

January 11, 2023

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 - LAND USE
REGULAR MEETING
WEDNESDAY, JANUARY 11, 2023, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. REGULAR SESSION: Meeting was called to order at 9:02 a.m.

PRESENT: Supervisors Nora Vargas, Chair; Joel Anderson; Nathan Fletcher; Jim Desmond;
also, Ryan Sharp, Assistant Clerk of the Board of Supervisors.

ABSENT: Supervisor Terra Lawson-Remer, Vice-Chair

B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.

C. Closed Session Report

D. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

E. Approval of the Statement of Proceedings/Minutes for the meeting of December 14, 2022.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Fletcher, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of December 14, 2022.

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

F. Consent Calendar

G. Discussion Items

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:
COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856):
APPROVAL OF OPEN SPACE VACATION PDS2022-VAC-22-002 (12/14/22 -
SET HEARING; 01/11/23 - HOLD HEARING), DRAINAGE EASEMENT
VACATION NO. 2022-0044; ADOPTION OF ADDENDUM TO PREVIOUS EIR;
FOR BONSALL OAKS - MAP 13856 - LOCATED IN THE BONSALL
COMMUNITY PLAN AREA |
| 2. | NOTICED PUBLIC HEARING:
IMPROVING EQUITY THROUGH CHANGES TO GRAFFITI ABATEMENT
REGULATORY ORDINANCES
[FUNDING SOURCE: EXISTING CARRYFORWARD ONE-TIME GENERAL
FUND FUND BALANCE] |
| 3. | NOTICED PUBLIC HEARING:
CAMPO ROAD CORRIDOR REVITALIZATION SPECIFIC PLAN;
PDS2021-SPA-21-002, PDS2021-GPA-21-006, PDS2021-REZ-21-003,
PDS2021-ER-21-00-004 |
| 4. | SUPPORTING THE SAME RESTRICTIONS ON HOME SCHOOL SITES AS
PUBLIC OR PRIVATE SCHOOLS WHEN PLACING SEXUALLY VIOLENT
PREDATORS |
| 5. | PUBLIC COMMUNICATION |

1. **SUBJECT: NOTICED PUBLIC HEARING:
COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856):
APPROVAL OF OPEN SPACE VACATION PDS2022-VAC-22-002
(12/14/22 - SET HEARING; 01/11/23 - HOLD HEARING), DRAINAGE
EASEMENT VACATION NO. 2022-0044; ADOPTION OF ADDENDUM
TO PREVIOUS EIR; FOR BONSCALL OAKS - MAP 13856 - LOCATED
IN THE BONSCALL COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW

On December 14, 2022 (07), the Board of Supervisors set a Hearing for January 11, 2023.

This item is a proposal by Bonsall Oaks, LLC & 24th Avenue Investments, LLC, a Delaware limited liability company (Applicant) involving the Bonsall Oaks project (formally known as Polo Club at Valley Vista). The Project is a planned development Major Use Permit (MUP) and subdivision (Map 13856) for 165 single-family homes on 442 acres. The MUP was proposed to allow smaller lot sizes and protect onsite biological habitat, including coastal sage scrub habitat, wetlands, and steep slopes. The Board originally approved the Project on November 3, 1993. After this approval, the Board approved Final Map 13856 on September 22, 1999.

The property is located along Gopher Canyon Road just west of its intersection with Vista Valley Drive, within the Bonsall Community Plan Area in the unincorporated community of Bonsall. The property is zoned for residential and agricultural uses. It is currently vacant and in the process of being graded for the first phase of development.

Four years ago, the Project was sold to a new developer, who processed and obtained a conditional approval of a Map Modification on January 27, 2021. This conditional approval changed the design of the project by revising the lot layout, reducing biological impacts, and proposing a larger on-site biological open space easement that will cover approximately 30 additional acres in coordination with several permits the Applicant obtained from the Wildlife Agencies (California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS)). The Applicant is now processing an amending map, grading, and improvement plans to implement this Map Modification. The Applicant's request today is also required to implement the Map Modification and includes an open space vacation and a drainage easement vacation.

