

October 29, 2014

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, OCTOBER 29, 2014, 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 9:00 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Greg Cox; Dave Roberts; Ron Roberts; also Marvice E. Mazyck, Chief Deputy Clerk.

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:
 ZONING ORDINANCE UPDATE NO. 30, COUNTY CODE AMENDMENTS
 AND STANDARD DEFENSE AND INDEMNIFICATION AGREEMENT
 REVISIONS; POD 13-003 AND PROPERTY ZONING MAP CLEAN-UP 2013;
 POD 13-014
2. NOTICED PUBLIC HEARING:
 QUARRY ROAD AND ELKELTON PLACE GENERAL PLAN AMENDMENT;
 GPA 14-002; SPRING VALLEY COMMUNITY PLANNING AREA
3. NOTICED PUBLIC HEARING:
 ANNEXATION OF ADDITIONAL TERRITORY TO COMMUNITY FACILITIES
 DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE) AND AUTHORIZING
 SPECIAL TAX
4. CONTRACTING RESOURCES FOR PROCESSING DISCRETIONARY
 PERMITS
5. ADOPT A RESOLUTION SUPPORTING THE REDESIGNATION OF THE
 NORTH SAN DIEGO COUNTY RECYCLING MARKET DEVELOPMENT
 ZONE TO RENEW THE ZONE AND EXPAND ITS BOUNDARIES

6. GILLESPIE FIELD - EXTENSION OF PRELIMINARY AGREEMENT CONCERNING DEVELOPMENT AND DISPOSITION OF LAND WITH DENTT DEVELOPMENT, LLC
[FUNDING SOURCE(S): A NON-REFUNDABLE FEE FROM DENTT DEVELOPMENT, LLC UNDER THE TERMS OF THE AMENDED PRELIMINARY AGREEMENT CONCERNING DEVELOPMENT AND DISPOSITION OF LAND]
(4 VOTES)
7. GILLESPIE FIELD – TWO PROPOSED NEW AVIATION LEASES TO MITRE AVIATION, L.P. AND SAFARI AVIATION OF CALIFORNIA, INC.
(4 VOTES)
8. DEPARTMENT OF PARKS AND RECREATION - APPROVAL OF THREE LEASE AGREEMENTS IN TIJUANA RIVER VALLEY REGIONAL PARK
(4 VOTES)
9. DEPARTMENT OF PARKS AND RECREATION - APPROVAL OF LEASE AGREEMENT WITH SAN DIEGO ROOTS SUSTAINABLE FOOD PROJECT AT TIJUANA RIVER VALLEY REGIONAL PARK; APPROVAL OF LEASE AGREEMENT WITH JUSTINE LEE FOR BONITA DRIVING RANGE AT SWEETWATER VALLEY REGIONAL PARK
(4 VOTES)
10. AUTHORIZE MEMORANDUM OF AGREEMENT AMENDMENT WITH SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR SERVICES FROM REGIONAL WATER QUALITY CONTROL BOARD ON COUNTY PROJECTS
[FUNDING SOURCE(S): ROAD FUND FUND BALANCE]
11. PROPOSED TIERED BEE ORDINANCE AMENDMENT AND APPROVAL OF COUNTY PROPERTIES FOR BEEKEEPING
[FUNDING SOURCE(S): PRIOR YEAR GENERAL FUND FUND BALANCE AVAILABLE]
(4 VOTES)
12. PRESENTATIONS/AWARDS
13. PUBLIC COMMUNICATIONS

1. **SUBJECT: NOTICED PUBLIC HEARING:
ZONING ORDINANCE UPDATE NO. 30, COUNTY CODE
AMENDMENTS AND STANDARD DEFENSE AND
INDEMNIFICATION AGREEMENT REVISIONS; POD
13-003 AND PROPERTY ZONING MAP CLEAN-UP 2013;
POD 13-014 (DISTRICTS: ALL)**

OVERVIEW:

The County of San Diego Zoning Ordinance is the ordinance which specifies the allowable uses and establishes the development standards for properties within unincorporated San Diego County. These regulations are used to implement the goals and policies of the County of San Diego General Plan. The Director of Planning & Development Services (PDS) periodically proposes a series of amendments to the Zoning Ordinance and County Code to support the Department's efforts toward continuous improvement and General Plan implementation. Today's action also proposes revisions to the County's standard "Defense and Indemnification Agreement", which is included as part of this action for purposes of efficiency in processing. In addition, the proposed action includes a change to the Zoning classification for a specific property in Alpine associated with the General Plan Update Property Zoning Map Cleanup 2013. This property was referred back to staff by the Board of Supervisors to allow for staff, the developer and the neighbors to meet and discuss the proposed recommendation. This zoning map change is included as part of this action in order to expedite the completion of the General Plan Update Property Zoning Map Cleanup 2013.

