

January 15, 2020

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, JANUARY 15, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:00 a.m.

PRESENT: Supervisors Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob; Kristin Gaspar; Nathan Fletcher; also, Erin Demorest, Assistant Clerk of the Board of Supervisors.

- B. Closed Session Report

- C. 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.

- D. Approval of the Statement of Proceedings/Minutes for the meeting of December 11, 2019.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Jacob, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of December 11, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond, Cox

- E. Formation of Consent Calendar

- F. 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.

Supporting documentation and attachments for items listed on this agenda can be viewed online at <http://www.sdcounty.ca.gov/cob/bosa/> or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101.

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|---|
| 1. | NOTICED PUBLIC HEARING:
GENERAL SERVICES - SAN LUIS REY RIVER VALLEY - APPROVE ACQUISITION OF APPROXIMATELY 37 ACRES OF OPEN SPACE PRESERVE LAND (NORTH AMERICAN RESORT PROPERTIES, INC.) (12/11/2019 - SET HEARING; 1/15/2020 HOLD HEARING)
[FUNDING SOURCE: GENERAL PURPOSE REVENUE AND DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE] |
| 2. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT AN ORDINANCE TO AMEND ADMINISTRATIVE CODE XXVI - FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS (12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND READING OF AN ORDINANCE) |
| 3. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORINANCE: ADOPT AN ORDINANCE TO AMEND SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES - TITLE 7 HIGHWAYS AND TRAFFIC (12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND READING OF AN ORDINANCE) |
| 4. | COUNTY OF SAN DIEGO TRACT NO. 4805-1 (FINAL MAP 13568): APPROVAL OF SECOND AMENDMENT TO JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION (SUBSTITUTION OF PARTIES, SUBSTITUTION OF SECURITY, AND EXTENSION OF TIME TO COMPLETE IMPROVEMENTS) FOR PUBLIC AND PRIVATE IMPROVEMENTS, LOCATED IN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA |
| 5. | COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856): APPROVAL OF ASSUMPTION AGREEMENT AND TIME EXTENSION FOR COMPLETION OF SUBDIVISION IMPROVEMENTS FOR POLO CLUB ESTATES LOCATED IN THE BONSALL COMMUNITY PLAN AREA |
| 6. | NOTICED PUBLIC HEARING:
GENERAL SERVICES - SAN LUIS REY RIVER PARK - APPROVE EXCHANGE OF 2.11 ACRES OF PARK LAND (SAN DIEGO COUNTY WATER AUTHORITY AND CALTRANS)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]
(4 VOTES) |
| 7. | PROPERTY CONDITION AGREEMENT ORDINANCE (POD 19-001) (1/15/2020 - FIRST READING; 1/29/2020 - SECOND READING) |

8. NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE REPEALING AND REENACTING THE COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING AND MECHANICAL CODES (1/15/2020 - FIRST READING; 1/29/2020 - SECOND READING)
9. APPROVE AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO TITLE 8 PARK LAND DEDICATION AND FEES (1/15/2020 - FIRST READING; 1/29/2020 - SECOND READING)
10. RECEIVE AND REVIEW PARK LAND DEDICATION ORDINANCE MITIGATION FEE PROGRAM FISCAL YEAR 2018-19 ANNUAL REPORT
11. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING:
GENERAL SERVICES - SAN LUIS REY RIVER VALLEY - APPROVE
ACQUISITION OF APPROXIMATELY 37 ACRES OF OPEN SPACE
PRESERVE LAND (NORTH AMERICAN RESORT PROPERTIES, INC.)
(12/11/2019 - SET HEARING; 1/15/2020 HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

On December 11, 2019 (06), the Board of Supervisors set a Hearing for January 15, 2020.

