

APRIL 8, 2015

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, APRIL 08, 2015, 9:30 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:37 a.m.

PRESENT: Supervisors Bill Horn, Chairman; Dave Roberts, Vice Chairman; Greg Cox; Dianne Jacob; Ron Roberts; also David Hall, Clerk.

Approval of Statement of Proceedings/Minutes for the meeting of March 18, 2015.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor Jacob, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of March 18, 2015.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

Agenda # Subject

1. NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATING TO WATERSHED PROTECTION (4/8/15 – FIRST READING ORDINANCE; 5/13/15 – ADOPT ORDINANCE)

2. ADOPT A RESOLUTION DECLARING A PARTNERSHIP BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF POWAY TO PURSUE FUNDING SOURCES TO EXPAND THE IRON MOUNTAIN OPEN SPACE AREA BY POTENTIALLY ACQUIRING ADDITIONAL OPEN SPACE LANDS

3. ADVERTISE AND AWARD A CONTRACT FOR CULVERT REPAIR AND REPLACEMENT FISCAL YEAR 2014-15
[FUNDING SOURCE: HIGHWAY USER TAX ACCOUNT (GAS TAX)]

4. TRAFFIC ADVISORY COMMITTEE

5. COUNTY OF SAN DIEGO TRACT NO. 4976-1: APPROVAL OF FINAL MAP AND SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR OLIVE HILL ESTATES LOCATED IN BONSALE COMMUNITY PLANNING AREA
6. ADOPT MITIGATED NEGATIVE DECLARATION, ESTABLISH APPROPRIATIONS, AND ADVERTISE AND AWARD A CONTRACT FOR THE CONSTRUCTION OF DESCANSO PATHWAY
[FUNDING SOURCES: AVAILABLE PRIOR YEAR ROAD FUND FUND BALANCE AND HIGHWAY USER TAX ACCOUNT]
(4 VOTES)
7. GILLESPIE FIELD DEVELOPMENT COUNCIL: NINTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF EL CAJON CREATING THE GILLESPIE FIELD DEVELOPMENT COUNCIL
8. AUTHORIZATION TO ESTABLISH APPROPRIATIONS AND EXECUTE GRANT AGREEMENT WITH SANDAG USING TRANSNET FUNDS FOR THE DEVELOPMENT OF COUNTY ACTIVE TRANSPORTATION PLAN
[FUNDING SOURCES: A GRANT FROM SANDAG AND MATCHING FUNDS IN THE FORM OF STAFF TIME BY EACH DEPARTMENT ASSISTING WITH THIS PROJECT: PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, PARKS AND RECREATION, AND THE HEALTH AND HUMAN SERVICES AGENCY]
(4 VOTES)
9. COUNTY OF SAN DIEGO CLIMATE ACTION PLAN – RESCISSION
10. SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING COUNTY BUILDING CODE TO PROMOTE PHOTOVOLTAIC AND ELECTRIC VEHICLE CHARGING SYSTEMS
11. PUBLIC COMMUNICATIONS
12. CLOSED SESSION (CARRYOVER FROM 4/7/15 AGENDA NO. 23)

1. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND THE COUNTY OF
SAN DIEGO CODE OF REGULATORY ORDINANCES
RELATING TO WATERSHED PROTECTION (4/8/15 –
FIRST READING ORDINANCE; 5/13/15 – ADOPT
ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW:

Federal and state law require the County of San Diego (County) to obtain a permit from the San Diego Regional Water Quality Control Board (Regional Board) regulating the discharge of stormwater and other non-stormwater flows into and from the Municipal Separate Storm Sewer System (MS4). On May 8, 2013, the Regional Board issued the County and other regulated Copermittees a new MS4 Permit. The new MS4 Permit, like the permits it replaced, requires the County to implement permit conditions in an enforceable manner. To meet this requirement for the original MS4, the County had adopted the Watershed Protection, Stormwater Management and Discharge Control Ordinance, San Diego County Code Section 67.810, et seq. (WPO) in 2003.