The open space easement vacation proposes to vacate approximately 243-acres of the existing 252-acres of existing biological open space. The project also proposes to dedicate a new 277-acre open space easement, which will result in a total of approximately 285 acres of open space. The proposed open space easement overlaps with large portions of the property that are covered by the existing easement that is being vacated. Overall, the proposed easement is approximately 30 acres larger than the existing one. The drainage easement vacation proposes to vacate a highway drainage easement that is proposed to be replaced with a new easement that will be granted over the subject property in a new location. A detailed summary of these requests is included in the background section below.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Open Space Vacation (PDS2022-VAC-22-002):

1. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2022-VAC-22-002 AND ACCEPTING THE NEW OPEN SPACE EASEMENT (Attachment E, on file with the Clerk of the Board).
2. If item one (1) is adopted, direct DGS to record the proposed open space easement (Attachment E, Exhibit B, on file with the Clerk of the Board) and direct the Clerk of the Board to record the Resolution for PDS2022-VAC-22-002.

Drainage Easement Vacation (NO. 2022-0044):

3. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A HIGHWAY DRAINAGE EASEMENT ALONG GOPHER CANYON ROAD, IN THE BONSALE COMMUNITY PLAN AREA (Attachment F, on file with the Clerk of the Board).
4. If item three (3) is adopted, direct DGS to record the proposed drainage easement (Attachment G, on file with the Clerk of the Board) and direct the Clerk of the Board to record the Resolution for Vacation No. 2022-0044 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) ensures that public improvements are constructed as part of new housing developments, such as roads and stormwater drainage systems. PDS also ensures that biological impacts are mitigated by ensuring biologically sensitive areas are placed within open space easements. The vacation requests will allow the Applicant to complete the required public improvements and preserve approximately 30 additional acres of open space. These actions will help provide housing for unincorporated communities.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to summarily vacate the public service easement and open space vacation contribute to the County of San Diego Sustainability Goal No. 2 to provide just and equitable access to property owners to develop their property. The Project will also be subject to the California Building Standards with County of San Diego Amendments. This includes requirements for compliance with the California Energy Code and California Green Building Standards Code (CALGreen Code). Requirements include waste management, water efficiency, and electric vehicle charging infrastructure.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the easement vacations as presented today. Any costs incurred for this project will be paid for at the expense of the applicant/owner/developer. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following: Resolution No. 23-002, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2022-VAC-22-002 AND ACCEPTING THE NEW OPEN SPACE EASEMENT; and,

Resolution No. 23-003, entitled: RESOLUTION TO SUMMARILY VACATE A HIGHWAY DRAINAGE EASEMENT ALONG GOPHER CANYON ROAD, IN THE BONSALL COMMUNITY PLAN AREA (VACATION NO. 2022-0044).

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

**2. SUBJECT: NOTICED PUBLIC HEARING:
IMPROVING EQUITY THROUGH CHANGES TO GRAFFITI
ABATEMENT REGULATORY ORDINANCES (DISTRICTS: ALL)**

OVERVIEW

Planning & Development Services receives approximately 75 reports annually for graffiti in unincorporated communities, with 85% of these located in underserved communities. Graffiti can negatively impact communities in a variety of ways including fostering blight, crime, or gang activity. Under County regulatory code, a property owner is responsible to clean or remove graffiti visible from a public or private road. If an owner does not remove such graffiti, it is considered a code violation. As such, property owners are not only impacted by the graffiti itself, but also incur the time and cost to resolve the violation. Planning & Development Services analyzed the prevalence of graffiti in different communities and found that certain communities appear to be disproportionately impacted by graffiti based on the number of reports received.