The Multiple Species Conservation Program (MSCP) is a regional conservation planning program initiated in 1998 to balance protection of habitat and species with recreation, development, and agricultural activities by acquiring, managing and monitoring open space lands. The MSCP is comprised of three major plan areas in the County: South County approved plan; and North and East County draft plans. Since 1998, the County of San Diego (County) has acquired more than 22,000 acres of open space land for the MSCP in three plan areas. In the MSCP Draft North County Plan, much of the planned 9-mile long San Luis Rey River Park (River Park) lies within the MSCP Pre-Approved Mitigation Area (PAMA), which consists of high-quality habitat that can support sensitive species.

The County has identified approximately 37 acres (Property) within the planned River Park boundaries that is available for purchase. The Property is in the MSCP Draft North County Plan PAMA and is located west of Interstate 15 and south of State Route 76 in the Bonsall area. The Property features high quality riparian vegetation and is situated between land owned by area water districts. In addition to preservation of open space, subject to future funding and environmental review, the Property could potentially provide a trail connection to future trails in the River Park.

Today's request requires two steps. On December 11, 2019 it is requested that the Board of Supervisors (Board) set a hearing for January 15, 2020 and provide public notice of the hearing. If the Board takes the actions recommended for December 11, 2019, then on January 15, 2020, after making the necessary findings, the Board is requested to approve the purchase of the Property, consisting of Assessor's Parcel Numbers (APNs) 125-090-23 and 125-090-37 from North American Resort Properties, Inc., for the total appraised value of \$1,673,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship, is \$1,784,700 based on budgeted appropriations of General Purpose Revenue in the MSCP Acquisitions Fund.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15325.
2. Authorize the Director, Department of General Services, to exercise the option to purchase APNs 125-090-23 and 125-090-37 at the appraised value of \$1,673,000.
3. Authorize the Director, Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Multiple Species Conservation Program (MSCP) Acquisitions Fund. This request will result in current year costs for the Property of \$1,784,700 itemized as follows: \$1,673,000 for property acquisition, \$28,000 for staff time and appraisal reports to complete the transaction; \$3,700 for closing and title costs; and \$80,000 in one-time land protection costs, which include \$37,000 for initial stewardship to provide access control, vegetation management and boundary surveys and \$43,000 for biological and cultural inventory surveys. The funding source is General Purpose Revenue.

Total annual costs for land monitoring and adaptive management of the Property are estimated at \$33,400. Fixed charge assessments are estimated at \$1,300. If approved, total annual costs estimated at \$34,700 will be incurred beginning in Fiscal Year 2020-21 and will be included in future Operational Plans. The funding source will be Department of Parks and Recreation General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

2. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ADOPT AN ORDINANCE TO AMEND ADMINISTRATIVE CODE XXVI
- FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS (12/11/2019
- ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND READING OF
AN ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

On December 11, 2019 (11), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on January 15, 2020.

In accordance with Board Policy A-76, Sunset Review Process, County of San Diego (County) departments periodically review Board of Supervisors (Board) policies and provisions of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board standards and practices.

County Administrative Code XXVI - Functions of the Department of Public Works, has been reviewed by County staff and staff recommend approval of a sunset review date of December 31, 2026 as well as some revisions. The recommended changes are to clarify roles and functions within the department, remove duplicative information, or remove information that is no longer relevant. Since the recommended changes include the deletion of entire sections within the administrative code and has a larger quantity of changes than a typical sunset review item, this item was reviewed outside of the general sunset review process.

The Board's action on these items would revise the San Diego County Administrative Code and would require two steps. On December 11, 2019, the Board would consider the items. If the Board takes action on December 11, 2019, then on January 15, 2020, a second reading of an ordinance amending Administrative Code XXVI would be necessary to implement the Board's direction.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING PORTIONS OF ADMINISTRATIVE CODE SECTIONS 451-467 REGARDING THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10645 (N.S.), entitled: **ORDINANCE AMENDING PORTIONS OF ADMINISTRATIVE CODE SECTIONS 451-467 REGARDING THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS.**

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ADOPT AN ORDINANCE TO AMEND SAN DIEGO COUNTY CODE OF
REGULATORY ORDINANCES - TITLE 7 HIGHWAYS AND TRAFFIC
(12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND
READING OF AN ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

On December 11, 2019 (12), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on January 15, 2020.

