

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, OCTOBER 23, 2013, 09:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:21 a.m.

Present: Supervisors Greg Cox, Chairman; Dianne Jacob, Vice Chairwoman; Dave Roberts; Ron Roberts; Bill Horn; also David C. Hall, Assistant Clerk of the Board.

Approval of Statement of Proceedings/Minutes for the meeting of October 9, 2013.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor R. Roberts, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 9, 2013.

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

ABSENT: 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:
 AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING
 ORDINANCE TO STREAMLINE THE COMMUNITY DESIGN REVIEW
 PROCEDURE, POD 11-005

2. AUTHORIZATION TO EXECUTE THE AMENDMENT TO THE SAN
 DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT
 EXERCISE OF POWERS AGREEMENT
 [FUNDING SOURCE(S): GENERAL PURPOSE REVENUE]

3. COUNTY OF SAN DIEGO TRACT NO. 5383-1: APPROVAL OF FINAL MAP AND JOINT SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR MEADOW RUN LOCATED IN LAKESIDE COMMUNITY PLANNING AREA
4. RE-ALLOCATE PROPOSITION 1B FUNDS, ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF IN-PAVEMENT LIGHTING SYSTEMS AT COUNTY CROSSWALKS
[FUNDING SOURCE(S): AVAILABLE ROAD FUND FUND BALANCE FROM PROPOSITION 1B]
(4 VOTES)
5. AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENTER INTO A REVISED LOCAL PRIMACY AGENCY DELEGATION AGREEMENT FOR THE OVERSIGHT OF SMALL WATER SYSTEMS AND ACCEPT A ONE-TIME GRANT
6. SET HEARING FOR 12/4/13:
SANTA FE MEADOWS OPEN SPACE EASEMENT VACATION; SAN DIEGUITO COMMUNITY PLAN AREA (10/23/13 – SET HEARING; 12/4/13 – HOLD HEARING)
7. NOTICED PUBLIC HEARING:
LUSARDI CREEK – ACQUISITION OF 31.15 ACRES OF LAND FOR OPEN SPACE (DIANNE M. FINGAL AND CHARLES V. FINGAL, JR.) (9/25/13 – SET HEARING; 10/23/13 – HOLD HEARING)
[FUNDING SOURCE(S): OPERATING TRANSFER FROM THE GENERAL FUND AND A GRANT FROM THE STATE OF CALIFORNIA HABITAT CONSERVATION FUND]
8. NOTICED PUBLIC HEARING:
OTAY VALLEY REGIONAL PARK – ACQUISITION OF 15.65 ACRES FOR OPEN SPACE (PLATUS CORPORATION PENSION PLAN) (9/25/13 – SET HEARING; 10/23/13 – HOLD HEARING)
[FUNDING SOURCE(S): ACQUISITION - OPERATING TRANSFER FROM THE GENERAL FUND AND CALTRANS SETTLEMENT; INITIAL STEWARDSHIP - A TRANSFER FROM THE CONTRIBUTIONS TO CAPITAL OUTLAY FUND AND CALTRANS SETTLEMENT FUNDS]
9. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY
ZONING ORDINANCE TO STREAMLINE THE
COMMUNITY DESIGN REVIEW PROCEDURE, POD 11-005
(DISTRICTS: ALL)**

OVERVIEW:

On February 29, 2012 (4), the Board of Supervisors directed staff to seek opportunities to shift more project decisions from discretionary to ministerial actions. This proposed Zoning Ordinance Amendment would implement a new streamlined ministerial procedure for certain projects that are currently subject to community design review and require a discretionary Site Plan Permit. The proposed Zoning Ordinance Amendment: (1) establishes a new exemption to the "B" Community Design Review Site Plan Permit process and (2) creates new design review checklists for the unincorporated communities of Alpine, Bonsall, Fallbrook, Lakeside, Spring Valley, Sweetwater, Valley Center, and the Interstate 15 Design Corridor. The proposed design review checklist procedure requires an amendment to the County's Administrative Code to establish an associated application fee.

This item is a request for the Board to adopt: (1) the Form of Ordinance amending the County's Zoning Ordinance to establish the Design Review Checklist Exemption to the Site Plan Permit process, (2) the Form of Ordinance amending the County's Zoning Ordinance to adopt the design review checklists; and (3) the Form of Ordinance amending the County Administrative Code to establish a new fee for the proposed design review checklist procedure.

