

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of March 17, 2023**

MEMBERS PRESENT

Joe LaCava – Chair
Chris Khoury – Vice Chair
Greg Kazmer (Alt. for Joel Anderson)
Jill MacDonald
Brian Pepin
Dwight Worden
Dustin Fuller

REPRESENTING

City of San Diego District 1
Citizens Advisory Committee
County of San Diego Dist 2
City of Solana Beach
City of Poway
City of Del Mar
22nd Agricultural District

MEMBERS ABSENT

Terra Lawson-Remer
Marni von Wilpert
Christian Garcia

REPRESENTING

County of San Diego Dist. 3
City of San Diego Dist. 5
City of Escondido

VISITORS/STAFF PRESENT

Shawna Anderson
Christal Keeley
Wayne Brechtel
Sue Carr
Maggie Brown
Lizzy Bendrick
Garima Pathak
Sanwar Harshwal

San Dieguito River Park JPA
San Dieguito River Park JPA
JPA Counsel
Citizens Advisory Committee
Friends of San Dieguito River Valley
County of San Diego
Harshwal and Company
Harshwal and Company

Introduction and Announcements:

Chair LaCava convened the meeting at 11:00 a.m. A quorum of five Board Members were present to begin the meeting.

Approval of Minutes of February

Board Member Worden made the motion to approve the Minutes of February 17, 2023. Board Member Pepin seconded the motion.

Public Comment – no public comments

Yes votes: LaCava, Khoury, MacDonald, Pepin, Worden

Absent: Garcia, Lawson-Remer, von Wilpert, Kazmer

Abstain:

Executive Directors Report – No report.

Public Comment – no public comments

Board Member Kazmer (Alternate for Board Member Anderson) joined the Board Meeting in Progress at 11:05am

DISCUSSION/ACTION AGENDA

1. **Receive and Distribute Third-Party Audit Report for Year Ending 6-30-22:**

Garima Pathak and Sanwar Harshwal, representing Harshwal & Co., were introduced. Garima Pathak outlined their audit procedures and summarized the audit for the period ending June 30, 2022. No discrepancies were found, and the financials presented in the report were stated as accurate. Boardmember LaCava asked Mr. Harshwal if he were given access to all information he required for the audit, Mr. Harshwal responded that all information was given on a timely basis. Boardmember LaCava asked if any of the audit work was not performed due to limitations placed by him by management, and did the audit include any deviation to general accounting practices. Mr. Harshwal replied that no limitations were present, and that management was cooperative, and there were no deviations to the general accounting practices.

Chair LaCava stated that the audit is received and filed.

2. **Presentation from Leana Bulay, JPA Senior Interpretive Ranger, on SDRP Programs and Volunteers (oral):** Senior Interpretive Ranger Leana Bulay gave a detailed and informative presentation on the San Dieguito River Park's recreational and educational programs. The Board requested a copy of the presentation be sent to each member to share with their member agencies.

3. **Report from JPA Budget Committee (oral):** Director Anderson and Board Member LaCava reported results of the JPA's Ad-hoc Budget Committee meetings held in March where they reviewed FY23-24 budget scenarios and that a proposed budget will be presented at the April or May JPA meeting for adoption. Discussed budget challenges including salaries and impact of inflation on JPA operations, and proposed member agency contribution amounts.

4. Project Status Updates

a. Osuna Segment of CTC Trail - Still in site development permit process with the City of San Diego.

Director Anderson explained that a funding shortfall for final engineering and construction is anticipated to cover rising costs for these items, and that the existing project grant is not sufficient to cover the shortfall. JPA staff is obtaining revised construction estimates and reviewing grant opportunities to fund the shortfall.

b. Reach the Beach Fairgrounds Trail – Director Anderson developed a cost-estimate for project design and construction and exploring grant opportunities for the short trail along the fairgrounds and Hubbell-designed gateway.

c. San Dieguito Lagoon Phase II Restoration (aka W-19) – A tour for staff as well as Board Members will be scheduled.

d. CTC Trail – East San Pasqual and Sutherland Gaps Project: Project is moving forward. A donor reception is planned for March 23.