In accordance with Board Policy A-76, Sunset Review Process, County of San Diego (County) departments periodically review Board of Supervisors (Board) policies and provisions of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board standards and practices.

The San Diego County Code of Regulatory Ordinances is a compilation and codification of regulatory ordinances of the County of San Diego. Title 7 of this code entitled "Highways and Traffic" includes regulatory provisions including, but not limited to, protection of highways, traffic enforcement codes, and the regulation of the use of streets and highways. Title 7 has been reviewed by County staff and staff recommend approval of a sunset review date of December 31,

2026 as well as some revisions. The recommended changes are to amend language to be consistent with the California Manual on Uniform Traffic Control Devices, delete traffic ordinances from communities that have been incorporated, remove references to the County Marshall, delete the rule to collect a punitive tripling of abatement costs for abandoned vehicles. Since the recommended changes include the deletion of entire sections within the regulatory code and has a larger quantity of changes than a typical sunset review item, this item was reviewed outside of the general sunset review process.

The Board's action on these items would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On December 11, 2019, the Board would consider the items. If the Board takes action on December 11, 2019, then on January 15, 2020, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 7 REGARDING HIGHWAYS AND TRAFFIC IN THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10646 (N.S.), entitled: **ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 7 REGARDING HIGHWAYS AND TRAFFIC IN THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES.**

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4805-1 (FINAL MAP 13568): APPROVAL OF SECOND AMENDMENT TO JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION (SUBSTITUTION OF PARTIES, SUBSTITUTION OF SECURITY, AND EXTENSION OF TIME TO COMPLETE IMPROVEMENTS) FOR PUBLIC AND PRIVATE IMPROVEMENTS, LOCATED IN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA (DISTRICT 5)**

OVERVIEW

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on major private development subdivisions. Subdivision developers, as conditions of their permits, are often required to construct specific improvements, such as roads and storm drainage systems, to benefit the public. In many cases, these improvements are accepted into the County-maintained system to be owned, operated, and

maintained by the County of San Diego's (County) Department of Public Works in perpetuity. Subdivision Improvement Agreements and their bonding requirements protect the County by ensuring any required improvements are constructed for approved and mapped subdivisions. In the event of a default by the applicant, bonding can be used to finance completion of the required improvements. However, under certain circumstances, the County is able to grant an extension that allows the applicant time to complete construction while preserving the County's rights to have the public improvements constructed by the developer.

The project known as County of San Diego Tract No. 4805-1 (Final Map 13568) is a subdivision consisting of 7 single-family residential lots on a total of 7.33 acres and is located in the North County Metropolitan Subregional Plan Area in the unincorporated County of San Diego between the City of Vista and the City of San Marcos at the south end of Robin Place, south of Monte Vista Drive. In July 2018, the project was sold to a new developer.

Staff has determined this second amendment of the improvement agreement to complete roadway, drainage, sewer, and water improvements is warranted due to transfer of ownership, submission of replacement bonds, requests from the new owners to extend the time for completion, and the County's interest in receiving the improvements. Therefore, staff is recommending the County accept the substitution of parties, substitution of security, and delayed completion of the public improvements. Staff has also determined that there is adequate replacement improvement security in the form of performance and labor and materials bonds for the subdivision map to guarantee completion of remaining work for the agreement recommended for extension, should that become necessary in the future.

