

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 Dave Grosch
Poway City Council

Vice-Chair Joe LaCava
San Diego City Council

Dwight Worden
Del Mar City Council

Tina Inscoc
Escondido City Council

Marni von Wilpert
San Diego City Council

Joel Anderson
Supervisor, County of San Diego

Terra Lawson-Remer
Supervisor, County of San Diego

Kelly Harless
Solana Beach City Council

Chris Khoury
Citizens Advisory Committee

Dustin Fuller, Ex Officio
22nd District Agricultural
Association

Shawna Anderson
Executive Director

**AGENDA
SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
VIA TELECONFERENCE ONLY
Friday, September 16, 2022 - 11:00 A.M.**

Pursuant to the State of California Executive Order N-29-20, and in the interest of public health, San Dieguito River Park is temporarily taking actions to reduce the spread of the COVID-19 pandemic by holding the Board Meeting via teleconference. All Board members and staff will be participating remotely.

To Join Zoom Meeting

<https://zoom.us/j/99988232354?pwd=SmRIQ1BPRWZBbVhVVnhXRvprMTJlUT09>

To join this meeting via Teleconference

Please dial: 1-669-900-9128

Meeting ID: 999 8823 2354

Passcode: 440149

Public Participation/Comment: It is highly recommended to call in to the meeting or log in to the waiting room **at least 15 minutes** prior to the commencement of the meeting. Persons wishing to address the Board on matters not on the agenda may do so under Public Comment. Those wishing to speak on items on the agenda may do so when the item is being considered. To make a comment, please use the raise hand feature of Zoom or let the moderator know by using the chat function. You may also participate in the meeting by emailing comments to Christal@sdrrp.org by 3:00 p.m. the day prior to the meeting. The subject of your e-mail should clearly state the item number you are commenting on. All comments will be e-mailed to the Board of Directors prior to the start of the meeting. If you desire to have your comment read into the record during the meeting, please note that in the e-mail subject line. Comments may be mailed to the Board, but to be considered, must be received on or before the meeting date. Written comments should be mailed to: San Dieguito River Park, 18372 Sycamore Creek Road, Escondido, CA. 92025.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Christal Ames at 858-674-2270. Please notify Christal at least 48 hours prior to the Board meeting.

ROLL CALL

Approval of the Minutes of August 19, 2022 (Page 4)

Executive Director's Report

Public Comments:

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. Approval of Resolution 22-9 Authorizing Virtual Teleconference Meetings per AB 361 (Page 8)
2. Approval of SDG&E Easement Amendment on JPA Property at Sycamore Westridge (Page 12)
3. JPA Ad-hoc Budget Committee Report
4. Citizens Advisory Committee Request to JPA Board regarding Surf Cup Sports (Page 23)

INFORMATION

5. Project Status Updates
 - a. Osuna Segment of CTC Trail
 - b. Reach the Beach Fairgrounds Trail
 - c. San Dieguito Lagoon Phase II Restoration (aka W-19)
6. Coordination Reports (oral)
 - a. San Dieguito River Valley Conservancy
 - b. Friends of the San Dieguito River Valley

- c. Volcan Mountain Foundation - Presentation
- d. San Dieguito Lagoon Committee

7. Jurisdictional Status Reports (oral)

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

THE NEXT REGULAR JPA MEETING will be October 21, 2022. If you have any questions, please contact Shawna Anderson at shawna@sdrp.org or (858) 674-2270 Ext. 13.

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of August 19, 2022**

MEMBERS PRESENT

Dave Grosch – Chair
*Greg Kazmer Alternate for Joel Anderson
Kelly Harless
Tina Inscoe
Chris Khoury
Marni von Wilpert
Dwight Worden
Dustin Fuller

REPRESENTING

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

MEMBERS ABSENT

Terra Lawson-Remer
Joe LaCava

REPRESENTING

County of San Diego Dist. 3
City of San Diego District 1

VISITORS/STAFF PRESENT

Shawna Anderson
Christal Ames
Ayden Zielke
Eric Jones
Maggie Brown
Gail Ryan
Carrie Shah
Quinton Grounds
David Wilson
Emily Kochert
Jeff Barnouw
Sue Carr
Anna Prowant

San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
Volcan Mountain Foundation
Friends of San Dieguito River Valley
City of San Diego
City of San Diego Dist 1
City of San Diego Dist 5
Rancho Bernardo Planning Group
San Dieguito River Valley Conservancy
Citizens Advisory Committee
Citizens Advisory Committee
County of San Diego

Introduction and Announcements:

Chair Grosch convened the meeting at 11:05 a.m. A roll call was taken and a quorum of seven Board Members were present to begin the meeting.

1. Approval of Resolution 22-7 Authorizing Remote Teleconference Meetings per AB 361

Recommendation: Adopt Resolution 22-7, Authorizing Remote Teleconference Meetings

Motion to approve Resolution 22-7 by Board Member Harless, seconded by Board Member Inscoe.

Public Comment – no comments

Yes votes: Kazmer, Grosch, Harless, Inscoe, Khoury, von Wilpert, Worden

Absent: LaCava, Lawson-Remer

Approval of Minutes of July 15, 2022

Board Member Worden made the motion to approve the Minutes of July 15, 2022. Board Member von Wilpert seconded the motion.

Public Comment – no public comments

Yes votes: Kazmer, Grosch, Harless, Inscoe, Khoury, von Wilpert, Worden

Absent: LaCava, Lawson-Remer

Executive Directors Report – Director Anderson provided slide presentation of on-going projects and Close the Gaps funding campaign status.

