



San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

**JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Chair Joe LaCava
San Diego City Council

Vice-Chair Chris Khoury
Citizens Advisory Committee

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Poway City Council

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Christian Garcia
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Jill MacDonald
Solana Beach City Council

Dustin Fuller, Ex Officio
22nd District Agricultural
Association

Shawna Anderson
Executive Director

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
11:00 a.m.
Friday, June 16, 2023
County Administration 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 about an item on the agenda. The Board may act on any item listed on the Consent or Action Agenda.

Introductions and Announcements

Pledge of Allegiance

Approval of the Minutes of May 19, 2023 (Page 3)

Executive Director's Report

Public Comment

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

DISCUSSION/ACTION

1. Consider and Approve JPA Comment Letter regarding the El Camino Real Assisted Living Facility Subsequent EIR (Page 6)

INFORMATION

3. Project Status Updates
 - a. Reach the Beach Fairgrounds Trail
 - b. San Dieguito Lagoon Phase II Restoration (aka W-19)
 - c. CTC Trail - East San Pasqual and Sutherland Gaps Project
4. Coordination Reports (oral)
 - a. San Dieguito River Valley Conservancy
 - b. Friends of the San Dieguito River Valley
 - c. Volcan Mountain Foundation
 - d. San Dieguito Lagoon Committee
5. Jurisdictional Status Reports (oral)

An opportunity for the Board members to report on actions taken within their jurisdiction to further the park planning process.

THE NEXT REGULAR JPA MEETING will be July 21, 2023. If you have any questions, please contact Dewanda Vandermost at dewanda@sdrp.org or 858/674-2270

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of May 19, 2023**

MEMBERS PRESENT

Joe LaCava - Chair
Chris Khoury – Vice Chair
Christian Garcia
Greg Kazmer, Alternate for Joel Anderson
Jill MacDonald
Brian Pepin
Dustin Fuller

MEMBERS ABSENT

Dwight Worden
Marni von Wilpert
Terra Lawson-Remer

VISITORS/STAFF PRESENT

Shawna Anderson
Brenda Miller
Dewanda Vandermost
Wayne Brechtel
Jim Smith
Lizzy Bendrick
Jamie Kennedy
Quinton Grounds

REPRESENTING

City of San Diego District 1
Citizens Advisory Committee
City of Escondido
County of San Diego Dist. 2
City of Solana Beach
City of Poway
22nd Agricultural District, Ex Officio

REPRESENTING

City of Del Mar
City of San Diego Dist. 5
County of San Diego Dist. 3

REPRESENTING

San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA, General Counsel
San Dieguito River Valley Conservancy
County Parks & Recreation Department
City of San Diego, Public Utilities
City of San Diego Dist. 5

Introduction and Announcements:

Chair LaCava convened the meeting at 11:03 a.m. A roll call was taken and a quorum of six board members were present to begin the meeting. Executive Director Anderson announced a new Office Manager/Administrative Assistant for SDRP JPA, Dewanda Vandermost.

Pledge of Allegiance

Approval of the Minutes of April 21, 2023

Board member alternate Kazmer moved to approve the minutes and Board member MacDonald seconded the motion. All in favor.

Yes votes: LaCava, Khoury, MacDonald, Garcia, Pepin, Kazmer

Absent: Worden, Lawson-Remer, vonWilpert

Executive Director's Report

Executive Director Anderson stated no report and is looking forward to the Volunteer Appreciation Party on Sunday for an opportunity to thank the volunteers that are so important to the SDRP and the River Valley Conservancy.

Public Comment – no public comments received.

DISCUSSION/ACTION

1. Approve FY 23- 24 JPA Revised Budget and Authorize Use of JPA Reserve

Recommendation: Consider and Approve Revised FY23-24 Budget and use of JPA Reserve.

Executive Director Anderson stated that the JPA's FY23-24 was approved at the April 21, 2023, Board meeting, but she has since made necessary minor adjustments to budget line items, including salary changes for senior staff member retention and minor adjustments to expenses to offset salaries and balance the budget. The proposed FY23-24 revised budget is \$1,735,471, a slight reduction from the budget approved in April.

Anderson stated that the proposed FY23-24 member agency contributions are substantially the same as approved last month. She reported that all member agency staff expressed approval of the fiscal year's contribution amounts with the exception of County staff. Director Anderson's conversations with County Board representatives and the County's Parks Director is that the County may not contribute the full amount included in the JPA's FY23-24 budget. Anderson recommended that the expected contribution difference of approximately \$18,000 be covered by the JPA reserve, if needed. Anderson reported the number of operating days in the JPA's current operations reserve of \$325,000 is at 80 operating days.

Board Member MacDonald expressed disappointment that the County would not support the JPA's requested member agency contribution for FY23-24. MacDonald reported that she and Board Member Worden have a scheduled meeting with Board Member Supervisor Terra Lawson-Remer to discuss the situation.

Board member Khoury asked Board Member Kazmer if he could further explain the situation with the County Parks budget and if it portends anything about next year's budget. Kazmer stated he discussed the situation with County staff and suggested that board members engage directly with the Parks Director. Board Member Pepin made the point that the contribution shortfall may not affect the JPA's budget until later in the fiscal year, which Director Anderson confirmed. Chair LaCava stated that every department is fighting for every dollar and that the JPA's requested contribution is 5% above the JEPA cap and the additional amount is voluntary.