Today's request is for the Board to approve the second amendment for substitution of parties, substitution of security, and extension of the performance completion date in subdivision agreement for the development referenced by Tentative Map No. 4805-1 to January 15, 2022.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that the substitution of parties, substitution of security, and extension of the performance completion dates to complete subdivision improvements is not a "project" as defined in Section 15378 of the state CEQA Guidelines.
2. Approve the second amendment to substitute parties, substitute security, and extend to January 15, 2022, the performance completion date in subdivision agreement for the development referenced by Tentative Map No. 4805-1.
3. Authorize the Clerk of the Board (Clerk) to execute the Second Amendment for public and private improvements (Attachment A), the Faithful Performance Bond No. 0740677 (Attachment B), the Labor and Material Bond No. 0740677 (Attachment C).
4. Authorize the Clerk of the Board to release of the existing Letter of Credit (Attachment D) and accept in its place the Joint Improvement Security Agreement Faithful Performance Bond (Attachment B) and Joint Improvement Security Agreement Labor and Material Bond (Attachment C) upon execution of replacement bonds.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856): APPROVAL OF ASSUMPTION AGREEMENT AND TIME EXTENSION FOR COMPLETION OF SUBDIVISION IMPROVEMENTS FOR POLO CLUB ESTATES LOCATED IN THE BONSALL COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW

Developers may enter into Subdivision Improvement Agreements to guarantee the construction of improvements required as a condition of the approved major subdivision. The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on major subdivisions. In most cases, these improvements, such as roads and storm drainage systems, are to benefit the public and are accepted into the County Maintained Road System to be owned, operated, and maintained by the County of San Diego's (County) Department of Public Works (DPW) in perpetuity.

In accordance with Section 81.405(c) of the San Diego County Code of Regulatory Ordinances, the Director of Planning & Development Services or the Director of DPW may extend the time for a developer to complete improvements once, for up to two additional years. Subsequently, the Board of Supervisors (Board) may grant additional time extensions. Where the County has allowed a developer to substitute a lien contract for existing security that the developer furnished under Section 81.408, an extension of two years after the recording of the new lien contract may be granted.

The Polo Club Tentative Map 4736RPL4 (TM 4736RPL4) project, is a subdivision consisting of 165 residential lots and two open space lots, for a total of 449.54 acres. The site is located within the Bonsall Community Plan Area, on the north side of Gopher Canyon Road and Vista Valley Road, west of Interstate 15 within the unincorporated county (Attachment A). On November 3, 1993, the Board voted to approve TM 4736RPL4, and on September 22, 1999, the Board voted to approve Final Map 13856 and a Joint Agreement to Improve Major Subdivision (Joint Agreement for Improvements) for TM 4736RPL4. The Joint Agreement for Improvements was secured by bonds which guaranteed the construction of the streets, sewer facilities, water facilities, appurtenances and drainage facilities. The Joint Agreement for Improvements expired on September 22, 2001.

The project has received a total of two extensions since the Final Map was recorded in 1999. On August 8, 2012, the Board voted to approve an Amendment to Joint Agreement for Improvements, which extended time for completion of improvements to August 8, 2014. On October 22, 2014, the Board voted to approve another time extension for completion of improvements to October 22, 2016, and the owners entered into a lien contract with the County securing the performance by granting the County a lien on the property to be subdivided. Since then, the current owners have decided to sell County Tract No. 4736-1 (Final Map No. 13856), and the new owner has agreed under this Assumption Agreement to assume responsibility of all obligations as stated in the Joint Agreement to Improvements, Joint Lien Contract and Holding Agreement, and has requested additional time to complete improvements.

Today's request is for the Board to approve the Assumption Agreement and time extension for completion of subdivision improvements for County Tract No. 4736-1 (Final Map 13856).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Agreement to Assume Joint Agreement to Improve Major Subdivision, Joint Lien Contract and Holding Agreement (Assumption Agreement) (Attachment B), Second Amendment To and Assignment and Assumption of Joint Agreement to Improve Subdivision (Second Amendment to Agreement) (Attachment C) and associated actions for County Tract No. 4736-1 is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c) (2) of the CEQA Guidelines because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Approve and authorize Clerk of the Board of Supervisors (Clerk) to execute the Assumption Agreement and Second Amendment to Agreement. This Agreement extends the time to complete improvements to January 15, 2022.
3. Authorize the Clerk to forward the Assumption Agreement to the County Recorder for recordation.
4. Approve and authorize the Clerk to notify First American Bank, FSB (Holding Company) that the Assumption Agreement has been executed and recorded
5. Authorize the Clerk to forward the Quitclaim Deed and Grant Deeds (Attachments D, E, and F) to the County Recorder for recordation.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**6. SUBJECT: NOTICED PUBLIC HEARING:
GENERAL SERVICES - SAN LUIS REY RIVER PARK - APPROVE
EXCHANGE OF 2.11 ACRES OF PARK LAND (SAN DIEGO COUNTY
WATER AUTHORITY AND CALTRANS) (DISTRICT: 5)**

