March 2, 2016

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, MARCH 02, 2016, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Called to order at 9:02 a.m.

PRESENT: Supervisors Ron Roberts, Chairman; Dianne Jacob, Vice Chairwoman; Greg Cox; Dave Roberts; Bill Horn; also David Hall, Clerk of the Board.

Approval of the Statement of Proceedings/Minutes for the meeting of January 27, 2016 and February 3, 2016.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings for the meeting of January 27, 2016 and February 3, 2016.

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

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

Agenda # **Subject**

1. NOTICED PUBLIC HEARING:
VALLEY CENTER – THE SAIKI FAMILY LLC – ACQUISITION OF 147.65 ACRES (2/3/2016 – SET HEARING; 3/2/2016 – HOLD HEARING)

2. APPROVE CHANGES TO BOARD POLICY I-113 AND AMEND ORDINANCES TO ALLOW LIMITED TRANSFER OF SEWER CAPACITY IN JULIAN SERVICE AREA, AUTHORIZE THE CLERK OF THE BOARD TO EXECUTE CERTAIN DOCUMENTS AND MAKE OTHER AMENDMENTS TO REFLECT THE CONSOLIDATION OF SEWER SERVICE (3/2/2016 – APPROVE BOARD POLICY CHANGES AND INTRODUCE ORDINANCES; 3/16/2016 – ADOPTION OF ORDINANCES)

(RELATES TO SANITATION DISTRICT AGENDA NO. SA1)

3. ADOPT A RESOLUTION AMENDING THE COUNTY'S 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19 AND APPROVE THE COUNTY'S 2016 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2016-17 THROUGH 2020-21

4. GILLESPIE FIELD – NEW 32-YEAR 10-MONTH INDUSTRIAL GROUND LEASE WITH THE HURLEY FAMILY TRUST DATED JANUARY 7, 1994 AND PRIME HEAT, INC. AS GENERAL PARTNERS DBA 1844 FRIENDSHIP, G.P.
[FUNDING SOURCE: A ONE-TIME EQUITY PAYMENT DUE FROM THE LESSEE UNDER THE TERMS OF THE NEW LEASE]
(4 VOTES)

5. ESTABLISH APPROPRIATIONS AND APPROVE THE SIXTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE RAMONA UNIFIED SCHOOL DISTRICT AND THE COUNTY OF SAN DIEGO FOR IMPROVEMENTS AT BARNETT ELEMENTARY SCHOOL
[FUNDING SOURCE: AVAILABLE PRIOR YEAR PLDO AREA 28 RAMONA FUND BALANCE]
(4 VOTES)

6. SET A HEARING FOR 3/16/2016:
KELLY-AUFMANN-LAU OPEN SPACE VACATION, PDS2015-VAC-15-001; SAN DIEGUITO COMMUNITY PLAN AREA (3/2/2016 – SET HEARING; 3/16/2016 – HOLD HEARING)

7. COUNTY OF SAN DIEGO TRACT NO. 5394-1: APPROVAL OF FINAL MAP AND APPROVAL OF JOINT SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR SOUTH COUNTY COMMERCE CENTER TENTATIVE MAP LOCATED IN THE OTAY SUBREGIONAL PLAN AREA

(RELATES TO SANITATION DISTRICT AGENDA NO. SA2)

8. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE LAKESIDE TEEN CENTER PHOTOVOLTAIC PROJECT
[FUNDING SOURCE: OPERATING TRANSFER IN FROM THE GENERAL FUND]

9. RATIFY AND APPROVE FISCAL YEAR 2015-16 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM
[FUNDING SOURCES: REVENUE AGREEMENT WITH STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD AND 1991 REALIGNMENT REVENUE]

10. IMPACT FEE DEFERRAL PROGRAM PERMANENT EXTENSION (3/2/2016 – FIRST READING; 3/16/2016 – SECOND READING)

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL1 AND SANITATION DISTRICT AGENDA NO. SA3)

11. PUBLIC COMMUNICATION

1. **SUBJECT: NOTICED PUBLIC HEARING: VALLEY CENTER – THE SAIKI FAMILY LLC – ACQUISITION OF 147.65 ACRES (2/3/2016 – SET HEARING; 3/2/2016 – HOLD HEARING) (DISTRICT: 5)**

OVERVIEW:

On February 3, 2016 (4) the Board of Supervisors set a Hearing for March 2, 2016.

