

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of February 21, 2020**

MEMBERS PRESENT

Barbara Bry- Chair
Dwight Worden – Vice-Chair
Judy Hegenauer
Dave Grosch
Mark Kersey
Jeff Barnouw

MEMBERS ABSENT

Olga Diaz
Kristin Gaspar
Dianne Jacob
Dustin Fuller

VISITORS/STAFF PRESENT

Kevin McKernan
Wayne Brechtel
Brenda Miller
Shawna Anderson
Ricky Flahive
Felicia Brechtel
Jim McMenamin
Phil Pryde
Jacqueline Winterer
Crystal Benham
Monique Tello
Terry Gaasterland
Clay Westling
Bill Michalsky
Ann Gardner
Candice Bowman
Noah Gaarder-Feingold
Udo Wahn
Sue Carr
Maggie Brown
Dave Zito

REPRESENTING

City of San Diego
City of Del Mar
City of Solana Beach
City of Poway
City of San Diego
Citizens Advisory Committee

REPRESENTING

City of Escondido
County of San Diego
County of San Diego
22nd District Agricultural Association

San Dieguito River Park JPA
JPA Counsel
San Dieguito River Park JPA
San Dieguito River Park JPA
San Diego City Council District 1
Counsel
Zephyr
Audubon Society
Friends of San Dieguito River Valley
San Diego County Parks
San Diego City Council District 5
Friends of Del Mar North Bluff
City of Solana Beach Resident
City of Del Mar Resident
City of Del Mar Resident
Friends of San Dieguito River Valley
City of Del Mar Resident
City of Del Mar Resident
Coalition to Preserve the Polo Fields
Friends of San Dieguito River Valley
City of Solana Beach Resident

Introduction and Announcements

Chair Bry convened the meeting at 11:00 a.m. in the County Administration building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

Pledge of Allegiance

Chair Bry invited all to stand and recite the Pledge of Allegiance.

Approval of Minutes of January 17, 2020

Boardmember Barnouw made the motion to approve the minutes of January 17, 2020 and Boardmember Hegenauer seconded the motion.

Yes votes: Bry, Worden, Barnouw, Hegenauer, Grosch, Kersey

Absent: Jacob, Gaspar, Diaz

Executive Directors Report- Executive Director McKernan reported that the Ranger Station in Del Mar is 95% complete, on budget and on schedule. There has been one unexpected cost item of \$16,000 on a design issue. Other costs that the JPA will pay from donations are the yard fence, dg, and landscaping. Director McKernan thanked Boardmember Barnouw for his continued donations. A grant request is outstanding with the County and an open house ribbon cutting is being planned for April 26th. A group of 70 Kindergartners had an outing at the Birdwing this past week. A new section of the Coast to Crest Trail is being planned in the Rancho Santa Fe area. The trail section will be less than a mile and will extend the Santa Fe Valley Trail (at the Crosby Golf Course) to the Lusardi Open Space Preserve. Director McKernan announced staff changes; one ranger has left; one part time ranger has been hired and a second part time ranger will be hired soon. In the next budget year, the hope is to have the part time rangers go full time. The result would be to add one full time ranger.

Public Comment—None

DISCUSSION/ACTION AGENDA

1. Discussion of Marisol Specific Plan Initiative

CAC Recommendation: At their February 7, 2020 meeting the CAC voted in favor of recommending that the JPA Board take a position that the Marisol Project is inconsistent with the SDRP Concept Plan.

Prior to this agenda item Vice-Chair Worden recused himself from all discussion on this agenda item and took a seat in the audience. Vice-Chair Worden also disclosed that prior to his retirement in 2001, he worked with Counsel Brechtel.

Executive Director McKernan explained that this project was presented to the Board at its January meeting and the Board approved sending comments to the draft EIR to the City of Del Mar. The Board asked staff to bring the project back to this meeting to address questions asked by boardmembers regarding CEQA and consistency with the SDRP Concept Plan. Chair Bry allowed public speakers two minutes each to address the Board on this subject.