This action requires two steps. On October 29, 2014, the Board of Supervisors (Board) is asked to adopt the Form of Ordinance for the amendment to the Zoning Ordinance, approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Ordinance for the amendments to the County Code, adopt the revised standard "Defense and Indemnification Agreement" (POD 13-003), and adopt the Ordinance to change the zoning classification of a certain property within the County related to the Property Zoning Map Cleanup 2013 (POD 13-014). If the Board takes those actions on October 29, 2014, then, on December 3, 2014, the Board is asked to consider and adopt the Ordinance for the County Code amendments (second reading).

FISCAL IMPACT:

There is no fiscal impact associated with today's requested actions for Ordinance amendments. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:
PLANNING COMMISSION

The Planning Commission considered and made minor modifications to Planning & Development Services (PDS) recommendations and requests that the Board:

On October 29, 2014:

POD 13-003

1. Find on the basis of the whole record that there is no substantial evidence that the proposed project will have a significant effect on the environment. Consider the Negative Declaration on file with Planning & Development Services as Environmental Review Number 13-00-001 together with the comments received during public review and adopt it, finding that it reflects the independent judgment and analysis of the Board. (Attachment G)
2. Adopt the attached Form of Ordinance (Attachment B) titled:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, USE REGULATIONS, PROCEDURES AND OTHER MISCELLANEOUS TOPICS.
3. Approve the introduction of the Ordinance, (first reading), read the title and waive further reading of the Ordinance (Attachment D), titled:
AN ORDINANCE AMENDING TITLE 3 DIVISION 6 CHAPTER 4 OF THE SAN DIEGO COUNTY CODE RELATED TO NOISE ABATEMENT AND CONTROL AND AMENDING TITLE 8 DIVISION 6 OF THE SAN DIEGO COUNTY CODE TO ADD CHAPTER 8 RELATED TO REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACTS.
4. Adopt the revised standard "Defense and Indemnification Agreement" pursuant to County Code section 86.201. (Attachment F)

POD 13-014

5. Review and consider the information contained in the Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services as Environmental Review Number 02-ZA-001, and the Addendum thereto, dated October 29, 2014, on file with PDS as POD 13-014; REZ 13-004. (Attachment K)
6. Adopt the attached Form of Ordinance (Attachment J) titled:
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE PROPERTY ZONING MAP CLEANUP 2013 (REZ 13-004; POD 13-014).

If on October 29, 2014, the Board takes the actions recommended in Items 1, 2 and 3, then, on December 3, 2014:

POD 13-003

Submit the Ordinance for further Board consideration and adoption (second reading):

AN ORDINANCE AMENDING TITLE 3 DIVISION 6 CHAPTER 4 OF THE SAN DIEGO COUNTY CODE RELATED TO NOISE ABATEMENT AND CONTROL AND AMENDING TITLE 8 DIVISION 6 OF THE SAN DIEGO COUNTY CODE TO ADD CHAPTER 8 RELATED TO REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACTS.

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

A minor revision was recommended to POD 13-003, Zoning Ordinance Update by the Planning Commission. PDS concurs with the recommendations of the Planning Commission for POD 13-003 and POD 13-014 as described below.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, adopting Ordinance No. 10359 (N.S.) entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, USE REGULATIONS, PROCEDURES AND OTHER MISCELLANEOUS TOPICS; adopting Ordinance No. 10360 (N.S.) entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE PROPERTY ZONING MAP CLEANUP 2013 (REZ 13-004; POD 13-014); and introducing the Ordinance entitled: AN ORDINANCE AMENDING TITLE 3 DIVISION 6 CHAPTER 4 OF THE SAN DIEGO COUNTY CODE RELATED TO NOISE ABATEMENT AND CONTROL AND AMENDING TITLE 8 DIVISION 6 OF THE SAN DIEGO COUNTY CODE TO ADD CHAPTER 8 RELATED TO REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACTS for further consideration and adoption on December 3, 2014.

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

2. **SUBJECT: NOTICED PUBLIC HEARING:
QUARRY ROAD AND ELKELTON PLACE GENERAL
PLAN AMENDMENT; GPA 14-002; SPRING VALLEY
COMMUNITY PLANNING AREA (DISTRICT: 2)**

OVERVIEW:

The proposed action is a General Plan Amendment (GPA) to correct the Mobility Element classification of Elkerton Place and add Quarry Road to the Mobility Element. Quarry Road and Elkerton Place are public roads in the Spring Valley Community Planning Area, just north of the Sweetwater Reservoir and in the

vicinity of State Route 125 (SR-125). The proposed classification for these roads is '4.2B – Boulevard' with intermittent turn lanes, consistent with existing conditions and use of the roads. These revisions to the Mobility Element would enable the County to pursue funding for a potential future bridge project that would improve the safety of Quarry Road for pedestrians, bicyclists, and drivers.