Today's proposed action is to amend the WPO, to ensure that it complies with the minimum requirements of the new MS4 Permit. Amendments needed to bring the WPO into conformance with the current MS4 Permit include updating terminology and definitions, establishing more stringent stormwater management requirements for land development projects, and prohibiting water runoff from entering the MS4 as a result of irrigation activities such as lawn or landscape watering. The ordinance has also been restructured to match the organization of the MS4 Permit and to consolidate Best Management Practice (BMP) requirements pertaining to particular categories of discharges to make it easier for the public to use and understand. The amended ordinance will enhance the quality of the environment in the County through pollution prevention supporting the Sustainable Environments Initiative in the County of San Diego's 2015-2020 Strategic Plan.

If the WPO amendment is approved for introduction on April 8, 2015, the ordinance will be brought to the Board of Supervisors for adoption on May 13, 2015. The amended WPO will go into effect 30 days after its adoption.

FISCAL IMPACT:

This action will result in no change in General Fund current year costs, and no additional staff years will be required.

BUSINESS IMPACT STATEMENT:

Adoption of this ordinance, as mandated by the new MS4 Permit, will require land development projects and property owners to implement more extensive measures to eliminate or reduce the discharge of non-stormwater and pollutants in water. The MS4 Permit substantially restricts non-stormwater discharges and establishes more extensive control measures for the treatment and discharge of stormwater. Costs to project proponents, for both public and private projects, and business owners will vary depending on the nature of the project and business, but are expected to be substantial in some instances.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

On April 8, 2015:

1. Find that the proposed action is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(1) of the State CEQA Guidelines, and that if the action were a project it would be exempt from CEQA review pursuant to Public Resources Code section 21080.5 and Sections 15301, 15307 and 15308 of the State CEQA Guidelines.
2. Read the title, waive further reading, and introduce for further consideration and adoption on May 13, 2015:

AN ORDINANCE TO AMEND SECTION 67.801 ET. SEQ
OF THE SAN DIEGO COUNTY CODE OF
REGULATORY ORDINANCES RELATING TO
WATERSHED PROTECTION.

If, on April 8, 2015, the Board takes action on Recommendations 1 and 2, then on May 13, 2015:

Adopt the Ordinance.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Cox, the Board closed the Hearing and took action as recommended, introducing the Ordinance for further consideration and adoption on May 13, 2015.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

2. **SUBJECT: ADOPT A RESOLUTION DECLARING A PARTNERSHIP BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF POWAY TO PURSUE FUNDING SOURCES TO EXPAND THE IRON MOUNTAIN OPEN SPACE AREA BY POTENTIALLY ACQUIRING ADDITIONAL OPEN SPACE LANDS (DISTRICT: 2)**

OVERVIEW:

The County of San Diego and the City of Poway are committed to conserving and protecting our region's most pristine open space lands and natural resources. Both jurisdictions are also staunch supporters of allowing access to these public lands by providing riding and hiking trails which serve many purposes such as education, recreation and fostering environmental stewardship.

The Iron Mountain Open Space Area is located in the City of Poway and has become one of the more popular hiking spots in San Diego County. Both the County and City have been informed that nearly 800-acres in the surrounding area may be available for acquisition which could provide open space and land for trail connections.

Today's action adopts a resolution declaring a partnership between the County of San Diego and the City of Poway confirming each other's commitment to jointly pursue funding sources to potentially purchase additional open space lands in the Iron Mountain Open Space Area which will provide additional recreational opportunities for the public, as well as preserve wildlife corridors.