Public Comment – no comments

INFORMATION

5. Coordination Reports (oral)

a. San Dieguito River Valley Conservancy- no report

b. Friends of the San Dieguito River Valley- Maggie Brown, President of the Friends, presented information to the Board regarding the Surf Cup Sports lease and site development permit for the trail. Information included a City of San Diego memorandum dated June 20, 2016. She requested that the topic be placed on a JPA agenda. Board Member Worden expressed support and asked JPA Counsel Brechtel if the JPA may be a third party beneficiary to the SDP. Board Member LaCava agreed to put the topic of Surf Cup lease and trail on an upcoming Board agenda as requested. .

c. Volcan Mountain Foundation – No report.

d. San Dieguito Lagoon Committee- No report

6. Jurisdictional Status Reports – Board Member LaCava reported that the City's El Camino Real Bridge project has a 2024 start date.

Chair LaCava adjourned the meeting at 12:06

JPA. 3.17.2023

Maggie Brown with Friends of the San Dieguito River Valley.

We are a 501 C 4 environmental non-profit with the mission to advocate for the conservation and preservation of the San Dieguito River Valley, since 1986.

I'm here today to propose a new approach regarding the Coast to Crest Trail and Habitat Restoration for the segment that runs adjacent to the Surf Cup fields in Del Mar, and which would connect with the Park's Osuna Trail segment, currently under construction.

Bit of History for the new members:

The Executive Summary of the Surf Cup Lease states *"Surf Cup will resolve the outstanding work pursuant to the Site Development Permit, which is to restore the Coast to Crest Trail portion of the Polo Fields, with an estimated cost of 1 million dollars."* This site development permit was issued in 2011.

In many public meetings prior to lease signing, including several meetings in this very room, Jim Madaffer, lobbyist for Surf Cup, promised that "Surf Cup would, on Day One, "either begin the restoration work, or hand over a check for one million dollars to the Park to fund the work." People in this room today heard that passionate promise.

However, for over 6 years, we have been told by the City, that the Surf Cup lease, approved in August of 2016, fails to contain a date by which the Trail and Habitat Restoration must be completed, therefore, Surf Cup cannot be compelled to do this work. Yet it was the City who failed to include that date, while declaring that *"Surf Cup will resolve the outstanding work pursuant to the Site Development Permit, which is to restore the Coast to Crest Trail portion of the Polo Fields with an estimated cost of one million dollars."*

Several times over the past few years, various members of the JPA, including Dwight Worden and Joe LaCava, have tried to work with Surf Cup to address this continued failure, always being given one reason or another why they will not comply. The City continues to hang onto the lack of a deadline in their lease, and makes NO discernable effort to address this with their tenant.

This begs the question: do we and the San Dieguito River Park then have to wait until WHEN? Does the City mean to allow the lease to run out in 2044 with no plan or solution to their own so-called failure to include this vital date? Many of us in this room find that unacceptable.

However, in a Memorandum written on June, 20, 2016, about two months prior to the City Council's approval of the Surf Cup lease, Myra Herrmann, Senior Planner with the City, addressed a Memorandum to the Honorable Mayor and City Council Members, which was not seen by the public until the actual lease signing in mid-August. In this document, Ms. Herrmann made the following clear distinction regarding the Trail. Additionally, perhaps Ms. Herrmann's Memorandum explains the apparent lack of logic to placing a due date for the Trail work in the lease itself.

Quote from Myra Herrmann: *"With respect to the Coast to Crest Trail, a Mitigated Negative Declaration was prepared, and adopted, in 2011 to address a Notice of Violation issued by the City to the Rancho Santa Fe Polo Club in 2005 for impacts to a portion of the Trail within the Lease area.*

*The Trail is a separate project that has independent utility from the Lease since the Trail can and would be implemented independently. The site development permit for the Trail was issued in 2011 and implementation of the Trail is required as part of the Code Enforcement Order dated December 2005, which is a continuing obligation **that runs with the land.***

*Additionally, the work authorized under the SDP has begun since the private exercise track for equestrians has been completed and therefore, since the permit has been utilized, the **remaining portion of the work must be completed regardless of approval of the Lease. While it is anticipated that the Lessee will complete the work under the SDP, its obligation to do so is not part of the Lease; rather, it is required to implement the Trail work due to the obligations of the SDP and the Code Enforcement Order, which are independent from the Lease.***"

End quote.

This separate declaration by the City, which directly addresses the requirement, and grants permission, to restore an existing public trail, and restore wetland habitat, would appear to negate the need for a completion date within the body of the lease itself, regardless of who holds the lease. In her Memorandum, Ms. Herrmann makes a clear distinction as to the obligation of the lessee to build the trail and restore the habitat, totally aside from the lease itself.

The Friends therefore request that a subcommittee of the JPA be appointed to pursue this line of logic, as presented by the City itself, and which requires the completion of the original Code Enforcement Order as begun in 2005, and to fulfill the Site Development Permit issued in 2011.

