

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
CITIZENS ADVISORY COMMITTEE
Minutes of April 6th, 2012**

MEMBERS PRESENT

Tom Golich
Austin Melcher
Phil Pryde
Deborah DeBow
Jan Fuchs
Diane Coombs
Linda Oster
John Degenfelder
Will Haifley
Jeff Barnouw
Jack Shelver
Margaret Schlesinger
John Kowalski
Ben Hillebrecht
Carol Carr
Nola Michel
Lynne Baker
John Ingalls
Bill Michalsky
Arthur Schmitz
Jacqueline Winterer
Cory Ha'o
Terry Badger

REPRESENTING

CAC, Chair
Association of Environmental Professionals
Audubon Society
California Native Plant Society
Carmel Valley Planning Board
Citizens Coordinate for Century Three
Del Dios Town Council
Equestrian - Ramona Trails Association
Fairbanks Ranch Association
Friends of the San Dieguito River Valley
Julian Community Planning Group
League of Women Voters
Rancho Bernardo Community Planning Board
San Diego City Agricultural Advisory Board
San Diego County Bicycle Coalition
San Diego County Trails Council
San Dieguito River Valley Conservancy
Santa Fe Irrigation District
Sierra Club
Eastern Property Owner
Coastal Property Owner
Coastal Property Owner
Central Property Owner

VISITORS/STAFF PRESENT

Dick Bobertz	San Dieguito River Park JPA
Susan Carter	San Dieguito River Park JPA
Jan Lines	San Dieguito River Park JPA
Anne Cooper	Sikes Museum Manager

INTRODUCTION AND ANNOUNCEMENTS

Chair Golich convened the meeting at 10: 35 a.m. at the Turrentine Room, Escondido Public Library, 239 S. Kalmia, Escondido, CA 92025.

Deputy Director Susan Carter took the roll call. A quorum was met. 22 in attendance.

APPROVAL OF MINUTES- February 3rd, 2012- Bill Michalsky made a motion to approve the minutes of February 3rd, 2012 and Jeff Barnouw seconded. All in favor.

CHAIR'S REPORT- Chair Golich reported about the last JPA Board meeting stating that the issue of the Rancho Guejito illegal road grading had been addressed by different agencies and a fine of \$150K had been imposed on the corporation. The graded road will have to be restored to its natural state. Mr. Golich said that the new JPA chair is Olga Diaz from Escondido and Jim Cunningham from Poway is the vice chair. An acknowledgement was made for Dave Roberts of Solana Beach for all his years of service to the JPA and introduced his replacement Lesa Heebner. A PowerPoint presentation was made by Caltrans about the proposed I-5 widening which discussed the plan and improvements that will relieve congestion along that corridor. Mr. Golich said that the JPA board had a discussion on the Rancho Del Mar proposed project in the Del Mar area and agreed to send a letter of support for the Carmel Valley Planning Group's objection to this project. Shawna Anderson gave a presentation on the Reach the Beach alternatives with a slide show of how the alternatives would get the trail users to the beach.

EXECUTIVE DIRECTOR'S REPORT- Director Bobertz said that the Caltrans presentation gave way to a discussion about how their project could help fund our Reach the Beach project. Chair Diaz told the Caltrans representatives that it would take about 3 million dollars to fund our alternative and we would appreciate the help. The Cease and Desist order placed on the 22 District Agricultural Association by the Coastal Commission for ongoing violations will help the River Park in many ways along with a \$20,000 yearly donation for the next five years. Mr. Bobertz thanked Jacqueline Winterer and Dawn Rauls who attended the Coastal Commission meetings regularly keeping these violations fresh in the minds of the commissioners. Ms Winterer said that most of the credit should go to Peter Douglas who made one last plea to the Coastal Commission before he passed away and made a large impact on their decision.