FISCAL IMPACT:

There is no fiscal impact associated with this action. Any future identified funding sources would be brought before the Board of Supervisors for approval.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SUPERVISOR DIANNE JACOB

Adopt the resolution entitled: A RESOLUTION DECLARING A PARTNERSHIP BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF POWAY TO JOINTLY PURSUE FUNDING SOURCES TO EXPAND THE IRON MOUNTAIN OPEN SPACE AREA BY POTENTIALLY ACQUIRING ADDITIONAL OPEN SPACE LANDS.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board took action as recommended, adopting Resolution No. 15-037, entitled: A RESOLUTION DECLARING A PARTNERSHIP BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF POWAY TO JOINTLY PURSUE FUNDING SOURCES TO EXPAND THE IRON MOUNTAIN OPEN SPACE AREA BY POTENTIALLY ACQUIRING ADDITIONAL OPEN SPACE LANDS.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

3. SUBJECT: ADVERTISE AND AWARD A CONTRACT FOR CULVERT REPAIR AND REPLACEMENT FISCAL YEAR 2014-15 (DISTRICTS: 2, 3 & 5)

OVERVIEW:

The Department of Public Works has identified various locations for repair and replacement of drainage culverts in communities throughout the county. The culvert work in this project restores the structural integrity of the culvert and protects the associated public road from possible failure.

This is a request to approve advertisement and subsequent construction contract award to the lowest responsive and responsible bidder for this project. The estimated cost for the project is \$450,000, including contingency. Project construction is scheduled to begin in the summer 2015 and be completed by late 2015.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction costs for culvert repair and replacement will be \$450,000, including contingency. The funding source is Highway User Tax Account (gas tax). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County public works contracts are competitively bid and help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because it involves the operation, repair, and maintenance of existing public roadway involving no or negligible expansion of existing use.

2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for subject public works project.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Contracts.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

4. **SUBJECT: TRAFFIC ADVISORY COMMITTEE
(DISTRICTS: 1, 2, 3 & 5)**

OVERVIEW:

The Traffic Advisory Committee meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. Five items were on the Committee's January 23, 2015 meeting agenda. The Committee recommends the Board's action on all five items.

FISCAL IMPACT:

Funds for this proposal are included in the Department of Public Works Fiscal Year 2014-15 Operational Plan. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

TRAFFIC ADVISORY COMMITTEE

District 1

- 1-A. Valley Vista Road, south side, from a point 470 feet east of Valley Vista Way easterly 20 feet (57th Edition Thomas Guide Page 1310-F3) Bonita – Remove an existing disabled parking space.

District 2

- 2-A. Ashwood Street from Maplevue Street northerly to Willow Road (57th Edition Thomas Guide Page 1232-B2) Lakeside – Recertify the existing 50 MPH speed limit for continued radar speed enforcement.

District 3

- 3-A. 4S Ranch Parkway from Camino Del Norte southerly to the end (57th Edition Thomas Guide Page 1169-E3) 4S Ranch – Recertify the existing 35 MPH speed limit for continued radar speed enforcement.

District 5

5-A. North Broadway from North Avenue northerly to Cougar Pass Road (57th Edition Thomas Guide Page 1109-H2) Escondido – Recertify the existing 45 MPH speed limit for continued radar speed improvement.

5-B. Pauma Reservation Road from SR-76 northerly to the end of County-maintained roadway (57th Edition Thomas Guide Page 1050-J1) Pauma – Recertify the existing 45 MPH speed limit for continued radar speed enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alteration of existing public facilities relating to regulatory traffic control issues on County-maintained roads, resulting in negligible or no expansion of use beyond that existing at the time of Board action.