Currently, when the County receives a report about graffiti, a Code Compliance case is opened, and a Code Enforcement Officer conducts a site inspection to confirm the presence of graffiti and that it is something the County can enforce based on the location of the graffiti (i.e., within County land use authority). A property owner is notified that maintaining the graffiti or allowing it to remain on their property is considered a code violation, and they are responsible for correcting the violation, usually by painting over or cleaning it. If an owner does not clean it voluntarily, escalated code enforcement actions may be taken, or the County may use a contractor to clean or remove it, a process called public nuisance abatement. When the County abates graffiti on private property, the property owner is responsible for the cost and receives a bill from the County.

Planning & Development Services is developing a program where the County could remove graffiti on private properties in the unincorporated area at no cost to the property owner. Currently, the San Diego County Code of Regulatory Ordinances requires cost recovery of graffiti abatement from the property owner when the County's nuisance abatement procedure is used to remove graffiti on private property. As an alternative to public nuisance abatement, the Code allows the County to enter into an agreement with the property's owner, lessee, or their respective authorized agent for the County to remove the graffiti at the property owner's or lessee's expense.

This proposal would address the negative impacts of graffiti on unincorporated communities through an equity lens to ensure graffiti is removed promptly without a cost to the impacted property owner. It would also be more fiscally prudent for the County; the current process takes an average of 7 staff hours to close a graffiti case, spent periodically following up with the property owner over a typical period of 46 days to reach a resolution. It is expected that removing the graffiti using a contractor will cost the County less money per graffiti code case and resolve the violation sooner.

Today's action introduces an ordinance developed by Planning & Development Services allowing the County to pay the cost of graffiti removal with County General Fund funding under Section 53069.3 of the Government Code.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On January 11, 2023:

1. Find the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Sections 15378 and 15061(b)(3) of the CEQA Guidelines for the reasons stated in the Notice of Exemption (on file with the Clerk of the Board).
2. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, for the abatement fees associated with graffiti removal under the proposed program in Planning & Development Services.
3. Approve the introduction of the Ordinance (first reading); read the title, and waive further reading of the following Ordinance, entitled:
AN ORDINANCE AMENDING SECTION 36.106(B) AND ADDING A SUBSECTION (C) TO SECTION 36.108 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GRAFFITI ABATEMENT COST RECOVERY, DATED JANUARY 11, 2023 (Clean Copy) (Attachment A)

If, on January 11, 2023, the Board takes the action recommended, then on January 25, 2023:

Consider and adopt the following Ordinance (second reading) entitled:
AN ORDINANCE AMENDING SECTION 36.106(B) AND ADDING A SUBSECTION (C) TO SECTION 36.108 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GRAFFITI ABATEMENT COST RECOVERY, DATED JANUARY 11, 2023 (Clean Copy) (Attachment A).

EQUITY IMPACT STATEMENT

Graffiti violations disproportionately impact certain communities, including underserved communities. Graffiti can contribute to crime, community blight, negative economic impacts, as well as gang activity. Since property owners are often the victim of graffiti, yet responsible for cleaning or painting over it, they are not only impacted by the graffiti itself, but also incur the time and cost to resolve the violation. To rectify the disproportionate impact, Planning & Development Services conducted an analysis that shows the County can also reduce costs by removing the graffiti on behalf of a property owner, lessee, or their respective authorized agent at no cost. While the change would apply to graffiti removal in all unincorporated communities, such a change improves the equity of communities most impacted by graffiti.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to allow public funds for private property graffiti removal aligns with the County of San Diego sustainability goals to engage the community, provide just and equitable access to County services, and protect health and wellbeing. This action will benefit underserved communities burdened by the disproportionate impacts of graffiti in their neighborhoods. Removal of graffiti helps reduce blight and crime, which in turn helps improve community conditions and environmental quality.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan in Planning & Development Services (PDS). If approved, this request will result in estimated costs of up to \$20,000 in PDS in FY 2022-23 to offset the incurrence of abatement fees for properties impacted by graffiti. The funding source is existing carryforward one-time General Fund fund balance. If the Board approves the amendments, future ongoing costs to continue the fee waivers are currently estimated to be between \$20,000 - \$40,000 annually starting in FY 2023-24. PDS will monitor its budget and return to the Board with mid-year action to adjust the budget if necessary and/or incorporate in future budgets as funding becomes available. At this time, there is no change in net General Fund cost and no additional staff years.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) is requested since the proposed waiver of fees will not recover full operating costs for services provided. The total unrecovered cost per Board Policy B-29 is estimated to be approximately \$20,000 for FY 2022-23 and will be funded within the existing FY2022-23 Operational Plan in PDS.

