

January 29, 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 29, 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 9:01 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: No Speakers

D. Approval of the Statement of Proceedings/Minutes for the meeting of January 15, 2020.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of January 15, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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.

Board of Supervisors' Agenda Items

Agenda #	Subject
1.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: 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)

2. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
PROPERTY CONDITION AGREEMENT ORDINANCE (POD 19-001)
(1/15/2020 - FIRST READING; 1/29/2020 - SECOND READING)
3. SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
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)
4. COUNTY OF SAN DIEGO TRACT NO. 4979-1 (FINAL MAP NO.
15516): APPROVAL OF SECOND AMENDMENT TO AGREEMENT
TO IMPROVE SUBDIVISION (INCLUDING SUBSTITUTION OF
PARTIES, REDUCTION OF SECURITY, AND EXTENSION OF
TIME) LOCATED IN THE RAMONA COMMUNITY PLAN AREA
5. AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION
CONTRACT FOR THE OTAY VALLEY REGIONAL PARK BIKE
SKILLS PARK PROJECT
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND
FUND BALANCE]
6. TEMPORARY AGRITOURISM COMMUNITY EVENTS -
AMENDMENT TO THE ZONING ORDINANCE AND COUNTY CODE
OF REGULATORY ORDINANCES (POD 19-002) (1/29/2020 - FIRST
READING; 2/12/2020 - SECOND READING)
7. GENERAL PLAN AMENDMENT (GPA) 20-001 THAT INCLUDES
THE FOLLOWING THREE SUB-ITEMS: SUB ITEM A-GENERAL
PLAN CLEAN-UP (ALL DISTRICTS); SUB ITEM B-SKYLINE
RETIREMENT CENTER (DISTRICT 2); AND SUB ITEM
C-AVENTINE AT SWEETWATER SPRINGS (DISTRICT 2); AND
RELATED IMPLEMENTING ACTIONS: FOR SUB ITEM A-GENERAL
PLAN CLEAN-UP: GENERAL PLAN AMENDMENT, REZONE AND
ENVIRONMENTAL DOCUMENT; FOR SUB ITEM B-SKYLINE
RETIREMENT CENTER: GENERAL PLAN AMENDMENT, REZONE,
MAJOR USE PERMIT AND ENVIRONMENTAL DOCUMENT; AND
FOR SUB ITEM C-AVENTINE AT SWEETWATER SPRINGS:
SPECIFIC PLAN AMENDMENT, GENERAL PLAN AMENDMENT,
REZONE, TENTATIVE MAP, MAJOR USE PERMIT MINOR
DEVIATION, SITE PLAN AND ENVIRONMENTAL DOCUMENT
8. ORDINANCE AMENDING SECTIONS 68.511 THROUGH 68.520 OF
THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES RELATING TO DIVERSION OF CONSTRUCTION
AND DEMOLITION MATERIALS FROM LANDFILL DISPOSAL

1. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
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

On January 15, 2020 (9), the Board of Supervisors introduced the Ordinance for further Board consideration on January 29, 2020.

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

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, adopting Ordinance No. 10649 (N.S.), entitled: 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.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

- 2. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
PROPERTY CONDITION AGREEMENT ORDINANCE (POD 19-001)
(1/15/2020 - FIRST READING; 1/29/2020 - SECOND READING)
(DISTRICTS: ALL)**

OVERVIEW

On January 15, 2020 (7), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on January 28, 2020.

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

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 ORDINANCES 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, adopting Ordinance No. 10650 (N.S.), entitled: AN ORDINANCE ENACTING CHAPTER 14 OF DIVISION 1 OF TITLE 8 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO PROPERTY CONDITION AGREEMENTS.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

- 3. SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: 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

On January 15, 2020 (8), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on January 29, 2020.

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. 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 took action as recommended, on Consent, adopting Ordinance No. 10651 (N.S.), entitled: AN ORDINANCE REPEALING AND REENACTING THE COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING AND MECHANICAL CODES AND ADOPTING THE COUNTY ENERGY EFFICIENCY AND GREEN BUILDING CODES.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

4. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4979-1 (FINAL MAP NO. 15516): APPROVAL OF SECOND AMENDMENT TO AGREEMENT TO IMPROVE SUBDIVISION (INCLUDING SUBSTITUTION OF PARTIES, REDUCTION OF SECURITY, AND EXTENSION OF TIME) LOCATED IN THE RAMONA COMMUNITY PLAN AREA (DISTRICT: 2)**

OVERVIEW

The Fenton Ranch Tentative Map 4979-1 project (TM 4979-1), is a subdivision consisting of nine single-family residential lots on a total of 72.87 acres. The site is located within the Ramona Community Plan Area, on the south side of Bandy Canyon Road, southwest of Old Survey Road and southeast of Ysabel Creek Road, within the unincorporated county. Developers may enter into Subdivision Improvement Agreements to guarantee the construction of improvements required as a condition of the approved Tentative Map. 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. The County may also allow a lien contract to replace existing security and grant an extension of two years after the recording of a lien contract.