FISCAL IMPACT:

Commercial, industrial, and multi-family residential land development projects subject to a "B" Community Design Review special area designator currently require a Site Plan Permit. The proposed amendment would allow for certain projects to qualify for a waiver of the discretionary "B" Designator Site Plan Permit process by demonstrating compliance with the proposed design review checklist. The proposed design review checklist procedure will require a new fee of \$1,278; this fee amount covers County costs associated with reviewing a plot plan for compliance with Zoning Ordinance standards and reviewing the applicable design review checklist. An amendment to the Administrative Code is proposed as part of this action to implement a \$1,278 fee for the design review checklist procedure. The fee replaces deposits currently required for discretionary Site Plan Permits. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

This project would implement a new ministerial community design review procedure that would provide a simpler and more streamlined permitting process resulting in reduced processing times and costs. The proposed procedure would also reduce customer costs and provide certainty by implementing a one-time fee in lieu of a deposit.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed Zoning Ordinance and Fee Ordinance Amendments are exempt from the California Environmental Quality Act (CEQA) as specified under Sections 15061(b)(3) and 15273 of the State CEQA Guidelines for the reasons stated in the Notice of Exemption.
2. Approve the findings in Attachment H pursuant to the State CEQA Guidelines Section 15273(c).
3. Adopt the Ordinance entitled:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO STREAMLINE THE COMMUNITY DESIGN REVIEW PROCEDURE. (Attachment A)
4. Adopt the Ordinance entitled:
AN ORDINANCE ADOPTING DESIGN REVIEW CHECKLISTS FOR ALPINE, BONSTALL, FALLBROOK, LAKESIDE, SPRING VALLEY, SWEETWATER, VALLEY CENTER, AND THE I-15 DESIGN CORRIDOR. (Attachment E)
5. Adopt the Ordinance entitled:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO ADD A PERMIT FEE RELATING TO THE DESIGN REVIEW CHECKLIST PROCEDURE. (Attachment F)

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor Horn, the Board closed the Hearing and took action as recommended, adopting the following:

Ordinance No. 10296 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO STREAMLINE THE COMMUNITY DESIGN REVIEW PROCEDURE;

Ordinance No. 10297 (N.S.), entitled: AN ORDINANCE ADOPTING DESIGN REVIEW CHECKLISTS FOR ALPINE, BONSTALL, FALLBROOK, LAKESIDE, SPRING VALLEY, SWEETWATER, VALLEY CENTER, AND THE I-15 DESIGN CORRIDOR; and

Ordinance No. 10298 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO ADD A PERMIT FEE RELATING TO THE DESIGN REVIEW CHECKLIST PROCEDURE.

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

2. **SUBJECT: AUTHORIZATION TO EXECUTE THE AMENDMENT TO THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT EXERCISE OF POWERS AGREEMENT (DISTRICTS: 2, 3 AND 5)**

OVERVIEW:

On May 16, 1989 (56), the Board of Supervisors approved the Joint Exercise of Powers Agreement (JEPA) between the County of San Diego and the cities of Del Mar, Escondido, Poway, San Diego and Solana Beach, which created the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA). Under the terms of the agreement, these agencies would work together to protect and preserve sensitive lands in the San Dieguito River Valley by placing the lands in public ownership for the benefit of future generations.

The current JEPA will expire June 12, 2014. The amended JEPA includes four primary changes: 1) the agreement remains valid for as long as any two member agencies agree to continue as member agencies of the JPA; 2) an annual financial contribution, based on the member agency contribution formula, is included in the revised agreement; 3) it stipulates that if a member agency elects to not pay its share of the annual contribution, its voting rights will be suspended until such time as all outstanding annual contributions are paid; and 4) it includes a clause that describes a process for distribution of assets and obligations should the JPA ever cease to exist.

Today's request will authorize the Clerk of the Board of Supervisors to execute the amended JEPA between the County and the cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. Today's request will also authorize the Chairman of the Board to send a letter to the Board of Directors of the JPA requesting that the Board of Directors establish a policy that would provide more specific guidance in the event an agency does not pay their share.

