proposed near-term and long-term projects” is false. Change in use to a year-round convention facility and increased intensity represents a substantial change.

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

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

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

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

5.15. The statement on page 4.5-25 that views from I-5 are “fleeting” and “not considered to be views of a scenic vista” is incorrect. In fact views from the freeway are long in duration as the freeway approaches the southern edge of the valley and through the scenic lagoon area. This scenic vista has been recognized by Caltrans as it is listed as a potential scenic highway according to this DEIR (page 4.5-28).

5.16. The analysis of adverse effects on scenic vistas is inadequate. The 66-foot tall convention center complex (i.e., hotel and convention halls) will not be screened by a landscaped berm as stated on page 4.5-25. Rather, the hotel will be twice as high as the current exhibit halls and the scale and massing of the structures will be substantially greater and closer to the river than the existing exhibit buildings. The use of “Mission style” architecture is not a mitigation measure and will not mitigate the visual impacts (page 4.5-41). These impacts clearly exceed the significant threshold 4.5.1 and require mitigation.

5.17. Currently the closest buildings to the river’s north bank within the lagoon area are ¼ mile to 1/3 mile away with the sole exception of the Fairgrounds exhibit halls and associated structures. These represent the only structures protruding into a substantial open space corridor that exists along the entire north side and most of the south side of the river/lagoon for a distance of over two miles. The Fairground structures were built long before the San Dieguito River Park was established. The new greater-intensity uses now proposed (convention center complex) will have a significant impact on the Park because instead of the redevelopment of this area contributing to the open space buffer that has been established and protected along the river/lagoon, it will intensify urban development close to the river without mitigation. The 22rd DAA as a state agency controlling 300 acres of public land must mitigate for the impacts caused by such a major intensification of use and must comply with the Coastal Act. Mitigation should include a substantial contribution to the open space greenbelt along the north side of the river thereby furthering the goals of the San Dieguito River Park. A substantial greenbelt should be a highlight of the Fairgrounds Master Plan, instead of the narrow space proposed adjacent to the river filled with uses such as berms, parking, and hotel service roads with a 66-foot tall structure that will cover almost one-third of a mile from the railroad tracks to Jimmy Durante Blvd. The DEIR fails to acknowledge these impacts and is therefore deficient.
5.18. The DEIR claims that because the hotel complex will be shorter than the Grandstand that it would not further obstruct views within and into the river corridor and towards the ocean. This is false. The Grandstand is 900 feet from the river and located in the interior of the property, while the proposed convention center complex will be almost directly adjacent to the river. The mass and scale will be significantly greater than the existing structures. The DEIR does not adequately demonstrate this. An overlay analysis should be included in the DEIR superimposing the new structures over the existing to show the difference in scale and massing.

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

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

5.21. The analysis incorrectly concludes that views toward the EOL “would not substantially degrade or reduce the visual quality from View 7” because “views would change from a dirt field to paving and bioswales”. The DEIR must disclose that the view would change from a dirt field most of the time to a year-round paved vehicular parking lot with parked vehicles adjacent to the trail on a year-round basis as well as potentially other facilities such as tents, lights, exhibits, and other related structures. This would substantially degrade the visual quality and represents a significant impact that is not mitigated.
5.22. The proposal to place 70’ tall light poles on roof-top sports fields adjacent to the sensitive river and lagoon is not adequately evaluated and mitigated in the DEIR. This proposed project represents a substantial addition of light and glare to the lagoon environment that is not currently there, and the DEIR’s reliance on a lighting plan to mitigate this impact is not credible and defers mitigation in violation of CEQA Guideline 15126.4(B). In addition, the unclear comparison of foot candle lighting discussed on page 4.5-48 does not add any credible evidence to the impact conclusion. The DEIR also fails to evaluate the fact that the rear of the convention center complex facing the river would be brightly lit at night for security and service reasons as it contains the access road, loading docks, and other service facilities.

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

6. **BIOLOGY**

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

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

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

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

6.3. Furthermore, per Article 5, Section 30240 development adjacent to ESHAs “shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas”. The placement of hotel and convention facilities and vehicular uses adjacent to the river and lagoon violate these principles.
6.4. The EIR does not adequately evaluate the impact of noise on the lagoon and river emanating from the hotel/convention service facilities and dismisses all operational impacts as insignificant without supporting information. The Project Description states that the western rooftop ballfield may be used for events, which would increase light and noise on the adjacent habitat but this is not evaluated in the DEIR.