Board member MacDonald made the motion to recommend approval of the revised FY23-24 budget and authorized Director Anderson to use the JPA Reserve funds if needed should the County's member agency contribution not cover the full requested amount in the JPA's approved budget.

Chris Khoury seconded the motion.

Public Comment- no public comment

Yes votes: LaCava, Khoury, MacDonald, Garcia, Pepin, Kazmer,
Absent: Worden, Lawson-Remer, vonWilpert

2. Status Update for the Osuna Segment of the Coast to Crest Trail (oral report) - Director Anderson reported progress on this segment of the trail. The JPA distributed a CEQA Mitigated Negative Declaration for 30-day public review beginning May 5, 2023 and ending June 5th. A third cycle of review was submitted for the City of San Diego site development permit. Anderson expects to bring the CEQA Final MND to the Board for approval in July or August 2023. Director Anderson is working on potential funding sources to fund the project's \$1.2 million shortfall reported previously, including a Land & Water Conservation Fund grant application due June 1 and State Senator Blakespear's recommended State FY23-24 budget request. Anderson reported that she is coordinating with City of San Diego staff on the grant application.

Public Comment- no public comment

INFORMATION

3 Project Status Updates

- a. **Reach the Beach Fairgrounds Trail** – Board member Fuller and Director Anderson are coordinating on a site concept plan.
- b. **San Dieguito Lagoon Phase II Restoration (aka W-19)** – no report
- c. **CTC Trail – East San Pasqual and Sutherland Gaps Project** – Director Anderson reported that progress is being made on both trail gap projects including meetings with city and county staff, field work, and the feasibility study.

2. Coordination Reports (oral)

- a. **San Dieguito River Valley Conservancy**- no report
- b. **Friends of the San Dieguito River Valley**- no report
- c. **Volcan Mountain Foundation** – no report
- d. **San Dieguito Lagoon Committee**- no report

3. Jurisdictional Status Reports –

- a. Board member Fuller reported that the Fairgrounds' \$15-million storm water project has been completed and a tour is scheduled for August 14, 2023, more details to follow.
- b. Board member MacDonald will have the JPA's Senior Interpretive Ranger at their city council meeting on Wednesday for a presentation.

Chair LaCava adjourned the meeting at 11:33 p.m.

TO: JPA Board

FROM: Staff

SUBJECT: Comment Letter for El Camino Real Assisted Living Facility Subsequent EIR

RECOMMENDATION:

Consider and approve comment letter on the Draft SEIR for the Proposed ECR Assisted Living Facility.

SITUATION:

The proposed project is to add an assisted living facility called El Camino Real Assisted Living Facility on a 3.97-acre parcel as an expansion of the existing St. John Garabed Armenian Church (Church) located on El Camino Real. The site and surrounding area are in the San Dieguito River Park's Focused Planning Area (FPA), adjacent to the Dust Devil Nature Trail and San Dieguito Lagoon and Gonzales Canyon wildlife corridor. A Subsequent Environmental Impact Report (SEIR) was distributed by the City of San Diego for public review with comments due by June 26, 2023 (Attachments 1 and 2).

The development is proposed between the church and the neighboring Stallions Crossing residential area. The Assisted Living Facility is a proposed 105,568 square foot (sf) building with 105 rooms and supporting amenities and is 40 feet tall (Attachment 3).

At their June 2023 meeting, the JPA's Citizens Advisory Committee (CAC) voted to recommend that the JPA submit a comment letter to the SEIR addressing the following concerns:

- Overall incompatibility of the project with the surrounding open space and San Dieguito River Park;
- impacts of the project on the adjacent wildlife corridor in Gonzales Canyon and San Dieguito Lagoon;
- visual impacts to public views to and from the river valley due to the height, bulk and scale of the project; and
- cumulative impacts associated with adding the 4-story assisted living project on a small parcel zoned for open space and low-density housing in combination with the other recently constructed churches and approved associated buildings.

SAN DIEGUITO RIVER PARK CONCEPT PLAN AND JPA POLICIES:

The project site is in the San Dieguito River Park Concept Plan's Landscape Unit B – Gonzales and La Zanja Canyons and adjacent to Unit A - San Dieguito Lagoon. The special design considerations for this landscape unit include:

- The sweeping open space views within this landscape should be protected.
- Future development should be compatible with the open space character of the lagoon area in terms of both visual compatibility and intensity of use.
- View opportunities of the lagoon and ocean from trails and existing circulation routes should be preserved and, where appropriate, enhanced.
- All uses adjacent to the San Dieguito Lagoon, ..., should be screened from view through the installation of landscaping, and an adequate buffer, including fencing, if necessary, should be provided between development and sensitive resources to reduce adverse impacts associated with noise, lighting, stray pets, and intensive human activity.

JPA Policy P15-01 defines the JPA's policies and procedures for commenting on private and public projects proposed within the FPA (Attachment 4). In 2014, JPA staff submitted an EIR comment letter on the adjacent church project consistent with JPA policy (Attachment 5). The adjacent church was built in 2021 largely as originally proposed (several associated buildings were also approved and are anticipated to be built).

JPA staff concurs with the CAC's recommendation to submit a comment letter and has incorporated the issues raised by the CAC in a draft letter consistent with Policy P15-01 (Attachment 6).

