

**February 12, 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, FEBRUARY 12, 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 January 29, 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 29, 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**

<b>Agenda #</b>	<b>Subject</b>
1.	SECOND CONSIDERATION AND ADOPTION OF 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

2. ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:  
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)
3. SET A HEARING FOR 03/11/2020:  
GENERAL SERVICES - ESTABLISH APPROPRIATIONS FOR  
PARKLAND ACQUISITION IN FALLBROOK - ACQUISITION OF  
APPROXIMATELY 6.8-ACRES FOR FALLBROOK LOCAL PARK  
(BARR RANCH, LLC) (02/12/2020 - SET HEARING; 03/11/2020 -  
HOLD HEARING)  
[FUNDING SOURCE: FISCAL YEAR 2019-20 COMMUNITY  
DEVELOPMENT BLOCK GRANT AND GENERAL FUND FUND  
BALANCE COMPONENT DECREASE - COMMITMENT FOR PARKS  
EXPANSION AND IMPROVEMENT; DEPARTMENT OF PARKS  
AND RECREATION GENERAL PURPOSE REVENUE]
4. NOTICED PUBLIC HEARING:  
APPEAL OF THE OCEAN BREEZE RANCH TENTATIVE MAP,  
MAJOR USE PERMITS, AND SITE PLAN
5. AUTHORIZATION TO ADVERTISE AND AWARD A DEMOLITION  
CONTRACT FOR MOUNT WOODSON GATEWAY COUNTY  
PRESERVE  
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND  
FUND BALANCE]
6. NOTICED PUBLIC HEARING:  
OPTIONS TO STREAMLINE THE DISCRETIONARY PERMIT  
PROCESS
7. AMENDING THE BOULEVARD COMMUNITY PLANNING GROUP  
BOUNDARIES
8. PUBLIC COMMUNICATION

1. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF 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  
(DISTRICTS: ALL)**

**OVERVIEW**

On January 29, 2020 (8), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on February 12, 2020.

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.

<b>Table 1. Comparison of Current to Proposed Ordinance</b>			
	<b>Current</b>	<b>Proposed</b>	<b>Result</b>
<b>Decrease Project Threshold</b>	40,000 Square Feet	1,000 Square Feet	Increases Number of Covered Projects From 42 to 722 (est.)
<b>Diversion Requirement</b>	90% Inerts & 70% Other	90% Inerts & 65% Overall	Helps Smaller Projects that Only Use Mixed Material Bins Adjust to New Requirements
<b>Increase Deposit</b>	\$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
<b>Franchise Haulers</b>	Franchise Not Required	Franchise Required	Ensures Oversight of Haulers Collecting C&D Debris
<b>Use of Approved C&amp;D Recycling Facilities</b>	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**

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, adopting Ordinance No. 10657 (N.S.), entitled: 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.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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

On January 29, 2020 (6), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on February 12, 2020.

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)**

#### **DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Adopt the ordinance entitled:

**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:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10658 (N.S.), entitled: AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES TO DEFINE TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: SET A HEARING FOR 03/11/2020:  
GENERAL SERVICES - ESTABLISH APPROPRIATIONS FOR  
PARKLAND ACQUISITION IN FALLBROOK - ACQUISITION OF  
APPROXIMATELY 6.8-ACRES FOR FALLBROOK LOCAL PARK  
(BARR RANCH, LLC) (02/12/2020 - SET HEARING; 03/11/2020 - HOLD  
HEARING) (DISTRICT: 5)**

**OVERVIEW**

The community of Fallbrook has three local parks with various park amenities that currently provide one acre of local parkland per 1,000 residents. The current Fallbrook parks do not meet the minimum General Plan goal of 10 acres of local parkland per 1,000 residents. The community of Fallbrook desires additional local active park amenities such as ballfields, sports courts, trails, and playgrounds. County of San Diego (County) staff identified and is proposing to acquire approximately 6.8-acres that can provide a range of additional park amenities desired by the community. The property is located south of Fallbrook Road between Morro Road and Golden Road and meets the criteria for a local active park due to its flat topography and access from County maintained roads. Community meetings in Fallbrook will be held to gather input on specific local active park amenities for the site after acquisition.