FISCAL IMPACT:

There is no fiscal impact associated with today's action. Under the existing terms of the Joint Exercise of Powers Agreement (JEPA), all land owned by the Joint Powers Authority is maintained by existing budgeted Authority staff.

Approval of the amended JEPA will continue the County's annual contribution based on a formula in the amended JEPA. The Fiscal Year 2013-14 annual cost of \$254,100 is included in Fiscal Year 2013-14 Operational Plan for the Land Use and Environment Group Executive Office. The funding source is General Purpose Revenue. 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 activity is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15320.
2. Approve and authorize the Clerk of the Board of Supervisors to execute the Amended Joint Exercise of Powers Agreement between the County of San Diego and the cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach Creating the San Dieguito River Valley Regional Open Space Park Joint Powers Authority.
3. Authorize the Chairman of the Board of Supervisors to send a letter to the Board of Directors of the Joint Powers Authority requesting that the Board of Directors establish a policy that would provide more specific guidance in the event an agency does not pay their required annual contribution as a member of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority.

ACTION:

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

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

3. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5383-1: APPROVAL OF FINAL MAP AND JOINT SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR MEADOW RUN LOCATED IN LAKESIDE COMMUNITY PLANNING AREA (DISTRICT: 2)**

OVERVIEW:

The purpose of this item is for the Board of Supervisors to review and approve the final map and secured agreement for public and private improvements. This project is a subdivision proposing 67 single family residential lots, on a total of 16.02 acres. County of San Diego Tract No. 5383-1, known as Meadow Run, is located within the Lakeside area, on the east side of Los Ranchitos Road just southerly of Ranchitos Place (2009 Thomas Guide, Page 1231, F-3).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Approve the final map for County of San Diego Tract No. 5383-1.
2. Accept on behalf of the public, subject to improvements, Pleasant Meadows Place, Rain Meadow Road, Rock Meadow Road, Rose Meadow Road, and Ranchitos Place for use as streets, together with the right to extend and maintain drainage facilities and excavation and embankment slopes beyond the limits of the rights of way as dedicated on said map.
3. Accept the noise protection easement as granted on said map.
4. Accept the drainage easement as granted on said map.
5. Vacate pursuant to Section 66434(g) of the Subdivision Map Act, easements granted to the San Diego County Flood Control District per documents recorded April 16, 1973 as File/Page No. 73-100221, recorded November 4, 1974 as File/Page No. 74-292572, and recorded October 17, 1979 as File/Page No. 79-434810.
6. Approve and authorize Clerk of the Board to execute a Joint Agreement to Improve Major Subdivision, which includes street improvements, sewer facilities and water facilities. (Attachment B)
7. Adopt the resolution entitled: Resolution Accepting Previously Rejected Offer to Dedicate Subdivision Street, accepting those portions of Lots 17 and 18 for use as a street, Map No. 11015. (Attachment E)

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 13-151, entitled: RESOLUTION ACCEPTING PREVIOUSLY REJECTED OFFER TO DEDICATE SUBDIVISION STREET, ACCEPTING THOSE PORTIONS OF LOTS 17 AND 18 FOR USE AS A STREET, MAP NO. 11015.

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

4. **SUBJECT: RE-ALLOCATE PROPOSITION 1B FUNDS, ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF IN-PAVEMENT LIGHTING SYSTEMS AT COUNTY CROSSWALKS (DISTRICT: 2)**

OVERVIEW:

This project will improve six existing crosswalks in the unincorporated County by installing in- pavement lighting at: Fury Lane, east of Avocado School Road; Calle Verde, east of Avocado Boulevard; Conrad Drive, two locations, both north of Campo Road; Bridle Run, west of Harbison Canyon Road; and Lakeside Avenue,

east of Vista Camino. The in-pavement lighting systems will enhance the visual warning of pedestrian presence that drivers receive in advance of the crosswalk and improve the overall level of safety available to pedestrians.