6.5. The DEIR must describe how turning off lights directly adjacent to the lagoon and river at 11pm would mitigate for impacts to wildlife that rely on darkness as cover. This is not addressed in the DEIR and potential impacts are dismissed with no supporting analysis.

6.6. Subjective unsubstantiated statements are used to justify that the project would not impact sensitive species that rely on the lagoon habitat. For example, page 4.6-43, 4th paragraph states that “sufficient habitat” south of the project site “provides adequate wildlife movement”. What is considered “sufficient” and “adequate”, according to what and to whom, and what measures are used to draw those conclusions? Just because habitat exists beyond the project doesn’t make the project’s impacts insignificant. The river habitat narrows west of Jimmy Durante and the proposed expansion of uses will exacerbate impacts.

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

7. HYDROLOGY AND WATER QUALITY

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

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

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

8. RECREATION

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

9. TRAFFIC

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

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

9.4. It appears that one way to reduce the project’s impact on the surrounding community from significant unmitigable traffic impacts is to take a more aggressive role in providing public transportation. The proposed project mitigation measures to widen surface streets, pave wetlands for parking lots, add a proliferation of streetlights, and build a multi-story parking garage do not address the long-term impacts of these measures on sustainability of the site and the surrounding sensitive resources and community character. This represents a significant long-term impact and irreversible environmental change that is not adequately addressed in the DEIR. Consideration and evaluation of improving access to the project site is absent from the Master Plan and DEIR. The only public transit component is a possible train platform that is only addressed as a long-term project with no strategy presented on how that project will be implemented.

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

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

CONCLUSION

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

Sincerely,
Pam Slater-Price, District 1 County Supervisor
JPA Chair

Cc: Senator Christine Kehoe
     California Coastal Commission staff
     City of Del Mar
     Carmel Valley Community Planning Board
     Torrey Pines Planning Board
June 15, 1990

Colonel Charles Thomas
District Engineer
Los Angeles District, Corps of Engineers
P.O. Box 2711
Los Angeles, California 90053-2325

Attn: Robert Smith, Regulatory Branch

Re: Unauthorized Fill at San Dieguito Lagoon, City of Del Mar, California

Dear Colonel Thomas:

This letter addresses an alleged violation of Section 404 of the Clean Water Act. On June 9, 1990, Fish and Wildlife Service (Service) biologist Nancy Gilbert was contacted by Glen Greenwalt, a private citizen, regarding the grading and leveling of a saltmarsh located on the north shore of the San Dieguito Lagoon immediately adjacent to Jimmy Durante Boulevard within City of Del Mar, San Diego County California (attached map).

Ms. Gilbert field inspected the site on June 9, 1990, and was informed by Mr. Greenwalt that the grading of the site had begun late Friday afternoon (June 9) and continued through Saturday. The site was inspected late Saturday around 5:30 p.m., and work had ceased for the day. Two graders and one D-8 bulldozer were parked on the site. The grading and leveling appeared to be nearly complete. Enclosed are photographs of the on-going grading and leveling of the site. Land levelers were utilized as well as graders. These photos were taken near the completion of work by Mr. Greenwalt. The subject site is owned and the grading work was performed by the 22nd District Agricultural Association (District).

Fish and Wildlife Service staff had previously visited the project site approximately 2 weeks prior to the site being graded. At that time, the site could be delineated into two areas separated by both a berm and a fence. The site immediately adjacent to the San Dieguito River is approximately 4 acres in size and consisted of saltmarsh and salt pan. The salt marsh vegetation was predominantly pickleweed (Salicornia virginica), Frankenia grandifolia and saltgrass (Distichlis spicata) were also present. The sandy areas contained numerous shallow
Colonel Thomas

depressions or salt pans where salt from evaporated water could be observed. Water ponded regularly on this site in the winter rainy season.

Following the initial site inspection (prior to the grading) Ms. Gilbert informed Trish Butler that she had inspected the site and that the 4 acre and portions of the 12 acre site met the Federal definition of wetland or waters of the United States and that any discharge of fill material falls within the jurisdiction of the U. S. Army Corps of Engineers (Corps). We recommended that the District contact the Corps to determine their jurisdiction over the project site.

Much of the San Dieguito Lagoon is a California Department of Fish and Game Ecological Reserve. The wetlands and open water areas of the lagoon are valuable foraging and loafing areas for large flocks of the federally endangered California least terns (Sterna antillarum browni). The Recovery plan for the least term specifies that lack of suitable, protected nesting areas at this lagoon have been the limiting factor in tern use of this area. The California salt marsh provides nesting habitat and the saltpan is foraging habitat for the State listed endangered Belding's savannah sparrow (Passerculus sandwichensis beldingi). The fill site has been used in the past as a California least tern nesting site and prior to the grading was known to be occupied by the Belding's savannah sparrow.