On January 7, 1999 (1), the Board voted to approve TM4979-1 and on February 7, 2007 (12), the Board voted to approve Final Map 15516, the original Agreement to Improve Subdivision and the lien contract. On May 16, 2007 (8), the agreement was amended by the Board to release the lien.

Today's request is for the Board to approve a Second Amendment to the Agreement to Improve Subdivision, including substitution of parties, reduction of security and extension of time for County Tract No. 4979-1 (Final Map No. 15516).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Second Amendment to Agreement to Improve Subdivision (Second Amendment to Agreement) (Attachment B) and associated actions for County of San Diego (County) Tract No. 4979-1 is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(1) and (2) of the CEQA Guidelines because it does not involve the exercise of discretionary powers by a public entity, and the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Second Amendment to Agreement, including Substitution of Parties, Reduction of Security and Extension of Time. This agreement extends the time to complete improvements to January 29, 2022.
3. Authorize the Clerk to forward the Second Amendment to Agreement 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, Fletcher, Desmond

ABSENT: Gaspar

5. **SUBJECT: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE OTAY VALLEY REGIONAL PARK BIKE SKILLS PARK PROJECT (DISTRICT: 1)**

OVERVIEW

The Otay Valley Regional Park (OVRP) encompasses a planning area of nearly 9,000 acres along the Otay River and offers a variety of recreational amenities including a multi-use trail network, picnic facilities, and a ranger station. The County of San Diego, City of San Diego and City of Chula Vista entered into a Joint Exercise of Powers Agreement (JEPA) in 2005 for the coordinated planning, acquisition, design, operations and maintenance of the regional park. The three jurisdictions collaborated to create one regional park to the greater benefit of the region. The jurisdictions identified a three-acre undeveloped parcel within the OVRP, located near the intersection of Rios Avenue and Otay Valley Road, for the development of a

bicycle skills park. The parcel is owned by the City of Chula Vista and within the City of San Diego's jurisdiction. The proposed project will provide jump lines, a pump track, and a loop trail with skill building features, which are new recreational amenities that will allow visitors of all ages and abilities to learn, practice, and improve their mountain biking skills.

This request is for the Board of Supervisors to adopt the Otay Valley Regional Park Bike Skills Park Mitigated Negative Declaration (MND) and the Mitigation, Monitoring, and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) for construction and operation of the proposed Bike Skills Park. Today's actions will also authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract for the Otay Valley Regional Park Bike Skills Park project for an estimated cost of \$350,000 including contingency. Remaining project funds of \$150,000 will be used for related project costs including design, construction management and project administration for a total project cost of \$500,000. If approved, construction will begin in spring 2020 and be completed in fall 2020. Today's proposed action will also authorize the Director, Department of Parks and Recreation, to administer the construction contract, and approve a Memorandum of Agreement among the County of San Diego and the cities of Chula Vista and San Diego regarding design, construction, and maintenance of the Bike Skills Park.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, on the basis of the whole record, that there is no substantial evidence that the project may have a significant effect on the environment. Consider the Mitigated Negative Declaration on file with the Department of Parks and Recreation (Attachment B) dated January 29, 2020, State Clearinghouse #201910906, together with comments received during public review (Attachment C), and adopt it, finding that it reflects the independent judgement and analysis of the Board of Supervisors.
2. Adopt the Mitigation, Monitoring and Reporting Program (Attachment D) prepared pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15074(d), and authorize the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Otay Valley Regional Park Bike Skills Park project.
4. Designate the Director, Department of Parks and Recreation as the County of San Diego officer responsible for administering the construction contract, in accordance with Board Policy F-41 Public Works Construction Projects.
5. Authorize the Director, Department of Parks and Recreation, to approve and sign County of San Diego, City of Chula Vista, City of San Diego Memorandum of Agreement (MOA) substantially similar to the agreement in Attachment B, and enter into an agreement with the City of Chula Vista granting the County access to the project site, and to take actions necessary to administer the project.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs of \$500,000 for Capital Project 1021894, Otay Valley Regional Park Bike Skills Park. Construction costs are estimated at \$350,000, including contingency. The project will include jump lines, a pump track, and a loop trail with skill building features. Additional amenities would be included if funding is available. The additional amenities would include a children’s skill building zone and additional skill building features throughout the project, such as jumps, logs, and boulders. Remaining project funds of approximately \$150,000 will be used for related project expenses including design, construction management, and project administration. The funding source is available prior year General Fund fund balance. There will be no additional staff years.