CAC RECOMMENDATION

The CAC considered the proposed ECR Assisted Living project at their June 2, 2023 meeting including issues raised by members of the Project Review Committee and voted unanimously in favor of recommending that your Board send an SEIR comment letter addressing concerns raised by the CAC.

ALTERNATIVES

1. Direct staff to send letter as recommended.
2. Direct staff to amend the letter.
3. Give staff other direction.

RECOMMENDATION

Consider and approve comment letter on the Draft SEIR for the Proposed ECR Assisted Living Facility.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:

1. Notice of Availability
2. Project Location Map
3. Proposed Project Site Plan and Elevations
4. JPA Policy P15-01
5. St. John Garabed Church EIR JPA comment letters (4/18/2014 and 4/28/2014)
6. Draft JPA Letter for El Camino Real Assisted Living Facility SEIR



THE CITY OF SAN DIEGO

DATE OF NOTICE: May 12, 2023

NOTICE OF AVAILABILITY

DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

DEVELOPMENT SERVICES DEPARTMENT

SAP No.: 24008715

The City of San Diego (City), as Lead Agency, has prepared a draft Subsequent Environmental Impact Report for the following proposed project and is inviting your comments regarding the adequacy of the document. The draft Subsequent Environmental Impact Report and associated technical appendices have been placed on the City's California Environmental Quality Act (CEQA) web-site at <http://www.sandiego.gov/ceqa/draft>.

HOW TO SUBMIT COMMENTS: Comments on this draft Subsequent Environmental Impact Report must be received by close of business on June 26, 2023 to be included in the final document considered by the decision-making authorities. When submitting comments, please reference the project name and number (El Camino Real Assisted Living Facility/ 675732). The City requests that all comments be provided electronically via email at: DSDEAS@SanDiego.gov. However, if a hard copy submittal is necessary, it may be submitted to: **Sara Osborn, City of San Diego Development Services Center, 1222 First Avenue, MS 501, San Diego, CA 92101.**

GENERAL PROJECT INFORMATION:

- Project Name: El Camino Real Assisted Living Facility
- Project No. 675732
- SCH No. 2013071042
- Community Plan Area: North City Future Urbanizing Area (NCFUA) Framework Plan
- Council District: 1

PROJECT DESCRIPTION: The project consists of an expansion of the approved St. John Garabed Armenian Church (Church) to include the proposed El Camino Real Assisted Living Facility (Assisted Living Facility), to be located south of the approved Church. The project would include amending the Church's existing approvals to include the proposed Assisted Living Facility. More specifically, the Assisted Living Facility would require a Site Development Permit (SDP); a Conditional Use Permit (CUP) Amendment; an Uncodified CUP Ordinance; a Neighborhood Use Permit (NUP); a Coastal Development Permit (CDP) Amendment; and certification of the Final Subsequent EIR. The entire project site (existing Church and proposed Assisted Living Facility) is approximately 17.33 acres while the Assisted Living Facility is 3.97 acres. The Church has been constructed and operational. Three accessory buildings that would be associated with the Church have not yet been constructed. The Assisted Living Facility proposes a 105,568 square foot (sf) building with 105 rooms and supporting amenities. The three-story Assisted Living Facility would be 105,568 sf and 40 feet tall which would exceed the base zone 30-foot height limit. An additional 10 feet of building height is allowed per each 10 feet increase of setbacks per San Diego Municipal Code (SDMC) 131.0344. The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the existing zoning of the site, Agricultural-Residential (AR-1-1). The Assisted Living Facility would also include 57 surface parking spaces and on-site landscaping and would retain 1.12 acres in

the eastern area of the parcel as open space, in accordance with the existing designated Multiple Habitat Planning Area (MHPA) area. This area would be covered by a Covenant of Easement and maintained as open space in perpetuity. The site is designated as Residential and Park, Open Space and Recreational Uses in the City of San Diego General Plan and zoned as AR-1-1, and is located within Subarea II of the NCFUA Framework Plan.

The site is not included on any Government Code listing of hazardous waste sites.

APPLICANT: PMB LLC

RECOMMENDED FINDING: The draft Subsequent Environmental Impact Report determined the proposed project would result in potential significant environmental effects in the following areas: **BIOLOGICAL RESOURCES, HISTORICAL RESOURCES, NOISE, AND TRIBAL CULTURAL RESOURCES.**

AVAILABILITY IN ALTERNATIVE FORMAT: To request this Notice, the draft Subsequent Environmental Impact Report, and/or supporting documents in alternative format, please email the Development Services Department at DSDEASNoticing@sanidiego.gov. Your request should include the suggested recommended format that will assist with the review of documents.

Additional Information: For environmental review information, contact Sara Osborn at (619) 446-5381. For information regarding public meetings/hearings on this project, contact Development Project Manager, Xavier Del Valle, at (619)557-7941. This Notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on 5/12/2023.