FISCAL IMPACT:

There is no fiscal impact associated with today's requested actions on the GPA. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

PLANNING COMMISSION

The Planning Commission accepted Planning & Development Services (PDS) and Public Works (DPW) recommendations and requests that the Board of Supervisors:

1. Adopt the Environmental Findings entitled: ENVIRONMENTAL FINDINGS FOR THE QUARRY ROAD AND ELKELTON PLACE GENERAL PLAN AMENDMENT; GPA 14-002. (included in Attachment C, on file with the Clerk of the Board)
2. Adopt the Resolution entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING THE QUARRY ROAD AND ELKELTON PLACE GENERAL PLAN AMENDMENT; GPA 14-002. (Attachment A, on file with the Clerk of the Board)

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

The Department concurs with the Planning Commission Recommendations.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 14-163, entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING THE QUARRY ROAD AND ELKELTON PLACE GENERAL PLAN AMENDMENT; GPA 14-002.

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

3.

**SUBJECT: NOTICED PUBLIC HEARING:
ANNEXATION OF ADDITIONAL TERRITORY TO
COMMUNITY FACILITIES DISTRICT NO. 2008-01
(HARMONY GROVE VILLAGE) AND AUTHORIZING
SPECIAL TAX (DISTRICT: 5)**

OVERVIEW:

On June 25, 2008 (9), the Board of Supervisors (Board) adopted a resolution forming Community Facilities District No. 2008-01 (Harmony Grove Village), County of San Diego, State of California (CFD No. 08-01 or District), an approximately 470-acre community development located west of the City of Escondido where Harmony Grove Road meets Country Club Drive in the unincorporated community of Elfin Forest. Harmony Grove Village is being developed by Standard Pacific Corporation (Developer) with two improvement areas composed of 736 residential units and 20,000 square feet of non-residential floor area, an equestrian center, trails and parks, and a town square. Special taxes collected from property owners within CFD No. 08-01 will help fund public facilities (Facilities) to be acquired and / or operated by the County of San Diego, Rincon del Diablo Water District (Rincon) and the San Diego County Sanitation District (Sanitation District), and certain public services (Services) to be provided by the San Diego County Flood Control District (Flood Control District). The Facilities to be acquired and/or operated are: by the Sanitation District, a sewage treatment plant and pump station; by Rincon, various water infrastructure improvements; by the Flood Control District, maintenance of storm drain structures; and by the County, various street improvements, public parks/recreation facilities/open space and fire protection and emergency response facilities and services.

Since the time that the Board adopted a resolution forming CFD No. 08-01, boundaries of the parcels within the District have changed. The District was formed with two improvement areas, Improvement Area No. 1 (IA No. 1) and Improvement Area No. 2 (IA No. 2), each with a distinct special tax formula. At the time of formation in 2008, the existing parcel lines did not follow the intended eventual boundaries of the District or the improvement areas within the District. Currently, parcel lines are now aligned, and, as anticipated at the time of formation of CFD No. 08-01 and pursuant to the special tax formula documents, certain territory originally in IA No. 1 (Additional Territory No. 1) was released from IA No. 1 with the intention to be annexed to IA No. 2 to reflect this alignment. The Additional Territory No. 1, as well as certain areas outside of the CFD No. 08-01 (Additional Territory No. 2, and with Additional Territory No. 1, Additional Territory) must be annexed to IA No. 2 of CFD No. 08-01. Such annexation of the Additional Territory was also intended at the time of formation of CFD No. 08-01 to occur once a final map had been recorded that created unique assessor parcels for the area.

On September 17, 2014 (4), the Board formalized its intention to move forward with this annexation by adopting Resolution No. 14-134 and set a public hearing for October 29, 2014, in accordance with the Mello-Roos Community Facilities Act of 1982 (the "Act"). Upon the conclusion of the hearing if there is no majority protest, a special election to approve annexation and imposition of special taxes in the annexed territory must be held.

The imposition of special taxes in Improvement Areas No. 1 and 2 was approved by landowner vote on July 23, 2008. This is a request to:

- Adopt the Resolution to call the required special election for the territory to be annexed to IA No. 2 (Attachment B); and, upon the certification of sufficient votes by the qualified electors in favor of the annexation.
- Adopt the Resolution to authorize the annexation of Additional Territory to IA No. 2 of CFD No. 08-01 (Attachment D) and the levying of special taxes within this Additional Territory, and to declare results of the special election and direct the recording of an amendment to a notice of special tax lien; and
- Adopt an Ordinance authorizing the levy of special taxes in IA No. 1 and IA No. 2 as adjusted by the annexation proposal (Attachment G).