This is a request to re-allocate Proposition 1B savings from completed projects, establish appropriations based on Road Fund fund balance, and approve advertisement and subsequent contract award to the lowest responsible bidder to install in-pavement lighting systems and their associated warning devices at six existing crosswalks. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is scheduled to begin in late 2013 and be completed by spring 2014. Proposition 1B funds must be spent by June 30, 2014.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Detailed Work Program. If approved, current year costs total \$500,000, itemized as follows: construction costs, including contingency, will be \$400,000, estimated support costs for procurement and construction management are \$100,000. The funding source is available Road Fund fund balance from Proposition 1B. There will be no change in net General Fund costs 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 that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Allocate \$500,000 in Proposition 1B funding for In-Pavement Lighting Systems project.
3. Establish appropriations of \$500,000 in the Department of Public Works, Detailed Work Program for In-Pavement Lighting Systems project based on available Road Fund fund balance from Proposition 1B. **(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 the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

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

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

5. **SUBJECT: AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENTER INTO A REVISED LOCAL PRIMACY AGENCY DELEGATION AGREEMENT FOR THE OVERSIGHT OF SMALL WATER SYSTEMS AND ACCEPT A ONE-TIME GRANT (DISTRICTS: ALL)**

OVERVIEW:

In 1993, the County of San Diego entered into a delegation agreement with the State Department of Health Services to operate as the Local Primacy Agency and oversee the operation of small water systems located in the County. The California Health and Safety Code allows the State to enter into Local Primacy Delegation Agreements with local health and environmental health agencies to regulate small public water systems, those with less than 200 connections. As a Local Primacy Agency the County permits small public water systems, reviews monitoring results, conducts inspections, provides reports to the State, provides technical assistance, ensures that customers are aware of water quality issues and pursues necessary enforcement actions.

The California Department of Public Health, formerly the Department of Health Services, has requested all existing Local Primacy Agencies in the State to enter into a revised Local Primacy Delegation Agreement with the State by November 30, 2013. This revised Local Primacy Delegation Agreement contains the requirements of the previous Agreement as well as some additional requirements. New requirements include additional reporting into the State's electronic data system and require the Local Primacy Agency to ensure that the regulated water systems enter all of the data required for the new Electronic Annual Report.

The State recognizes that the additional data reporting and water system compliance requirements will utilize resources that most Local Primacy Agencies do not have. To alleviate this issue the California Department of Public health is offering one time grants to the Local Primacy Agencies to offset the additional costs. Each Local Primacy Agency will be offered a grant based on the number of community water systems, non-transient non-community water systems and transient non-community water systems in their inventory. Based on the Department of Environmental Health's current inventory, the estimated grant amount is \$326,000.

Today's request is to allow the Director of the Department of Environmental Health to enter into a revised Local Primacy Delegation Agreement with the California Department of Public Health and to accept a one-time grant based on the current inventory of water systems in the categories listed above. The request

is also approve a resolution authorizing execution of a delegation agreement between the County and the California Department of Public Health.

FISCAL IMPACT:

Funds for the implementation of the new requirements of the Local Primacy Agency are budgeted in the Fiscal Year 2013-14 Operational Plan in the Department of Environmental Health. Presently the Local Primacy Agency delegated the authority to the Department of Environmental Health to permit and oversee the regulation of small public drinking water systems in the County of San Diego. Permit fees charged by the Department of Environmental Health offset the cost of the existing program requirements. A one-time grant from the State Department of Health Services of about \$326,000 will be used to cover the new requirements which will span multiple fiscal years. It is estimated that \$49,000 will be used in Fiscal Year 2013-14 and approximately \$42,000 per year for approximately seven additional years. Grant funding will be included in subsequent Operational Plans in the Department of Environmental Health. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

The County has regulated the small public water systems for over 40 years and during this time has promoted better management and training for water system staff. The Department of Environmental Health offers enhanced customer service by providing local on-site technical assistance. The Department of Environmental Health will continue to provide assistance in achieving compliance through rigorous problem solving as the preferred approach and employing enforcement as a last resort. Inspections will focus on potential public health threats.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment therefore exempt from CEQA.
2. Approve and authorize the Director, Department of Environmental Health to execute the revised Local Primacy Delegation Agreement including extensions, amendments and/or revisions thereof that do not materially impact or alter the program.
3. Approve and authorize the Director, Department of Environmental Health, to execute a grant agreement with the California Department of Public Health in the amount of \$326,000 to fund additional costs associated with the Local Primacy Delegation Agreement.
4. Authorize the Director, Department of Environmental Health, to execute all required grant documents, including any extensions, amendments, and or revisions thereof that do not materially impact or alter either the program or funding level.

5. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A LOCAL PRIMACY AGENCY DELEGATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 13-152, entitled: RESOLUTION AUTHORIZING EXECUTION OF A LOCAL PRIMACY AGENCY DELEGATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH.

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

6. **SUBJECT: SET HEARING FOR 12/4/13:
SANTA FE MEADOWS OPEN SPACE EASEMENT
VACATION; SAN DIEGUITO COMMUNITY PLAN AREA
(10/23/13 – SET HEARING; 12/4/13 – HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW:

Application date: July 10, 2013

This is a request for the Board of Supervisors to consider the vacation of a biological open space easement and brush management zone easement pursuant to Board Policy I-103 Open Space Easement Vacations and the Streets and Highways Code. The 10.27 acre biological open space easement and 3.93 acre brush management zone easement requested to be vacated by the property owners were recorded in association with the Santa Fe Meadows Tentative Map (TM 5116) which was approved in 1999. A Final Map associated with this project was never recorded, and the Tentative Map has since expired. Therefore, the easements are no longer required to mitigate impacts related to the Tentative Map under the California Environmental Quality Act (CEQA). The case number for this project is: PDS2013-VAC-13-001.

The project site is 20.52 acres in size and is located south of Artesian Road and Franzen Farms Road, and west of Artesian Trail, within the San Dieguito Community Plan area (Thomas Bros. Map Page 1168, J/4).

Today's request requires two steps: On October 23, 2013, it is requested that the Board set a date for a public hearing for December 4, 2013, and provide public notice of that hearing. If the Board takes the actions recommended for October 23, 2013, then on December 4, 2013, it is requested that the Board consider and adopt a resolution to vacate the referenced easements and record the resolution of vacation.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

On October 23, 2013:

1. Set a public hearing date on December 4, 2013 at 9:00 a.m. to consider vacating a 10.27 acre biological open space easement and a 3.93 acre brush management zone easement as detailed in Attachment G.
2. Direct the Clerk of the Board of Supervisors to provide notice of the hearing via publication and posting as required by law.

If on October 23, 2013 the Board of Supervisors takes the action recommended in items 1-2, then on December 4, 2013:

1. Adopt the environmental findings included in Attachment D.
2. Adopt the resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2013-VAC-13-001. (Attachment C).
3. Direct the Clerk of the Board to record this resolution pursuant to the Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, setting a Hearing for December 4, 2013.

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

7. **SUBJECT: NOTICED PUBLIC HEARING:
LUSARDI CREEK – ACQUISITION OF 31.15 ACRES OF
LAND FOR OPEN SPACE (DIANNE M. FINGAL AND
CHARLES V. FINGAL, JR.) (9/25/13 – SET HEARING;
10/23/13 – HOLD HEARING) (DISTRICT: 5)**

OVERVIEW:

On September 25, 2013 (5), the Board set a Hearing for October 23, 2013. In order to finalize matters, staff requires additional time to bring the item back to the Board for approval on November 6, 2013.

The County has identified 31.15 acres available for acquisition in the unincorporated area of San Dieguito west of Camino del Sur at the southwest terminus of Artesian Road (2012 Thomas Guide page 1168, H-4). The acquisition of this property will help preserve valuable riparian and California gnatcatcher habitat as well as provide recreational trail opportunities in the region. The property, located adjacent to the Lusardi Creek Preserve, is within an identified

core area of the Multiple Species Conservation Program (MSCP) South County Subarea Plan. Core areas support a high concentration of sensitive biological resources which, if lost or fragmented, could not be replaced or mitigated elsewhere. The appraised value of the property is \$1,360,000.

Today's request requires two steps. On September 25, 2013, it is requested that the Board set a hearing for October 23, 2013, and provide public notice of the hearing. If the Board takes the actions recommended for September 25, 2013, then on October 23, 2013, after making the necessary findings, the Board is requested to approve the purchase from Dianne M. Fingal and Charles V. Fingal, Jr. of Assessor's Parcel Number 269-100-29 for the appraised value of \$1,360,000. In addition, today's request would establish appropriations of \$200,000 in the Multiple Species Conservation Program Acquisitions Fund based upon a grant award from the State of California Habitat Conservation Fund (HCF). The HCF program protects sensitive plant and animal species by providing funding for the acquisition of high quality habitat.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will result in a current year cost of \$1,456,100 itemized as follows: \$1,360,000 for property acquisition; \$38,000 for staff and due diligence expenses to complete the transaction; \$6,100 for closing and title costs; and \$52,000 in one-time land protection costs for signage, fencing and vegetation management. The funding sources are an Operating Transfer from the General Fund (\$1,256,100) and a grant from the State of California Habitat Conservation Fund (\$200,000).