Raynard Abalos
Deputy Director
Development Services Department



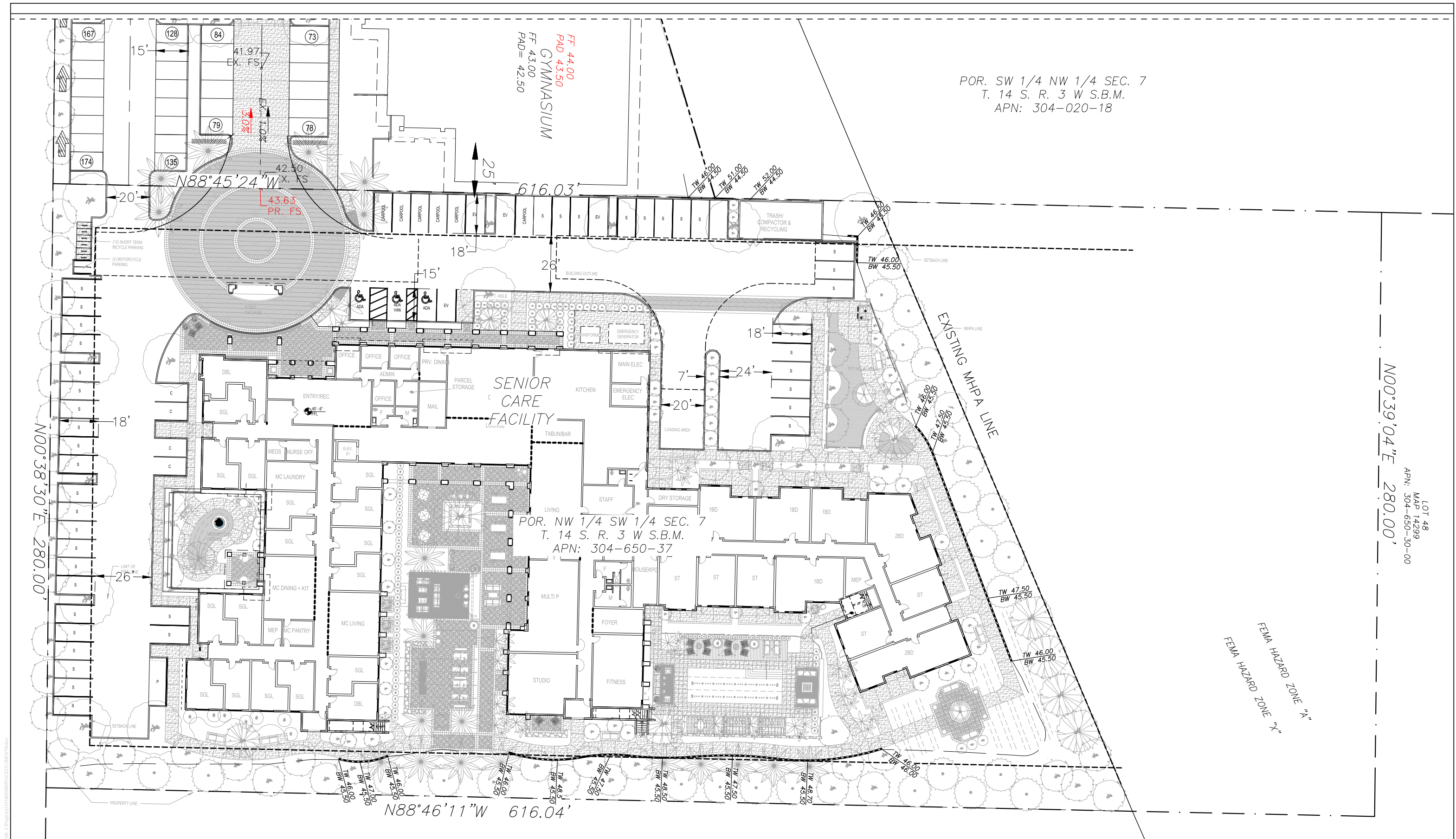
SOURCE: BING 2021

DUDEK



0 175 350 Feet

FIGURE 2-2





Aerial View from Southwest



Aerial View from Northwest

SOURCE: Leppert Engineering 2020

POLICY NO. P15-01

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

BOARD AND STAFF COMMUNICATIONS RELATED TO LAND USE PROJECTS

PURPOSE

On April 17th, 2015, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) Board of Directors (Board) adopted the *AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITIES OF DEL MAR, ESCONDIDO, POWAY, SAN DIEGO AND SOLANA BEACH CREATING THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY* (JEPA). It became in full effect once each member agency's governing body approved and executed the JEPA. In the case of the City of San Diego, the final agency to execute the JEPA, City Ordinance O-2015-114 was adopted by the City Council on June 30th, 2015, which authorized the Mayor to execute the JEPA on behalf of the City. The Ordinance took effect 30 days after City Council adoption, on or about July 30th, 2015.

Section 11(b) of the JEPA states, "*The Board shall review and revisit the Board Policy No. P90-1 adopted on May 18, 1990 and Communication Policy No. P14-01, adopted June 20, 2014 within 60 days of the Effective Date of this Agreement.*" This policy is intended to comply with this provision in the JEPA.

This Policy combines and supersedes existing Board Policies: P90-1 *PROJECT REVIEW AND COMMENT (as revised through 2005)*; P96-2 *ABSTENTION ON LAND USE PROJECTS*; and P-14-01 *COMMUNICATION*. Each of these policies address separate but related procedures for JPA Board, staff and Citizens Advisory Committee (CAC). This Policy incorporates the restated language in the aforementioned policies as well as amended language where necessary as directed by the 2015 JEPA or Board direction. Combining the aforementioned policies into one policy will give the Board, staff and CAC comprehensive guidance on how each body communicates internally and clarify how the Board will officially convey agency comments related to land use projects that affect the purposes of San Dieguito River Park.

The specific purpose section of the following restated and amended policies has not been restated here, but rather can be found in their original form.