The County has identified approximately 147.65 acres in the Valley Center area available for acquisition. The property is located east of Lilac Road and west of Cole Grade Road (57th Edition Thomas Guide page 1070 D-7). Acquisition of the property will preserve high quality chaparral bisected by riparian forest that grows on either side of Keys Creek, which flows through the property. The property will preserve a key linkage within a Pre-Approved Mitigation Area in the Multiple Species Conservation Program Draft North County Plan. Subject to future funding and environmental review, the property may provide for a possible future extension of the planned Keys Creek Canyon community trail. The property, which is owned by the Saiki Family LLC, was appraised at $1,476,500. In order to provide funding for the management and monitoring of the property, the Saiki Family LLC has agreed to donate $765,000 to the San Diego Foundation to establish an endowment for the benefit of the property.

Today's request requires two steps. On February 3, 2016, it is requested that the Board set a hearing for March 2, 2016, and provide public notice of the hearing. If the Board takes the actions recommended for February 3, 2016, then on March 2, 2016 after making the necessary findings, the Board is requested to approve the purchase of Assessor's Parcel Numbers 185-201-34 and 185-451-15 from the Saiki Family LLC at the appraised value of $1,476,500.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-16 Operational Plan for the Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will result in current year costs of $1,806,000 itemized as follows: $1,476,500 for property acquisition; $36,000 for staff, appraisal and ancillary costs to complete the transaction; $3,500 for closing and title costs; and $290,000 in one-time land protection costs, including initial stewardship that features installation of gates and fencing, vegetation management and stormwater/erosion protection measures ($150,000) and the production of a Resource Management Plan including the associated Public Access Plan ($140,000).

Total annual cost for land monitoring and management of the 147.65 acres are estimated at $39,976. Management and monitoring costs will be reimbursed to the Department of Parks and Recreation based on interest earned from an endowment of $765,000 to be established by the Saiki Family Trust through an agreement with the San Diego Foundation for the benefit of this property. In addition, there will be an estimated annual cost of $129 for fixed charge assessments including fire standby and vector control. These costs will be absorbed within the Department of Parks and Recreation's existing budget. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:
N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15325, 15303, and 15304 because it involves the acquisition of land to preserve open space or lands for park purposes and existing conditions, consists of the construction of gates and fencing, and involves vegetation management and stormwater/erosion protection measures.

2. Approve and authorize the Director, Department of General Services to execute two originals of the Purchase and Sale Agreement and Joint Escrow Instructions for the purchase of APNs 185-201-34 and 185-451-15 for the appraised value of $1,476,500 from the Saiki Family LLC.

3. Authorize the Director, Department of General Services, or designee, to execute all escrow related documents necessary to complete the purchase of APNs 185-201-34 and 185-451-15.

4. Authorize the Chairman of the Board of Supervisors to sign a letter of appreciation to Saiki Family LLC for the donation to the San Diego Foundation which will provide funding for use by the Department of Parks and Recreation for the management and monitoring of the property.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board closed the Hearing and took action as recommended, on Consent.

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

2. SUBJECT: APPROVE CHANGES TO BOARD POLICY I-113 AND AMEND ORDINANCES TO ALLOW LIMITED TRANSFER OF SEWER CAPACITY IN JULIAN SERVICE AREA, AUTHORIZE THE CLERK OF THE BOARD TO EXECUTE CERTAIN DOCUMENTS AND MAKE OTHER AMENDMENTS TO REFLECT THE CONSOLIDATION OF SEWER SERVICE (3/2/2016 – APPROVE BOARD POLICY CHANGES AND INTRODUCE ORDINANCES; 3/16/2016 – ADOPTION OF ORDINANCES) (DISTRICT: 2)

OVERVIEW:

On November 18, 2015 (SA01), the Board of Supervisors directed the Chief Administrative Officer to draft amendments to Board Policy I-113: Restrictions on Future Sewer Connections in the Julian Sewer Service Area of the San Diego County Sanitation District and applicable ordinances to allow for the transfer of assigned sewer capacity between parcels within the Julian sewer service area of the San Diego County Sanitation District when property owners agree to the transfer and the transfer will not result in total flows to the treatment plant that cause an exceedance of permitted capacity. The Board also requested staff to return with recommendations for addressing the long-term needs of the Julian sewer service area.