Public speaker Dave Zito, resident of Solana Beach commented that the ballot initiative is 110 pages long and confusing to voters, when 2-3 pages is sufficient. Public access to trails is provided by any development at this location and Mr. Zito feels that public access will be decreased due to coastal parking issues. Mr. Zito asked Boardmembers to follow staff, CAC and City of Solana Beach recommendations to say no to the project.

Public speaker Noah Gaarder-Feingold, resident of Del Mar asked the Board to form their opinion based on the unbiased, informed, and legal information that JPA staff and Counsel provided in the staff report and not be deceived by the development company that will be making huge profits. Mr. Gaarder-Feingold noted that if the developer wanted to support the SDRP why get rid of the bluff overlay. He asked why the developer is not building a smaller eco-friendly hotel, limiting height to within City specifications, limiting square footage per current zoning and instead going to an initiative measure. Mr. Gaarder-Feingold asked the Boardmembers to preserve the many environmental aspects of the location and vote to oppose the project.

Public speaker Clay Westling, resident of Solana Beach thanked staff for their comments to the draft EIR and finding the project inconsistent with the goals of the SDRP. Mr. Westling said the EIR issue is confusing to the voters and that the City of Del Mar authority will already be decided by the voters if the project passes, regarding discretionary permits. JPA staff has done an excellent job and asked the Boardmembers to protect the Park with the current zoning and oppose the project.

Public speaker Udo Wahn, resident of Del Mar said the plan calls for the removal of 42 protected and majestic Torrey Pine and Monterey Cypress trees. The quiet bluff preserve would be marred by noise, light and the planned massive structure. The setbacks ignore bluff erosion issues. The bluff overlay zone does not allow swimming pools, spas or sea walls. Flooding and storm water estimates do not take into account climate change. Water runoff will adversely affect the San Dieguito Lagoon and views to the Lagoon will be obstructed. Mr. Wahn asked the JPA Board to strongly oppose the project.

Public speaker Bill Michalsky, resident of Del Mar stated that the DEIR that has been submitted does not provide enough information for the voters. The document is insufficient regarding traffic, parking, zoning issues, public access and bluff erosion. Mr. Michalsky speaking on behalf of the Sierra Club says the group is very concerned about the aforementioned concerns and says he agrees with the JPA staff comments.

Public speaker Terry Gaasterland representing Friends of Del Mar North Bluff echoed the remarks of the previous speakers and asked the Board to oppose the project according to the staff recommendation, stating that this opposition is critical. Ms. Gaasterland stated that a gag order was issued to all committees of the City of Del Mar, preventing discussion of the project, in advance of the March vote. The project deletes two overlays on the bluff and underestimates bluff erosion rates. Ms. Gaasterland quoted the Sierra Club stating that the DEIR project would have adverse effects on the fragile bluff and asked the Board to oppose the project per the staff recommendation.

Public speaker Jim McMenemy, Executive Vice President of Zephyr, resident of Del Mar voiced regret that he was not able to attend the January JPA meeting. Mr. McMenemy stated that feedback from Del Mar City Council members and City staff was that Measure G should go to a vote of the citizens of Del Mar. Petition signatures were collected and the Council approved the project being added to the ballot. Approval of the project will make a land use change. All other approvals in the process are subject to CEQA and an EIR will need to be done. The City Design Review Board will have authority to make decisions on the design. Mr. McMenemy looks forward to working with the JPA in the future and stated that the project is on private property. He further stated that he does not agree that the project is inconsistent with the SDRP Concept Plan.