PUBLIC COMMENT- Bill Michalsky reported that the Good Guys Car Exhibit had an event last weekend at the fairgrounds and moved some dirt on the overflow lot which is not approved. He felt that there should be reporting on this site and all violations be logged in. He stated that the Ag District has 45 days to present their plan to the Coastal Commission per the Cease and Desist Order.

Anne Harvey said that the Gonzales Canyon project has been completed and there will be a trail opening in June 2012.

Jack Shelver said that Rancho Guejito was not fined adequately and should have paid more.

Bill Michalsky stated that San Dieguito Lagoon Day will be on April 22 11:am in Del Mar.

DISCUSSION / ACTION AGENDA

1. **Committee Reports**

- a. **Project Review Committee-** Susan Carter showed some pictures of the property formerly owned by the Hu family proposed for the Rancho Del Mar project. She noted that the applicant had submitted a letter, copies of which are available up front, and which would be included in the minutes of this meeting.
- i. **Rancho del Mar-** Jan Fuchs reported the recommendation of the Project Review Committee which is that the Prop A issue is very significant and should be the subject of a joint workshop of the City Council Land Use & Housing Committee and

Planning Commission. She introduced one of the authors of the Prop A in 1985, Jay Powell who will speak to this issue today. Mr. Powell stated that the applicant has incorrectly interpreted the meaning of the August 1, 1984 effective date of Prop A. Their position is that developers are somehow entitled to develop at whatever intensity of use was in place as of that date. That interpretation ignores the succeeding restrictions placed on development by the City Council as a result of the explicit direction in Prop A for “the City Council, City Planning Commission and city staff... to take any and all actions... reasonably necessary to carry out the intent and purpose of the (Prop A) imitative measure”. Mr. Powell stated that the processing of the application in this way by this project would set the stage for more manipulation of the land code and more attempts to circumvent the Prop A vote requirement. If the provisions of Prop A are not enforced, there will surely be additional exploitation of the remaining open space and imposition of adverse impacts from inappropriate urbanization and building in areas such as floodplains. Prop A has worked well to encourage dialogue and provide more public benefits when development proposals are brought forward in the FUA.

Jeff Barnouw made a motion to support the PRC recommendation to request that the JPA Board ask the City of San Diego Land Use and Housing Council Committee to docket this issue for a future meeting to investigate the applicability of Prop A on this property/project and consider a moratorium on processing this and any other development proposals in the NCFUA until a joint LU&H /Planning Commission public workshop is held to review the status and procedures on remaining undeveloped Prop A lands. Bill Michalsky seconded the motion . Vote 21 Yes, 0 No, 0 Abstain.

- b. Trails Committee (oral report)- Carol Carr said that the committee made a site visit to the Old Survey Road alignment, which could connect the San Pasqual Valley with the Ramona Grasslands. The site visit took them up the hill from Bandy Canyon Ranch up where it would attach to a County of San Diego road that may serve as possible trail.

The recent Trail Patrol training has allowed our trails to be patrolled from the lagoon to Highland Valley/Old Coach Trail in Escondido. The trail patrollers serve as the eyes and ears of the park and their observations are very useful to the rangers. The information that the trail patrollers report on will help direct where work will be done in the future. Ms. Carr said that the new Interpretive Ranger, Leana Bulay, makes all the trail patrollers feel important and so appreciated.

2. Sikes Adobe Master Plan- Anne Cooper gave a PowerPoint presentation on the draft Sikes Adobe Master Plan. Ms. Cooper spoke about the new barn that is being proposed and the reconstruction of the creamery. It is the hope of the JPA Board that Sikes Adobe will become self sufficient in the future by holding events and possibly weddings that will generate sizable income.

INFORMATION

3. Project Status- Susan Carter said that the entry monument proposals are being presented to different committees for review. There will be a monument at the Sunset Drive area in Escondido and one at the Coast. A third monument will be located in the middle of the park.

Director Bobertz said the River Park is actively perusing support from the City of San Diego Mayoral candidates to restore funding.