On February 11, 2020, the Board of Supervisors (Board) was asked to reallocate Community Development Block Grant (CDBG) funds for parkland acquisitions, including funds for an active park in Fallbrook. If the Board takes the CDBG action on February 11, 2020, this request will proceed, and the property and transaction costs will be funded by CDBG. Land improvement costs will be funded by existing budgeted funds from the General Fund Commitment for Parks Expansion and Improvement.

Today's request requires two steps. On February 12, 2020, the Board is requested to set a hearing for March 11, 2020, to consider approval of the purchase of the approximately 6.8-acre property and direct the Clerk of the Board to provide public notice of the hearing. If the Board takes the recommended actions for February 12, 2020, then on March 11, 2020 after making the necessary findings, the Board is requested to establish CDBG appropriations of \$1,172,000 in Capital Project, 1022921 Fallbrook Local Park, and authorize the purchase of approximately 6.8-acres of Assessor Parcel Numbers 105-841-02 and 105-841-03 (portion) from Barr Ranch, LLC for the total appraised value of \$1,100,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship, is \$1,202,000.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

On February 12, 2020:

1. Set a hearing for March 11, 2020, at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase approximately 6.8-acres of Assessor Parcel Numbers (APN) 105-841-02 and 105-841-03 (portion) from Barr Ranch, LLC for the appraised value of \$1,100,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on February 12, 2020, the Board takes the actions recommended in Items 1-2 above, then on March 11, 2020:

1. Find that the proposed acquisition of APNs 105-841-02 and 105-841-03 (portion) for park preservation purposes is exempt from the California Environmental Quality Act (CEQA) pursuant to (a) Public Resources Code section 21080.28 and CEQA Guidelines section 15325 for the preservation of land for park purposes and (b) CEQA Guidelines section 15004(b)(2) and section 15004(b)(2)(A) because an agency may designate a preferred site for CEQA review and enter into land acquisition agreements prior to completing CEQA review and the Board of Supervisors hereby makes conditions any future use of the site upon CEQA compliance.
2. Establish appropriations of \$1,172,000 in the Capital Outlay Fund for Capital Project 1022921, Fallbrook Local Park, based on grant funding from a Community Development Block Grant. **(4 VOTES)**
3. Authorize the Director, Department of General Services, to exercise the option to purchase approximately 6.8 acres of APNs 105-841-02 and 105-841-03 (portion) at the appraised value of \$1,100,000.
4. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase.

**FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund in the amount of \$30,000. If approved, this request will result in costs of \$1,202,000 for Capital Project 1022921, Fallbrook Local Park, itemized as follows: \$1,100,000 for property acquisition; \$69,000 for the appraisal and staff time to complete the transaction; \$3,000 for closing and title costs; and \$30,000 in one-time land protection costs, which include initial stewardship signage, weed abatement, and access control. The funding source is the Fiscal Year 2019-20 Community Development Block Grant (\$1,172,000) and General Fund fund balance component decrease - Commitment for Parks Expansion and Improvement (\$30,000). There will be no additional staff years in Fiscal Year 2019-20.

Typical costs for park operations and maintenance and staffing needs for a 6.8-acre park is estimated at \$90,000 to \$125,000 annually. The actual cost will vary and will be determined based on the type of improvements that would be constructed once the County selects a design for the park project, subject to the approval of the Board. Ongoing costs will be included in future years' Operational Plans in the Department of Parks and Recreation. The funding source would be Department of Parks and Recreation General Purpose Revenue.