BUSINESS IMPACT STATEMENT

The existence of graffiti in a community can negatively impact businesses and economic conditions. If approved, the ability for the County to pay the cost of graffiti removal on private properties, including businesses, with public funds will positively impact the business community. Graffiti on business properties and nearby properties can be removed quickly at no cost to local businesses. It saves them money and improves the surrounding environment, providing customers with a more welcoming and desirable setting.

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended to further consider and adopt the Ordinance on January 25th, 2023.

AYES: Vargas, Anderson, Fletcher, Desmond
ABSENT: Lawson-Remer

3. **SUBJECT: NOTICED PUBLIC HEARING:
CAMPO ROAD CORRIDOR REVITALIZATION SPECIFIC PLAN;
PDS2021-SPA-21-002, PDS2021-GPA-21-006, PDS2021-REZ-21-003,
PDS2021-ER-21-00-004 (DISTRICT: 4)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider and adopt the proposed Campo Road Corridor Revitalization Specific Plan (Specific Plan). The request includes proposed amendments to the General Plan’s Land Use Element and Mobility Element, an amendment to the Valle de Oro Community Plan, and a rezone of properties within the Specific Plan area.

The Specific Plan area is a 60-acre area centered on Campo Road between Rogers Road and Granada Avenue in the unincorporated Casa de Oro / Mt. Helix neighborhoods within the Valle de Oro Community Planning Area. This area, defined through public outreach, is identified as the Campo Road Corridor (Corridor), and encompasses the main commercial strip and adjacent residential uses located one block north and south of Campo Road. The Corridor is located within and near the confluence of several opportunities for building affordable housing, increasing transportation options, and addressing environmental justice within Casa de Oro. While the Corridor is not located within a Vehicle Miles Traveled (VMT) Efficient area, the Corridor is located in a Vehicle Miles Traveled “Infill Area” as identified in the County’s Transportation Study Guide approved by the Board on September 28, 2022. Infill areas are locations within the unincorporated area that have higher densities and a greater mix of land uses, and projects in these areas are exempt from having to mitigate for impacts from VMT under the California Environmental Quality Act (CEQA) because they are considered to have a less than significant impact on VMT.

Specific Plans provide a focused vision, shape more precise development standards, and implement policies found in General Plans and Community Plans in a smaller defined geographic area. The Specific Plan promotes sustainability and smart-growth principles, includes strategies, envisions goals, and features an Implementation Plan designed to introduce and streamline more housing options along Campo Road, support new and existing businesses in the Corridor, and improve multimodal access and safety. The Specific Plan envisions this area as a welcoming destination where both residents and visitors to the area can gather, meet with family and friends, and hold community events along a revitalized corridor that is safe to travel and is equitable to all.

Since its construction in the 1920s, Campo Road has served as the primary commercial thoroughfare for the Casa de Oro area. However, when State Route 94 was constructed in the 1970s, investment in the Corridor steadily declined as SR-94 allowed drivers to bypass the Corridor from the west to access newer commercial areas to the east, such as Rancho San Diego.

This Specific Plan, developed through a collaborative public outreach process that included dozens of public forums, community meetings and workshops beginning in 2017, establishes a long-term vision to enhance the Corridor, which consists of the central business district for Casa de Oro, through updated objective development and design standards, new land uses, and a reconfiguration of Campo Road. The Specific Plan goals and strategies are intended to revitalize the area from a “drive-through” commercial corridor to a “drive-to” destination with a sense of place that improves multi-mobility options for walking, biking, public transit and vehicles through updated intersection traffic controls, wider sidewalks, on-street parking, and protected bike lanes that are physically separated bikeways for the exclusive use of bicycles.