Public Comment – no public comments

DISCUSSION/ACTION AGENDA

2. FY 21-22 Year-End Budget Report

Director Anderson reviewed the FY21-22 Year-End Budget Report results for the JPA Operating Budget as well as the quarterly report for the Coast Budget. She reported that FY21-22 ended with a balanced budget and with sufficient cash reserves. Motion to approve the Budget Report was given by Board Member Inscoe and seconded by Board Member Kazmer.

Public Comment – Jeff Barnouw asked if proceeds from Del Mar Fairgrounds Off Track Betting would be ending due to their new Amphitheater. Dustin Fuller explained that the Amphitheater provides an additional use but does not replace the OTB proceeds.

3. Approval of Resolution 22-8 for SANDAG EMP Grant Application

Director Anderson reviewed the JPA's SANDAG EMP Grant application that was submitted in January 2022 by SDRP Land Manager Jason Lopez for the West Bernardo Mountain Enhancement and

Restoration Project. The application was selected for funding by SANDAG in July , the Resolution is a requirement for funding. Motion to approve resolution 22-8 was made by Board Member von Wilpert and was seconded by Board Member Worden.

Public Comment – Greg Kazmer offered technical support from the County of San Diego.

Marni von Wilpert mentioned that the project borders City of San Diego and County and offered City of San Diego assistance if needed.

Yes votes: Kazmer, Grosch, Harless, Inscoc, Khoury, von Wilpert, Worden

Absent: LaCava, Lawson-Remer

4. Approval of MOU with San Dieguito River Valley Conservancy to Manage and Distribute Contributions Raised from Close the Gap Funding Campaign

Director Anderson explained that the MOU was created jointly between Anderson and SDRVC Executive Director Cheryl Goddard, in order to partner in the funding campaign and designate how the campaign funds will be raised, managed, and distributed. Board Members were made aware that campaign donations will be made directly to the SDRVC and will be held in a separate dedicated fund. Director Anderson stated that she has been representing the JPA on the Campaign Committee and will continue to do so throughout the Campaign. Motion to approve the MOU was made by Board Member Worden and seconded by Board Member Kazmer.

Public Comment - no comments

Yes votes: Kazmer, Grosch, Harless, Inscoc, Khoury, von Wilpert, Worden

Absent: LaCava, Lawson-Remer

INFORMATION

5. Project Status Updates -

- a. **Osuna Segment of CTC Trail** - in permit process at the City of San Diego
- b. **Reach the Beach Fairgrounds Trail** – Meetings scheduled; CAC Trails Committee visited site and supports project
- c. **San Dieguito Lagoon Phase II Restoration (aka W-19)** – no change, in construction

Public Comments – no comments

6. Coordination Reports (oral)

- a. **San Dieguito River Valley Conservancy-**

Emily Kochert expressed the excitement created of the joint funding campaign, and how well it's going so far. The Conservancy will be represented at the Julian Wonderfest. Reminder that Yoga is held at the Birdwing, 10am, second Sunday, every month.

b. Friends of the San Dieguito River Valley- no report

c. Volcan Mountain Foundation – Eric Jones gave a presentation on the history and goals and achievements of the Volcan Mountain Foundation.

d. San Dieguito Lagoon Committee- no report

7. Jurisdictional Status Reports –

Dave Grosch mentioned the CTC Trail Challenge was covered in the newspaper. Dustin Fuller encouraged Board Members interested in a tour of the 22nd DAA's environmental projects at the wetlands to contact him directly. Board Member Fuller announced that September 17th is Coastal Clean-Up Day. Dustin is coordinating with I Love a Clean San Diego volunteers who will focus on the area between San Andres to the beach, all are welcome to join!

Chair Grosch adjourned the meeting at 12:12pm.

Date

Executive Director

Agenda Item 1

September 16, 2022

TO: JPA Board

FROM: Staff

SUBJECT: Resolution 22-9 Authorizing Virtual Teleconference Meetings per AB 361

RECOMMENDATION:

Adopt Resolution 22-9 to continue virtual meetings in September 2022.

SITUATION:

Assembly Bill 361 amended provisions of the Ralph M. Brown Act (Cal. Gov. Code 54950 et seq.) during a state of emergency proclaimed by the Governor to provide local agencies with authority to continue holding virtual meetings after making certain findings. Resolutions approving virtual meetings pursuant to AB 361 automatically expire after 30 days unless renewed. Approval of Resolution 22-9 (Attachment 1) allows this meeting to be virtual.

CAC RECOMMENDATION

The CAC as a legislative body of the JPA must comply with the same Brown Act rules as the JPA Board regarding virtual meetings. Approval of Resolution 22-9 would allow the CAC to hold their October 7, 2022 meeting virtually if desired.

FISCAL IMPACT

This situation would not pose a fiscal impact to the JPA.

ALTERNATIVES

1. Adopt Resolution 22-9 approving continuation of virtual meetings for 30 days based upon a finding that as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees;
2. Do not adopt Resolution 22-9, and instead, set a date for an in-person meeting and adjourn.