Per the 2005 Joint Exercise of Powers Agreement (JEPA), the three agencies collaborated on the location of the Bike Park. The Department of Parks and Recreation will manage the construction of the Otay Valley Regional Park Bike Skills Park. Upon project completion the City of Chula Vista will maintain the facility in perpetuity. Maintenance and operations of the facility will occur according to the proposed MOA and the) JEPA approved by the Board of Supervisors on December 14, 2005 (09), and signed by the County of San Diego and the cities of San Diego and Chula Vista to coordinate planning, acquisition, design, operations and maintenance of the Otay Valley Regional Park.

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, Fletcher, Desmond

ABSENT: Gaspar

- 6. **SUBJECT: TEMPORARY AGRITOURISM COMMUNITY EVENTS - AMENDMENT TO THE ZONING ORDINANCE AND COUNTY CODE OF REGULATORY ORDINANCES (POD 19-002) (1/29/2020 - FIRST READING; 2/12/2020 - SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

To promote farming and agritourism, the Board of Supervisors (Board) approved amendments to the Zoning Ordinance related to the Agriculture Promotion Program on March 15, 2017 (3). The Zoning Ordinance amendments defined new agricultural uses including agritourism. Agritourism provides educational opportunities for the community, and includes U-Pick operations, tours, lectures or classes, and participation in agricultural operations on-site. On May 16, 2018 (5), the Board directed the Chief Administrative Officer to explore options that would make it easier for local, small-scale businesses to provide food and goods during community-based events on agriculture producing properties in the unincorporated area.

On November 14, 2018 (1) the Board approved four actions, two of which were implemented immediately. These two actions were permit fee waiver pilot programs:

- Waive the Zoning Verification Permit Fee for Small Agricultural Stores; and
- Establish Food Truck Participation Incentive Pilot.

Two actions could not be implemented immediately because they required environmental review and amendments to the County of San Diego's (County) Zoning Ordinance and County Code of Regulatory Ordinances:

- Allow Multiple Food and Goods Vendors; and
- Eliminate the Zoning Verification Permit for Small Agricultural Stores.

Today's request would implement these two additional actions and requires two steps. On January 29, 2020, the Board is requested to: 1) review and consider the environmental review and proposed amendments to the County Zoning Ordinance and complete the first reading of an amendment to the County Code of Regulatory Ordinances; 2) receive a report on the outcome of the previously implemented permit fee waiver pilot programs (Waive the Zoning Verification Permit Fee for Small Agricultural Stores and Food Truck Participation Incentive Pilot Program); and 3) consider continuing previously implemented waiver programs and establishing new permit fee waiver programs to encourage local businesses to partner with agricultural producers to support agritourism thereby saving applicants fee costs ranging from \$128 to \$1,337.

If the Board takes the actions recommended, then on February 12, 2020 the proposed County Code amendment will be brought back to the Board for consideration and adoption.

RECOMMENDATION(S)
PLANNING COMMISSION

On November 8, 2019, the San Diego County (County) Planning Commission considered staff recommendations to amend the County Code of Regulatory Ordinances and Zoning Ordinance, as well as the information contained in the Agriculture Promotion Final Program Environmental Impact Report (FPEIR) and Draft FPEIR Addendum. The Planning Commission made the following recommendations to the Board of Supervisors (Board):

1. Find that it has reviewed and considered the information contained in the Agriculture Promotion FPEIR, dated March 15, 2017, on file with Planning & Development Services (PDS) as Environmental Review Number PDS2015-ER-15-001, the Draft FPEIR Addendum, and the Environmental Review Update Checklist Form, dated October 25, 2019, on file with PDS as Environmental Review Number PDS2019-POD-19-002, prior to making its recommendations. (Attachment A, on file with the Clerk of the Board).
2. Adopt the attached Form of Ordinance entitled: AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES TO DEFINE TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002) (Attachments B and C, on file with the Clerk of the Board).
3. Adopt the attached Form of Ordinance entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO AGRITOURISM TO DEFINE AND ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002) (Attachments D and E, on file with the Clerk of the Board).

4. Adopt the attached Form of Ordinance entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO WINERIES TO ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002) (Attachments F and G, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission's recommendations to the Board of Supervisors (Board) and further recommends that the Board on January 29, 2020:

5. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for certain permit fees related to agritourism events in the Department of Environmental Health and Sheriff Department until existing appropriations are expended.
6. Complete and adopt a resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE OR REBATE CERTAIN FEES RELATED TO AGRITOURISM EVENTS (Attachment H, on file with the Clerk of the Board).
7. Complete and adopt a resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE SHERIFF DEPARTMENT TO WAIVE GOODS VENDORS SOLICITORS' LICENSE FEES ON A TEMPORARY BASIS TO VENDORS THAT PARTICIPATE IN AGRITOURISM EVENTS (Attachment I, on file with the Clerk of the Board).

If on January 29, 2020, the Board takes the actions recommended in items 1 through 7 above then, on February 12, 2020:

Submit the entitled ordinance for further Board consideration and adoption: AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES TO DEFINE TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002).