FISCAL IMPACT:

All costs related to the administration of CFD No. 08-01 and the construction and acquisition of facilities will be paid through special taxes collected by the District. The Developer has delivered a deposit to fund formation and administration costs that will be reimbursed from bond proceeds. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Upon close of the hearing on October 29, 2014 if there is no majority protest as defined by the Act:

1. Find that the proposed action is consistent with the Harmony Grove Village Project's Final Environmental Impact Report dated November 15, 2006 and approved by the Board of Supervisors on February 7, 2007 on file with the Department of Planning and Development Services as Environmental Review No. 04-08-011.
2. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING SPECIAL ELECTION REGARDING ANNEXATION OF TERRITORY TO IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE), COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

3. Introduction (first reading), read title and waive further reading of the Ordinance: AN ORDINANCE OF THE COUNTY OF SAN DIEGO LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE), COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

If on October 29, 2014, the Board takes the recommended action on items 1-2 and the Clerk of the Board certifies the election results that support the annexation of Additional Territory to IA No. 2 of CFD No. 08-01 and the imposition of a special tax therein, then on January 7, 2015:

1. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO OF ANNEXATION DETERMINING THAT THE ANNEXATION OF ADDITIONAL TERRITORY TO IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE), COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND THE LEVYING OF SPECIAL TAXES WITHIN SUCH ADDITIONAL TERRITORY IS LAWFULLY AUTHORIZED AND DIRECTING RECORDING OF NOTICE OF SUCH ANNEXATION.
2. Consider and adopt an Ordinance: AN ORDINANCE OF THE COUNTY OF SAN DIEGO LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE), COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.
3. The Clerk of the Board is directed to execute and cause the recording of the Notice of Cancellation of Special Tax Lien for the portion of IA No. 1 annexed to IA No. 2, to execute and record the First Amendment to Notice of Special Tax Lien to add the annexed territory to IA No. 2, and to take such other administrative action as may necessary to effectuate today's action.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 14-164, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING SPECIAL ELECTION REGARDING ANNEXATION OF TERRITORY TO IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE), COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; and introducing the Ordinance for further consideration and adoption on January 7, 2015.

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

4. **SUBJECT: CONTRACTING RESOURCES FOR PROCESSING
DISCRETIONARY PERMITS (DISTRICTS: ALL)**

OVERVIEW:

The County of San Diego is dedicated to providing efficient, high-quality, professional land development permitting services on-time and at the lowest possible cost to their applicants. The private sector land development market is cyclical in nature, and the Department of Planning & Development Services (PDS) must be prepared to respond to changes in market trends quickly and efficiently.

The ebb and flow of discretionary permit applications can make it challenging to rely solely on full-time employees for processing permit applications. PDS currently utilizes as-needed contract services to assist with managing fluctuations in workload, staffing levels, skills and priorities. Expanding the use of contract professional services to meet fluctuating market demands would allow the County of San Diego to continue to provide fair and equitable services to existing customers, while expediting the review of complex permit applications. The ability to allocate existing staff resources to focus on separate projects and permit applications would improve customer service for all customers.

Today's item directs the Chief Administrative Officer to identify and implement expanded options that would enable land development permit applicants to work through PDS to secure contract professional services as a focused resource dedicated to a specific permit application.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SUPERVISOR DAVE ROBERTS

1. Direct the Chief Administrative Officer to identify and implement, as appropriate, expanded options that would enable land development permit applicants to work through PDS to secure contract professional services as a focused resource dedicated exclusively to complex permit applications subject to the oversight and management of PDS.
2. Direct the Chief Administrative Officer to report back to the Board on the use of such services within 120 days.

ACTION:

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

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

5. **SUBJECT: ADOPT A RESOLUTION SUPPORTING THE REDESIGNATION OF THE NORTH SAN DIEGO COUNTY RECYCLING MARKET DEVELOPMENT ZONE TO RENEW THE ZONE AND EXPAND ITS BOUNDARIES (DISTRICTS: 2,3,5)**

OVERVIEW:

The Recycling Market Development Zone (RMDZ) Program encourages recycling and reuse of materials by providing low cost loans and other incentives to businesses located in established zones. RMDZ programs are administered by the Department of Resources Recycling and Recovery (CalRecycle). The County of San Diego, working with other local agencies, formed the North San Diego County Recycling Market Development Zone on December 7, 1993 (26).

The County serves as the Zone Administrator for the North County RMDZ and is responsible for submitting redesignation applications to renew the zone or change its boundaries. The County will obtain the consent of all cities with territory in the renewed and expanded RMDZ in accordance with CalRecycle regulations.

Today's action seeks the adoption of a resolution approving the submittal of a redesignation application to the CalRecycle to renew the North County RMDZ which is set to expire in November 2014 and to allow for expansion of its boundaries to include additional territory in the cities of Santee, Encinitas, and the unincorporated county. The purpose for expanding the boundaries is to increase the area in which companies that use recycled materials for manufacturing are eligible for RMDZ incentives. Recycling market development activities are part of the landfill diversion and recycling activities managed by the Department of Public Works. Therefore, today's item also requests that the Director, Department of Public Works or designee be authorized to execute all documents and take such action as may be necessary to submit and process to completion a redesignation application with CalRecycle to renew and expand the North County RMDZ.

FISCAL IMPACT:

There is no fiscal impact associated with the approval of today's recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

A successful application by the North San Diego County Recycling Market Development Zone members will expand the local market for recyclable materials and encourage the development of local businesses and employment opportunities within the designated Recycling Market Development Zone.