Total annual costs for required land monitoring and management of the 31.15 acres, per the approved MCSP South County Subarea Plan, are estimated at \$2,000. In addition, there will be an annual cost of \$1,677 for fixed charge assessments including road improvement and maintenance, vector control and water standby charges. These costs will be absorbed within the Department of Parks and Recreation existing budget. There will be no change in current year net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Continue the item to Wednesday, November 6, 2013.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board continued the item to November 6, 2013, on Consent.

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

**8. SUBJECT: NOTICED PUBLIC HEARING:
OTAY VALLEY REGIONAL PARK – ACQUISITION OF
15.65 ACRES FOR OPEN SPACE (PLATUS CORPORATION
PENSION PLAN) (9/25/13 – SET HEARING; 10/23/13 – HOLD
HEARING) (DISTRICT: 1)**

OVERVIEW:

On September 25, 2013 (8), the Board set a Hearing for October 23, 2013. In order to finalize matters, staff requires additional time to bring the item back to the Board for approval on November 6, 2013.

In 1990, the County of San Diego, along with the cities of San Diego and Chula Vista, formed a Joint Exercise of Powers Agreement (JEPA) to coordinate the acquisition, planning, design, operation and maintenance of land and park facilities within the Otay Valley Regional Park. The park, as envisioned, will eventually span 13 miles from southern San Diego Bay to Otay Lakes Park. The County has identified 15.65 acres available for acquisition and inclusion into the park south of Main Street and west of Interstate 805 in the City of San Diego (2012 Thomas Guide page; 1330, G-6). Half of the property is within a City of San Diego Multiple Species Conservation Program Multiple Habitat Planning Area. The acquisition will protect valuable habitat and provide open space and potential for a trail connection in the park. The price of the property is \$525,000. The City of San Diego has agreed to assume ownership and long-term management of the property following County acquisition and initial stewardship. Half of the acquisition is being funded by a settlement agreement between the County and State of California for Caltrans' take of parkland for State Route 125 construction.

Today's request requires two steps. On September 25, 2013, it is requested that the Board set a hearing for October 23, 2013, and provide public notice of the hearing. If the Board takes the actions recommended for September 25, 2013, then on October 23, 2013, after making the necessary findings, the Board is requested to approve the purchase of Assessor's Parcel Numbers 624-070-22 and -26 from Platus Corporation Pension Plan for \$525,000. In addition, this request will establish appropriations of \$324,000, and authorize transfer of the land to the City of San Diego for long-term management.

FISCAL IMPACT:

Funds for the acquisition are partially budgeted in the Fiscal Year 2013-14 Operational Plan for Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will establish an additional \$284,000 for a total current year cost of \$568,000 itemized as follows: \$525,000 for the land purchase, \$40,500 for staff and due diligence expenses to complete the transaction, \$2,500 for closing and title costs. The funding sources are an Operating Transfer from the General Fund (\$284,000) and Caltrans settlement (\$284,000).

Funds for initial stewardship including vegetation management and access control are not budgeted in the Fiscal Year 2013-14 Operational Plan in the Department of Parks and Recreation. If approved, this request will result in current year costs and revenue of \$40,000. The funding sources are a transfer from the Contributions to Capital Outlay Fund (\$20,000) and Caltrans settlement funds (\$20,000).

The City of San Diego will assume ownership and long-term management after acquisition and completion of initial stewardship which is expected to be completed within three months. There will be no on-going annual costs for land stewardship, adaptive management, and monitoring of the 15.65 acres. There will be no change in current year net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Continue the item to Wednesday, November 6, 2013.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board continued the item to November 6, 2013, on Consent.

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

9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Robert Germann spoke to the Board regarding Gillespie Field.

John Muoio spoke to the Board regarding animal control oversight.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:24 a.m. in memory of Samuel Leonard Salazar, Vivian Dedrick, and Captain Jennifer M. Moreno.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller
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.