2. Adopt the Traffic Advisory Committee’s recommendations.

3. Adopt the following Resolution:

RESOLUTION AMENDING TRAFFIC RESOLUTION
NO. 1197 RELATING TO THE ESTABLISHMENT OF
DISABLED PARKING SPACES IN THE COUNTY OF SAN
DIEGO. (Item 1-A)

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 15-038, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 1197 RELATING TO THE ESTABLISHMENT OF DISABLED PARKING SPACES IN THE COUNTY OF SAN DIEGO. (Item 1-A)

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

5. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4976-1: APPROVAL OF FINAL MAP AND SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR OLIVE HILL ESTATES LOCATED IN BONSALL COMMUNITY PLANNING AREA (DISTRICT: 5)**

OVERVIEW:

The purpose of this item is for the Board of Supervisors (Board) to review and approve the final map and secured agreement for public and private improvements for Olive Hill Estates. This project is a subdivision consisting of 37 single family residential lots, one private street lot, and three open space lots for a total of 41 lots on approximately 45.72-acres. County of San Diego Tract No. 4976-1, known as Olive Hill Estates, is located within the Bonsall Community Planning area, on the

north side of Olive Hill Road just westerly of SR-76 (2009 Thomas Guide, Page 1067, J-1).

The applicant has satisfied all conditions in the Resolution of Approval as approved by the Board on December 6, 2006(1). A labor and material bond and a performance bond for the construction of the public and private improvements have also been provided by the applicant. The map has been reviewed and found to be technically correct, and complies with State law and County ordinances.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the final map and associated actions is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(1) & (2) of the CEQA Guidelines.
2. Approve the final map for County of San Diego Tract No. 4976-1.
3. Accept on behalf of the public, subject to improvements, Triple Crown Drive and a portion of Olive Hill Road (SC100.1) for use as a street, together with the slope and drainage easements all as dedicated on said map. Acceptance into the County-maintained road system is subject to acceptance of road improvements.
4. Accept on behalf of the County, the easements for pedestrian and equestrian trail purposes, all as dedicated on said map.
5. Accept on behalf of the public the access rights from Lots 1 through 5 inclusive in and to Olive Hill Road (SC100.1) and from Lot 1 in and to Triple Crown Drive, as relinquished and waived on said map.
6. Accept on behalf of the County, the flowage easement, all as dedicated on said map.
7. Reject on behalf of the public, the portion of Lot 39 reserved for future street as dedicated on said map and accept on behalf of the public, the access rights from Lot 39 in and to said portion reserved for future street as dedicated on said map.
8. Approve and authorize the Clerk of the Board of Supervisors to execute the Agreement to Improve Major Subdivision, which includes street improvements, drainage facilities, sewer and water facilities and final monumentation (Attachment B).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

6. **SUBJECT: ADOPT MITIGATED NEGATIVE DECLARATION, ESTABLISH APPROPRIATIONS, AND ADVERTISE AND AWARD A CONTRACT FOR THE CONSTRUCTION OF DESCANSO PATHWAY (DISTRICT: 2)**

OVERVIEW:

This is a request to adopt the environmental document, establish appropriations, and authorize the construction of the Descanso Pathway Project. The project is located on the north side of Viejas Boulevard from River Drive to Manzanita Lane (Attachment A) in the unincorporated community of Descanso (57th Edition Thomas Guide Page 1310, B2-B3 and C2-C3). The proposed project is to provide a six-foot wide decomposed granite (DG) pathway adjacent to the north side of Viejas Boulevard. Currently there is no pathway or sidewalk in this area and pedestrians must walk along the road shoulder. This project will benefit the community by enhancing pedestrian safety, accessibility and walkability. This project is part of the Community Development Block Grant (CDBG) program. The design, environmental and right-of-way phases were funded with CDBG grant funds.

Staff have prepared a Mitigated Negative Declaration for this project. This is a request to adopt the Mitigated Negative Declaration, establish appropriations, and approve advertisement and subsequent contract award to the lowest responsive and responsible bidder for the Descanso Pathway project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is scheduled to begin in spring 2015 and be completed by early fall 2015. The estimated construction cost for the project is \$350,000, including contingency.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2014-15 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction costs for the Descanso Pathway project will be \$350,000, including contingency. The funding sources are available prior year Road Fund fund balance (\$264,000) and Highway User Tax Account (\$86,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County construction contracts are competitively bid and help stimulate the local economy.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find, on the basis of the whole record, there is no substantial evidence the project will have a significant effect on the environment. Consider the Mitigated Negative Declaration dated January 14, 2015 for the Descanso Pathway Project (Attachment B) together with any comments received during public review (Attachment C), adopt it, and find the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Public Resources Code, Section 21081.6, and direct the Director, Department of Public Works, to ensure compliance with the Mitigation Monitoring and Reporting Program (Attachment D).
3. Establish appropriations of \$264,000 in the Department of Public Works Detailed Work Program for construction of the Descanso Pathway project based on prior year available Road Fund fund balance. **(4 VOTES)**
4. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401, et seq. of the Administrative Code with respect to contracting for subject public works project.
5. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board took action as recommended.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