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER

1. Find that the Negative Declaration (ND) for the North County Recycling Market Development Zone (RMDZ) Redesignation Project, dated October 11, 2004, on file with the State Office of Planning and Research as State Clearinghouse Number 2004091023, was prepared and adopted by the City of San Diego City Council on November 8, 2004 in compliance with CEQA Guidelines, that the decision-making body has reviewed and considered the information contained therein and the information contained in the Addendum thereto dated January 31, 2014 prior to approving the project; and,

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously adopted ND dated October 11, 2004, and the subsequent Addendum dated January 31, 2014, and that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the ND was adopted.

2. Adopt the Resolution entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO SUPPORTING THE REDESIGNATION OF THE NORTH SAN DIEGO COUNTY RECYCLING MARKET DEVELOPMENT ZONE TO RENEW THE ZONE AND EXPAND ITS BOUNDARIES.
3. Authorize the Director, Department of Public Works or designee, to submit and take all action necessary to process to completion a redesignation application with CalRecycle to renew and expand the boundaries of the North County RMDZ.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-165, entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO SUPPORTING THE REDESIGNATION OF THE NORTH SAN DIEGO COUNTY RECYCLING MARKET DEVELOPMENT ZONE TO RENEW THE ZONE AND EXPAND ITS BOUNDARIES.

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

6. **SUBJECT: GILLESPIE FIELD - EXTENSION OF PRELIMINARY AGREEMENT CONCERNING DEVELOPMENT AND DISPOSITION OF LAND WITH DENTT DEVELOPMENT, LLC (DISTRICT: 2)**

OVERVIEW:

Gillespie Field is a general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and the City of Santee (57th Edition Thomas Guide Page 1251, D-1). In addition to aviation-related facilities and infrastructure, Gillespie Field includes three industrial parks. The County leases land at these industrial parks to multiple businesses providing goods and services to the general public.

On December 5, 2012 (15), the Board of Supervisors approved the Preliminary Agreement Concerning Development and Disposition of Land with Dentt Development, LLC, to facilitate the potential future lease of this vacant property and construction of an industrial development, subject to environmental review and approval of this project by both the City of El Cajon and the County. This agreement is scheduled to terminate on December 4, 2014, unless both parties agree to extend it. Dentt Development, LLC has requested to extend the agreement to December 4, 2015 and to include two 12-month options for additional term extensions.

This is a request to approve the First Amendment to Preliminary Agreement Concerning Development and Disposition of Land between the County and Dentt Development, LLC. This amendment would extend the scheduled termination date of the original Preliminary Agreement Concerning Development and Disposition of Land to December 4, 2015 and, grant up to two 12-month extension options if agreed to by both parties. It would also authorize the Director of Public Works, to execute the two extension options if needed.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$5,000 in Fiscal Year 2014-15. The funding source is a non-refundable fee from Dentt Development, LLC under the terms of the amended Preliminary Agreement Concerning Development and Disposition of Land. 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 action on amending the Preliminary Agreement Concerning Development and Disposition of Land between the County and Dentt Development, LLC is not a project within the meaning of Section 15060(c) of the California Environmental Quality Act (CEQA) because it is not a project as defined by Section 15378 of the CEQA Guidelines as it will not result in direct or indirect physical changes in the environment.

2. Approve and authorize the Clerk of the Board to execute, upon receipt, three (3) copies of the First Amendment to Preliminary Agreement Concerning Development and Disposition of Land with Dentt Development, LLC.
(4 VOTES)
3. Authorize the Director of Public Works or his or her designee to execute, on behalf of the County, each of the two additional 12-month term extensions of the Preliminary Agreement Concerning Development and Disposition of Land between the County and Dentt Development, LLC.

ACTION:

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

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

7. **SUBJECT: GILLESPIE FIELD – TWO PROPOSED NEW AVIATION LEASES TO MITRE AVIATION, L.P. AND SAFARI AVIATION OF CALIFORNIA, INC. (DISTRICT: 2)**

OVERVIEW:

Gillespie Field is a general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and the City of Santee (57th Edition Thomas Guide page 1251, D-1).

On July 25, 2007 (13), the Board approved a 30-year aviation lease with Safari Aviation, a California Limited Partnership combining two existing leases (County Contract Nos. 75091R and 71101R) into one lease (County Contract No. 122752). This lease was amended on February 24, 2010 (12), to revise rent and to add lease provisions.