A process for allowing the transfer of limited sewer capacity between property owners has been identified, and today's actions would authorize changes to Board Policy I-113, and two San Diego County Sanitation District (District) ordinances (Nos. 9275 and 10386), that would enable capacity transfers to occur in the Julian sewer service area. Additional amendments to District ordinances are sought to better reflect the consolidation of sewer service in the unincorporated county and authorize the Clerk of the Board of Supervisors, acting on behalf of the District, to execute subdivision improvement agreements and accept title to easements. Finally, today's actions would direct staff to conduct an engineering study to further address the long-term needs of the Julian service area once funds in the amount of $50,000 for the study are included in a future Operational Plan. It is anticipated funds will be available in the San Diego County Sanitation District Operational Plan in Fiscal Year 2019-2020.

FISCAL IMPACT:

Funds received from the proposed new administrative fee for processing capacity transfer applications would be unanticipated revenue that is not included in the Fiscal Year 2015-2016 Operational Plan for the San Diego County Sanitation District. If approved, this request would result in estimated total annual revenue of $720 in Fiscal Year 2015-2016, and estimated total annual revenue of $1,440 in Fiscal Year 2016-2017.

Additionally, costs of $50,000 are not included in the Fiscal Year 2015-16 Operational Plan for the development of a long term needs assessment study. Funding for a master plan is anticipated to be available in the Fiscal Year 2019-2020 timeframe. A request for the establishment of appropriation will be included in a future Operational Plan. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:
Proposed actions would enable limited transfer of assigned sewer capacity between parcels in the Julian sewer service area. Additional amendments to San Diego County Sanitation District ordinances would delegate authority to the Clerk of the Board of Supervisors, acting on behalf of the District, to execute subdivision improvement agreements and accept title to easements. The actions related to transfer of capacity rights may stimulate improvements in the Julian commercial district that could result in a slight increase in business activity and continued local tourism. The delegation of authority could help reduce processing time and cost for subdivision projects approved by the Board of Supervisors.

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER
Acting as the San Diego County Sanitation District Board of Directors on March 2, 2016:

1. Find that the proposed actions are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15273, and 15262 of the CEQA Guidelines because they involve no expansion of existing public facilities, and consist of the adoption of general policies or procedures.

2. Approve introduction (first reading), read title and waive further reading of Ordinance: SAN DIEGO COUNTY SANITATION DISTRICT FEES AND CHARGES FOR THE PROVISION OF SEWER SERVICE.

3. Approve introduction (first reading), read title and waive further reading of Ordinance: SAN DIEGO COUNTY SANITATION DISTRICT ESTABLISHING PROVISIONS FOR THE USE OF DISTRICT SEWERAGE FACILITIES.

4. Direct the San Diego County Sanitation District to conduct an engineering study after $50,000 in funding is identified, anticipated to be available in FY 2019-20, to evaluate the feasibility of treatment plant modifications that would reduce the risk of exceeding permitted discharge limits, and provide the Board of Supervisors with an executive summary of the report as well as intended actions within 30 days following completion of the study.

Acting as the San Diego County Board of Supervisors on March 2, 2016:

5. Approve changes to Board of Supervisors Policy I-113, Restrictions on Future Sewer Connections in the Julian Sewer Service Area of the San Diego County Sanitation District, to allow transfer of limited sewer capacity among existing customers and parcels with previously purchased sewer capacity commitments (Attachment C).