Respectfully submitted,

Agenda Item 1

September 16, 2022

Shawna Anderson
Executive Director

Attachments:

1. Draft Resolution 22-9

RESOLUTION NO. 22-9

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER
VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY
AUTHORIZING REMOTE TELECONFERENCE MEETINGS DUE TO THE
DECLARED STATE EMERGENCY RESULTING FROM THE COVID-19 PANDEMIC**

WHEREAS, the San Dieguito River Valley Regional Open Space Joint Powers Authority (JPA) is committed to ensuring public access and participation in meetings of its legislative bodies; and

WHEREAS, all meetings of the JPA Board of Directors (Board of Directors) and the JPA's other legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconference meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), during a proclaimed state of emergency, subject to specified conditions; and

WHEREAS, on March 4, 2020, the Governor of California issued a Proclamation declaring a state of emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic that remains in effect; and

WHEREAS, COVID-19 can result in serious illness or death; and

WHEREAS, COVID-19 spreads effectively in indoor settings when multiple people are present,

NOW, THEREFORE, THE BOARD OF DIRECTORS FOR THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY HEREBY FINDS AND RESOLVES AS FOLLOWS:

1. The above recitations are true and correct.
2. The Board has reconsidered the circumstances of the COVID-19 pandemic state of emergency and finds that it continues to directly impact the ability of members to meet in person due to the risk of serious illness or death from the disease, and the ability of the disease to spread efficiently when multiple people are present, Board finds that meeting in person would present imminent risks to the health and safety of attendees.
3. Accordingly, the Board elects to continue holding legislative meetings telephonically pursuant to the alternative procedures authorized by Government Code section 54953(e).

Agenda Item 1
September 16, 2022

4. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of October 16, 2022 or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the JPA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED at a meeting of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Power Authority held September 16, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

TO: JPA Board

FROM: Staff

SUBJECT: SDG&E Easement Amendment on Sycamore Westridge Property

RECOMMENDATION:

Approve amended SDG&E easement to replace one power pole on JPA property at Sycamore Westridge.

San Diego Gas & Electric (SDG&E) is requesting an amendment to their existing utility easement on property owned by the JPA to accommodate the replacement of one power pole. The property, adjacent to the Maderas Golf Club in Poway, is known as the Sycamore Westridge preserve and is located east of the JPA office (Attachment 1). The property includes a north/south SDG&E easement that runs through the middle of the property. The utility easement granted in 1930 is 3 feet in width and contains 7 steel poles (Attachments 2 and 3).

SDG&E has replaced most of the poles in this area with steel poles as part of their “fire hardening project” except for cable poles (poles with underground electric attached to them). SDG&E is now in the process of replacing the cable poles with steel poles. The existing easement on the Sycamore Westridge preserve is not wide enough to accommodate the new cable pole, which is larger in size than the existing pole. SDG&E is requesting that the JPA grant an amendment to the existing easement to expand part of the easement to 12 feet to accommodate the replacement pole (Attachment 4).

The Sycamore Westridge property contains coastal sage scrub habitat used for mitigation purposes. A conservation easement secured by the Navy in 2009 exists on the east side of the utility line and a second conservation easement on the west side of the utility is currently being processed by the JPA and Navy.

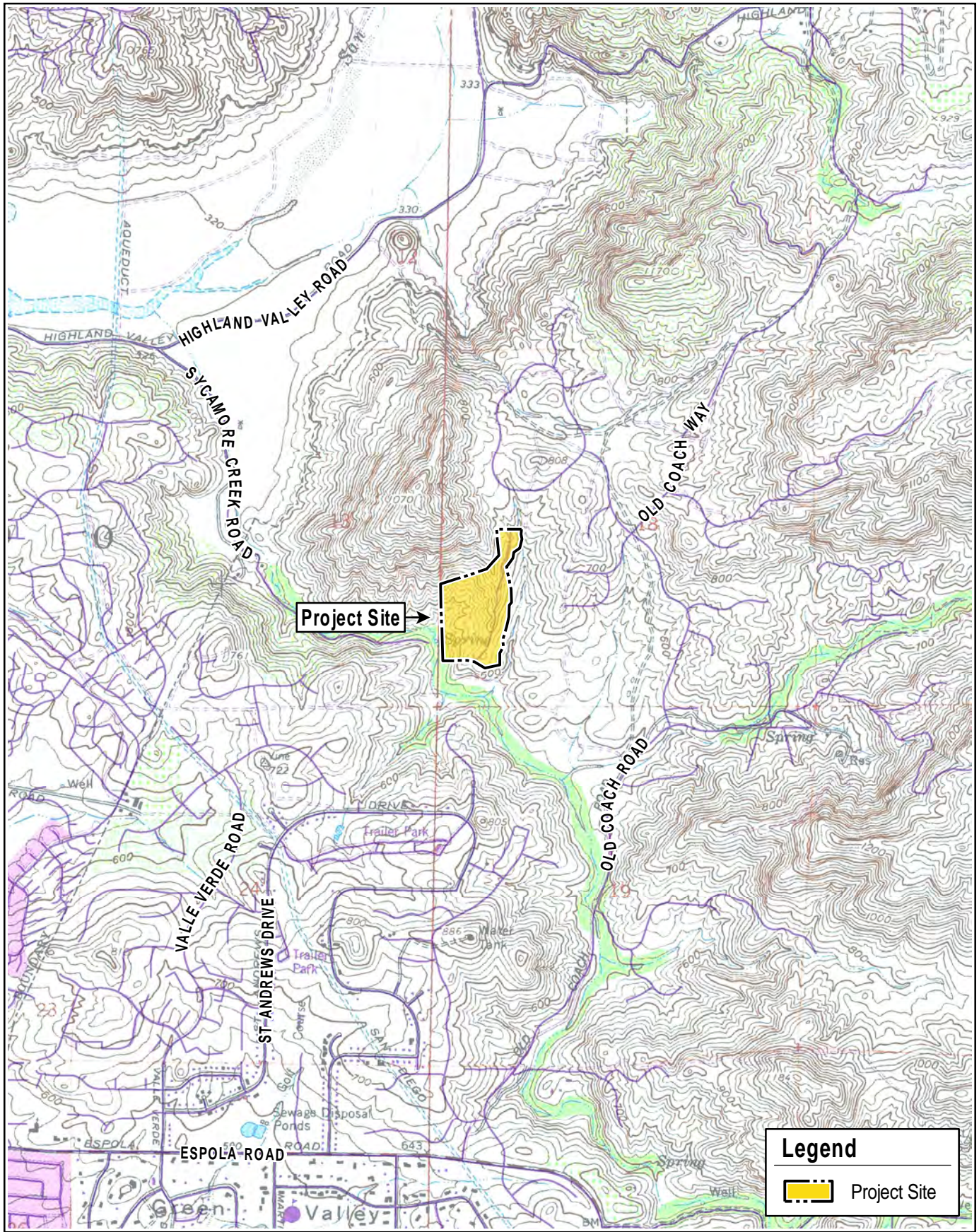
SDG&E representatives worked with JPA staff to limit the easement amendment to that needed to accommodate replacing the one cable pole as requested to minimize impacts to the Sycamore Westridge habitat preserve and protect its integrity and value as mitigation land. The amendment would expand the easement to 12 feet for the new pole but would leave the remaining easement as is. The amendment does not conflict with the existing and proposed habitat conservation easements, which excluded easements and the existing road/trail on the property.