It is the Service's understanding that the California Department of Fish and Game and the District have entered into an agreement regarding the subject site. The Service was not party to that agreement nor do we concur with any agreement which results in the net loss of scarce coastal salt marsh wetland. To the best of our knowledge no California Environmental Quality Act documents or State Endangered Species Act consultations have been prepared nor has a California Coastal Commission permit been issued for the grading of this site.

Based on existing habitat values, the presence of Federal and State listed endangered species, the magnitude of the impact to scarce saltmarsh wetland resources and the knowing violation of the activity, the Service request that these activities be immediately investigated. The Fish and Wildlife Service considers the grading and leveling of this site to be a violation of the Clean Water Act. We recommend that you initiate an enforcement action and a restoration order.

The Service recommends that you proceed with the following course of action:

1. Issue cease and desist orders immediately to prevent further destruction/degradation of public fish and wildlife resources. Restrict any parking or use of the site until a
Colonel Thomas

thorough investigation has been completed and restoration areas identified. Parking should not be allowed on any area that is in violation of the Clean Water Act.

2. Contact the responsible parties (22nd District Agricultural Association) and inform them of their obligation to conform with the requirements of the Clean Water Act and the Endangered Species Act, as well as the legal penalties associated with non-compliance.

3. Meet with Service staff to coordinate informing the responsible parties about the Endangered Species Act.

4. Prescribe corrective action within a restoration order as allowed for under 33 CFR Part 326.3(c)(2). The restoration order should require the removal of the fill, contouring to restore the site to its original condition, revegetation of the salt marsh component of the site, and establish a revegetation success criteria and a mitigation monitoring program.

5. Establish a time frame in which the restoration of the site must be completed.

6. Initiation of Formal Consultation with the Service, pursuant to Section 7 of the Endangered Species Act should be considered.

7. If the 22nd Agricultural District refuses or fails to undertake the prescribed corrective actions ordered or refuses to accept a conditioned permit, we believe legal action should be initiated in accordance with 33 CFR 326.5.

The Service is willing to provide additional assistance to resolve this matter. If you have any questions please contact Nancy Gilbert of my staff at (714) 643-4270.

Sincerely,

Brooks Harper
Office Supervisor

Enclosure

cc: EPA, San Francisco, CA (Attn: R. Leidy)  
    CDFG, Long Beach, CA (Attn: L. Sitton)  
    CDFG, San Diego, CA (Attn: T. Stewart)  
    CCC, San Diego, CA (Attn: E. Lirley)
INTERIM LEAST TERN NESTING SITE

Note: Final configuration will be subject to DFG approval and will be 4 acres in size.
November 24, 2009

Ken Wiseman, Executive Director, MLPA Initiative
California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

Re: Letter of Support for State Marine Reserve or State Marine Conservation Area for the San Dieguito Lagoon

Dear Mr. Wiseman:

The San Dieguito River Park Joint Powers Authority was very surprised that the SMR designation for the San Dieguito Lagoon that was supported at the local level and proposed during the entire MLPA process was dropped at the last minute resulting in no recommended designation change.

Over the last twenty years the San Dieguito River Park JPA has been working to restore the San Dieguito Lagoon, associated wetlands and upland habitat in an area of over 700 acres now owned by the River Park and partners. Full restoration to create a functioning ecological habitat that will provide for tidal flushing, open water, wetlands, grassland and other upland habitat is now almost complete.

Our support of the SMR designation depended on the continued ability to carry out and potentially expand the San Dieguito Lagoon Restoration Project including the Coastal Commission approved, periodic dredging of the San Dieguito River mouth to maintain sufficient tidal flow necessary for habitat health. Sand from that dredging program is deposited on the Del Mar Beach in coordination with the SANDAG/City of Del Mar Beach Replenishment Program.

We had been assured during the MLPA process that would be the case. However, if there are doubts that those previous assurances cannot be guaranteed we request designation as a SMCA to provide support for ongoing and future conservation efforts in the San Dieguito Lagoon.