POLICY – ABSTENTION ON LAND USE PROJECTS (originally adopted 1/19/96 as P96-2)

It is the Policy of the JPA that Board members look first to the adopted policies of his or her own member agency for direction regarding participation in the JPA's review and comment on privately initiated land use development projects over which the member agency has land use decision making authority.

In the absence of adopted member agency policy, it is the policy of the JPA that Board members representing the JPA member agency which has final land use authority should abstain from voting on

privately initiated land use development projects when they come before the JPA Board for review and comment to the land use agency. This policy would not require Board members to leave the room or refrain from discussion. This policy would not affect Board members' participation in park planning or voting on public agency development or planning proposals or JPA initiated plans and projects.

All comment letters approved by the Board will clearly reflect the Board members present and absent at the meeting including the votes by each Board member and abstentions.

POLICY – PROJECT REVIEW AND COMMENT (originally adopted 5/18/90 as amended)

It is the policy of the JPA that the focus of the JPA and CAC efforts should be limited to implementing the goals and objectives of the Park. The JPA and the CAC will review and comment, when appropriate, on only those projects which are within the focused planning area, contiguous or immediately adjacent to the focused planning area and/or have a direct impact on the Park. Comments will be confined to the relationship of the project to the Park and any impact it may have on park plans, goals and objectives.

Members of the JPA and the CAC may comment on projects outside of the park which do not directly impact the park as individuals only or as representatives of other organizations. In no case are they to represent themselves as speaking for the JPA or the CAC.

When a project has no significant impact on the park, and no comments by the JPA are deemed to be necessary, it may be handled administratively or at the committee level and not taken to the JPA Board. A project need not be referred to the Board where the Executive Director or the Project Review Committee (PRC) of the CAC determines the project does not impact the focused planning area. When a project clearly falls within policies the Board has previously adopted or policy statements the Board has previously issued, the Executive Director has the discretion to authorize comments that refer to such policies or previously authorized Board comments.

This policy is not intended to restrict JPA staff interaction with potential project proponents that seek early input from JPA staff on the potential effects that their project may have on the Park. Planning department staff from the agencies who have final land use decision making authority, regularly seek input from JPA staff and often direct project proponents to consult with JPA staff early in their project planning to discuss potential conflicts and design modifications related to existing Park plans and policies. These early consultation communications do not represent the JPA, JPA Board nor the member agencies in an official capacity. This level of communication may be in verbal, written or electronic form and will clearly state that any official comments by the JPA may be forthcoming pursuant to formal Board action. Such communications will also follow the protocol outlined in the Communication Policy below.

COMMUNICATION POLICY (originally adopted June 20, 2014)

It is the policy of the JPA that all communications commenting on private or public projects that are sent out by staff but have not been approved by the JPA Board will be sent on letterhead that does not include Board member names in the masthead and will clearly state that they are staff level comments and do not necessarily reflect the official position of the JPA Board until authorized by Board vote.

Communications commenting on private or public projects that are approved by the JPA Board will be sent on letterhead that includes Board member names in the masthead, and the communication will list specifically how each Board member voted including members present/absent, and abstentions. The Board's vote results will be included in the communication if approved. The Board may direct staff to include approved Board minutes for the meeting in which the vote was taken.

This policy was adopted at the JPA Board Meeting on September 18, 2015

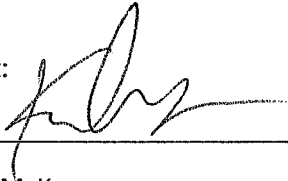
Motion: Golich

Second: Roberts

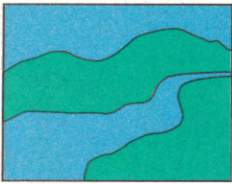
Vote: Yes - Mosier, Jacob, Roberts, Golich, Grosch, Zito

Absent- Diaz, Kersey, Lightner

Attest:

A handwritten signature in black ink, appearing to read 'Kevin McKernan', is written over a horizontal line.

Kevin McKernan,
Executive Director



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**JOINT POWERS AUTHORITY
 BOARD OF DIRECTORS**

Chair Dave Roberts
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Jim Cunningham
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Dave Zito
 Solana Beach City Council

Sherri Lightner
 San Diego City Council

Mark Kersey
 San Diego City Council

Dianne Jacob
 Supervisor, County of San Diego

Tom Golich
 Citizens Advisory Committee

Becky Bartling, Ex Officio
 22nd District Agricultural Assoc.

Dick Bobertz
 Executive Director

April 14, 2014

Jeffrey Szymanski
 Environmental Planner
 City of San Diego
 Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101

**Subject: Comments on Draft EIR for
 St. John Garabed Church; Project #240283**

Dear Mr. Szymanski:

Thank you for providing the JPA with the Draft EIR for this project. As you know, we have been following this project since it was originally submitted to the City in 2011 and have met with the project representatives on at least two occasions (2012) including a site visit to the project site. The issues we've raised on multiple occasions have not been adequately addressed (see attached letters). Despite repeated requests from JPA staff to modify the project's design to reduce impacts to the San Dieguito River Park the project has proceeded largely as originally proposed. The comments in this letter focus on the adequacy of the Draft EIR and are consistent with concerns previously raised.

Due to the timing of the Draft EIR public review period and the JPA Board meeting schedule, the JPA Board has not yet reviewed or approved these comments. Therefore, the comments are solely of the JPA staff based on our interpretation of the policies and programs adopted by the San Dieguito River Park JPA Board of Directors. It is anticipated that the JPA Board will consider these comments at their next meeting scheduled for April 18, 2014.