OVERVIEW

The County of San Diego (County) proposes to be part of a three-way exchange of land with the State of California Department of Transportation (Caltrans) and the San Diego County Water Authority (SDCWA) that will benefit the County and both agencies as adjoining property owners.

On August 27, 2009, the County acquired 69 acres at the western end of Dulin Road within the San Luis Rey River Park (SLRRP). The County purchased the 69-acre parcel for use as open space and an active recreation park. However, 2.11-acres of the parcel (County Property) lies north of the San Luis Rey River (River) and is not connected to the active recreation site. As the County Property was acquired with State Bond Act funds, the State legislature is required to approve the transfer. California Senate Bill 785, which took effect on January 1, 2020, approves the transfer. Senate Bill 785 also obligates the County to manage the property transferred from Caltrans as park land in perpetuity. A contiguous property would allow for a better active park site while maintaining the open space preservation requirement of the State Bond Act funding.

The State of California Department of Transportation (Caltrans) owns 2.11 acres of property (Caltrans Property) located south of the River and protrudes into DPR's future active recreation site. The Caltrans Property could provide a contiguous County-owned and maintained park. The Caltrans Property was acquired as part of the State Route 76 Highway Improvement Project, and Caltrans has a requirement to replace SDCWA land acquired for that project. SDCWA owns land north of the River that is contiguous to the 2.11-acre County Property. The County Property could be conveyed to SDCWA to replace the land acquired by Caltrans.

Under the proposed exchange, the 2.11-acre portion of the Caltrans Property would be conveyed to the County, and the County Property would be conveyed to the SDCWA. Appraisals of both the County Property and the Caltrans Property were commissioned, and the appraiser's opinion of value determined that the current market value of each of the properties was \$100,000. The result is that the County and SDCWA will each gain property contiguous to their currently-owned property, and Caltrans will meet its obligation to replace SDCWA land it received for State Route 76.

The County, SDCWA, and Caltrans entered into a Memorandum of Understanding (MOU) in November 2019 to outline the terms of the exchange, which is contingent on approval by the Board of Supervisors (Board). Today's action is for the Board to 1) make the necessary environmental findings, 2) approve the acquisition of the Caltrans Property, 3) approve the conveyance of the County Property to the SDCWA, and 4) authorize the Director, Department of Parks and Recreation, or designee, to sign an agreement with the State accepting all 2002 State Bond Act obligations on the Caltrans Property to be acquired. The exchange would be completed after California Transportation Commission consideration and approval of the transaction, anticipated in early 2020.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Final Program Environmental Impact Report (FPEIR) on file with the Department of Parks and Recreation for the San Luis Rey River Park Master Plan, dated September 24, 2008, State Clearinghouse #2006051074, was completed in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors (Board) has reviewed and considered the information contained therein before approving the project, and that the FPEIR reflects the independent judgement and analysis of the Board; and

Find on the basis of substantial evidence in the record before your Board 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 the in the previously certified FPEIR, dated September 24, 2008, 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 said FPEIR was certified as explained in the September 20, 2019 Environmental Review Update Checklist.