The Friends further request that this issue be placed on the next available slot on the board agenda. Thank you for your kind attention and careful consideration of this topic.



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 20, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Myra Herrmann, Senior Planner, Planning Department

SUBJECT: Departmental Correspondence

REFERENCE: Supporting Information for a Proposed Lease Agreement between Surf Cup Sports, LLC (Proposed Lessee) and the City of San Diego, California, Environmental Quality Act - Exemption Determination

This memo addresses the environmental determination for the proposed Surf Cup Sports Lease Agreement (Lease). This evaluation was conducted to provide supporting documentation that the action before the City Council has been reviewed in accordance with Article 5 of the State CEQA Guidelines (Sections 15060 to 15065) and does not require the preparation of a Negative Declaration or Environmental Impact Report. Specifically, in accordance with CEQA Section 15061 the Project is exempt pursuant to multiple categorical exemptions as further detailed below and is not barred by one of the exceptions set forth in Section 15300.2

Background Information and Lease Proposal

In 1986, the City of San Diego approved a 26-year Lease Agreement (1986 Lease) with the non-profit Fairbanks Polo Club (the predecessor to Rancho Santa Fe Polo Club) of approximately 120 acres of land (Lease Area) to provide a private polo club on 80-acres of City-owned land in the San Dieguito River Valley at the corner of Via de la Valle and El Camino Real in the Fairbanks Ranch Specific Plan area. The Lease allowed for the development of polo facilities including one 200 yard x 300 yard polo field, two portable trailers serving as office space and housing for the caretaker, portable corrals and pastures for 140-200 horses, a portable tack room, and two portable restrooms. In 1986, a Negative Declaration (ND) was prepared (EQD No. 85-0785) and adopted by the City Council with approval of the 1986 Lease. The ND analyzed those improvements noted above as well as site access, parking, site fencing, grading and construction of a water pipeline connection from the existing service provided by the Santa Fe Irrigation District within Via de la Valle. The ND noted that although the 1986 Lease boundary is located 15-20 feet from the top of the San Dieguito River, continued use of the existing pedestrian/equestrian path would not be precluded. The Lease Area has been used for polo, soccer, lacrosse, rugby and other recreational uses and special events, since 1986 by the Rancho Santa Fe Polo Club and associated contractual entities. Specifically, and as it pertains to this Project, since 1992, the

Surf Cup Sports has contracted with the Rancho Santa Fe Polo Club for ongoing use of the property for soccer-related events.

In March 2016, the Real Estate Assets Department (READ) submitted a request to the Planning Department to conduct an environmental review for a new 28- year lease (Lease) with Surf Cup Sports, LLC (Surf Cup). In addition to the continued use of the property for daily youth sports, youth polo instruction and occasional polo matches, the horse drop-off facilities for equestrian users of the Coast to Crest Trail will also be maintained. The Surf Cup proposal also includes partnering with other sports organizations for sports-related special events and other ancillary uses including corporate events and other uses allowable under the deed and congruent with the Surf Cup internal Facility Maintenance Plan.

The Lease proposal also includes the following components:

- Improve existing irrigation system and equipment
- Install replacement fencing and gates around the property and wayfinding signage consistent with the San Diego Municipal Code
- Replace existing turf with new turfgrass and make improvements to existing landscaping throughout the property
- Improve all existing roads and parking areas
- Remove any unsafe non-native trees or foliage
- Disassemble and recycle existing barns, stables, temporary storage areas, and other structures
- Replace existing trailers to support existing staff
- Remove and properly dispose of and/or recycle all trash/abandoned equipment and unused fixtures on site
- Remove and replace existing dilapidated clubhouse and offices
- Remove and relocate existing maintenance yard and associated structures
- Miscellaneous improvements to ensure compliance with the City's Municipal Code
- Remove the existing equestrian arena
- Install temporary caretaker housing to support polo uses on-site
- Remove polo scoreboard and billboards

Environmental Review

As described above, the proposed Lease will allow for the continued use of the property for daily youth sports and youth polo instruction and occasional polo matches as it has since 1986 by the non-profit Fairbanks Polo Club (predecessor to Rancho Santa Fe Polo Club) and by Surf Cup, since 1992; partnering with other sports organizations for sports-related special events; and renovations and minor improvements to the property as noted above. Taking into consideration these proposed Lease components, the Planning Department conducted an environmental analysis of the Lease pursuant to CEQA. This analysis was based on the current conditions within the Lease boundaries which consist of, but are not limited to, open grassy fields used for recreational activities, existing dirt trails, roads and parking areas, and dilapidated or aged accessory or appurtenant facilities.