Our concerns relate to two main issues: the impact of the project on the MSCP Preserve area and on the visual quality of the San Dieguito River Park.

Impacts to MSCP Gonzales Canyon Wildlife Corridor:

The proposed structures are located on the edge of the mesa top directly adjacent to the Gonzales Canyon wildlife corridor, the closest structure being approximately 20 feet from the slope.

According to the Draft EIR, the project is proposing to develop 4.23 acres of the MSCP Preserve, 0.88 acre beyond the allowed 25% encroachment. This additional encroachment does not seem justified nor is it sensitive to the value of this area as a wildlife movement corridor and as a visually important component of the river valley landscape. Statements made in the Draft EIR regarding the

necessity to build the magnitude proposed are unsupported. Both recently-approved adjacent projects adhered to the MSCP Preserve boundaries.

- The Gonzales Canyon wildlife corridor identified in the City's MSCP and the SDRP Concept Plan comes out of Gonzales Canyon from the southeast and connects to the broad floodplain of the San Dieguito River Valley. Evidence of high wildlife use of this corridor was collected in March 2013 from recent camera traps (placed on the adjacent property) by the San Dieguito River Valley Conservancy. Mammals including bobcat, coyote, and mule deer, as well as numerous smaller species, use this corridor. The function and use of this wildlife corridor has become more important as the lagoon has been restored, as open space has been set aside and restored to native habitat as a result of adjacent projects (Rancho Valley Farms and Formosan Church), and as an improved wildlife undercrossing was installed under El Camino Real as a safe crossing of this busy roadway. The importance and high use of this corridor is not adequately documented in the Draft EIR.
- The Draft EIR does not sufficiently recognize the importance of the wildlife corridor or the diversity of species that currently move through the area and claims "the project would have a beneficial impact on the habitat linkage within Gonzales Canyon" while dismissing its impacts. It states that "the habitat on the site currently provides relatively few resources for wildlife due to the lack of cover and structural diversity" (page 5.4-11). This is contrary to recent evidence of a heavily used corridor. Although the proposed mitigation plan would improve the habitat, the project's adjacency to the corridor would impact its quality and function. The proposed buildings and activity areas could be reduced in size and moved further away from the mesa edge to provide a buffer. The EIR does not adequately explain why the project couldn't be built on a smaller footprint to provide an adequate buffer.
- The EIR and accompanying biology report are misleading with the use of the term "active agriculture" throughout the text to describe land use on the site. Agriculture operations (ie, crops) have not existed onsite for several years. Active agriculture evokes an image where monotypic stands of productive crops are planted and weeds kept down with herbicides, which is not occurring at the site. The EIR concludes that "the area in the lower portion within Gonzales Canyon is unaffected by the take and management will be unaffected" (page 5.1-73) with no substantive evidence or analysis to support such a conclusion. The EIR states that the area "is periodically in crops or is devoid of vegetation and disked" (page 5.1-73). However, based on our observations most of the project site had not been farmed for several years and mature native vegetative cover did exist in the bottom portion of the corridor closest to the wildlife undercrossing before it was recently mowed and disked (no crops were planted), just prior to the release of the NOP.
- The EIR does not acknowledge that native habitat on the project site in the wildlife corridor was recently mowed and disked without authorization and claims that Gonzales Canyon has "currently no cover or foraging opportunities for wildlife". The mowing and disking took place in May or June of 2013 under the current ownership where sensitive

native habitat was destroyed during the nesting season and just prior to the release of the NOP.

- The EIR does not acknowledge the impact of the project on the corridor itself and only promotes the benefits of the mitigation plan (page 5.1-72 and 73). The EIR also states that the project would “not compromise the preserve efficiency or effectiveness” and “no impacts will occur to the habitat linkage” because the project would be confined to the mesa on existing disturbed land. Edge effects to the wildlife corridor are dismissed and conclusions are not substantiated with evidence. The EIR states that the project mitigation to restore/enhance 1.76 acres of onsite habitat will “vastly improve the function of the canyon for wildlife movement” (page 5.1-72). While there is no question that restoration improves habitat value for wildlife, the corridor had been heavily used by wildlife for years (including mule deer, bobcat, and coyote). It is likely that wildlife use has declined since the vegetation was mowed and disked in 2013. The EIR does not adequately analyze the impact of the project design or the loss of a buffer from the corridor. The supposed net benefit of the mitigation plan to the wildlife corridor is unsubstantiated (considering the adjacency edge effects of the project) and the EIR analysis does not adequately support the conclusion made.
- As currently designed the project does not provide a buffer between development and wildlife habitat and will introduce light, noise, and human activity, potentially intimidating to the wildlife moving through the area. The biology analysis does not support the conclusions made. For example, a statement is made that the project “is separated from the Gonzales Canyon by a 20-40 foot slope which will protect wildlife as they move through the canyon”, yet it does not explain how that slope would protect wildlife next to a 93-foot tall structure at the edge of that slope and next to the proposed project access road cut into the slope, nor whether the project’s proximity and use would impact wildlife moving through the corridor.
- The proposed project entrance off El Camino Real would also be located within the MSCP Preserve approximately 400 feet north of the Formosan Church entrance driveway. This access will isolate the habitat mitigation site that was required for the adjacent Formosan church (which currently is within the Preserve) and will shine automobile lights, and add noise directly adjacent to the wildlife corridor particularly at night when animals move through the area. Although lights and noise from El Camino Real pass by the open space, the access road will bring cars directly into the Preserve area. The access entrance drive is only evaluated in the context of a location further into the MHPA Preserve that had been previously proposed by the project representative and subsequently rejected. The EIR dismisses impacts of the access road by promoting it as better than what had been considered previously (page 5.1-72). CEQA requires that the analysis be based on the impacts of a proposed project on the existing condition and setting, not compared to an earlier design. Typically, the existing condition is defined as when the notice of preparation is published (in this case, July 2013). The most sensitive portion of the project site, where mature vegetation offered cover for wildlife species, was mowed and disked, just prior to the release of the NOP.