FISCAL IMPACT

Today's action could include authorization for the continuation or establishment of permit fee waiver pilot programs by way of adopting resolutions or exclude permit fee waiver pilot programs completely.

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan. If permit fee waiver programs are approved, today's actions may result in estimated costs of \$94,458 to the County of San Diego beginning as early as Fiscal Year 2019-20. Prior Board action approved \$70,000 of Land Use and Environment Group General Fund fund balance to implement permit fee waiver pilot programs, and \$68,758 was not expended. The Department of Environmental Health (DEH) would use the remaining appropriations of \$68,758 for all three DEH fee waiver programs. The Sheriff's Licensing Division (SLD) would use \$25,700 of existing Sheriff's Department appropriations for a fee waiver program for goods vendor permits. Fee waiver programs would remain in effect until funds are expended. A waiver of Board policy B-29 would be required since the proposed fee waivers would not cover all operating costs. Should subsequent fee waiver funding be needed, staff will return to the Board to request General Purpose Revenue. There will be no additional staff years required.

BUSINESS IMPACT STATEMENT

Allowing Temporary Agritourism Community Events on agriculture producing properties in the unincorporated areas of the county will provide additional opportunities for businesses to partner with agricultural producers to sell food and goods and attract more people to support agritourism. Waiving permit fees for these vendors will reduce financial barriers for small scale, local businesses to participate in Temporary Agritourism Community Events.

Additionally, eliminating the Zoning Verification Permit (ZVP) requirement to build a small agricultural store will also reduce regulatory barriers and costs to applicants.

ACTION:

Noting for the record that two Errata sheets were submitted; ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting the following:

1. Found that the Program Environmental Impact Report (PEIR) dated March 15, 2017 on file with Planning & Development Services as Environmental Review Number PDS2015-ER-15-001 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum thereto dated October 25, 2019, on file with PDS before approving the project; and

Found 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 PEIR for the Agriculture Promotion Program dated March 15, 2017, 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 dated October 25, 2019. (Attachment A, on file with the Clerk of the Board).

2. Adopted Ordinance No. 10652 (N.S.) entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO AGRITOURISM TO DEFINE AND ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002) (Attachments D and E, on file with the Clerk of the Board).
3. Adopted Ordinance No. 10653 (N.S.) entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO WINERIES TO ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002) (Attachments F and G, on file with the Clerk of the Board).
4. Waived Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery for certain permit fees related to agritourism events in the Department of Environmental Health and Sheriff Department until existing appropriations are expended.

5. Adopted Resolution No. 20-011 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE OR REBATE CERTAIN FEES RELATED TO AGRITOURISM EVENTS (Attachment H, on file with the Clerk of the Board).
6. Adopted Resolution No. 20-012 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE SHERIFF DEPARTMENT TO WAIVE GOODS VENDORS SOLICITORS' LICENSE FEES ON A TEMPORARY BASIS TO VENDORS THAT PARTICIPATE IN AGRITOURISM EVENTS (Attachment I, on file with the Clerk of the Board); and, introduced an Ordinance for further Board consideration and adoption on February 12, 2020.

AYES: Cox, Jacob, Fletcher, Desmond
 ABSENT: Gaspar

7. **SUBJECT: GENERAL PLAN AMENDMENT (GPA) 20-001 THAT INCLUDES THE FOLLOWING THREE SUB-ITEMS: SUB ITEM A-GENERAL PLAN CLEAN-UP (ALL DISTRICTS); SUB ITEM B-SKYLINE RETIREMENT CENTER (DISTRICT 2); AND SUB ITEM C-AVENTINE AT SWEETWATER SPRINGS (DISTRICT 2); AND RELATED IMPLEMENTING ACTIONS: FOR SUB ITEM A-GENERAL PLAN CLEAN-UP: GENERAL PLAN AMENDMENT, REZONE AND ENVIRONMENTAL DOCUMENT; FOR SUB ITEM B-SKYLINE RETIREMENT CENTER: GENERAL PLAN AMENDMENT, REZONE, MAJOR USE PERMIT AND ENVIRONMENTAL DOCUMENT; AND FOR SUB ITEM C-AVENTINE AT SWEETWATER SPRINGS: SPECIFIC PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE, TENTATIVE MAP, MAJOR USE PERMIT MINOR DEVIATION, SITE PLAN AND ENVIRONMENTAL DOCUMENT**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider amending the San Diego County General Plan Land Use Element, Mobility Element, and Safety Element; the Ramona Community Plan; the Spring Valley Community Plan; and the Valle De Oro Community Plan; and any associated implementing actions, such as specific plans, zone reclassifications, major use permits and minor deviations, site plans, specific plan amendments, and tentative maps, as required by each specific application. This request represents the first such amendment of the Land Use Element, Safety Element, and Mobility Element to be considered by the Board in 2020. State law allows each mandatory element of a general plan to be amended up to four times during a calendar year. Subject to that limitation, an amendment may be made at any time and each amendment may be batched and include more than one change to the General Plan. Today's requested action is to amend the Land Use Element, Mobility Element, and Safety Element, and it includes three changes to the General Plan for the three following projects described below.