Safari Aviation, a California Limited Partnership now requests to divide its 9.96 acre leasehold (County Contract No. 122752) into two new leaseholds. This is a request to approve two new leases to replace the existing lease. The first lease would be with Mitre Aviation, L.P. for 4.73 acres and the second lease would be with Safari Aviation of California, Inc. for 5.23 acres. Rent would be divided between the two new leaseholds based upon acreage. The two new leases would supersede the current County Contract No. 122752.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-2015 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$112,946 in base rent in Fiscal Year 2014-2015 representing no change to the amount budgeted. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease is categorically exempt from CEQA review because the proposed action involves the division of an existing leasehold into two new leases with no change in previously approved use. For this reason alone, the project may be found exempt from CEQA review pursuant to Section 15301.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Aviation Lease with Mitre Aviation, L.P. **(4 VOTES)**
3. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Aviation Lease with Safari Aviation of California, Inc. **(4 VOTES)**

ACTION:

Directing the Chief Administrative Officer to commence a safety and efficiency study for Gillespie Field if a new lease or sublease for aviation activities associated with flight schools is proposed, and defer any action on such leases or subleases, if acceptable to the Federal Aviation Administration (FAA), until the study is complete for Gillespie Field; ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent.

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

8. **SUBJECT: DEPARTMENT OF PARKS AND RECREATION -
APPROVAL OF THREE LEASE AGREEMENTS IN
TIJUANA RIVER VALLEY REGIONAL PARK
(DISTRICT: 1)**

OVERVIEW:

The County of San Diego owns approximately 17 acres of property used for equestrian purposes in the Tijuana River Valley Regional Park. This acreage has been leased for three equestrian related operations since the properties were acquired in the early 1990s. The three sites are now available for lease since the existing leases have either recently expired or are a month-to-month tenancy. On April 16, 2014, County staff issued a request for proposals for each site seeking interested parties to lease the property for public equestrian and recreational uses. Five responses were received for the three lease opportunities. A selection committee reviewed the proposals and recommended entering into lease negotiations with Happy Trails Livestock Company LLC, San Diego Horse Rentals LLC and Karen Wigginton.

Today's requested action is for the Board to approve a five-year ground lease with one five-year option to extend the term with each of the three selected lessees and to authorize the Director, Department of General Services to execute the leases and take any other actions necessary to administer the leases, including exercising the options to extend the term of the leases.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2014-2015 Operational Plan for the Department of Parks and Recreation. If approved, this request will result in lease revenue of \$47,300 in Fiscal Year 2014-2015 which is an increase of \$13,596 over the current lease revenue. There will be no change in the net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed leases are exempt from the provisions of CEQA as they pertain to the operation of existing facilities.
2. Approve and authorize the Director, Department of General Services, subject to the approval of the Director, Department of Parks and Recreation, to execute a five-year lease with one five-year option to extend the term with Happy Trails Livestock Company, LLC and take any other actions necessary to administer the lease, including exercising the option to extend the term. **(4 VOTES)**
3. Approve and authorize the Director, Department of General Services, subject to the approval of the Director, Department of Parks and Recreation, to execute a five-year lease with one five-year option to extend the term with San Diego Horse Rentals LLC and take any other actions necessary to administer the lease, including exercising the option to extend the term. **(4 VOTES)**
4. Approve and authorize the Director, Department of General Services, subject to the approval of the Director, Department of Parks and Recreation, to execute a five-year lease with one five-year option to extend with Karen Wigginton, and take any other actions necessary to administer the lease, including exercising the option to extend the term. **(4 VOTES)**

ACTION:

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

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

9. **SUBJECT: DEPARTMENT OF PARKS AND RECREATION - APPROVAL OF LEASE AGREEMENT WITH SAN DIEGO ROOTS SUSTAINABLE FOOD PROJECT AT TIJUANA RIVER VALLEY REGIONAL PARK; APPROVAL OF LEASE AGREEMENT WITH JUSTINE LEE FOR BONITA DRIVING RANGE AT SWEETWATER VALLEY REGIONAL PARK (DISTRICT: 1)**

OVERVIEW:

The County has two existing leases in the Tijuana River Valley Regional Park and the Sweetwater Valley Regional Park which are near their expiration date or will be exercising an early termination provision for the lease and will need a new lease agreement. The County benefits from these leases through the generation of revenue to help offset County Parks management and maintenance expenses.

Since 2005, Sun Grown Organic Distributors, Inc. has leased 6.33 acres of County-owned property located at 2323 Hollister Street in the Tijuana River Valley Regional Park. Although the lease expires on May 31, 2015, Sun Grown intends to exercise an early termination provision for the lease. A request for proposals was prepared seeking parties interested in leasing the site. One response from San Diego Roots Sustainable Food Project dba Wild Willow Farm & Education Center was received for this lease opportunity.

The County of San Diego owns approximately 20.8 acres in Sweetwater Valley Regional Park that is operated as the Bonita Driving Range under a lease agreement with Justine Lee dba JR Enterprise Company that expires on November 30, 2014. The property is located at 3631 Bonita Road in an unincorporated area of Chula Vista. A request for proposals for the site was advertised seeking parties interested in leasing the site. Three responses were received for this lease opportunity.

Today's requested action is to approve a lease for the agricultural site with San Diego Roots Sustainable Food Project and a lease for the driving range site with Justine Lee and to authorize the Director, Department of General Services to execute the leases and take any other actions necessary to administer the leases, including exercising the options to extend the term of the leases.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-2015 Operational Plan for the Department of Parks and Recreation. Today's requested actions are to approve two leases; the agricultural site at Tijuana River Valley Regional Park (TJRV) and the Bonita golf driving range at Sweetwater Valley Regional Park (SVRP).