4. Communications- None

Chair Golich adjourned the meeting at 12:15

S E L T Z E R | C A P L A N | M C M A H O N | V I T E K
A LAW CORPORATION

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April 5, 2012

Via Electronic Mail

San Dieguito River Valley
Regional Open Space Park
Citizens Advisory Committee
c/o Ms. Susan Carter
18372 Sycamore Creek Road
Escondido, California 92025

Re: Agenda Item 1.a.i Rancho Del Mar
April 6, 2012

Honorable Chair and Members of the Board:

Our firm represents Polo View, LLC, the applicant for the Continuing Care Retirement Facility proposed for the southeast quadrant of El Camino Real and Via de la Valle.

Requested Action

We respectfully request that the Citizen Advisory Committee (and the Joint Powers Authority Board) not accept the Project Review Committee recommendation including the request for a moratorium.

Reasons for the recommendation

- 1) The Project Review Committee recommendation is inconsistent with the action by the Planning Commission on December 15, 2011, to “determine that a continuing care facility is consistent with the intensity of use as defined in 1984 for an intermediate care facility”.

The Planning Commission did not approve the continuing care facility. Such an action only can be taken after consideration by appropriate advisory committees, the Planning Commission and City Council. The opponents to the action of the Planning Commission were at the Commission meeting and did not prevail. Nor was there a timely motion to reconsider the action of the Planning Commission.

- 2) The City Attorney has expressly opined (in its letter dated February 23, 2012, to the Chair of the Carmel Valley Community Planning Board) that the staff report to the Planning Commission is consistent with the Office of the City Attorney's interpretation of the application of Proposition A.
- 3) The Project Review Committee report to the Citizen Advisory Committee contains a number of misstatements and mischaracterizations of the law (especially as consistently stated by the Office of the City Attorney) and the facts.

For example, it characterizes the continuing care facility currently subject to an application before the City as a "high density...(residential care facility)" and describes the project as "224 units". That is not what the Planning Commission determined. Under the rules in effect on August 1, 1984, the property may be developed as stated:

"Open spaces are located throughout the urbanized, planned urbanized, and future urbanizing areas. Open space that is not publicly owned will be preserved through regulatory devices and these areas will be permitted to develop in a manner consistent with the zoning that is applied to them." (See, Progress Guide and General Plan "Land Use Map".)

We do not disagree that the City Council has the power and authority (subject to certain constitutional and statutory rights) to modify the allowable uses in a way more restrictive than allowed under the Progress Guide and General Plan of the City of San Diego as the same existed on August 1, 1984. Since the City has authority to impose more restrictive regulations it necessarily has the authority to reverse the more restrictive zoning.

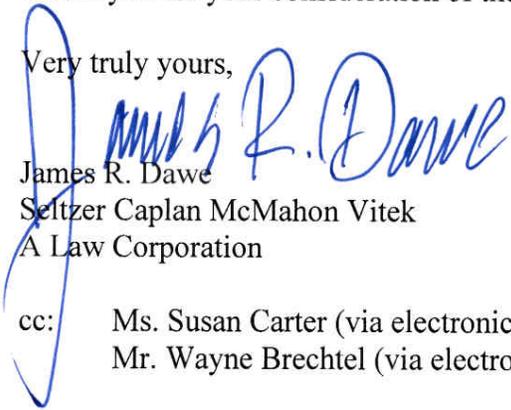
It has been noted in the staff report for the Citizens Advisory Committee that the Joint Powers Authority had identified the property for potential acquisition. A long line of cases, including Klopping v. City of Whittier, however prohibit pre-acquisition actions to reduce the value of the property. The actions proposed by the Project Review Committee clearly are such actions.

Our client is committed to work with all advisory groups including the Joint Powers Authority when the application is duly presented.

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Thank you for your consideration of the foregoing.

Very truly yours,


James R. Dawe
Seltzer Caplan McMahon Vitek
A Law Corporation

cc: Ms. Susan Carter (via electronic mail)
Mr. Wayne Brechtel (via electronic mail)