Sub Item A-General Plan Clean-Up -On August 3, 2011 (1), the Board adopted the General Plan Update and directed staff to provide a regular mechanism for making minor changes to address errors, omissions, clarifications, and changed circumstances. Considering the large geographic extent, and the 13-year process to update the General Plan, the Board recognized that minor changes would be needed as the General Plan's goals, policies, and standards were applied to permit applications, as they were submitted to the County.

Planning & Development Services (PDS) uses narrowly defined eligibility criteria to qualify requested changes for the General Plan Clean-Up. They include changes to update and correct: General Plan land use designations resulting from a change in land ownership such as lands acquired for open space preserves; mapping errors such as land use designation and zoning changes that were not made during the 2011 General Plan Update; typographical errors, incorrect references, and missing table information; and internal clarifications and inconsistencies. The clean-up process also addresses changed circumstances such as changes in federal and state law.

Sub Item B-Skyline Retirement Center - The Skyline Retirement Center applicant is requesting to amend both the General Plan Land Use Element and the Valle De Oro Community Plan and is requesting approval of associated implementing actions including a Zone Reclassification and Major Use Permit and Mitigated Negative Declaration.

The Skyline Retirement Center project is a senior living facility with 232 units for independent and assisted living. The 8.9-acre site is currently vacant and located on Campo Road 0.5 mile east of Avocado Boulevard, between Via Mercado and the Skyline Church in the Valle De Oro Community Plan area. The development includes a main building with three wings, as well as five separate duplex buildings. The Skyline Retirement Center project includes offices, clinic services, exercise rooms, a commercial kitchen, dining halls, a pool, landscaped courtyard and social grounds, and walking trails.

Sub Item C-Aventine at Sweetwater Springs - The Aventine at Sweetwater Springs (Aventine) applicant is requesting to amend both the General Plan Land Use Element and the Spring Valley Community Plan. The applicant is also seeking approval of: a Specific Plan Amendment that changes the land use from commercial to residential; a Zone Reclassification to change the underlying zoning from General Commercial (C36) to Multi-Family Residential (RM); a Site Plan to ensure community design consistency; a Tentative Map to establish a condominium subdivision; and a Minor Deviation to remove the property from Major Use Permit MUP-70-299.

The Aventine at Sweetwater Springs project is a 92-unit multi-family residential development in the Spring Valley Community Plan area. The 10.6-acre property is currently zoned for commercial use and has an existing underutilized neighborhood retail center that will be demolished and removed. The site is located 0.9 mile south of State Route 94 (SR-94) and 2.5 miles east of State Route 125 (SR-125), at the corner of Sweetwater Springs Boulevard and Austin Drive. The project includes two private active recreation areas, internal private roads and courtyards, an on-site storm water quality basin, and 226 parking spaces, including private garages and guest parking.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Staff recommends that the Board of Supervisors tentatively act on the recommended actions as detailed below on Sub Items A, B, and C. After discussion, staff recommends that the Board of Supervisors take a final action (vote) to confirm the tentative actions and approve General Plan Amendment 20-001, incorporating Sub Items A, B, and C as detailed below and in this report.

PLANNING COMMISSION

The Planning Commission held a separate public hearing on each sub item and recommends that the Board of Supervisors approve each General Plan Amendment, and take the actions described below.

Sub Item A: On October 11, 2019, the Planning Commission considered the General Plan Clean-Up and made the following recommendations to the Board of Supervisors:

1. Find that the General Plan Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with 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 CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein, and the Draft Addendum, and the Environmental Review Update Checklist Form, dated September 13, 2019, on file with PDS under GPA 20-001; REZ 19-003 (Attachment A-3).
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously certified EIR dated August 3, 2011, that there is no substantial increase in the severity of the 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 Form dated September 13, 2019 (Attachment A-3).
3. Adopt the attached Form of Ordinance (Attachment A-1a; Planning Commission Recommended Ordinance) AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2019 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE, REF: REZ 19-003.

Sub Item B: On November 8, 2019, the Planning Commission considered the Skyline Retirement Center project and made the following recommendations to the Board of Supervisors:

4. Adopt the Environmental Findings, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to California Environmental Quality Act (CEQA) guidelines (Attachment B-1).
5. Adopt the attached Form of Ordinance (Attachment B-2) AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE VALLE DE ORO COMMUNITY PLAN AREA, REF: PDS2016-REZ-16-003.

6. Approve Major Use Permit PDS2016-MUP-16-003, which makes the findings and imposes the requirements and conditions as set forth in the Form of Decision (Attachment B-3).