## **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, setting a hearing for March 11, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**4. SUBJECT: NOTICED PUBLIC HEARING:  
APPEAL OF THE OCEAN BREEZE RANCH TENTATIVE MAP,  
MAJOR USE PERMITS, AND SITE PLAN (DISTRICT: 5)**

### **OVERVIEW**

This is a request for the Board of Supervisors to consider an appeal of the Planning Commission's approval of the Tentative Map, Major Use Permits, Site Plan, and associated environmental findings for the proposed Ocean Breeze Ranch Project (Project). The Project consists of 396 residential lots and a private equestrian facility located on a 1,403-acre site of which 833 acres are proposed to be conserved as open space. The site is mostly located in the northernmost region of the Bonsall Community Plan area, with approximately two acres located in the southernmost region of the Fallbrook Community Plan area. The Project is being appealed by a group called Save Lilac. The appeal is based on three issues and states that the Project:

1. Does not comply with the Environmental Impact Report prepared for the County of San Diego's (County) General Plan and thus should not have used an exemption to comply with the California Environmental Quality Act;
2. Is inconsistent with the General Plan and the Bonsall Community Plan; and
3. Does not meet the findings required by Section 7358 of the County's Zoning Ordinance, such as bulk and scale of the development, neighborhood character, and the type and intensity of use.

### **RECOMMENDATION(S)**

#### **PLANNING COMMISSION**

On December 13, 2019, the Planning Commission considered the Ocean Breeze Ranch Project (Project) and made the following decisions:

1. Adopt the Environmental Findings that the mitigation measures identified in the Environmental Impact Report (EIR) prepared for the General Plan will be undertaken for the Project pursuant to Section 15183 of the California Environmental Quality Act Guidelines (Attachment A, on file with the Clerk of the Board).
2. Adopt the Resolution of San Diego County Board of Supervisors Conditionally Approving Tentative Map No. PDS2015-TM-5597 which includes those requirements and conditions necessary to ensure that the Project is implemented in a manner consistent with State law and County of San Diego regulations (Attachment B, on file with the Clerk of the Board).

3. Grant Major Use Permit PDS2016-MUP-16-012, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment C, on file with the Clerk of the Board).
4. Grant Major Use Permit PDS2016-MUP-16-013, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment D, on file with the Clerk of the Board).
5. Grant Site Plan PDS2016-STP-16-032, which includes the requirements and conditions set forth in the Form of Decision (Attachment C, on file with the Clerk of the Board).

After hearing public testimony, the Planning Commission added an additional condition to the Project with the applicant in agreement.

6. In addition to the volunteered contribution of \$1,000,000, the applicant will provide a \$250,000 contribution to the Bonsall Unified School District to construct a parking lot within the Sullivan Middle School Campus.

#### **DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) concurs with the decision of the Planning Commission and recommends that the Board of Supervisors (Board):

1. Deny the appeal for the reasons discussed in this Board Letter.
2. Adopt the Environmental Findings that the mitigation measures identified in the General Plan EIR will be undertaken for the Project pursuant to Section 15183 of the California Environmental Quality Act Guidelines (Attachment A, on file with the Clerk of the Board).
3. Adopt the Resolution of San Diego County Board of Supervisors Conditionally Approving Tentative Map No. PDS2015-TM-5597 which includes those requirements and conditions necessary to ensure that the Project is implemented in a manner consistent with State law and County of San Diego (County) regulations (Attachment B, on file with the Clerk of the Board).
4. Grant Major Use Permit PDS2016-MUP-16-012, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment C, on file with the Clerk of the Board).
5. Grant Major Use Permit PDS2016-MUP-16-013, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment D, on file with the Clerk of the Board).
6. Grant Site Plan PDS2016-STP-16-032, which includes the requirements and conditions set forth in the Form of Decision (Attachment C).
7. Require Ocean Breeze Ranch, LLC to enter into a standard Defense and Indemnification 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 the Project, require Ocean Breeze Ranch, LLC, to provide security in the amount of \$750,000 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 E).