The pole replacement is scheduled to start in April 2023 and take approximately two weeks.

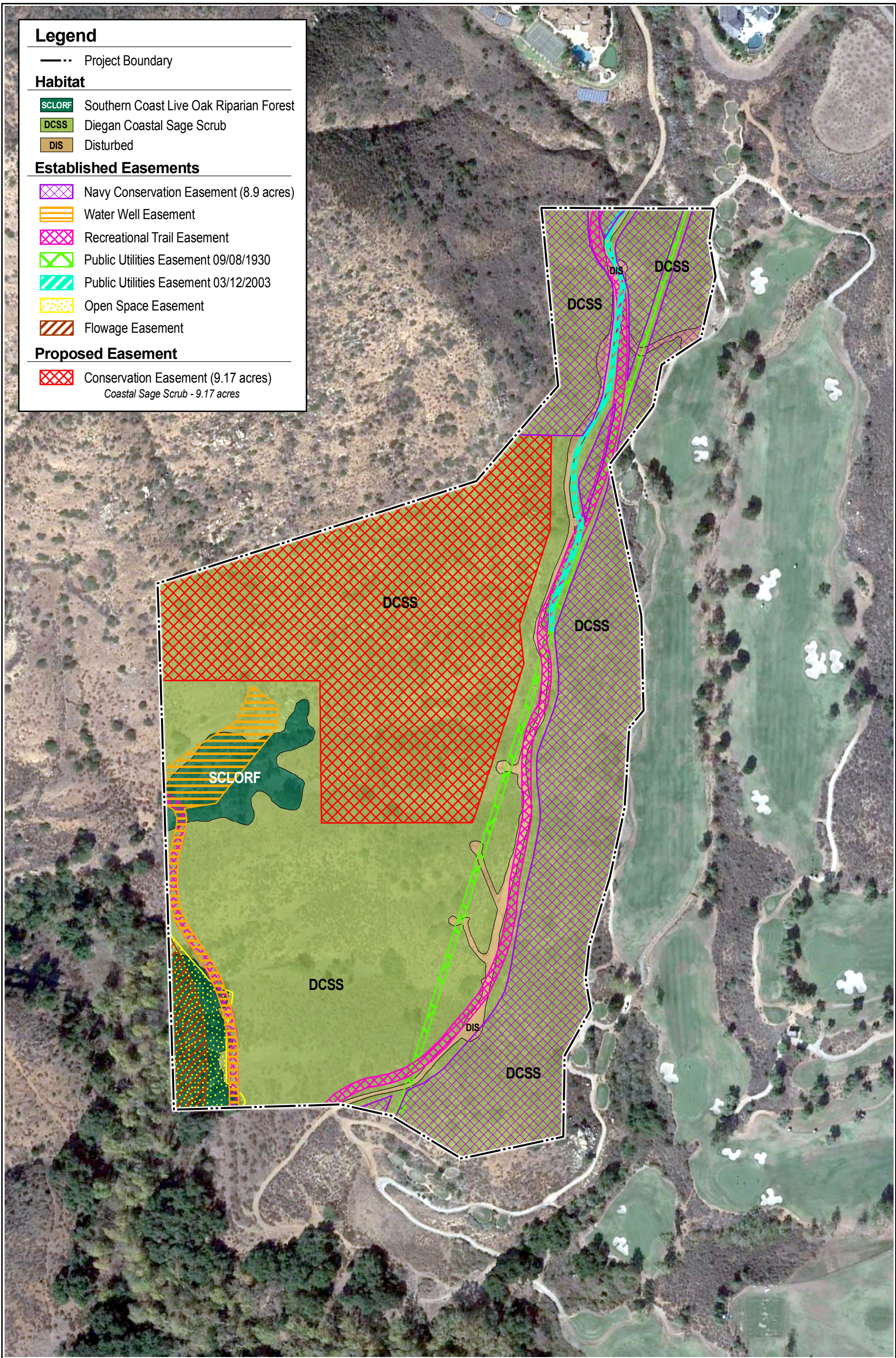
Respectfully submitted,

Shawna Anderson
Executive Director

Attachment 1: Property Vicinity
Attachment 2: Vegetation and Easements Map
Attachment 3: Pole Locations
Attachment 4: Proposed SDG&E Easement Amendment



T:\Project_Data\SycamoreWestridge_SDRP\JPA_1470\Final_Maps\HMP_Nov2018\SW_Fig-02_VicinityMap_110218.mxd



T:\Project_Data\SycamoreWestridge_SDRP\JPA_1470\Final_Maps\SW_Bio-Resources_Easements_101519.mxd



Recording Requested by
San Diego Gas & Electric Company

When recorded, mail to:

San Diego Gas & Electric Company
8690 Balboa Ave.
San Diego, CA 92123
Attn: Real Estate Records – CPA01

SPACE ABOVE FOR RECORDER'S USE

Project No.: TL637 Z11816 Replacement

Notif. No.:

Transfer Tax None

APN No.: 277-170-22

SAN DIEGO GAS & ELECTRIC COMPANY

SR No.: 474093

Ref: RW 6799

R/W 373213

FIRST AMENDMENT TO GRANT OF EASEMENT

THIS FIRST AMENDMENT TO GRANT OF EASEMENT (the “First Amendment”) is entered into as of _____, 20____ by and between, SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY, a Joint Powers Authority (“Grantor”) and SAN DIEGO GAS & ELECTRIC COMPANY, a corporation (“Grantee”).