The Specific Plan lays the groundwork for community leadership and partnership in implementing the strategies, goals, and vision for the future development of the Corridor through a comprehensive long-term Implementation Plan. The Implementation Plan identifies the actions, funding needs, and public-private financing mechanisms to achieve the vision outlined in the Specific Plan. Adoption of this Specific Plan positions local community organizations, and the County to apply for and obtain grant funding for the improvements identified in the Plan.

One of these potential grant opportunities is the California Department of Housing and Community Development’s Higher Impact Transformative (HIT) Allocation grant. Staff has applied for \$3,072,000 under this grant to fund the preliminary engineering studies, plans, and specifications for the roadway reconfiguration of Campo Road. A resolution seeking Board authorization for the HIT grant application is included as Attachment B.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On October 21, 2022, the Planning Commission considered the Campo Road Corridor Revitalization Specific Plan and made the following recommendations to the Board of Supervisors (Board):

1. Find that the General Plan Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County of San Diego (County) CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum (PDS2021-ER-21-00-004) thereto dated October 7, 2021, on file with PDS, before approving the project.
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated August 3, 2011; 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 EIR was certified as explained in the Environmental Review Update Checklist (PDS2021-ER-21-00-004) dated October 7, 2021.

3. That the Board of Supervisors adopt the attached Resolution:
A Resolution of the San Diego County Board of Supervisors Adopting the Campo Road Corridor Revitalization Specific Plan and General Plan Amendment [SPA-21-002; GPA-21-006].
4. That the Board of Supervisors adopt the attached Resolution:
A Resolution of the San Diego County Board of Supervisors Authorizing the Regional Early Action Planning (REAP) 2.0 Higher Impact Transformative (HIT) Allocation Grant Application.
5. That the Board of Supervisors adopt the attached Form of Ordinance:
An Ordinance Changing the Zoning Classification of Certain Property Within the County of San Diego Related to the Campo Road Corridor Revitalization Specific Plan and General Plan Amendment [REZ 21-003].

STAFF RECOMMENDATION

Planning & Development Services concurs with the Planning Commission's recommendations to the Board of Supervisors.

EQUITY IMPACT STATEMENT

The Campo Road Corridor Revitalization Specific Plan (Specific Plan) contains a vision with supporting goals that seek to equitably address the housing needs in the Casa de Oro neighborhood, avoid displacement of existing businesses and residents through flexible development standards, and create a welcoming corridor that is safe for all modes of transportation including pedestrians and bicyclists.

Both the California Environmental Health Screening Tool (CalEnviroScreen) and the California Healthy Places Index, which rank census tracts based on community conditions in policy action areas like transportation, housing, pollution, and clean environment, identify most of the Specific Plan area as being in the bottom half of California census tracts. While the Campo Road Commercial Corridor (Corridor) is not identified as an Environmental Justice Community, the strategies in the Specific Plan still strive to address the goals of the County in terms of Environmental Justice, including promoting the equitable location of public improvements, public services, and community amenities within the Corridor, increasing physical activity resources such as accessible sidewalks and protected bike lanes, and including multimodal land use design that helps reduce Vehicle Miles Traveled (VMT).

The Specific Plan's vision, goals, objective design standards, and Implementation Plan are designed to create positive impacts on the Casa de Oro neighborhood and the surrounding area. PDS will continue to actively engage with these communities to identify potential funding to implement the Specific Plan and to address the needs of this area.