Sincerely,

Dick Bobertz
Executive Director
Agenda Item 10b

San Dieguito River Valley
Regional Open Space Park
14103 Highland Valley Road
Escondido, CA 92025
(858) 674-2270  Fax (858) 674-2280
www.sdrp.org

October 16, 2009

Hearing Officer
c/o John Fisher
Development Services Department
City of San Diego
1222 First Avenue, MS 302
San Diego, CA 92101

Subject: El Camino Real Street Widening Project #145081

Dear Hearing Officer:

We understand that you will be making a decision at a hearing scheduled for October 28, 2009 on whether to approve the final plan to widen El Camino Real from Sea Country Lane to San Dieguito Road. The road is currently 2 lanes and will be widened to 4 lanes with a stamped concrete median, decomposed granite pathway, sidewalks, and bike lanes. This project is located in a particularly sensitive setting in the western San Dieguito River Valley and the San Dieguito River Park Joint Powers Authority has been working with the City of San Diego staff, elected officials, and the community to minimize this project’s impact on the river valley. In particular, the JPA is pleased to learn that the project’s proposed conditions for approval include replacing an existing triple-box culvert with a new single-span drainage structure. This new structure is meant to also function as a wildlife underpass and a potential trail undercrossing, but needs some design improvements to serve that function.

In order for the new drainage structure to function properly as a wildlife undercrossing its design must include features such as habitat restoration at both ends (i.e., entrance and exit) to provide adequate native cover and an opening to allow light penetration into the culvert. It is anticipated that the undercrossing would also function as a public trail undercrossing in the future providing separation of trail users from vehicular traffic.

We urge you to approve the condition to replace the existing culvert, and to add the following language to the condition:

- The new single-span drainage structure shall be designed with a soft (dirt) bottom as opposed to concrete and with an opening in the median to allow light penetration into the culvert. Habitat restoration shall occur at both the entrance and exit of the drainage structure to provide native plant cover. The City shall consult with wildlife biologists to incorporate these features into the plans.

The JPA feels strongly that the widening of El Camino Real will impact the ability for wildlife to safely access the habitat in the recently restored San Dieguito Lagoon from Gonzalez Canyon. The project area is at the foot of a major canyon system and drainage
(Gonzalez Canyon) that originates from Los Penasquitos canyon and terminates at the San Dieguito lagoon. The City has long recognized this area as important for wildlife movement and wildlife in general as documented in several City plans including the MSCP, NCFUA plans, and General Plan. The City’s MSCP calls for a wildlife undercrossing in this area to facilitate wildlife passage in this critical wildlife corridor. The current culvert is inadequate as a wildlife crossing and will become worse with a wider roadway. Considering the substantial public and private investment to implement the MSCP in this area and the fact that a 78-foot wide expanse of roadway will create a major impediment to wildlife movement, replacing the existing triple-box culvert with a single-span structure is a compromise and the minimum that should be done to implement the City’s MSCP.

The San Dieguito River Park offers our volunteer and JPA ranger resources to assist in the implementation of the habitat restoration aspect of the project. Please feel free to contact our Environmental Planner, Shawna Anderson, if you are interested in our participation.

Sincerely,

Pam Slater-Price
Pam Slater-Price, County Supervisor
JPA Board Chair

Cc: John Fisher, DSD
   Sherri Lightner, Council District 1
MEMORANDUM

Date: December 3, 2009
Job No: 909.00
To: Susan Carter
From: Les Hopper
Copy:

Re: Lake Hodges Bike Path- Handicap Parking Spaces

Dear Susan:

This memo is in response to your inquiry regarding the ability to place handicap parking spaces along West Bernardo Drive as part of the bike path project. The intent would be to provide convenient handicap access to the new bridge. If the spaces are feasible, we would include the re-design of the bike path to accommodate the spaces with the current permitting process. The following documents were used for our analysis and findings with regard to the spaces. For reference materials we used the City of San Diego Municipal Code (Chap 14 Art 02 Div 05, Parking Regulations), The Regional Standard Drawings, Federal ADA guidelines, and the Designing Sidewalks and Trails for Access (Best Practices Design Guide). To meet ADA guidelines, disabled parking stalls must be a minimum of 9’ wide and 18’ long, with no more than a 2% cross slope in any direction. There must also be a five foot minimum access way adjacent to the stall which connects to the facility (sidewalk, or bike path in this case).

BACKGROUND
Due to constraints with the budget, the Lake Hodges Bicycle and Pedestrian Bridge and South Shore Trail Extension was separated into two phases. Phase 1, which was completed this summer, consists of the bridge structure and the north shore trail connection. Phase 2 consists of the south shore trail and viaduct, and also includes an extension to the Rancho Bernardo Community Park as required by the Site Development Permit. Aside from the viaduct area, the trail will have a constant width of 10’ to 12’ consisting of an 8’ paved path plus 2’ buffers on each side where possible.