RECITALS

A. Grantor is the owner of that certain parcel of real property (the “Property”) more particularly described as follows:

That portion of Parcel 3 of Parcel Map No. 17989, filed February 25, 1998 as File No. 1998-099090 in the Office of the County Recorder of the County of San Diego, State of California as described in a Deed recorded August 5, 2009 as Document No. 2009-436767 of Official Records of said County of San Diego.

B. On July 14, 1930, Grantor’s predecessor in interest, G. W. Kettenburg (the “Former Grantor”) entered into that certain Grant of Easement (the “Grant”) with Grantee, recorded on September 8, 1930 in Book 1800, Page 412 of Deeds, Records of said County of San Diego, whereby the Former Grantor granted to Grantee an easement over the Property for the purpose of installing and maintaining poles, wires and all appurtenances for the transmission and distribution of electricity for all purposes.

C. Grantor and Grantee desire to amend the Grant to expand a portion of the 2.00 foot width on the ground to a 12.00 foot uniform width within said easement described in the Grant.

AMENDMENT

NOW, THEREFORE, Grantor and Grantee agree as follows:

1. The 2.00 foot ground width shall be expanded to match the in-air crossarm arm width to make the easement a uniform 12.00 foot wide from the ground up.
2. Except as modified by this First Amendment, the Grant shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be duly executed effective as of the date first written above.

SAN DIEGUITO RIVER VALLEY REGIONAL
OPEN SPACE PARK JOINT POWERS
AUTHORITY, a Joint Powers Authority

By: _____

By: _____

SAN DIEGO GAS & ELECTRIC COMPANY, a
California corporation

By: _____

John Hutter,
Right-of-Way Supervisor

Prepared by: GAM
Checked by: JMH
Date: August 4, 2022
R/W No.: 6799

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me _____,
(name, title of officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Signature of Notary Public)

(Notary Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me _____,
(name, title of officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Signature of Notary Public)

(Notary Seal)

LEGAL DESCRIPTION

That portion of Parcel 3 of Parcel Map No. 17989 filed in the Office of the County Recorder of San Diego County on February 25, 1998 as File No. 1998-0099090, in the City of Poway, County of San Diego, State of California, being more particularly described as follows:

COMMENCING at a found 5/8 inch rebar with an illegible plastic cap in lieu of a 3/4 inch iron pipe with a disc stamped "LS 4324" per said Parcel Map No. 17989 marking the Southwesterly terminus of that certain line designated as "North 40°42'41" East, 270.53 feet" per said Parcel Map No. 17989, said point bears South 40°43'51" West, 270.56 feet (record North 40°42'41" East, 270.53 feet per said Parcel Map No. 17989) from a found 5/8 inch rebar with an illegible plastic cap in lieu of a 3/4 inch iron pipe with a disc stamped "LS 4324" per said Parcel Map No. 17989; thence from said point of commencement South 66°49'10" East, 244.45 feet to the TRUE POINT OF BEGINNING; thence South 72°38'40" East, 12.00 feet; thence South 17°21'20" West, 12.00 feet; thence North 72°38'40" West, 12.00 feet; thence North 17°21'20" East, 12.00 feet to the TRUE POINT OF BEGINNING.

Containing 144 square feet more or less.

Prepared By:

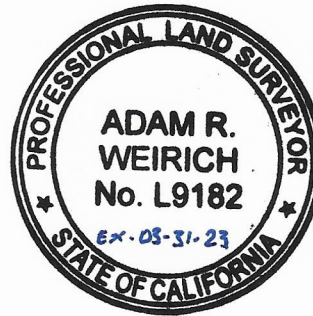
TSAC Engineering



Adam R. Weirich, PLS

08-25-22

Date



CITY OF POWAY
TRACT NO. 89-13R
THE HERITAGE
PHASE 1, UNIT 1
MAP NO. 13708

D

B/B GRID NORTH NAD 83
N40°43'51"E 270.56' MEAS
N40°42'41"E 270.53' REC
PER PM 17989

P.O.C.

S66°49'10"E 244.45'
TIE LINE ONLY

PM 17989
1998-0099090
02-25-1998

3

SEE
DETAIL

LINE TABLE		
L1	S72°38'40"E	12.00'
L2	S17°21'20"W	12.00'
L3	N72°38'40"W	12.00'
L4	N17°21'20"E	12.00'
L5	N17°53'56"E	16.0'

277
17
1 OF 2

DETAIL

SCALE 1"=20'

T.P.O.B.

Z11816

Z11816 NEW

Z16557

LEGEND

△ = FOUND 5/8 INCH REBAR WITH AN
ILLEGIBLE PLASTIC CAP IN LIEU OF
A 3/4 INCH PIPE WITH DISC STAMPED
"LS 4324" PER PARCEL MAP
NO. 17989.

▲ = FOUND 5/8 INCH REBAR WITH AN
ILLEGIBLE PLASTIC CAP IN LIEU OF
A 3/4 INCH PIPE WITH DISC STAMPED
"LS 4324" PER PARCEL MAP
NO. 17989.