SUSTAINABILITY IMPACT STATEMENT

The proposed Campo Road Corridor Revitalization Specific Plan (Specific Plan) reflects feedback received through extensive community outreach and facilitates compact, mixed-use, transit-oriented development, increasing housing options and transportation choices. Future implementation of the Specific Plan will comprehensively address a reduction of greenhouse gas

(GHG) emissions, provide for multi-modal transportation options, produce a variety of housing options, create jobs near people's homes, and build community resilience. Allowing for mixed-use structures in the Specific Plan area also provides the option to live, work, and recreate all within Campo Road Corridor. This effort also aligns with the County's "Sustainability" strategic initiative by actively addressing climate change through innovative policies and sustainable facility construction.

Engagement with local stakeholders will continue to be proactively pursued throughout future implementation phases of this project, as outlined in the Specific Plan's Implementation Plan. This collaborative community input is essential and aligns with the County's "Community" strategic initiative through partnering and engaging with the community to facilitate meaningful conversations, shared programming, and grant opportunities to maximize resources to benefit the area.

FISCAL IMPACT

There is no direct fiscal impact associated with the adoption of the Campo Road Corridor Revitalization Specific Plan and zone reclassification as presented today. Planning & Development Services (PDS) and the Department of Public Works will continue to coordinate and collaborate internally, with community partners, and other state and regional jurisdictions to implement the Specific Plan. There will be no change in net General Fund cost and no additional staff years.

In 2018, the Board of Supervisors provided \$30,000 in one-time-only funding from the District 2 Neighborhood Reinvestment Program budget to PDS to conduct a survey of businesses and property owners in Casa de Oro to identify the communities' funding priorities, the interest level in forming funding mechanisms such as a Business Improvement District, Community Facilities District, and/or Enhanced Infrastructure Financing District, and the geographic boundaries of any potential funding district. The survey is anticipated to commence after adoption of the Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following: Resolution No. 23-004, entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING THE CAMPO ROAD CORRIDOR REVITALIZATION SPECIFIC PLAN AND GENERAL PLAN AMENDMENT; SPA 21-002, AND GPA 21-006;

Resolution No. 23-005, entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING THE REGIONAL EARLY ACTION PLANNING (REAP 2.0) HIGHER IMPACT TRANSFORMATIVE (HIT) ALLOCATION GRANT APPLICATION; and,

Ordinance No. 10826 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE CAMPO ROAD CORRIDOR REVITALIZATION SPECIFIC PLAN AND GENERAL PLAN AMENDMENT [REZ 21-003].

AYES: Vargas, Anderson, Fletcher, Desmond
ABSENT: Lawson-Remer

4. SUBJECT: SUPPORTING THE SAME RESTRICTIONS ON HOME SCHOOL SITES AS PUBLIC OR PRIVATE SCHOOLS WHEN PLACING SEXUALLY VIOLENT PREDATORS (DISTRICTS: ALL)

OVERVIEW

The San Diego County Board of Supervisors has been diligent in opposing inappropriate placements of Sexually Violent Predators in San Diego County. The Board has taken several actions to work with the California Department of State Hospitals through CONREP (Conditional Release Program), administered by their contractor Liberty Health Care. However, more can be done to safeguard that placements are not made next to vulnerable populations, particularly our children.

The Sexually Violent Predator (SVP) placement process and parameters are outlined in California Welfare and Institutions Code (WIC) Section 6608.5(f). However, while California law has mandated several restrictions for placements, it lacks clarity in language pertaining to placement near schools. More recently, this clarification has been left to the judicial branch to determine instead of being clarified by lawmakers. Although, the California Education Code clearly considers a home school a school site, the Welfare and Institutions Code does not. Currently, the courts are determining whether a home school site is a school, and we believe that decision should be made by lawmakers.

California Welfare and Institution Code section 6608.5(f) states in regard to SVPs who have preyed upon children: "Notwithstanding any other law, a person released under this section shall not be placed within one-quarter mile of any public or private school providing instruction in kindergarten or any of grades 1 to 12." The judicial branch follows the law that the legislative branch creates; however, courts interpret this language differently. To provide greater clarity, we propose the County of San Diego include in their legislative program to seek revisions to the current language by adding language such as: "For the purposes of this subdivision, any school providing instruction to a child or children is considered a school, to include public schools, private schools and private schools operated in a home environment as defined by the California Education Code."