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

Noting for the record that the appellant withdrew the appeal; ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors withdrew this item at the request of the Chief Administrative Officer.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A DEMOLITION CONTRACT FOR MOUNT WOODSON GATEWAY COUNTY PRESERVE (DISTRICT: 2)**

**OVERVIEW**

The City of San Diego's Mount Woodson/Potato Chip Rock is a popular hiking destination located off State Route 67 (SR 67) in Ramona, visited by thousands of recreational users annually. The most popular route to Potato Chip Rock is currently accessed by hikers parking on the shoulders of SR 67 and on nearby neighborhood streets then crossing the highway, which poses a threat to public safety. To provide adequate and suitable parking for hikers looking to access Potato Chip Rock, the County has assessed the feasibility of constructing a parking lot on a County-owned 18-acre property located east of State-owned land adjacent to SR 67. The 18-acre County-owned property was landlocked and could not be directly accessed from SR 67. The County assessed feasibility of constructing an access road and additional parking lot on an 84-acre property located adjacent to the east of the County-owned property. On April 19, 2019, the County acquired the Mount Woodson Gateway County Preserve (Property), approximately 84 acres of land, that could provide legal access to the existing County-owned 18-acre property and additional parking.

The Property included five existing structures. The Department of Parks and Recreation (DPR) determined the structures would not be suitable for future County uses and should be removed. A lead and asbestos evaluation found three of the structures contained asbestos and all five buildings contain lead-based paints. Additionally, significant improvements to each structure would be required to make them available for public use. Due to the location of the structures near the popular route to Potato Chip Rock and physical state of the existing structures, they have been found to pose potential hazards, and could serve as an attractive nuisance. The structures need to be demolished even if no future development occurs on the site.

Today's action will authorize the Director of Purchasing and Contracting to advertise and award a demolition contract for the Property estimated at \$300,000, including contingency. If approved, demolition of the five existing structures is scheduled to begin in spring 2020 and be completed in summer 2020.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Mount Woodson Gateway County Preserve demolition project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land).
2. 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 demolition of structures at the Mount Woodson Gateway County Preserve project.
3. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the demolition contract for Mount Woodson Gateway County Preserve in accordance with Board Policy F-41 Public Works Construction Contracts.

### **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 \$300,000 in Capital Project 1021983 Mount Woodson Parking Lot for demolition costs, including contingency. The funding source is available prior year General Fund fund balance. 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

## **6. SUBJECT: OPTIONS TO STREAMLINE THE DISCRETIONARY PERMIT PROCESS (DISTRICTS: ALL)**

### **OVERVIEW**

On July 24, 2019 (3), the Board of Supervisors (Board) approved Supervisor Desmond's recommendation to direct the Chief Administrative Officer to identify ways to reduce the time and cost of discretionary permit processing, investigate the feasibility of options identified, and return to the Board within 180 days with recommendations for review and approval. The discretionary permitting process requires various technical studies and analyses, multiple stages of evaluation, and the determination of compliance with policies and regulations, all of which can be a costly and lengthy process.

Staff involved in the land development process includes Planning & Development Services (PDS), the Departments of Parks and Recreation, Public Works, and Environmental Health, the San Diego County Fire Authority, and County Counsel. Pursuant to Board direction, County staff has prepared options to streamline discretionary review processes and increase efficiencies that reduce time and costs for customers, as well as make the process more

predictable and transparent. This report includes a total of 15 options for Board consideration grouped within the seven categories directed by the Board described below:

1. *Implementing a self-certification process for engineers:* There are seven options in this category to implement a self-certification program for private engineers.
2. *Implementing permit and California Environmental Quality Act (CEQA) evaluation requirements:* There are two options in this category to improve and streamline permit and CEQA evaluation requirements.
3. *Increasing final engineering flexibility:* There is one option in this category to increase the flexibility between the early design and final engineering of a project.
4. *Increasing opportunities to expand checklist exemptions to certain permit processes:* There are three options in this category to expand checklist exemptions to certain permit processes. This category also includes options on additional permits that can be shifted from the discretionary to ministerial process.
5. *Implementing a project issue resolution process:* An Issue Resolution process has been in place since 2003. PDS updated this process in the last six months as described in this report.
6. *Increasing coordination and accountability between departments:* Business Process Re-Engineering (BPR) is currently underway, and improvements outlined in the report and those identified through the BPR will be implemented.
7. *Consideration to create a formal working group with industry representatives:* There are two options in this category to create a formal working group.