If approved, the request to approve the TJRV lease will result in lease revenue of \$10,696 in Fiscal Year 2014-15, a decrease of \$1,592 in rent revenue. The decrease in rent revenue is due to a reduction in total acres leased.

If approved, the request to approve the SVRP lease will result in lease revenue of \$59,500 in Fiscal Year 2014-15, a decrease of \$22,190 in rent revenue. The decrease in rent revenue is due to realignment to current market rent rate.

The on-going operating costs and utilities for both leases will be paid by the lessee. The leases will commence on November 1, 2014. There will be no change in the net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Leases are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.
2. Approve and authorize the Director, Department of General Services, subject to the concurrence of the Director, Department of Parks and Recreation, to execute a lease with the San Diego Roots Sustainable Food Project and take any other actions necessary to administer the lease, including exercising the option to extend the term. **(4 VOTES)**
3. Approve and authorize the Director, Department of General Services, subject to the concurrence of the Director, Department of Parks and Recreation, to execute a lease with Justine Lee and take any other actions necessary to administer the lease, including exercising the option to extend the term. **(4 VOTES)**

ACTION:

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

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

10. **SUBJECT: AUTHORIZE MEMORANDUM OF AGREEMENT AMENDMENT WITH SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR SERVICES FROM REGIONAL WATER QUALITY CONTROL BOARD ON COUNTY PROJECTS (DISTRICTS: ALL)**

OVERVIEW:

The State Water Resources Board, on behalf of the Regional Water Quality Control Board, regularly enters into agreements with local agencies to fund expanded services related to issuance of Water Quality Certifications and other permits needed to implement capital projects. Establishing a Memorandum of Agreement to receive expanded and timely services from the Regional Water Quality Control Board would advance projects to completion because Regional Water Board staff would be able to dedicate time for early consultation for project

compliance, processing County permit applications and, coordinating with County staff to plan for future permit needs.

San Diego Association of Governments (SANDAG) has entered into such an Agreement with the State Water Resources Board to fund a position. On June 14, 2010, the County of San Diego executed a Memorandum of Agreement with SANDAG for two years to allow the County to share a portion of the capacity of the SANDAG agreement for Regional Water Quality Control Board staff work on County projects. A second Memorandum of Agreement was executed on September 18, 2012, which expired on June 30, 2014. This is a request to authorize execution of a Memorandum of Agreement Amendment between the County of San Diego and SANDAG that would provide capacity to the County such that the Regional Water Quality Control Board will accept County funds of up to \$150,000 to provide expedited services for County projects until June 30, 2016, with the option to extend an additional year if funds are available. Any department in the County would be able to use capacity to expedite project review and permitting by Regional Water Quality Control Board staff, and the County would be invoiced as services are performed.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan for the Department of Public Works. If approved, this request will result in costs of \$150,000 in Fiscal Year 2014-15. The funding source is Road Fund fund balance. Any department can use these services with their project specific funding sources, which will reimburse the Road Fund as work occurs. Actual expenditures in Fiscal Year 2014-15, as well as subsequent year costs, will depend greatly on the number and frequency of projects subject to Regional Water Quality Control Board permit requirements. If there is a balance at the end of the term of the MOA, it will be applied to a subsequent agreement or refunded to the County. There will be no net change in General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15060 (c) (3) of the state CEQA Guidelines because the activity in question is administrative in nature and is not a project as defined in Section 15378 of the state CEQA Guidelines.
2. Authorize and direct the Director of Public Works to execute a Memorandum of Agreement Amendment between the San Diego Association of Governments and the County to receive expedited services on County projects from the Regional Water Quality Control Board, until June 30, 2016 with the option to extend an additional year if funds are available.

ACTION:

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

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

**11. SUBJECT: PROPOSED TIERED BEE ORDINANCE AMENDMENT
AND APPROVAL OF COUNTY PROPERTIES FOR
BEEKEEPING (DISTRICTS: ALL)**

OVERVIEW:

On June 18, 2014 (5), the Board of Supervisors (Board) directed the Chief Administrative Officer to return within four to five months with a draft tiered beekeeping ordinance, prior to CEQA review, and to work with County Counsel and the Supervisor of District 5 to further analyze, not only the 10 County properties identified, but also additional County properties for beekeeping.

The Department of Agriculture, Weights and Measures (AWM) worked with the San Diego Beekeeping Society and commercial beekeepers on identifying a tiered approach to revise the current beekeeping ordinance and expand beekeeping opportunities in the unincorporated county. The proposed tiered ordinance includes different components to promote responsible beekeeping and public safety. AWM also worked with other County departments and the office of the Supervisor of District 5 and identified additional County-owned properties that could be suitable for beekeeping.