7. **SUBJECT: GILLESPIE FIELD DEVELOPMENT COUNCIL: NINTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF EL CAJON CREATING THE GILLESPIE FIELD DEVELOPMENT COUNCIL (DISTRICT: 2)**

OVERVIEW:

Gillespie Field, located between the City of El Cajon and City of Santee (57th Edition Thomas Guide Page 1251, D-1), is the oldest and largest County-owned airport. The airport is a valuable community resource, providing a variety of local services and business opportunities through a unique mixture of land uses.

On March 19, 1974 (70), the Board approved a “Joint Exercise of Powers Agreement Between the County of San Diego and the City of El Cajon Creating an Agency to be Known as the Gillespie Field Development Council”. Since that time, the Gillespie Field Development Council has been advising the County and the City on a variety of airport-related issues, including aviation, and industrial and economic development.

This request proposes approval of a Ninth Amendment to the Joint Exercise of Powers Agreement, adding the provision that one of the County-nominated seats will be filled by a suitably qualified candidate proposed by the City of Santee and extending the term of the agreement an additional seven years until June 30, 2025. This Amendment will enable the City of Santee to have a greater voice on the Gillespie Field Development Council and for the Council to continue to provide its expertise and guidance.

FISCAL IMPACT:

There is no fiscal impact associated with amending the “Joint Exercise of Powers Agreement Between the County of San Diego and the City of El Cajon Creating an Agency Known as the Gillespie Field Development Council.” There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed contract amendment is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15060(c)(3) because the activity is not a project as defined by Section 15378 of the CEQA Guidelines.
2. Approve and authorize the Clerk of the Board to execute upon receipt the Ninth Amendment to the “Joint Exercise of Powers Agreement Between the County of San Diego and the City of El Cajon Creating the Gillespie Field Development Council”, adding the provision that one of the County-nominated seats will be filled by a suitably qualified candidate proposed by the City of Santee and extending the term of the agreement an additional seven years until June 30, 2025.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

8. **SUBJECT: AUTHORIZATION TO ESTABLISH APPROPRIATIONS AND EXECUTE GRANT AGREEMENT WITH SANDAG USING TRANSNET FUNDS FOR THE DEVELOPMENT OF COUNTY ACTIVE TRANSPORTATION PLAN (DISTRICTS: ALL)**

OVERVIEW:

The County of San Diego has multiple planning documents that guide development of transportation networks, such as the Mobility Element, Bicycle Transportation Plan and Pedestrian Area Plans.

In 2014, the Departments of Public Works, Parks and Recreation, Planning & Development Services and the Health and Human Services Agency collaboratively applied for grant funding through the California Active Transportation Program for a county-wide Active Transportation Plan (ATP). The project was selected during the regional round administered by the San Diego Association of Governments (SANDAG).

The ATP will integrate and update several existing plans, programs and documents into a comprehensive package for the unincorporated communities. This County ATP will serve as a master plan and policy document to guide the development and maintenance of active transportation infrastructure including sidewalks, pathways, multi-use trails, and bikeways, as well as Safe-Routes-to-School programs for the unincorporated communities. The creation of an ATP aligns strongly with the Built and Natural Environment – Transportation focus area of the *Live Well San Diego Thriving* initiative. This key focus area of *Thriving* aims to broaden transportation options to improve accessibility and connections between destinations, a goal that includes developing active transportation plans for the County's unincorporated communities by working with stakeholders and utilizing SANDAG technical assistance and grant funds.