The first portion (approximately 1800 feet) of the South Shore Trail will extend the Class I bike path from the existing south abutment of the bridge southwest along the west side of West Bernardo Drive to the current staging/parking area. As a requirement of the Site Development Permit, the trail will also be extended approximately 900 south of the
staging area to the Rancho Bernardo Community Park and is expected to be aligned immediately adjacent to the sidewalk on the southbound lane side of West Bernardo Drive (See Attachment 1).

**ANALYSIS**
Per our field review there is no room for parking in the area of the intersection by West Bernardo Drive and I-15. There is no area that is sufficient to park near the I-15 South on and off ramps on the southeast side of West Bernardo Drive. Additionally, there is no area to park on the northwest side of West Bernardo Drive. There is a concrete barrier east of the pedestrian bridge and there is a metal beam guard rail along the edge of road to the west. The area adjacent to the metal beam guard rail has a 12-foot travel lane and a 6-foot bike lane along the northwest side of the road. This location is currently signed “No Parking Bike Lane”.

As a second alternative we looked at the area adjacent to the proposed bike path approximately 800 feet south of the bridge along WBD (approximately station 19+50). This location is near the termination of the metal beam guard railing and viaduct structural section, and is the closest location to the bridge available for consideration. The area adjacent to the southbound shoulder on West Bernardo Drive has been graded between the edge of pavement and the toe of the hill. The proposed bike path at this location is aligned between the hillside and the roadway. The hillside is a design constraint for the bike path due to its classification as a designated coastal sage scrub habitat. It is also steeper than a 2:1 slope and any impact to the slope would require a large amount of cut to “catch grade” or the use of retaining walls.

We have performed the required engineering to determine the feasibility of two disabled parking stalls in this location. Due to the very limited amount of horizontal space available in this area the stalls have to be in tandem along the street. An overview can be seen on Attachment 2. Per our analysis of this location we have determined the following:

- Because the existing grade of WBD ranges between 7 and 9% in this area, additional grading and retaining walls are necessary to accommodate the required 2% slope for the spaces. The grading and retaining walls to accommodate the required 2% slope would require additional permitting from the City.
- Moving the path to the west to make room for the spaces would require additional slope area to be graded within an environmentally sensitive area of coastal sage scrub habitat. Additional grading in this sensitive area is approximately 1700 SF. This impact would require additional permitting from the City and from the resource agencies as well as mitigation for impacts to MSCP-designated CSS.
- The existing open culvert drainage would need to be undergrounded for roughly 125’. Because it would run under the structural section of the bike path we would need to place RCP to convey the drainage. Similar to the retaining walls, this length of RCP would mean additional costs to the project.
- Perhaps the biggest issue is that the boxed parking stalls will require vehicles to back out of the spaces rather than proceed forward with a safe merge into traffic. This factor alone would seem to be a fatal flaw for disabled parking in this area. The same
situation applies all the way up to the staging area. In discussions with City Traffic
department staff it is likely that they would not be willing to authorize this type of
parking at this location due to the existing slope and design speed of the road.

CONCLUSION
Based on the above analysis it does not seem reasonable or feasible to locate disabled
parking adjacent to the proposed bike path along West Bernardo Drive. Both the
engineering constraints and additional environmental impacts make the location
undesirable.

However there is a potential alternative. The Rancho Bernardo Community Plan proposes
that West Bernardo Drive be widened. Recently, a developer was required to fund
improvements to West Bernardo Drive as mitigation for their development project and
plans for the widening were prepared. The plans were to widen West Bernardo Drive to
the south (the other side of the street from the bike path project). We understand that the
development project did not proceed and therefore the road widening project was
terminated. However, it is reasonable to anticipate that the road will be widened in the
future in response to another development project or City Capital Improvement Project.
As part of that project, handicap parking spots could be included on the Northeast side of
the street closer to the intersection and the access point of the bridge. It would be our
recommendation that your office and the District 5 Council office work with City
Engineering staff to ensure that handicap parking spaces are included in the future
widening plans for West Bernardo Drive if possible.
- REQUIRED RETAINING WALL (MIN HEIGHT = 2-3')
- 125' UNDERGROUND CULVERT REQUIRED TO REPLACE CONCRETE SWALE
- ±1,700 SF ADDITIONAL GRADING REQUIRED INTO SENSITIVE LAND

ATTACHMENT 2