P.O.C. = POINT OF COMMENCEMENT.

T.P.O.B. = TRUE POINT OF BEGINNING.

POLE LOCATIONS:

Z11816 NEW - LAT.: N33°02'31.65"
LONG.: W117°01'44.66"
EL.: 662' (NAVD88)

THIS PLAT WAS PREPARED BY ME OR UNDER MY
DIRECTION IN CONFORMANCE WITH THE LAND
SURVEYOR'S ACT ON AUGUST 25, 2022.

ADAM R. WEIRICH

L9182



SHEET 1 OF 1

SAN DIEGO GAS & ELECTRIC COMPANY

SAN DIEGO, CALIFORNIA

EASEMENT VERIFICATION REQUEST

Z11815 & Z11816

APN 277-170-22

POWAY

ORIGINATOR:
M. THURMAN

OK TO INSTALL:

PROJECT NO.

SURVEYED BY:
TSAC/DAP

R/W OK:

NOTIF. NO.

DRAWN BY:
TSAC/JBF

DATE:

DRAWING NO.

DATE:
03-17-22

THOS. BROS.
1150-F6

SCALE:
1"=200'

NO.	SUPPLEMENTS	DATE:	BY	APP'D
1	REVISED PLAT AND LEGAL PER J. MARIJANA.	08-25-22	ARW	

Agenda Item 4

September 16, 2022

TO: JPA Board

FROM: Staff

SUBJECT: Citizens Advisory Committee Request for JPA Action regarding Surf Cup Sports Issues

At their September 2, 2022 meeting the CAC voted unanimously to request your Board's action to help resolve the long-standing issues at the Surf Cup Sports leasehold on property owned by the City of San Diego and illegal activities occurring on an adjacent property recently purchase by them (Attachments 1 and 2).

The JPA has long been involved with issues associated with the former polo fields property particularly regarding the City's long-standing grading violation requirement to restore the trail (segment of the Coast to Crest Trail) and habitat along the river. Most recently, the JPA appointed an ad-hoc committee to address the delays by Surf Cup Sports to restore the trail and participated in a successful volunteer event in December 2021 facilitated by Boardmember LaCava to assist Surf Cup with the trail restoration. Despite these efforts and others, the trail and habitat restoration required by the City's Surf Cup Sports lease has not progressed, and the community and park supporters have become increasingly frustrated at the prolonged delays. Although lack of financial resources has been named by Surf Cup Sports as one of the reasons for the delays, they continue to make other increasingly larger financial investments there including new fields and public event venues. The CAC was also presented with detailed evidence that illegal grading and filling of wetlands without approvals or permits is being conducted by Surf Cup Sports on adjacent land purchased by them just a few months ago (former "Milan property"). These activities are further impacting the San Dieguito River and adjacent habitat. These issues are outlined in Attachment 1.

The CAC's request includes suggestions for your Board's consideration to increase the JPA's involvement in these issues with the hope that it will have a positive impact on resolving them.

Respectfully submitted,

Shawna Anderson
Executive Director

Attachment 1: CAC Letter to JPA Board with attachments
Attachment 2: Map of properties and surroundings

Agenda Item 4

September 16, 2022

DATE: September 2, 2022

TO: Board of Directors, San Dieguito River Park JPA

FROM: San Dieguito River Park Citizens Advisory Committee

SUBJECT: Issues regarding Surf Cup Sports Activities

Dear JPA Board:

The CAC voted unanimously at its September 2, 2022 meeting requesting that the JPA Board take action regarding the continuing delays by Surf Cup Sports to restore the Coast to Crest Trail on City of San Diego property leased to Surf Cup Sports, and regarding recent illegal activities on adjacent property.

For several years the CAC has followed the issues related to the City's civil penalty order (issued in 2005 and unresolved) to restore the Coast to Crest Trail and habitat adjacent to the river on land leased to Surf Cup Sports (and Polo Club before that). The prolonged delays of this required work have been the focus of efforts by your Board, JPA staff, and the CAC to resolve. In June 2022, it was brought to the CAC's attention that activities by Surf Cup Sports have damaged habitat including wetlands on land recently purchased by them adjacent to their soccer operation (former Milan property). Attachment 1 and timeline documents those activities in detail.

Specifically, the CAC requests that the JPA Board ask the City of San Diego to address the following issues and implement the following recommendations:

General:

1. Appoint a City point-of-contact for land development and code enforcement issues on the Surf Cup lease and former Milan property with regular updates to the JPA.
2. Add the JPA to all land development and code enforcement public notification lists related to the Surf Cup and Milan properties.

Coast to Crest Trail:

3. Clarify the status of SDP #618626 (recorded Document No. 2011-0473204) and related grading permit (project #607845) to restore the 1.3-mile trail and adjacent habitat along the length of the Surf Cup Sports lease and the progress made to-date by the lessee on the permitted work.
4. Establish a completion date for this work that will enforce the City's 2005 civil penalty order to restore the trail and habitat. Enforcement could include the following:

- a) Amend the existing Surf Cup lease to:
 - 1) include a date of completion for trail and habitat restoration
 - 2) include penalties for missing the deadline (such as fines, no events until the obligation is completed, etc.)

– or –

- b) Do not approve any land development permits on the Milan property until the 1.3 mile of trail is constructed
- c) Meet with JPA board members/staff and Surf Cup representative to define and commit to a reasonable resolution to the trail/habitat restoration timeline.