JPA Boardmembers discussion consisted of: Board member Barnouw stating that he is fearful of empty promises in the project and hopeful that the project could be revised if Measure G passes, and that it is not acceptable as it is written. Boardmember Barnouw said he was glad that the JPA sent comments to the DEIR. Chair Bry asked Counsel Brechtel if the initiative passes is the project set in stone. Counsel Brechtel said that the land use will change from residential to hotel however the project is not set in stone because the Coastal Commission could request changes to the project. Chair Bry said she understood and Counsel Brechtel confirmed that the Del Mar City Council only had two options; to accept the project or to put the project on the ballot. Boardmember Hegenauer speaking for Solana Beach, said this project will have a tremendous effect on Solana Beach; traffic, sewer and utilities and view. Boardmember Grosch asked Counsel Brechtel if there was a review process initiated between the applicant and the City of Del Mar. Counsel Brechtel stated that there was a report only and unsure if it ever was in front of the City Council. Boardmember Grosch does not like the way this project was brought to the City of Del Mar. Boardmember Kersey asked Counsel and Director McKernan if the JPA Board has taken a position on ballot issues in the past. Director McKernan replied that the staff recommendation is to determine if the project is consistent with the goals and objectives of the SDRP Concept Plan. Boardmember Kersey thinks is easy to lose nuance and does not think the JPA should weigh in because it feels like the JPA is taking a position. Boardmember Kersey added that since this project is going before the Coastal Commission, he is sure that the JPA concerns in the staff report will be addressed by the Coastal Commission. Director McKernan stated that at the January Board meeting the Board asked staff to bring this agenda item back to the Board at this meeting. Boardmember Kersey made the motion to not take a position and to reject the staff recommendation and Boardmember Barnouw seconded the motion.

Yes: Barnouw, Kersey

No: Bry, Grosch, Hegenauer

Chair Bry made the motion to find the Marisol Project inconsistent with the SDRP Concept Plan. Boardmember Hegenauer seconded the motion.

Yes, Bry Grosch, Hegenauer

No: Barnouw, Kersey

2. Update from Surf Cup Subcommittee Meeting

Recommendation: This information is provided for further Board discussion, potential action and/or further direction to the Board Subcommittee, staff and/or Counsel.

Executive Director McKernan stated that this issue was before the Board in December and that an adhoc sub committee was formed who will now share their report. Vice-Chair Worden reported that Boardmembers Bry and Gaspar met and asked Counsel Brechtel to look at the Surf Cup lease and other documents to see if there was a binding obligation to complete the trail restoration. The memo from Counsel Brechtel in the agenda packet says that yes, Surf Cup is obligated to finish the trail through the site development permit. Another document in the agenda packet is a letter from Surf Cup to the Carmel Valley Community Planning Board where Surf Cup states that "if the FSDRV can commit to dropping the appeal to the lawsuit, Surf Cup Sports can commit to starting work in earnest on the trail". Vice-Chair Worden suggested that the next step may be to contact Surf Cup to acquire a timeline from them.

Public speaker Sue Carr representing the Coalition to preserve the polo fields stated that Surf Cup is using the Friends of San Dieguito River Valley and lack of money as an excuse. Surf Cup has spent and continues to spend much money on building the sports complex.

Public speaker Maggie Brown with Friends of San Dieguito River Valley clarified that the lawsuit is not to terminate the lease but to request that an EIR be done and that the lawsuit is against Surf Cup and the City of San Diego.

The Board discussed the issue and Chair Bry asked the subcommittee to request a meeting with Surf Cup and report back to the Board.

INFORMATION

3.Coordination Reports

- a. San Dieguito River Valley Conservancy- No report
- b. Friends of the San Dieguito River Valley-No report
- c. Volcan Mountain Preserve Foundation- No report
- d. San Dieguito Lagoon Committee-No report
- e. Friends of Sikes Adobe-No report

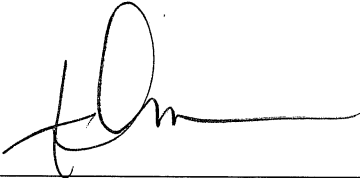
6. Jurisdictional Status Reports

Vice-Chair Worden reported that Crest Canyon has giant sinkholes caused from a drainage pipe failure which is causing sediment to be discharged into the San Dieguito Lagoon. The City of San Diego is making emergency repairs to the pipe. The City will apply for permits to do additional repair work in the future. Of direct relevance to the JPA is the issue of the alluvial fan into the Lagoon. Another topic Vice-Chair Worden reported on is the railroad in Del Mar. SANDAG is presenting five alternate alignments which will be narrowed down to two within a year. A new section of the River Path Del Mar Trail will begin soon.

Chair Bry adjourned the meeting at 12:02 p.m.

These minutes approved by Board action.

5/26/2020
Date



Executive Director