If on March 2, 2016, the San Diego County Sanitation District Board of Directors takes the actions recommended in Items 1-4 above and the San Diego County Board of Supervisors takes the action recommended in Item 5 above, then on March 16, 2016, acting as the San Diego County Sanitation District Board of Directors:

1. Submit for consideration and adoption (second reading) the Ordinance entitled: SAN DIEGO COUNTY SANITATION DISTRICT FEES AND CHARGES FOR THE PROVISION OF SEWER SERVICE.

2. Submit for consideration and adoption (second reading) the Ordinance entitled: AN ORDINANCE OF THE SAN DIEGO COUNTY SANITATION DISTRICT ESTABLISHING PROVISIONS FOR USE OF DISTRICT SEWERAGE FACILITIES.

(Relates to Sanitation District Agenda No. SA1)

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

3. **SUBJECT: ADOPT A RESOLUTION AMENDING THE COUNTY'S 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19 AND APPROVE THE COUNTY'S 2016 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2016-17 THROUGH 2020-21 (DISTRICTS: 1, 2, 3 & 5)**

OVERVIEW:
The County's TransNet Local Street Improvement Program of Projects involves planned expenditure of anticipated revenues from TransNet, the voter-approved half-cent transportation sales tax. The TransNet Local Street Improvement Program (Program) was approved by San Diego voters in 2004 and became effective in 2008. The Program provides more than $500 million for projects in the unincorporated areas of San Diego County over the 40 year life of the Program, which will end in 2048. The County has a strategy and plan for using this funding source for various roadway infrastructure improvements. This funding source is essential for the County's infrastructure as there are limited funding sources available for local road improvements.

The San Diego Association of Governments (SANDAG) approves the County's TransNet Local Street Improvement Program of Projects and administers this major transportation funding program as an element of its Regional Transportation Improvement Program (RTIP). The County updates its RTIP bi-annually, and SANDAG subsequently amends it, as needed, on a quarterly basis.

The Board of Supervisors last amended the County's five-year 2014 TransNet Local Street Improvement Program of Projects for Fiscal Years 2014-15 through 2018-19, on January 28, 2015 (4). SANDAG's RTIP program schedule requires agencies to submit amended 2014 Programs of Projects by March 11, 2016, and to submit a new 2016 TransNet Local Street Improvement Program of Projects for Fiscal Years 2016-17 through 2020-21 by March 18, 2016.

This is a request to adopt a resolution to amend the County's 2014 TransNet Local Street Improvement Program of Projects for Fiscal Years 2014-15 through 2018-19 and approve the County's 2016 TransNet Local Street Improvement Program of Projects for Fiscal Years 2016-17 through 2020-21. If approved, the resolution would be submitted to SANDAG for approval as part of the 2014 RTIP amendment, scheduled for July 2016 and bi-annual 2016 RTIP adoption, scheduled for September 2016.

FISCAL IMPACT:
Today's requested actions have no fiscal impact. Appropriations for individual projects will be included in future Operational Plans. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:
N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER
1. Find that the recommended actions are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15276 of the CEQA Guidelines because CEQA does not apply to the development of a regional transportation improvement program.

2. Adopt a Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AMENDING THE 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19 AND APPROVING THE 2016 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2016-17 THROUGH 2020-21.

3. Direct that projects in the 2014 TransNet Local Street Improvement Program of Projects and in the 2016 TransNet Local Street Improvement Program of Projects, along with road and bridge projects receiving federal and state funds, be integrated into the County element of the Regional Transportation Improvement Program for Fiscal Years 2014-15 through 2018-19 and Fiscal Years 2016-17 through 2020-21 respectively.

4. Authorize the Director, Department of Public Works, to submit the County's TransNet Local Street Improvement Program of Projects Resolution to SANDAG and SANDAG's Independent Taxpayer Oversight Committee.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 16-022, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AMENDING THE 2014 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014-15 THROUGH 2018-19 AND APPROVING THE 2016 TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2016-17 THROUGH 2020-21.