2. Authorize the Director, Department of General Services, pursuant to Gov. Code section 25365, to execute an agreement with Caltrans for the acquisition of a 2.11-acre portion of APN 125-080-13 with an appraised value of \$100,000 at no cost to the County and to execute all escrow documents and other related documents necessary to complete the transaction. **(4 VOTES)**
3. Authorize the Director, Department of General Services, pursuant to Gov. Code section 25365, to execute an agreement with the SDCWA for conveyance of a 2.11-acre portion of County-owned APN 125-080-20 with an appraised value of \$100,000 at no cost to SDCWA and to execute all escrow documents and other related documents necessary to complete the transaction. **(4 VOTES)**
4. Authorize the Director, Department of Parks and Recreation, or designee, to sign an agreement with the State of California accepting all 2002 State Bond Act obligations for the Caltrans Property acquired in the exchange.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund for San Luis Rey Capital Project 1000036. There is no cost for the County of San Diego's (County) acquisition of the Caltrans property, as the County would provide a property of equal value to SDCWA as part of the three-way exchange. Both the Caltrans property to be received by the County and the County Property to be conveyed to SDCWA are appraised at \$100,000 each. If approved, the request will result in associated costs of \$27,000 in San Luis Rey Capital Project 1000036, including costs for due diligence and negotiations (\$8,000), and title and escrow expenses (\$19,000). The funding source is available prior year General Fund fund balance. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: PROPERTY CONDITION AGREEMENT ORDINANCE (POD 19-001)
(1/15/2020 - FIRST READING; 1/29/2020 - SECOND READING)
(DISTRICTS: ALL)**

OVERVIEW

On October 10, 2018 (2), the Board of Supervisors (Board) received the report on Options to Improve Housing Affordability in the Unincorporated Area (Report) and directed staff to implement specific actions identified in the Report, including actions to correct inconsistent or outdated regulations that inadvertently act as barriers to housing production. Today's requested action implements one of the 19 actions in the Report which was to prepare an ordinance to establish a Site Implementation Agreement. This new ordinance has been renamed and is now referred to as the Property Condition Agreement (PCA) to avoid confusion with the existing Subdivision Improvement Agreement that serves another purpose.

Today's action will create the PCA to provide standalone projects proposing subdivision of land a mechanism to document conditions of approval and mitigation measures following establishment of legal lots. Creation of the PCA establishes an agreement between landowner(s) and the County of San Diego (County) that allows for project conditions such as structure removal, submittal of landscape plans, fencing and signage, to be satisfied after a final subdivision map is recorded. A PCA, once recorded, would run with the land and requires the owner to satisfy project conditions.

Today's request requires two steps. On January 15, 2020 it is requested that the Board find that the PCA complies with the California Environmental Quality Act and introduce the PCA Ordinance into the County Subdivision Ordinance, Title 8, Division 1 of the San Diego County Code. If the Board takes the actions recommended for January 15, 2020, then on January 29, 2020 the PCA Ordinance will be brought to the Board for consideration and adoption.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Property Condition Agreement Ordinance complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the amendment is exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines. (Attachment A, on file with the Clerk of the Board).
2. Approve the introduction of the Property Condition Agreement (PCA) Ordinance (first reading), read title and waive further reading (Attachment B, on file with the Clerk of the Board): AN ORDINANCE ENACTING CHAPTER 14 OF DIVISION 1 OF TITLE 8 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCE RELATING TO PROPERTY CONDITION AGREEMENTS.

If on January 15, 2020, the Board of Supervisors takes the recommended action related to the introduction of the PCA Ordinance, then on January 29, 2020:

Consider and adopt the PCA Ordinance (second reading):

AN ORDINANCE ENACTING CHAPTER 14 OF DIVISION 1 OF TITLE 8 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCE RELATING TO PROPERTY CONDITION AGREEMENTS.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. Developers are required to reimburse staff costs through developer deposit accounts established pursuant to County of San Diego ordinances, and as a condition of project approval. Staff costs will be funded by applicants seeking to enter into a Property Condition Agreement. There will be no change in net General Fund cost and no additional staff years