Today's request is to enter into a grant agreement with SANDAG for \$500,000 and establish appropriations in the Department of Planning & Development Services for development of the County's ATP.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2014-15 Operational Plan in the Department of Planning & Development Services. If approved, this request will result in current year costs and revenue of \$650,000. The funding sources are a grant from SANDAG (\$500,000) and matching funds (\$150,000) in the form of staff time by each department assisting with this project: Planning & Development Services, Public Works, Parks and Recreation, and the Health and Human Services Agency. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility this project may have a significant effect on the environment as stated in the Notice of Exemption.
2. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires full cost recovery for grants, as these grant programs do not recover full cost.
3. Authorize the Director, Department of Planning & Development Services to accept grant funds for the development of the Active Transportation Plan totaling \$500,000 from SANDAG for the period April 1, 2015 to April 1, 2018.
4. Adopt the Resolution entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING THE EXECUTION OF TRANSNET/ACTIVE TRANSPORTATION GRANT FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE COUNTY ACTIVE TRANSPORTATION PLAN, AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT #5004631.
5. Establish appropriations of \$500,000 in the Department of Planning & Development Services, Services and Supplies to fund development of an Active Transportation Plan based on a grant from SANDAG. **(4 VOTES)**
6. Authorize the Director, Department of Planning & Development Services, as agent of the County, to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, and payment requests and to execute the grant agreement upon award of grant funds, including any extensions or amendments thereof, that do not materially impact or alter the grant program or funding level.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 15-039, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING THE EXECUTION OF TRANSNET/ACTIVE TRANSPORTATION GRANT FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE COUNTY ACTIVE TRANSPORTATION PLAN, AND ACCEPTING THE TERMS OF THE GRANT AGREEMENT #5004631.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

9. **SUBJECT: COUNTY OF SAN DIEGO CLIMATE ACTION PLAN – RESCISSION (DISTRICTS: ALL)**

OVERVIEW:

On June 20, 2012, the Board of Supervisors (Board) adopted the Climate Action Plan (CAP) and the associated “Addendum” to the General Plan Update Program Environmental Impact Report (EIR) (herein referred to as related environmental findings). On July 20, 2012, Sierra Club filed a petition, alleging that the County’s adoption of the CAP violated the California Environmental Quality Act. The trial court ruled in favor of Sierra Club, thus invalidating the CAP. This decision was later affirmed by the Appeals Court and ultimately the California Supreme Court denied the County’s petition for review on March 11, 2015. In a stipulated order, the Superior Court directed the County to set aside the Board’s June 12, 2012 action approving the CAP and related environmental findings within 30 days of a final adverse decision by the Supreme Court. The Supreme Court’s March 11, 2015 denial of the petition for review constitutes a final order. Therefore, the actions approving the CAP and related environmental findings must be set aside on or before April 10, 2015. Today’s action requests the Board to rescind the CAP and related environmental findings in compliance with the court order.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Rescind County of San Diego Climate Action Plan and related environmental findings previously adopted by the Board of Supervisors on June 20, 2012 (4).

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Cox, the Board took action as recommended.

AYES: Cox, Jacob, D. Robert, R. Roberts, Horn

10. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING COUNTY BUILDING CODE TO PROMOTE PHOTOVOLTAIC AND ELECTRIC VEHICLE CHARGING SYSTEMS (DISTRICTS: ALL)**

OVERVIEW:

On March 4, 2015 (10), the Board introduced the Ordinance for further consideration and adoption on April 8, 2015.