These options will not reduce the quality of PDS review or create shortcuts or loopholes in the permitting process that would impact public safety, quality of life, environmental protection, or limit intended public participation.

This is a request for the Board to provide direction on options provided.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Sections 15061(b)(3) and 15378(b)(5) that today's actions are exempt from the California Environmental Quality Act.
2. Provide direction on the 15 options within 7 categories as provided below, and fully detailed in the background section of the Board letter:

*Category 1: Implementing a self-certification process for engineers:* There are seven options in this category to implement a self-certification program for private engineers.

*Category 2: Implementing permit and California Environmental Quality Act (CEQA) evaluation requirements:* There are two options in this category to improve and streamline permit and CEQA evaluation requirements.

*Category 3: Increasing final engineering flexibility:* There is one option in this category to increase the flexibility between the early design and final engineering of a project.

*Category 4: Increasing opportunities to expand checklist exemptions to certain permit processes:* There are three options in this category to expand checklist exemptions to certain permit processes. This category also includes options on additional permits that can be shifted from the discretionary to ministerial process.

*Category 5: Implementing a project issue resolution process:* An Issue Resolution process has been in place since 2003. PDS updated this process in the last six months as described in this report.

*Category 6: Increasing coordination and accountability between departments:* Business Process Re-Engineering (BPR) is currently underway, and improvements outlined in the report and those identified through the BPR will be implemented.

*Category 7: Consideration to create a formal working group with industry representatives:* There are two options in this category to create a formal working group.

## **FISCAL IMPACT**

Funds for these requests are included in the Fiscal Year (FY) 2019-20 Operational Plan in Planning & Development Services (PDS). One-time costs of \$580,000 are included to develop a Self-Certification process for engineers (\$80,000) and to shift discretionary permits to ministerial permits and associated environmental review (option CE-3 (\$500,000)) based on cost savings from existing consultant services. Funds for the actions identified as CSR-1, CSR-2, FE-2, CE-1, CE-2, and CE-3 are included in the existing PDS budget in FY 2019-20. If the Board directs staff to establish a Board Appointed Land Development Advisory Body (option WG-2) with new requirements, additional ongoing costs are estimated at \$20,000 beginning in FY 2020-21 and will be included in future Operational Plans for PDS based on permit fee revenue. Permit fee amounts for FY 2020-21 have not yet been approved by the Board. If option WG-2 is approved, the recommended permit fee amounts will be sufficient to recover full cost as required by Board Policy B-29, Fees, Grants, Revenue Contracts Department Responsibility for Cost Recovery. Accordingly, there is no projected unrecovered cost and a waiver of Board Policy B-29 is not needed.

## **BUSINESS IMPACT STATEMENT**

These options support the local economy by working with development and construction related professionals by reducing the time and cost of permit processing.

### **ACTION 6.1:**

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took the following actions:

1. Found in accordance with Sections 15061(b)(3) and 15378(b)(5) that today's actions are exempt from the California Environmental Quality Act.

**Category 1: Implementing a Self-Certification Process for Engineers, including the development of a self-certification program with training, auditing, and membership fee to cover the cost to administer the program that includes the following options:**

**SC-1: Landscape Plans:** Develop and implement self-certification requirements for landscape plans for custom single-family homes that depict the location, type, and container sizes of all plant materials and the efficient irrigation system to support the landscaping.

2. Directed the Chief Administrative Officer to provide direction to develop self-certification, including requirements for Landscape Plans.

**SC-2: Private Roads:** Develop and implement self-certification requirements for Tentative Parcel Maps (TPM) with private roads that are constructed on-site and remain privately owned and maintained. Four or fewer lots are processed through a TPM and typically require less extensive road and traffic related improvements. Major subdivisions require more extensive road and traffic related improvements.

3. Directed the Chief Administrative Officer to provide direction to develop self-certification requirements for private roads.

**SC-3: Minor Grading Permits (pad only):** Develop and implement self-certification requirements for Minor Grading Permits that do not include any proposed structures (pad only), which are grading permits that do not exceed 2,500 cubic yards of soil or 200 cubic yards of import or export and do not include a custom single-family residence.