Sub Item C: On September 13, 2019, the Planning Commission considered the Aventine at Sweetwater Springs project and made the following recommendations to the Board of Supervisors:

7. Adopt the Environmental Findings, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to California Environmental Quality Act (CEQA) guidelines (Attachment C-1).
8. Adopt the Resolution entitled: Resolution of the San Diego County Board of Supervisors Approving Specific Plan Amendment PDS2018-SPA-18-002 for the reasons stated therein and discussed in this report (Attachment C-2).
9. Adopt the attached Form of Ordinance (Attachment C-3) AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE SPRING VALLEY COMMUNITY PLAN AREA, REF: PDS2018-REZ-18-002.
10. Adopt the Resolution entitled: Resolution of San Diego County Board of Supervisors Conditionally Approving Tentative Map PDS2018-TM-5627. This Resolution makes the required findings and imposes the requirements and conditions of approval necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego regulations (Attachment C-4).
11. Approve Site Plan STP-18-013, which makes the findings and imposes the requirements and conditions set forth in the Site Plan Form of Decision (Attachment C-5).
12. Approve Major Use Permit Minor Deviation PDS2018-MUP-70-299W1M32, which makes the findings and imposes the requirements as set forth in the Form of Decision (Attachment C-6).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

For Sub Item A, Planning & Development Services (PDS) concurs with Recommendations 3 of the Planning Commission and recommends that the Board of Supervisors (Board) include three modifications to the Land Use Map and Zoning designation within the communities of Alpine (AL402), Crest Dehesa (CD401), and Jamul Dulzura (JD402) that were not recommended by the Planning Commission in Recommendation 14. PDS concurs with all other Planning Commission recommendations for Sub Items A, B, and C and makes the following additional recommendations to the Board:

13. Adopt the Resolution entitled: Resolution of the San Diego County Board of Supervisors Adopting General Plan Amendment (GPA) PDS2020-GPA-20-001, as it applies to Sub Item A (General Plan Clean-Up), Sub Item B (Skyline Retirement Center) and Sub Item C (Aventine at Sweetwater Springs). The Resolution adopts amendments to the Spring Valley Community Plan, the Valle De Oro Community Plan, the Ramona Community Plan, Mobility Element, Safety Element, and Land Use Element of the General Plan for the reasons stated therein and discussed in this report (Attachment 1).

14. Sub Item A-General Plan Clean-Up - Adopt the attached Form of Ordinance (Attachment A-1b; Staff Recommended Ordinance)
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2019 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE, REF: REZ 19-003.
15. Sub Item B-Skyline Retirement Center - Require the applicant to enter into a standard Defense and Indemnification Agreement (Agreement) with the County in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require the Skyline Church to provide security in the amount of \$350,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment B-4).
16. Sub Item C-Aventine at Sweetwater Springs - Require the applicant to enter into a standard Defense and Indemnification Agreement (Agreement) with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require Lennar Homes of California, Inc. to provide security in the amount of \$500,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment C-7).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION 7.1: (Sub Item A-General Plan Clean-Up)

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors tentatively took the following actions:

1. Found that the General Plan Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with 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 CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein, and the Draft Addendum, and the Environmental Review Update Checklist Form, dated September 13, 2019, on file with PDS under GPA 20-001; REZ 19-003 (Attachment A-3);
2. Found that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously certified EIR dated August 3, 2011, that there is no substantial increase in the severity of the 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 Form dated September 13, 2019 (Attachment A-3); and,

3. Adopted Ordinance No. 10654 (N.S.), A General Plan Clean-Up ordinance entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2019 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE, REF: REZ 19-003 which includes three modifications to the Land Use Map and Zoning designation within the communities of Alpine (AL402), Crest Dehesa (CD402), and Jamul Dulzura (JD402) (Attachment A-1b).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ACTION 7.2: (Sub Item B-Skyline Retirement Center)

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors tentatively took the following actions:

4. Adopted the Environmental Findings, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to California Environmental Quality Act (CEQA) guidelines (Attachment B-1);
5. Adopted Ordinance No. 10655 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE VALLE DE ORO COMMUNITY PLAN AREA, REF: PDS2016-REZ-16-003;
6. Approved Major Use Permit PDS2016-MUP-16-003, which makes the findings and imposes the requirements and conditions as set forth in the Form of Decision (Attachment B-3); and, added the following permit conditions:
 - a. widen the proposed sidewalk on Campo Road to 10 feet;
 - b. provide a safe pedestrian crossing from the project site across Via Mercado; and,
 - c. limit the location of carbon offsets to within the County of San Diego as requested by the applicant and consistent with the revised condition submitted to the Board by Planning & Development Services.

Approved Planning & Development Services Recommendation No. 15: Sub Item B-Skyline Retirement Center - Required the applicant to enter into a standard Defense and Indemnification Agreement (Agreement) with the County in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require the Skyline Church to provide security in the amount of \$350,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment B-4).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ACTION 7.3: (Sub Item C-Aventine at Sweetwater Springs)

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors tentatively took the following actions:

7. Adopted the Environmental Findings, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to California Environmental Quality Act (CEQA) guidelines (Attachment C-1).