Activities on the former Milan Property:

- 5. Provide a report on the grading, parking, and other unpermitted activities conducted by Surf Cup Sports over the past several months on their property at 3975 Via de la Valle and clarify if there are code violations, specifically zoning, grading, and environmental violations.
- 6. Clarify if code enforcement citations have been issued and their status and if the City is coordinating with other agencies regarding the violations.
- 7. If there are code violations and no citations have been issued, prioritize code enforcement on the property.

The CAC appreciates the JPA Board's support over the past several years in their attempts to resolve the trail work delays. However, it is clear to the CAC that the City's lessee is unmotivated and has even exacerbated the situation by expanding their operation without permits further impacting the San Dieguito watershed.

The CAC appreciates your consideration of these suggestions.

Attachments

Agenda Item 4

September 16, 2022

July 20, 2022

To: JPA Board, SDRP

From: CAC, SDRP

Subject: Request for JPA to Contact the City of San Diego with Concerns Regarding Potential Impacts to the Western River Valley from Surf Cup Sports' Acquisition of the 24-Acre "Milan Capital Management parcel" at 3975 Via de la Valle, at the corner of El Camino Real.

On June 24, 2022, the CAC voted to make a request that JPA get involved in the subject issue and further requested a letter to be drafted for the August JPA meeting. This letter states the concerns, shared by the SDRP, and asks that the JPA meet with City Staff and officials and seek answers to several key questions.

A report was made to the CAC by the Friends of the San Dieguito River Valley (FSDRV)a 501 (c)(4), stating concerns that City oversight of the treatment/preservation of the former Milan parcel is negligible or non-existent. The parcel is a relatively small but key component of this semi-rural, open space plain of the SDRP.

A slide introduction to this report was made by the Park.

The land is zoned A-1-10 (open space/agricultural) and protected from intensity of development by the voter-approved "Proposition A" (1985). The site is more than 10% wetlands and is listed on the National Wetlands Inventory map. It and its surrounding property comprise a majority of the North City Future Urbanizing Area, codified in 1992 (NCFUA Subarea 2) —a basis of the City's Multiple Species Conservation Program plan—and is designated an area of protection under the City's Environmentally Sensitive Lands Ordinance.

This parcel, and the adjacent (public open space) Surf Cup Sports leasehold complex, are components of the SDRP/City open space floodplain, the vast restored "San Dieguito Wetlands Restoration" area, and are key elements of the still-developing Coast to Crest Trail, a major JPA project.

Many of the efforts of the JPA, SDRP and environmental advocacy groups, voters, wildlife agencies, local jurisdictions, and planning groups have been applied to preservation of this unique and scarce wetlands/uplands habitat that characterizes the western river valley.

The JPA staff, and FSDRV visual and documentary presentation, indicate that despite warnings to the City, Surf Cup is negating these efforts by 1) mowing all vegetation on the 24 acres, (2) filling in the wetland shallows with saline dirt, excavated from two soccer fields near the San Dieguito River and (3) grading over those filled in shallows in order to create overflow tournament parking on the subject property. Among other prohibitions against degrading the land, the City's municipal code disallows parking on A-1-10 land. The degree of grading suggests parking and potential future turf planting. Surf Cup's April 2022, \$6.6 million dollar purchase of the 24 acres raises alarms regarding expansion of their existing commercial soccer enterprise. Other large commercial uses are already being allowed on "Surf Cup" property, including the La Jolla Festival of the Arts and Mainly Mozart concerts.

The FSDRV has filed complaints with the City's "Code Enforcement" division and with the San Diego Regional Water Quality Control Board regarding intensification of use of Surf Cup's fields and their treatment of their newly acquired "Milan Property." Shorthanded DSD staffing and intransigence from Surf Cup have resulted in

Agenda Item 4

September 16, 2022

no active oversight and/or resolution of these incursions. Appeals by the San Dieguito Planning Group, neighboring HOAs and other citizen groups have also been filed to no avail.

Regarding the Coast to Crest Trail, we are well aware of recent and historical JPA efforts to encourage implementation of the important trail segment along Surf Cup's southern border, which will ultimately connect to the Osuna Trail segment, and of Surf Cup's resistance to complete their lease-required improvements to the current degraded trail area and Habitat Restoration

Attached to this letter is a Timeline, detailing actions taken Surf Cup, as well as by the FSDRV and other advocacy groups to engender review/actions by the City regarding intensification of use, traffic and impacts on the wetlands/uplands of the river valley. Included is documentation of the history of this public open space.

The CAC requests that the JPA help contact the City for answers to several key questions pertaining to the current and future direction of oversight on this property, or lack thereof:

1. In 2017, former owner, Milan proposed plans for a senior living facility, Hacienda Del Mar, on their property. Due to the design's footprint, Proposition A, Zoning restrictions, location in the FEMA Floodplain, and because at least 10% is designated wetlands, Milan was required to enact serious mitigation measures.
• **What is the City's disposition of this act? What mitigations and protections will be applied to prevent future commercialization/intensification of uses?**
2. Adjacent to the Surf Cup Sports leasehold is the Fairbanks Polo Club HOA, current successor to the original Grant Deed from Watts Industries. The HOA, the FSDRV, and SDRP advocacy groups have for years registered concerns with the City's Dept of Real Estate and Airport Management (DREAM) regarding violations of the grant deed by both the former lessee, (the Polo Club) and by Surf Cup. The CAC concurs with these groups that the City has been uncommunicative about, and lax in response to these concerns.
• **Will the City respond to the JPA regarding this lack of oversight?**
3. Surf Cup paid \$6.6 million for these (agricultural) acres, has filled, and graded the wetlands portions, and is currently using this parcel for illegal large event overflow parking.
• **What other uses are envisioned?**
4. For 4-5 years, Surf Cup has had City-approved plans for the Habitat Restoration and completion of the Coast to Crest Trail aligning the complex, a condition of their lease, yet little to no effort has been made to fulfill this obligation, despite consistent efforts by the JPA to work with them to accomplish these tasks.
• **Will the City continue to largely ignore its oversight responsibilities, and evade accountability on this land use?**

Attachment: ADDENDUM

Brief History of the Milan/Surf Cup Property

Two issues of concern are highlighted in this Timeline: 1) Acquisition of an adjoining lot by Surf Cup Sports. 2) Surf Cup's leasehold obligation of the Restoration of the Coast to Crest Trail and Habitat.