4. Directed the Chief Administrative Officer to provide direction to develop self-certification requirements for Minor Grading Permits (pad only).

**SC-4: Single-Family Minor Grading Permits:** Develop and implement self-certification requirements for Single Family Minor Grading Permits that include a single-family home, which are grading for a single-family dwelling unit that does not exceed 2,500 cubic yards of soil or 200 cubic yards of import or export, which is the typical amount of grading for a custom single-family home in the County.

5. Directed the Chief Administrative Officer to provide direction to develop self-certification requirements for single-family Minor Grading Permits.

**SC-5: Residential Driveways:** Direct staff to develop and implement self-certification requirements for residential driveways, which are individual or shared access ways from a public or private road.

6. Directed the Chief Administrative Officer to provide direction to develop self-certification requirements for single-family residential driveways.

**SC-6: Traffic Control Permits:** Develop and implement self-certification requirements for Traffic Control Permits, which are required prior to construction and address construction within or in close proximity to County right-of-way, such as grading haul routes or construction entrances.

7. Directed the Chief Administrative Officer to provide direction to develop self-certification requirements for Traffic Control Permits.

**SC-7: Commercial Tenant Improvements:** Develop and implement self-certification requirements for commercial tenant improvements, which are internal changes to a commercial building required to change from one commercial use to another commercial use. The self-certification would only apply to those that have no structural changes and an occupancy of less than 50 people.

8. Directed the Chief Administrative Officer to provide direction to develop self-certification requirements for commercial tenant improvements.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**ACTION 6.2:**

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

**Category 2: Implementing Permit and California Environmental Quality Act (CEQA) Evaluation Requirements:**

**CSR-1: Flood Submittal Requirements:** Revise the County's Guidelines to allow for an alternative submittal for applicants to conduct a schematic flood analysis to address CEQA requirements during the discretionary permit process and require final engineering level flood analysis acceptable to the Department of Public Works (DPW) and the Federal Emergency Management Agency (FEMA), including approval of the Conditional Letter of Map Revision (CLOMR) prior to approval of a Final Map or any grading and/or improvement plans, whichever comes first.

1. Directed the Chief Administrative Officer to provide direction to update the County's guidelines and return to the Board.

**CSR-2: Stormwater Submittal Requirements:** Revise the County's Guidelines to allow for an alternative submittal for applicants to conduct a schematic stormwater analysis to address CEQA requirements during the discretionary permit process and require a final engineering level stormwater analysis prior to approval of any grading and/or improvement plans to ensure that projects comply with all State mandates for stormwater runoff treatment and implementation of best management practices (BMPs) as required under the Municipal Stormwater Permit.

2. Directed the Chief Administrative Officer to provide direction to update the County's guidelines and return to the Board.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**ACTION 6.3:**

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

**Category 3: Increase Final Engineering Flexibility:**

**FE-1: Allow changes up to ten percent with criteria without requiring a modification or revised map:** Update the Zoning and Subdivision Ordinances and return to the Board to exempt projects from subsequent County review for projects solely to comply with regulatory requirements of outside agencies unless there are impacts to parks, trails, or other project features that would substantially affect the project.

The changes allowed under this option would be in addition to the ten percent change allowed under the current minor deviation or substantial conformance process. Changes from regulatory requirements of outside agencies will be no more than ten percent.

1. Directed the Chief Administrative Officer to provide direction to update the Zoning and Subdivision Ordinances and return to the Board for consideration with options on criteria.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**ACTION 6.4:**

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

**Category 4: Increasing Opportunities to Expand Checklist Exemptions and Shifting Discretionary Permits to Ministerial:**

**CE-1: Encourage Use of Site Plan Waivers and Checklist Exemptions:** Highlight waiver and exception options prior to submitting an application for a Site Plan.

1. Directed the Chief Administrative Officer to highlight and encourage the use of Site Plan Waivers and Checklist Exemptions.