8. Adopted Resolution No. 20-013 entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN AMENDMENT PDS2018-SPA-18-002;
9. Adopted Ordinance No. 10656 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE SPRING VALLEY COMMUNITY PLAN AREA, REF: PDS2018-REZ-18-002;
10. Adopted Resolution No. 20-014 entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING TENTATIVE MAP PDS2018-TM-5627;
11. Approved Site Plan STP-18-013, which makes the findings and imposes the requirements and conditions set forth in the Site Plan Form of Decision (Attachment C-5);
12. Approved Major Use Permit Minor Deviation PDS2018-MUP-70-299W1M32, which makes the findings and imposes the requirements as set forth in the Form of Decision (Attachment C-6); and,

Approved Planning & Development Services Recommendation No. 16: Sub Item C-Aventine at Sweetwater Springs - Required the applicant to enter into a standard Defense and Indemnification Agreement (Agreement) with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require Lennar Homes of California, Inc. to provide security in the amount of \$500,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment C-7).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ACTION 7.4:

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing, confirmed the tentative actions of Sub Items A, B, and C, approving General Plan Amendment 20-001; and, adopted Resolution No. 20-015 entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) PDS2020-GPA-20-001, as it applies to Sub Item A (General Plan Clean Up), Sub Item B (Skyline Retirement Center) and Sub Item C (Aventine at Sweetwater Springs).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. SUBJECT: ORDINANCE AMENDING SECTIONS 68.511 THROUGH 68.520 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS FROM LANDFILL DISPOSAL (DISTRICTS: ALL)

OVERVIEW

The County of San Diego (County) Board of Supervisors (Board) adopted a Strategic Plan to Reduce Waste (Strategic Plan) on April 26, 2017 (2) and the Climate Action Plan (CAP) February 14, 2018 (1). These plans were adopted to reduce the County's Greenhouse Gas (GHG) emissions, make the best use of local natural resources, and reduce the need for new landfills. Achieving the goals of reducing waste and increasing recycling provides multiple benefits to the region including: maximizing available landfill space, conserving natural resources, decreasing pollution, and increasing economic opportunity. The 2018 California Geological Survey of Aggregate Sustainability projected that local mineral aggregate resources for construction will be depleted in approximately 11 to 20 years. It is unlikely that new mines will be opened in the County, which will make it necessary to import materials over increasing distances at a greater rate if recycled materials are not recovered and reused. Meanwhile, the state has set GHG emission targets for 2020 and 2030. One of the strategies to support these plans was to set a waste diversion goal for the unincorporated county of 75% by 2025 in the Strategic Plan which was subsequently increased to 80% by 2030 in the Climate Action Plan.

A key component of waste diversion is the recycling of Construction and Demolition (C&D) Materials. The State's California Green Building Standards Code (CALGreen) regulations, most recently updated in January 2020, require nearly all types of construction and demolition projects to divert a minimum of 65% of their projects' C&D debris from landfills. It also requires jurisdictions to ensure projects submit a construction debris management plan or use a hauler that demonstrates compliance with the 65% C&D diversion requirement. The recycling and reuse of C&D materials that would otherwise be landfilled is important to conserve limited existing landfill capacity and to preserve the dwindling supply of virgin aggregate building material resources in the region. To increase the diversion of C&D material in the unincorporated county, the Department of Public Works proposes amending the existing County C&D ordinance.

The County's existing C&D Ordinance was adopted by the Board in 2007 and requires projects to recycle C&D materials. To provide fiscal incentive for compliance, permit applicants are required to pay a refundable deposit that is subsequently returned if recycling requirements are met. Under the current ordinance, approximately 4,000 tons of C&D material are diverted annually. However, DPW estimates that C&D materials comprise more than one third of all materials sent to landfills from the unincorporated county. Amending the County's C&D ordinance is anticipated to result in an increase from 4,000 tons to 44,000 tons of C&D materials diverted annually and increase the unincorporated County's current overall (all materials, including C&D) diversion rate from 60% to 64%. The proposed amendments to the 2007 ordinance would result in five changes, including: the number of projects subject to the ordinance, the diversion rate requirements, the amount of deposit required, require the use of a franchise hauler, and introduces the requirement to use a C&D processor. These five changes are summarized in Table 1 (below) and outlined in more detail in the Background Section.