BUSINESS IMPACT STATEMENT

The Property Condition Agreement (PCA) Ordinance would provide benefits to County of San Diego customers seeking land entitlements by improving the permit processing and streamlining of regulations by removing barriers to housing production. The PCA Ordinance would provide more flexibility for applicants, by allowing conditions to be satisfied later in the land development process, including after final map recordation. This will allow maps to be recorded faster and reduce the need for applicants to apply for time extensions for maps.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, introducing an Ordinance for further Board consideration and adoption on January 29, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 8. SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE REPEALING AND REENACTING THE
COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING AND
MECHANICAL CODES (1/15/2020 - FIRST READING; 1/29/20 - SECOND
READING) (DISTRICTS: ALL)**

OVERVIEW

Every three years, the State of California (State) updates the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The State code update process includes repealing the existing California Building Standards Code in its entirety and adopting and publishing an updated California Building Standards Code. The 2019 edition of the California Building Standards Code was published on July 1, 2019 and became effective January 1, 2020.

The purpose of the California Building Standards Code is to ensure public health, safety, and general welfare through provisions addressing structural strength and stability, emergency exiting, fire prevention, electrical hazards, sanitation, air and water quality, energy efficiency,

accessibility, and sustainability of buildings and structures. Structures designed and built to these standards, as compared to those built to lesser standards, have an increased likelihood of maintaining their structural integrity in a disaster, giving building occupants sufficient time to escape, providing safety to emergency responders, and protecting lives.

State law allows local governments to make additions, modifications, and deletions, through local amendments, to the California Building Standards Code when they are reasonably necessary because of local climatic, geological, and topographical conditions. With each new edition of the California Building Standards Code, State law requires that local jurisdictions readopt all existing local amendments.

On March 12, 2019 (1), the Board of Supervisors (Board) directed the Chief Administrative Officer to develop a plan to strengthen wildfire resiliency in construction of new homes, including stricter building requirements. If approved, the proposed changes to the County of San Diego's (County) Local Amendment to the State Building Standards Code will also include updates to the requirements for ignition-resistant construction, including stricter building requirements for homes that go beyond those required by the State.

Today's request is the first reading to consider the adoption of the proposed ordinance which contains local amendments to the California Building Standards Code that County staff determined are reasonably necessary because of the county's climatic, geological and topographical conditions. If the Board takes the action recommended today, then on January 29, 2020 the Board can consider and adopt the proposed ordinance.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with State California Environmental Quality Act Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (Attachment A, on file with the Clerk of the Board).
2. Approve the express findings demonstrating the County of San Diego amendments to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions, pursuant to Health and Safety Code Section 17958.7 (Attachment B, on file with the Clerk of the Board).
3. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Ordinance (Attachment C, on file with the Clerk of the Board), titled:
AN ORDINANCE REPEALING AND REENACTING THE COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING AND MECHANICAL CODES AND ADOPTING THE COUNTY ENERGY EFFICIENCY AND GREEN BUILDING CODES

If, on January 15, 2020, the Board takes action as recommended then, on January 29, 2020:

1. Consider and adopt the Ordinance Repealing and Reenacting the County Building, Residential, Electrical, Plumbing and Mechanical Codes and Adopting the County Energy Efficiency and Green Building Codes (second reading).

2. Upon adoption of the ordinance, direct the Clerk of the Board to provide a certified copy of the adopted ordinance repealing and reenacting the County Building, Residential, Electrical, Plumbing and Mechanical Codes together with the associated findings to the California Building Standards Commission pursuant to Health and Safety Code Section 17958.7.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