This is a request for the Board to receive the information prepared by staff, direct the Chief Administrative Officer to return to the Board within twelve months with the proposed amendment to County Code Title 6, Division 2, Chapter 9 (Bee Ordinance) after CEQA review, to establish funding appropriations for CEQA analysis and staffing costs, and to accept requests to use the identified County-owned properties for beekeeping purposes.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2014-15 Operational Plan for the Department of Agriculture, Weights and Measures. If approved, this request will result in costs and revenue of \$50,000 in Fiscal Year 2014-15, costs and revenue of \$300,000 in Fiscal Year 2015-16 and costs and revenue of \$150,000 in Fiscal Year 2016-17 and thereafter. The Fiscal Year 2014-15 funding source is prior year General Fund Fund Balance available.

The Fiscal Year 2014-15 program cost of \$50,000 is for a CEQA review (\$25,000) and staff time for the amendment of the Bee Ordinance (\$25,000). The Fiscal Year 2015-16 program cost of \$300,000 is for one-time costs for software development, outreach development, and equipment (\$150,000) and ongoing costs for the addition of 1.0 FTE (\$150,000). In Fiscal Year 2016-17 and subsequent years, estimated ongoing staffing costs would be \$150,000 for ongoing staff costs.

Staff will return to the Board within twelve months at which time, recommendations will be included for the Board's consideration related to final costs, staff needs and funding for the Bee Program.

BUSINESS IMPACT STATEMENT:

The proposed ordinance changes will benefit hobbyist beekeepers by expanding opportunities for beekeeping in the unincorporated county and promoting safe beekeeping. Due to urban development, many properties once used for bee overwintering (bee staging when the bees are not being used for pollination), are no longer available. Allowing beekeeping on County-owned properties will provide adequate and diverse foraging opportunities for bees during the overwintering period and represents an effort to strengthen European bee health and productivity.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) and 15378 of the State CEQA Guidelines.
 2. Receive information as requested by the Board on June 18, 2014: Proposed Three-Tiered Bee Ordinance Amendment and the analysis of the identified County-owned properties for beekeeping.
 3. Direct the Chief Administrative Officer to conduct CEQA review and to draft amendments to County Code Title 6, Division 2, Chapter 9 (Bee Ordinance) in accordance with the proposed tiered ordinance presented today or other Board direction for amending the Bee Ordinance and return to the Board for approval.
 4. Direct the Chief Administrative Officer to accept requests to use the identified County-owned properties for beekeeping purposes.
 5. Establish appropriations of \$50,000 in the Department of Agriculture, Weights and Measures, Services and Supplies, for CEQA analysis and staffing costs based on available prior year General Fund Fund Balance available.
- (4 VOTES)**

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Horn, the Board took the following action:

- Found that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) and 15378 of the State CEQA Guidelines;
- Received information as requested by the Board on June 18, 2014: Proposed Three-Tiered Bee Ordinance Amendment and the analysis of the identified County-owned properties for beekeeping;

- Directed the Chief Administrative Officer to conduct CEQA review and to draft amendments to County Code Title 6, Division 2, Chapter 9 (Bee Ordinance) in accordance with the proposed tiered ordinance presented today or other Board direction for amending the Bee Ordinance and return to the Board for approval;
- Directed the Chief Administrative Officer to accept requests to use the identified County-owned properties for beekeeping purposes;
- Established appropriations of \$50,000 in the Department of Agriculture, Weights and Measures, Services and Supplies, for CEQA analysis and staffing costs based on available prior year General Fund Fund Balance available;
- Directed the Chief Administrative Officer to come back with a plan for education and enforcement of the registration and other measures that are outlined by staff; and
- Directed the Chief Administrative Officer to come back with a definitive process with timelines for the Opt-In as sensitive sites for the businesses who have employees who work outside.

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

12. SUBJECT: PRESENTATIONS/AWARDS (DISTRICTS: ALL)

OVERVIEW:

Vice Chairman Bill Horn presented a proclamation declaring October 28, 2014, Boys of '67 Reunion Day throughout the County of San Diego.

13. SUBJECT: PUBLIC COMMUNICATIONS (DISTRICTS: ALL)

OVERVIEW:

Robert Germann spoke to the Board regarding Gillespie Field Airport.

ACTION:

Heard, referred to the Chief Administrative Officer.

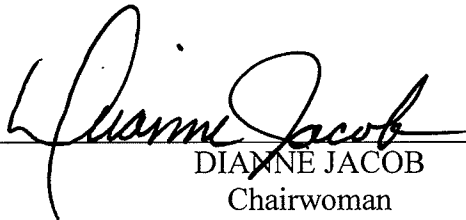
There being no further business, the Board adjourned at 10:37 a.m.

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

Consent: Miller
Discussion: Panfil

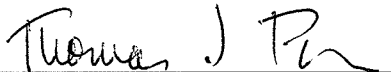
NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, December 3, 2014.



DIANNE JACOB
Chairwoman

Attest:



THOMAS J. PASTUSZKA
Clerk of the Board