Table 1. Comparison of Current to Proposed Ordinance			
	Current	Proposed	Result
Decrease Project Threshold	40,000 Square Feet	1,000 Square Feet	Increases Number of Covered Projects From 42 to 722 (est.)
Diversion Requirement	90% Inerts & 70% Other	90% Inerts & 65% Overall	Helps Smaller Projects that Only Use Mixed Material Bins Adjust to New Requirements
Increase Deposit	\$0.20 per Square Foot (cap of \$25,000 per project)	\$0.40 per Square Foot (cap of \$40,000 per project)	Increases Compliance Incentive
Franchise Haulers	Franchise Not Required	Franchise Required	Ensures Oversight of Haulers Collecting C&D Debris
Use of Approved C&D Recycling Facilities	Not Required	Required	Ensures High Diversion Rates and Reporting Requirements Met

Amending the C&D ordinance helps the County meet the Strategic Plan and CAP goals, and would provide multiple benefits to the region, including maximizing landfill space, conserving natural resources, decreasing pollution, and strengthening the local economy. The combined effect of the proposed ordinance changes is estimated to deliver 40,000 tons of additional diversion or one quarter of the additional tons needed to reach the Strategic Plan goal of 75% diversion of all waste generated in the unincorporated area. If the proposed ordinance is not adopted, the County risks not meeting the waste diversion goals in the Strategic Plan and the CAP. The California Department of Resources, Recycling and Recovery (CalRecycle) also annually evaluates jurisdictions' compliance with diversion programs requirements and diversion rates. While the County's diversion goals are the primary reason for updating the C&D diversion requirements, the increased waste diversion would also help the County to comply with these requirements.

Today's request is for the Board to adopt an ordinance amending the County Ordinance to increase diversion of C&D materials from landfill disposal. The proposed action requires two steps. On January 29, 2020, it is requested that the Board approve introduction of the Ordinance. If the Board takes action on January 29, 2020, then on February 12, 2020, the Board may adopt the Ordinance.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On January 29, 2020, take the following actions:

1. Find, in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, that it can be seen with certainty there is no possibility that the activity in question may have a significant effect on the environment and that it is therefore exempt from CEQA review.

2. Approve the introduction of the ordinance amendment (first reading), read title and waive further reading of the following ordinance:
ORDINANCE AMENDING SECTIONS 68.511 THROUGH 68.520 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS FROM LANDFILL DISPOSAL.

If the Board takes the recommended actions on January 29, 2020, take the following actions on February 12, 2020:

1. Submit the ordinance amendment for further Board consideration and adoption (second reading).
ORDINANCE AMENDING SECTIONS 68.511 THROUGH 68.520 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS FROM LANDFILL DISPOSAL.
2. Direct that the operative date of the ordinance be April 1, 2020.
3. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for services provided, for the Construction and Demolition Program in the Department of Public Works and Planning & Development Services through Fiscal Year 2022-23.

FISCAL IMPACT

There is no fiscal impact associated with the recommendations to adopt the ordinance. Funds for the proposed changes to the Construction and Demolition (C&D) Program are included in the Fiscal Year 2019-20 Operational Plan for the Department of Public Works (DPW) Waste Planning and Recycling Fund. Currently, the program is funded by forfeited deposits from construction and demolition project applicants to fund annual program costs of \$50,000 for DPW and Planning & Development Services (PDS). A waiver of Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, is requested through Fiscal Year (FY) 2022-23 for the C&D Program in the DPW because, if the increased deposits serve their intended goal of incentivizing diversion, the amount of forfeited deposits may not offset all future operating costs. The total unrecovered program cost per Board Policy B-29 may be up to approximately \$340,000 annually through FY 2022-23 and would be funded by available fund balance in the Waste Planning and Recycling Fund from franchise fees. DPW will evaluate program costs, funding and diversion annually, and will consider requesting that the Board consider a new C&D program administration fee to ensure full cost recovery pursuant to Board Policy B-29 in future years. There will be no change in net General Fund cost.

If approved, program changes are anticipated to result in the addition of 1.0 staff year supported by contracted staff to manage the expanded C&D reporting and deposit program beginning in Fiscal Year 2020-21, included in the estimated annual cost of up to \$340,000 through FY 2022-23. DPW would evaluate program costs and funding annually, and as experience is established, evaluate whether contracted staff could be replaced with additional County staff positions over time to reduce costs and maximize the stability and services provided to the public. A request for additional staffing would be included in future years' Operational Plans in DPW.

BUSINESS IMPACT STATEMENT

Staff held three stakeholder workshops to receive industry and public input and comments on November 6, 2018, March 20, 2019, and July 10, 2019. Public comments were incorporated into ordinance amendments. As documented in the 2018 California Geological Survey of Aggregate Sustainability, local sources of virgin construction grade aggregate could be exhausted in approximately 11 to 20 years, thus using recycled C&D materials will extend the life of these resources.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on February 12, 2020.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

There being no further business, the Board adjourned at 12:07 p.m. in memory of Zeny Ravelo and Jason Gordon.

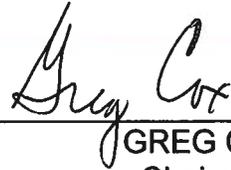
ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Santiago

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, February 12, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

01/29/2020