- The EIR makes inaccurate statements and cites mitigation measures that don't exist. For example, only one biology mitigation measure exists (BIO-1) yet the analysis states that measures "BIO-2" and "BIO-3" would mitigate impact from invasive species and impacts to the MSCP, yet these measures do not exist.
- The EIR states that exterior lighting would provide "general illumination" of proposed plazas, along pathways, and around landscape areas, and at entry points at the structures. The intensity of lighting proposed is not provided in the Draft EIR. It goes on to say that compliance with the City's Outdoor Lighting Regulations would reduce impacts to less than significant, yet no explanation is given on the details of that regulation and how compliance would mitigate lighting impacts (page 5.9-17). These potential edge effects are not adequately analyzed in the DEIR and the conclusion that impacts would be insignificant is not supported with substantial evidence.

Impacts to the Visual Open Space Character of the River Valley:

The EIR states that deviations from the AR-1-1 zone "base maximum height" of 30 feet are allowed in circumstances where side yard setbacks are increased (as proposed for the church and hall). But, deviations for side and rear yard setbacks are also being requested for the education and youth center buildings. The community plan and SDRP Concept Plan policies regarding protection of visual quality and open space must also be considered. Height deviations are discretionary and should be considered in the context of the goals and policies of the SDRP Concept Plan. Given the constraints on the project site, the sensitivity of the surrounding area both biologically and visually, the site's prominent location within the San Dieguito River Valley, the visibility of the site from public views (trails and roads), and the goals and policies of the FUA Framework Plan and SDRP Concept Plan that protect open space, valleys, and wildlife, the project appears to be overbuilt for the site.

Specific Draft EIR comments are:

- The project is inconsistent with the land use plans and policies for this area that were written to protect views into and from the San Dieguito River Valley. Policies in the NCFUA Framework Plan and SDRP Concept Plan require developments to be "low lying in profile and not visually prominent" in this part of the valley. The EIR states that the church "would be visually prominent from low-laying areas of the western side of Gonzales Canyon", but that the structures "will be screened with landscaping that will include native shrubs and groundcover, grasses, lawn, etc." and "the stone finish or plaster finish with earth-tone colors" would "tend to recede into the background landscape with distance" and that the church has been "set back from the property line to the extent possible". The proposed landscaping cannot screen a 93-foot tall structure that would greatly exceed the height of most plantings and surrounding buildings and loom over the adjacent wildlife corridor. Furthermore, reasons given that the square footage is the minimum necessary to meet the goals of the project lack substantial evidence to justify the need to impact the river valley's visual quality to such an extent.

- The Draft EIR concludes that “based on the visual analysis presented and based on the discussion of scenic views/vistas, the project would not be located in a highly visible area” and “would not contrast visually with the overall character of the surrounding area” (page 5.9-15). These conclusions are false and appear to be based on poor-quality visual simulations that show the proposed structures faded in the distance. The church structure itself would be more than two times higher than the adjacent church and four times the height of the neighboring residential structures. Substantial evidence is lacking to support conclusions reached in the EIR.
- At the same time, the EIR also states that the project would have a significant and unavoidable impact on neighborhood character because the church dome is 50 feet higher than the adjacent church and 70 feet higher than the adjacent residential development (page 5.9-16). Confusing statements are made to support this conclusion: “though portions of the proposed church will be visible from adjacent properties, with landscaping and natural building materials and colors, the project would not be located in a highly visible area and contrast with the overall character of the area”. And “because the proposed 93-foot tall dome would be taller than surrounding development and would result in visible contrast” impacts are “considered significant and unavoidable” (page 5.9-16). It appears that impacts to surrounding private developments were considered to be a significant impact, yet impacts to surrounding public views into and from the river valley were not.
- A modified design that reduces the height of the structures would mitigate the high impact this project would have on the open space character of the San Dieguito River Valley (see next comment).

Project Alternatives Analysis

CEQA requires that an EIR provide feasible project alternatives capable of “avoiding or substantially lessening any significant effects of the project” while feasibly attaining most of the project objectives (Section 15126.6). The subject EIR dismisses the “Reduced Project Alternative” as not feasible without defining or explaining the characteristics of the “reduced project”, and only states that it would not meet the needs of the Armenian Church community without substantiating the conclusion with evidence. An alternative that meets the MSCP encroachment allowance of 25% and moves the structures further back from the mesa away from the wildlife corridor to provide a buffer from Gonzales Canyon, thereby reducing significant impacts to the MSCP Preserve, should be analyzed as a viable alternative.