In San Diego County, there are several home school sites, study, and charter programs for children of all ages, where students are taught in a residential home environment, alternative to standard and mainstream education in school facilities. Many of these children have special needs or developmental disabilities. However, with the ambiguous definition of schools, as outlined in state law, home school sites are not explicitly protected from SVP placement

decisions. This board letter has been placed on the late docket, because there is a major placement hearing that will be taking place in San Diego County regarding a family with hearing-impaired children that home school their daughter with an independent study partnership with the Old Town Academy, under San Diego Unified School District. Their home school site is not protected from an actively pending SVP placement decision.

Today, you are being asked to direct the Chief Administrative Officer to include in the County's Legislative Program support of legislation to clarify that, for the purpose of conditionally releasing a sexually violent predator, placement restrictions near a "public or private school" include home school sites.

RECOMMENDATION(S)

SUPERVISOR JIM DESMOND AND SUPERVISOR JOEL ANDERSON

1. Direct the Chief Administrative Officer to include in the Board's Legislative Program support of legislation to clarify that for the purposes of conditionally releasing a Sexually Violent Predator (SVP), placement restrictions near a "public or private school" include home school sites.
2. Direct the Chief Administrative Officer to take actions to oppose any proposed court ordered placement of a sexually violent predator near a public or private school, including home school sites.

EQUITY IMPACT STATEMENT

The County of San Diego is committed to recognizing the importance of pursuing a comprehensive approach to ensuring equity for all by promoting the economic and social well-being of children, individuals, families, and communities. The proposed actions will advance equity by helping to ensure that all San Diego County residents, especially vulnerable children are afforded the opportunity to live in safe communities regardless of their socio-economic standing.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to protect children while being educated in a home school setting will positively impact youth living in rural settings in San Diego County by protecting them from the placement of Sexually Violent Predators near their learning environment and sustaining better health and well-being.

FISCAL IMPACT

There is no fiscal impact associated with today's actions. There will be no change in net general fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended.

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

5. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Mark spoke to the Board regarding a Klaus Schwab video.

Bryant Rumbaugh spoke to the Board regarding the death of a Sheriff in Riverside County.

Robert Germann spoke to the Board regarding the Gillespie Field Airport.

Audra spoke to the Board regarding the World Economic Forum.

Jim Ellis spoke to the Board regarding excessive force by a Deputy Sheriff.

Suzanne Hume spoke to the Board regarding the harms of synthetic turf.

Kathryn Rhodes spoke to the Board regarding the placement of homeless individuals.

Diane Grace spoke to the Board regarding underage drinking and marijuana use.

John Bottorff spoke to the Board regarding the sale of aviation fuel.

Alan Curry spoke to the Board regarding fentanyl abuse.

Mark Wilcox spoke to the Board regarding concerns of cannabis sales in the unincorporated areas.

Mike Borrello spoke to the Board regarding COVID vaccines.

Peggy Walker spoke to the Board regarding concerns of fentanyl death rates.

Truth spoke to the Board regarding past comments made by Board of Supervisors.

Kelly McCormick spoke to the Board regarding the risks of underage marijuana use.

Becky Rapp spoke to the Board regarding concerns of accidental cannabis consumption in youth.

Terri-Ann Skelly spoke to the Board regarding concerns of marijuana businesses.

Kathleen Lippitt spoke to the Board regarding concerns of drug use and addiction in youth.

Ann Riddle spoke to the Board regarding concerns of drug use and addiction in youth.

Consuelo spoke to the Board regarding making future change.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:33 a.m.

ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Perez

Discussion: Zurita


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, January 25, 2023.



NORA VARGAS
Chair

Attest:



ANDREW POTTER
Clerk of the Board

01/25/2023