2015:

Milan Capital, an Orange County real estate developer, purchased a 24-acre parcel on the corner of Via de la Valle and El Camino Real with plans to construct Hacienda Del Mar (HDM), a senior living facility. This parcel contains about 10% wetlands and shares a north/south property line with Surf Cup Sports.



Wetlands on the National Wetlands Inventory Map: US Fish and Wildlife Service

Late 2021:

After a total of seven years trying unsuccessfully to shepherd HDM through the City of SD Development Services and given the difficulties of moving through the pandemic with ever-changing project managers, lost documents, and continuing poor communications from the City, Milan Capital ownership sought to sell the property.

April 21, 2022:

Milan sold the Hacienda Del Mar site to Surf Cup Sports for \$6.6 million.

It is important to note, that while the City has a lease with Surf Cup Sports, the City ALSO has regulatory oversight of the adjacent private property (formerly Milan) that Surf Cup now owns.

Between April 21 and May 2:

Surf Cup mowed down all vegetation on the former Milan parcel. FSDRV can find no permits for this action. Surf Cup excavated saline dirt from two full soccer fields immediately adjacent to the San Dieguito River, where fresh and saline water begin to mix. Surf Cup then trucked the saline dirt to the former Milan parcel where they filled and graded over all the wetland shallows. No permits for this action.



May 2, 2022

The former Milan parcel is zoned AR-1. Per the SD Municipal Code, parking is not allowed on this parcel. Anticipating Surf Cup's plan to park cars on the former Milan parcel, the Friends of the San Dieguito River Valley (FSDRV) opened a code complaint with the City of San Diego on May 2, 2022.

Case # CE-051-8995 is still open. Per the City Auditor's June 2022 audit, this department is severely understaffed, backlogged, and ill-trained to utilize the tech tools available to them. Initially, the Code Complaint officer was eager to investigate, spoke with us on the phone, and emailed progress reports. A **Notice of No Parking** was delivered to **Surf Cup**. The notice was received in person by Jeremy MacDonald, Surf Cup VP of Business Development. The Friends are now having trouble hearing from this formerly eager Investigator. There has been no response to our most recent requests for updates since early June. **Unclear as to when this department can issue a ruling.**

June 3, 2022

FSDRV also contacted the San Diego Regional Waterboard to request some oversight of the wetland abuse on the former Milan parcel. Tony Felix of the waterboard contacted Rob Haskell. According to Tony, Haskell said they'd only mowed the property. On a second round of questions from the waterboard, Haskell denied being responsible for the land involved. Unable to move forward, Tony Felix and the Waterboard staff recommended that we file a complaint with the newly formed CalEPA Complaint Database.

During the development process, Milan was required by the City to submit Wetland Mitigation plans, as well as to create an Impact Analysis for the Stormwater Basin on the west end of the parcel. Stormwater runoff is a major issue on the Former Milan parcel. There is no current evidence of Surf Cup adhering to any of these requirements.

May 28, 29, 30, 2022

Parking at Surf Cup's Manchester City Cup Memorial Day weekend. The trees mark the north/south demarcation line. All cars in the foreground, or north of the trees, are parked on the former Milan parcel.



June 24 - July 1, 2022

Surf Cup also parked cars on the former Milan parcel during the 7-day ECNL Boy's Playoffs Tournaments. The installation of the WAVE headquarters on the east end of the Surf Cup leasehold has reduced their available parking. It is expected that Surf Cup will continue to use the former Milan parcel for large tournament overflow parking. **What else can be anticipated?**

2) Surf Cup's leasehold obligation of the Restoration of the Coast to Crest Trail and Habitat.

October 2015

From Surf Cup's Response to the City's RFP to lease the Polo Fields:

"We will offer significantly increased public access and community benefits."

Our proposal opens the property for public enjoyment and includes repairing and rebuilding the Coast to Crest Trail, maintaining public access for pedestrians, cyclists, horse riders, and bird watchers, and constructing turf fields available for free public use. We are committed to increased community engagement and dialogue, and to maintain the open space nature of the property."

December 29, 2021

Collapse of the Coast to Crest Trail after December Rains



In numerous public meetings, including the City's Land Use and Housing Committee's review of the proposed lease, as well as the subsequent City Council vote to grant the lease to Surf Cup, Lobbyist Jim Madaffer made the following promise to the public: ***"On Day One, Surf Cup Sports will either begin the Coast to Crest Trail and Habitat Restoration, or hand the Park a check for a million dollars to fund the work. The choice is up to the Park."*** Madaffer made this same promise to the sitting JPA board in 2015. These promises were heard by many of us.

August 2022:

The question now is: **Who, amongst the City of San Diego agencies, will hold Surf Cup accountable for their ongoing flagrant dismissal of this obligation.** While the lease does not specify a date by which this work to be completed, Surf Cup has, for 6 years, used a variety of baseless excuses to hold the Park hostage. How is it possible for Surf Cup Sports to purchase an adjacent parcel for \$6.6 million dollars and continue to duck their leasehold obligation to complete this task? To whom can the public and the SDRP turn for resolution?

The Friends are deeply concerned that only the various State agencies, such as the US Corps of Engineers, and Fish and Wildlife can effectively impact this situation.