Under the Lease, the grassy open fields would be replaced with turfgrass and a new improved irrigation system would be installed; existing dirt roads and parking areas would be replaced with water-permeable decomposed granite to reduce dust and improve safety; existing or temporary facilities currently used to store equipment or materials associated with the soccer, polo or other recreational activities would be removed and/or replaced with facilities that meet City Municipal Code requirements. Parking associated with ongoing and/or continued use of the site would be provided on-site and maintained within existing improved parking areas.

Although the property is within the San Dieguito River Valley and in close proximity to adjacent open space, none of the areas where renovations or improvements are proposed support sensitive biological resources that could be affected by the proposal. In addition, the potential for impacting archaeological or tribal cultural resources within this area is low, because the property was graded in 1986 under the 1986 Lease and there are no extant resources remaining in these areas.

For this City Council action to approve the Lease and associated components, Planning Department Environmental Staff applied CEQA Guidelines Section 15061(b)(2) and (3) which support the application for use of a categorical exemption by the lead agency after it has determined that the activity is a project subject to CEQA. Further, the Lease proposal meets the criteria set forth in the following categorical exemptions pursuant to CEQA Guidelines Section 15323 (Normal Operations of Facilities for Public Gatherings) which consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility.

In addition, the Lease is also covered under CEQA Guidelines Section 15301 (Existing Facilities) which allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use; Section 15304 (Minor Alterations to Land) which consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry or agricultural purposes; and Section 15311 (Accessory Structures) which consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities including but not limited to: on-premise signs; small parking lots; placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use. The Lease can also be covered under CEQA Guidelines section 15061(b)(3) because it is covered under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

With respect to the Coast to Crest Trail (Trail), a Mitigated Negative Declaration (MND) No. 169091, was prepared and adopted in 2011 to address a Notice of Violation issued by the City to the Rancho Santa Fe Polo Club (2005) for impacts to a portion of the Trail within the Lease Area. Site Development Permit (SDP) No. 618626, issued in conjunction with certification of

the MND granted permission to the Owner and Permittee to restore an existing public trail, restore wetland habitat, and create a new equestrian track for the existing polo field use. The MND was prepared in accordance with CEQA and thoroughly evaluated the environmental impacts resulting from the violation, specifically the effects related to biology and archaeology, and incorporated mitigation measures which were adopted in conjunction with the MND. The MND adequately covers the portion of the Trail included in the proposed lease and no further environmental review would be required for this component. The Trail is a separate project that has independent utility from the Lease since the Trail can and would be implemented independently. SDP No. 618626 for the Trail was issued in 2011 and implementation of the Trail is required as part of the Code Enforcement Order dated December 19, 2005 for Code Enforcement Case Number 137944, which is a continuing obligation that runs with the land. Additionally, the work authorized under SDP No. 618626 has begun since the private exercise track for equestrians has been completed and therefore, since the permit has been utilized, the remaining portion of the work must be completed regardless of approval of the Lease. While it is anticipated that the Lessee will complete the work under SDP No. 618626, its obligation to do so is not part of the Lease; rather, it is required to implement the Trail work due to the obligations of the SDP and the Code Enforcement Order, which are independent from the Lease.

Environmental Conclusions

For the reasons described above, it has been determined that the proposed Lease and associated components, which will allow for continued operations on City-owned land where the use has existed for over 25 years is exempt from the provisions of CEQA pursuant to Section 15323 and would not warrant the preparation of an environmental document. In addition, the Lease would not have a significant effect on the environment and therefore, the application of categorical exemption Sections 15301, 15304 and 15311 are also appropriate for this City Council action. The project is also covered under the "common sense" exemption under CEQA Guidelines section 15061(b)(3) since it would not result in a significant change to the existing environmental conditions. Additionally, the MND prepared for the violation in 2011, as discussed above, adequately addresses the portion of the Coast to Crest Trail included in the proposed Lease, independently, and no further environmental review would be required.

Sincerely,



Myra Herrmann
Senior Planner/Planning Department

cc: Ron Villa, Deputy Chief Operating Officer
Cybele Thompson, Director, Real Estate Assets Department
Tracy Irvin, Supervising Property Agent, Real Estate Assets Department
Alyssa Muto, Deputy Director, Planning Department
Hilda Mendoza, Deputy City Attorney
Heidi Von Blum, Deputy City Attorney