**CE-2: Expand the Type of Checklists for Site Plan Exemptions:** Update the Zoning Ordinance to develop additional checklists for Site Plan applications. Site Plans that can be waived or exempted are currently indicated with a zoning designation (i.e., requirement in zoning box) for a design review. This option would consider extending waivers and exemptions to projects that require Site Plans, but do not have a requirement for design review, such as certain commercial zones and areas subject to Specific Plans that require Site Plans.

Work with Community Planning and Sponsor Groups and obtain public input prior to developing new checklist exemptions.

2. Directed the Chief Administrative Officer to provide direction to staff to return to the Board with an update to the Zoning Ordinance establishing additional checklist exemptions for Site Plans.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**ACTION 6.5:**

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

**Category 4: Increasing Opportunities to Expand Checklist Exemptions and Shifting Discretionary Permits to Ministerial:**

**CE-3: Shift Discretionary Permits to Ministerial:** Update the County Code and return to the Board to convert the following discretionary approvals/permits to ministerial approvals/permits:

- Administrative Permits (host home used for rental income; fence height; and on- and off-site signage)
  - Time Extensions for Tentative Parcel Maps and Tentative Maps with no project changes and to the extent allowed by law
1. Directed the Chief Administrative Officer to provide direction to staff to return to the Board with options to update the County Code to shift additional discretionary permits to ministerial.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**ACTION 6.6:**

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

**Category 7: Creation of a Formal Working Group with Industry Representatives:**

**WG-1: Continue Existing Land Development Technical Working Group:**

- Purpose is to provide input on performance measures, process improvement ideas, and suggested policy changes
  - Meets bimonthly
  - Not subject to the Brown Act
  - Input included when items brought back to the Planning Commission and Board for consideration
  - Current composition: architects and landscape architects; civil engineers; contractors and developers; and environmental and planning practitioners
  - Provide direction whether to expand the group to include Community and Sponsor Group members and or other specific organizations
1. Directed the Chief Administrative Officer to continue the existing Land Development Technical Working Group with Industry Representatives and requested the group report to the Board of Supervisors with their recommendations by the end of calendar year 2020.

2. Directed the Chief Administrative Officer to report back to the Board by the end of calendar year 2020 with evaluations on the progress of all the recommendations and actions that the Board directed in each category and allow the Land Development Technical Working Group to submit their recommendations.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: AMENDING THE BOULEVARD COMMUNITY PLANNING GROUP BOUNDARIES (DISTRICT: 2)**

**OVERVIEW**

On May 2, 2019 the Boulevard Community Planning Group voted (5-0-0) to submit a map to the County of San Diego with request for a Boulevard Planning Area boundary adjustment.

At their meeting, a map was included in the discussion package that highlighted the Boulevard Planning area with sections outlined in red that shall be included in the planning group area.

The marked parcels cannot be accessed through any other planning area due to their location at the north end of McCain Valley. In addition, any proposed project on these lands would most likely impact the community of Boulevard.

Today's action supports the Boulevard Community Planning Group's request to change their planning area to include portions of lands not previously represented and to direct county staff to complete this boundary amendment and reflect the change in all necessary planning documents.

**RECOMMENDATION(S)**

**SUPERVISOR DIANNE JACOB**

1. Find in accordance with Section 15061(b)(3) that today's actions are exempt from CEQA pursuant to the common sense exemption because it can be seen with certainty that there is no possibility that today's actions may have a significant effect on the environment.
2. Direct the Chief Administrative Officer to adopt the Boulevard Community Planning Group's request to amend their planning area boundaries and reflect the change in all necessary planning documents, as shown in Attachment A.

**FISCAL IMPACT**

There is no fiscal impact associated with this action.

**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

**8. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

**OVERVIEW**

Jack Shu spoke to the Board regarding general comments related to item 4.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:17 a.m. in memory of John Cleary, Robert Blas, Jean Guyer, Mary Allison, and Herbert Jantz.

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 26, 2020.



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GREG COX  
Chairman

Attest:



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ANDREW POTTER  
Clerk of the Board

02/12/2020