A project alternative design consistent with the height of the surrounding structures (i.e., 45 feet) should also be included to mitigate impacts to the surrounding area. The EIR does not offer or meaningfully consider such alternative designs.

Trail Connection

According to City Park and Recreation planning staff, a proposed condition on the subject project requires the property owner to grant a recreation easement for trail purposes. According

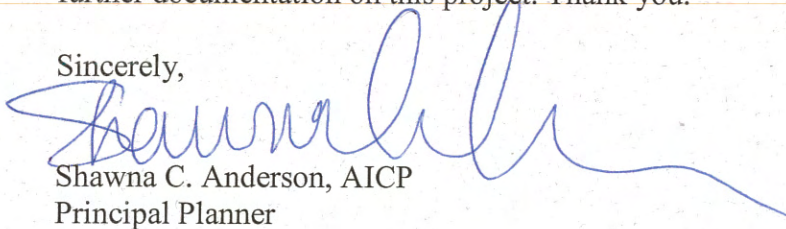
Mr. Szymanski
Page 6

to the project Cycle Issue Report, "the exact location of the easement will be determined at a later date and the property owner will not be responsible for the cost associated with granting, constructing or maintenance of the trail". The EIR should acknowledge and discuss the future trail even if an exact alignment hasn't been determined. Our concern is that the EIR does not acknowledge the trail use on the subject property, potentially jeopardizing its status and ability to continue the trail in the vicinity of the proposed mitigation site.

We urge the City as part of the San Dieguito River Park and an active participant in the restoration of the lagoon area to consider our comments and the impact this project design will have on the long-recognized goals to protect the open space and visual quality of the San Dieguito River Valley.

We appreciate the opportunity to comment on the Draft EIR and look forward to receiving further documentation on this project. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawna C. Anderson", with a long horizontal flourish extending to the right.

Shawna C. Anderson, AICP
Principal Planner

June 16, 2023

Email Letter to DSDEAS@Sandiego.gov

Sara Osborn
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: El Camino Real Assisted Living Facility/675732

The San Dieguito River Park Joint Powers Authority (JPA) considered the Subsequent EIR for the proposed Assisted Living Facility at their meeting on June 16, 2023. The project site is within the San Dieguito River Park Focused Planning Area (FPA) and adjacent to the San Dieguito Lagoon and Multiple Habitat Planning Area (MHPA) and Gonzales Canyon wildlife corridor. Gonzales Canyon connects the San Dieguito River Valley to the Del Mar Mesa/Carmel Mountain and Los Penasquitos Canyon Preserve, as well as the Torrey Pines State Preserve. The JPA urges City staff and decision makers to consider the following issues when acting on this development application:

- The project site is highly visible within the San Dieguito River Valley. Unfortunately, this entire mesa adjacent to the MHPA has been permitted to develop in a piecemeal fashion over the past ten years with little regard for the surrounding resources and its regional connectivity. The JPA submitted comment letters raising these concerns for each of the previous projects, but each was approved with few design changes. Entire campuses with multiple buildings were permitted and now this project shoehorns a 40-foot tall 150-unit development on a 4-acre parcel completely out-of-character with the surrounding area. The SEIR dismisses the impacts of development on the adjacent wildlife corridor including noise, human activity, and lights, and the size and bulk of the project, although clearly incompatible with the surrounding area.
- The SEIR fails to adequately consider the restoration of over 200 acres of San Dieguito Lagoon tidal wetland habitat immediately to the west of the project site and a critical part of the wildlife corridor and regional connectivity. The draft EIR also fails to discuss the potential impacts that the building mass, combined with other recently constructed adjacent buildings, would create in limiting the movement of wildlife through this area. A huge public investment in land preservation and habitat restoration has been made in the adjacent lagoon and Gonzales Canyon wildlife corridor over the past ten years. Community efforts and organizations have improved the MHPA wildlife corridor's function by restoring native habitat and replacing a culvert under El Camino Real with a wildlife uncrossing to better accommodate wildlife movement from the corridor to the restored lagoon.
- The cumulative impacts of adding this project in combination with the others approved on this mesa is not sufficiently addressed or mitigated in the SEIR. The site is not "underutilized" as purported in the SEIR, but merely zoned as appropriate for its location. Allowing this project directly adjacent to the MHPA corridor is an affront to the

tremendous progress made in preservation and habitat protection to implement the vision of the San Dieguito River Park. This project combined with the adjacent buildings will harm the function and values of the corridor with its edge effects. The proposed project's required narrow setback is insufficient to mitigate impacts to the corridor's function and importance to needed wildlife linkages.

- The proposal seeks to allow a variance to the City's "Managed Growth Initiative" (Proposition A, 1985) to allow the proposed project with a rarely used "uncodified CUP ordinance" ("nursing facilities" are prohibited within Prop A lands). Given the major conversion of open space (General Plan; NCFUA Framework Plan; MSCP and SDRP Concept Plan goals and objectives) a more thorough explanation and justification of this action is merited.
- The project appears positioned to be approved as proposed. The SEIR's narrowly written objectives (walking distance to adjacent church, "underutilized" site) do not allow for a reasonable range of alternatives. The project necessitates a long list of exemptions from the City's adopted planning policies and land use codes that govern the site to allow this inappropriate high-intensity project.

It is recommended that the proposed project be redesigned to comply with existing zoning and ordinances to meet the intent of the SDRP Concept Plan.

Sincerely,

Shawna Anderson
Executive Director