On April 16, 2014 (3), Supervisor Dianne Jacob, Second District, and Supervisor Dave Roberts, Third District, recommended that the Board of Supervisors direct the Chief Administrative Officer to research and develop potential updates to the County Building Code that would further promote green building technologies through cost effective measures aimed at reducing energy bills and working toward energy independence. On August 6, 2014, staff presented possible County Building Code amendments to the Board of Supervisors and the Board directed the Chief Administrative Officer to prepare and return to the Board with amendments to the County Building Code to implement four of the options presented. If adopted, the proposed ordinance would implement the changes directed by the Board on August 6, 2014.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations.

BUSINESS IMPACT STATEMENT:

The adoption of the proposed Building Code amendment would benefit the residents of the unincorporated County and renewable energy industry by making new single family homes ready for future installation of photovoltaic or electric vehicle charging systems. The additional cost for new home construction to implement the proposed code amendment is expected to be approximately \$300 - \$400 per single family dwelling. However, if a homeowner elected to install these improvements and retrofit an existing home at a later date, the cost for the retrofit would be greater than the upfront cost at the time of new home construction.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Adopt the Ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 1 OF DIVISION 2
OF TITLE 9 OF THE SAN DIEGO COUNTY CODE RELATED
TO SOLAR AND ELECTRIC VEHICLE READY BUILDINGS.

2. Direct the Clerk of the Board of Supervisors to provide a certified copy of the adopted ordinance amending the County Building Code to the California Building Standards Commission.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Ordinance No. 10380 (N.S.), entitled: AN ORDINANCE AMENDING CHAPTER 1 OF DIVISION 2 OF TITLE 9 OF THE SAN DIEGO COUNTY CODE RELATED TO SOLAR AND ELECTRIC VEHICLE READY BUILDINGS.

AYES: Cox, Jacob, D. Robert, R. Roberts

NOES: Horn

11. SUBJECT: PUBLIC COMMUNICATIONS (DISTRICTS: ALL)

OVERVIEW:

Martha Welch spoke to the Board regarding the Sheriff.

Jamie Edmonds spoke to the Board regarding Transition San Diego.

ACTION:

Heard, referred to the Chief Administrative Officer.

12. SUBJECT: CLOSED SESSION (CARRYOVER FROM 4/7/15 AGENDA NO. 23) (DISTRICTS: ALL)

OVERVIEW:

On April 7, 2015 (23) the Board continued item F for further consideration on April 8, 2015.

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
John Warner Stephens v. County of San Diego, et al.; United States District Court, Southern District, No. 11-CV-2832-AJB
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Antonio Martinez, et al. v. County of San Diego, et al.; San Diego County Superior Court No. 37-2014-00013656-CU-CR-NC
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Bertrand Victorienne, et al. v. County of San Diego, et al.
United States District Court, Southern District, No. 14-CV-2170-WQH
- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 3)
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club, et al. v. County of San Diego, et al.; San Diego County Superior Court No. 37-2012-00101054-CU-TT-CTL
- F. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases – 1)

ACTION:

County Counsel reported that there were no reportable matters.

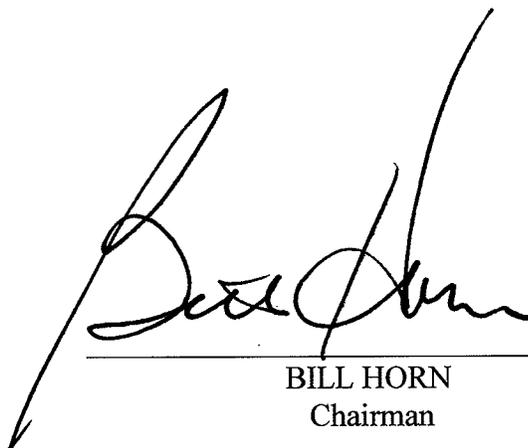
There being no further business, the Board adjourned at 11:30 a.m.

DAVID HALL
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Vizcarra
Discussion: Panfil

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, April 22, 2015.



BILL HORN
Chairman

Attest:



DAVID HALL
Clerk of the Board

4/8/15