There is no business impact associated with these recommendations. The majority of changes are minor in nature and would not have significant cost or time impacts to customers. While there is an increased cost for new home construction as a result of a new requirement established by the State to install photovoltaic systems with new homes, the California Energy Commission found that the long term savings resulting from onsite generation of renewable energy will outweigh the increased construction costs, over the life of the home.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, introducing an Ordinance for further Board consideration and adoption on January 29, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. **SUBJECT: APPROVE AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO TITLE 8 PARK LAND DEDICATION AND FEES (1/15/2020 - FIRST READING; 1/29/2020 - SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's (County) mission includes providing a world-class park system that helps build strong and sustainable communities. Parks and recreation are also key components of all three Live Well San Diego strategies: Building Better Health, Living Safely and Thriving. One of the ways the County provides parks for its growing population is through the Park Land Dedication Ordinance (PLDO). The PLDO requires new residential subdivisions to dedicate park land for its new residents and/or pay fees to the County so that parks can be developed. The PLDO was comprehensively updated on July 25, 2018 (04) and amended on January 30, 2019 (01) to waive development impact fees for accessory dwelling units (ADUs) on lots with existing single-family dwellings for a five-year trial period. When the PLDO was amended in January 2019, the wrong section of the PLDO was accidentally revised and is now in need of correction. Today's action would amend the PLDO to correct the previous revisions and add the exemption for ADUs on lots with existing single-family dwellings for a five-year trial period.

Residential development projects dedicating park land pursuant to the PLDO requires the County Board of Supervisors (Board) to authorize the Director of the Department of Parks and Recreation (DPR) to execute Park Acquisition and Improvement Agreements (Park Agreement) with developers that provide for park construction, interim funding, and maintenance of park facilities. Currently, the Board must authorize DPR to enter into a Park Agreement for each individual project, which can result in additional processing times and costs for applicants to

satisfy conditions of approval. Today's action would also amend the PLDO to delegate authority to the Director of DPR to execute Park Agreements pursuant to the PLDO, eliminating the need for future Board actions. The Director of the Department of General Services (DGS) will continue to acquire real property on behalf of the County.

Today's request requires two steps: if the Board approves the first reading of the new ordinance on January 15, 2020, then the ordinance will be brought back for adoption on January 29, 2020.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(4) and (5) of the State CEQA Guidelines and in accordance with State CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption.

2. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TITLE 8, DIVISION 10, CHAPTER 1 TO DELEGATE AUTHORITY TO EXECUTE AGREEMENTS AND ADDITIONAL MINOR EDITS

If, on January 15, 2020, the Board of Supervisors takes action as recommended then, on January 29, 2020:

Consider and adopt the Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TITLE 8, DIVISION 10, CHAPTER 1 TO DELEGATE AUTHORITY TO EXECUTE AGREEMENTS AND ADDITIONAL MINOR EDITS

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, introducing an Ordinance for further Board consideration and adoption on January 29, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**10. SUBJECT: RECEIVE AND REVIEW PARK LAND DEDICATION ORDINANCE
MITIGATION FEE PROGRAM FISCAL YEAR 2018-19 ANNUAL
REPORT (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's (County) mission includes providing a world-class park system that helps build strong and sustainable communities. Parks and recreation are also key components of all three *Live Well San Diego* strategies: Building Better Health, Living Safely and Thriving. One of the ways the County provides parks for its growing population is through the Park Land Dedication Ordinance (PLDO). The County PLDO was adopted by the Board of Supervisors (Board) on December 19, 1972 (33). The PLDO requires new residential subdivisions to dedicate park land for their residents and/or pay mitigation fees to the County so that parks can be developed. The PLDO was comprehensively updated on July 25, 2018, and subsequently updated on January 30, 2019 (1) to waive park impact fees for accessory dwelling units constructed on a lot with existing single-family dwellings for a five-year trial period.

The Mitigation Fee Act requires the County to annually review and make available to the public a report accounting for the development fees held by the agency. Today's request is for the Board to receive and review the Park Land Dedication Ordinance Fee Program Fiscal Year 2018-19 Annual Report.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the receipt of this report is exempt from the California Environmental Quality Act (CEQA), as specified under Sections 15061(b)(3) and 15378(b)(4) & (5) of the CEQA guidelines.
2. Receive and review the Park Land Dedication Ordinance Fee Program Fiscal Year 2018-19 Annual Report.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

11. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Martha Welsh spoke to the Board regarding sewage.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:14 a.m. in memory of Phyllis Passons, Matthew Creed and Bruce "Smokey" Kamps.

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

Consent: Caro

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 29, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

01/15/2020