



San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
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**JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

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San Diego City Council

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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 VALLEY REGIONAL OPEN SPACE PARK
CITIZENS ADVISORY COMMITTEE
VIA TELECONFERENCE ONLY
Friday, September 2, 2022 ~ 10:30 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 Citizens Advisory Committee Meeting via teleconference. All members and staff will be participating remotely.

To join this meeting via Teleconference

Topic: SDRP CAC meeting

Time: September 2, 2022 10:30 AM Pacific Time (US and Canada)

<https://zoom.us/j/96894531823>

Meeting ID: 968 9453 1823

One tap mobile

+16699009128,96894531823# US (San Jose)

+13462487799,96894531823# US (Houston)

It is highly recommended to call in **at least** 15 minutes prior to the commencement of the meeting.

Roll Call

Introductions and Announcements

Approval of the Minutes of August 5, 2022 (Page 3)

Chair's Report

Chair

Executive Director's Report

Staff

Public Comment

Public

DISCUSSION/ACTION

1. Proposed Action regarding Activities by Surf Cup Sports (Page 6)
2. Committee Reports
 - a. Project Review Committee
 - b. Trails Committee
 - c. Interpretation Committee

INFORMATION

Park and Project Status and Updates (oral)

Adjournment

The next meeting is scheduled for October 7, 2022
If you have any questions, please call Christal Ames at (858) 674-2270 Ext. 10

**SAN DIEGUITO RIVER PARK
CITIZENS ADVISORY COMMITTEE
Minutes of 8-5-22**

MEMBERS PRESENT

Chris Khoury
Rich Risner
Phil Pryde
Candice Bowman
Linda Oster
Maggie Brown
Judy LaVine
Liz Gabrych
Jeremy Blakespear
Julie Klein
Sharon Fogg
Cheryl Goddard
Jim Smith
Jeff Barnouw
Sue Carr
Bob Dudley
Bill Adelson

REPRESENTING

CAC Chair
American Society of Landscape Architects
Audubon Society
Carmel Valley Planning Board
Del Dios Town Council
Friends of the San Dieguito River Valley
Lake Hodges Native Plant Club
League of Women Voters
San Diego Mountain Biking Association
San Diego Trails Alliance
San Dieguito Planning Group
San Dieguito River Valley Conservancy
Torrey Pines Community Planning Group
Coastal Property Owner
Coastal Property Owner Alternate
San Pasqual Property Owner
San Pasqual Property Owner

VISITORS/STAFF PRESENT

Shawna Anderson
Christal Ames
Ayden Zielke
Dwight Worden

San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
JPA Board– Del Mar

Introductions and Announcements

No introductions.

Approval of Minutes -

Chair Khoury asked for a motion to approve the June 24, 2022 Minutes. Jeff Barnouw made the motion; seconded by Linda Oster. All in favor.

Chair's Report –

Chair Khoury announced that Sue Carr was approved by the JPA Board as an Alternate Coastal Property Owner CAC member. Chair Khoury recapped the July JPA meeting and thanked Cheryl Goddard for the excellent presentation.

Executive Director's Report – Executive Director Shawna Anderson shared a presentation, summarizing the Sikes Adobe Farmhouse event and announced the Outdoor Equity Grant award. Also presented was a detailed map of the Coast to Crest Trail Gaps, with information on “concept” trail routes for two of the gaps. Director Anderson announced the JPA issued an RFP for consultant teams to assist staff with a feasibility study, environmental studies, engineering, and other tasks for the two trail gaps. The RFPs were announced on SDRP website and social media, various consultant and organization websites, and distributed to several consultants. Proposals are due on September 9th.

Public Comment - no public comment

DISCUSSION/ACTION

1. **Proposed Letter to JPA Board regarding Surf Cup Sports Activities**

Director Anderson began with a recap of the June 24, 2022 CAC Meeting, explaining that it was recommended by the CAC that a letter to the JPA Board, from the CAC, be drafted, then brought back to the CAC for consideration. The CAC reviewed and discussed the draft letter prepared by CAC member Maggie Brown. Most supported the letter, but several thought a cover letter with a concise request should be added that would be received better by the JPA board. Motion was made by Maggie Brown the Motion was seconded by Phil Pryde. All were in favor.

2. **Reach the Beach Trail Update**

Executive Director Anderson showed a presentation outlining the progress made and issues associated with extending the Coast to Crest Trail to the beach in Del Mar. She also announced the potential for a Hubbell-designed gateway at the coast and the design of a trail in the recreational buffer that was set aside several years ago along the Fairgrounds between Jimmy Durante and the railroad bridge. The CAC expressed support. Director Anderson stated that she will report back with ongoing progress on both projects.

3. **Committee Reports**

- a. **Project Review Committee** – no PRC report.
- b. **Trails Committee** – Jeremy Blakespear announced the next Trails Committee meeting will be a site walk along the Fairgrounds recreational buffer to hear more about the trail and gateway plans.
- c. **Interpretation Committee** – no meeting, no report

INFORMATION

Park and Project Status and Updates (oral) Director Anderson stated that the Osuna project is still in the permit process at the City of San Diego.

Adjournment: Chris Khoury adjourned the meeting at 11:56pm

DRAFT

TO: CAC

FROM: Staff

SUBJECT: CAC Cover Letter to JPA Board regarding Surf Cup Sports

At the CAC's August 5, 2022 meeting, CAC member Maggie Brown representing the Friends of the San Dieguito River Valley (FSDRV) presented a draft letter and timeline (dated July 20) for the CAC's consideration to send to the JPA Board regarding activities by Surf Cup Sports. That letter prepared at the suggestion of the CAC at their June 24, 2022 meeting documents recent activities conducted by Surf Cup Sports on property adjacent to their soccer operations in the San Dieguito River Valley. This included grading and filling of wetlands without approvals or permits on land recently purchased by Surf Cup Sports (formerly known as the "Milan Property"). The letter also addressed their lack of progress restoring the Coast to Crest Trail and a detailed timeline.

Although the overall feedback from the CAC regarding the July 20 letter was positive, the CAC determined that a cover memo should be added that clearly states the CAC's requests. The CAC directed JPA staff to prepare a cover memo for consideration at their next meeting.

Attachment 1 is a draft cover memo for the CAC's consideration.

Respectfully submitted,

Shawna Anderson
Executive Director

Attachment:

1. Proposed CAC Memo to JPA Board with Attachments

DRAFT

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 Members:

The CAC voted ____ at its September 2, 2022 meeting to request 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 questions 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

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

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.