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

4. **SUBJECT: GILLESPIE FIELD – NEW 32-YEAR 10-MONTH INDUSTRIAL GROUND LEASE WITH THE HURLEY FAMILY TRUST DATED JANUARY 7, 1994 AND PRIME HEAT, INC. AS GENERAL PARTNERS DBA 1844 FRIENDSHIP, G.P. (DISTRICT: 2)**

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

On December 12, 1978 (186), the Board of Supervisors approved a 55-year industrial ground lease with Clifford Glen Hartwell and George Finkelstein for a 0.96 net-acre parcel located in the Gillespie Field Industrial Park. This lease has been assigned several times and is currently held by The Hurley Family Trust dated January 7, 1994, and Prime Heat, Inc. as General Partners, dba 1844 Friendship, G.P. The lease commenced on January 1, 1979, and will terminate on December 31, 2033. 1844 Friendship, G.P., has requested a new lease to extend the term.

This is a request to approve a new 32-year and 10-month industrial ground lease with The Hurley Family Trust dated January 7, 1994, and Prime Heat, Inc. as General Partners, dba 1844 Friendship, G.P., which would replace the existing agreement. The proposed lease would commence on April 1, 2016 and terminate on January 31, 2049.

FISCAL IMPACT:
Funds for this request are partially included in the Fiscal Year 2015-2016 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of $89,380 in Fiscal Year 2015-2016, an increase of $33,904 over the current year revenue, and total annual revenue of $55,476 in Fiscal Year 2016-2017. The funding source for the Fiscal Year 2015-16 additional revenue is a one-time equity payment of $33,904 due from the lessee under the terms of the new lease. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:
N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease is categorically exempt from CEQA review as it consists of the leasing of existing facilities involving negligible or no expansion of existing use.

2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Industrial Ground Lease with The Hurley Family Trust dated January 7, 1994 and Prime Heat, Inc. as General Partners, dba 1844 Friendship, G.P. **(4 VOTES)**

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

5. SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE THE SIXTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE RAMONA UNIFIED SCHOOL DISTRICT AND THE COUNTY OF SAN DIEGO FOR IMPROVEMENTS AT BARNETT ELEMENTARY SCHOOL (DISTRICT: 2)

OVERVIEW:
The Ramona Unified School District (RUSD) owns and operates Barnett Elementary School in the unincorporated community of Ramona (57th Edition Thomas Guide page 1173, E2). The County and RUSD currently have a Joint Exercise of Powers Agreement for the construction of recreational facilities on school grounds that are made available for public use. RUSD and the Ramona Community Planning Group have requested $92,000 in Park Lands Dedication Ordinance (PLDO) Area 28 Ramona funding for playground improvements at Barnett Elementary School. The Department of Parks and Recreation concurs with the proposed improvements and has determined the funding request is an eligible and reasonable use of PLDO funds.

The requested action will authorize the Director, Department of Parks and Recreation, to execute the Sixth Amendment to the Joint Exercise of Powers Agreement with RUSD which requires the playground at Barnett Elementary School to be open to the public when not in use by the school. This action will also establish appropriations of $92,000 for playground improvements at Barnett Elementary School. Construction, annual operations, and maintenance of the improvements will be the responsibility of RUSD. If approved, construction is expected to begin and be completed in spring 2016.

FISCAL IMPACT:
Funds for this request are not included in the Fiscal Year 2015-16 Operational Plan for the Park Lands Dedication Ordinance (PLDO) Area 28 Ramona fund. If approved, this request will result in current year costs of $92,000. The funding source is available prior year PLDO Area 28 Ramona fund balance. There will be no change in net General Fund cost and no additional staff years.

Construction, annual operations and maintenance of the improvements will be provided by the Ramona Unified School District.

BUSINESS IMPACT STATEMENT:
N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER
1. Find in accordance with Section 15302 of the California Environmental Quality Act (CEQA) guidelines that the playground construction at Barnett Elementary School is exempt from CEQA because the project consists of replacement of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose as the structure replaced.

2. Establish appropriations of $92,000 in the Park Lands Dedication Ordinance Area 28 Ramona fund, to provide funds for the construction of playground improvements at Barnett Elementary School based on available prior year fund balance. **(4 VOTES)**

3. Authorize the Director, Department of Parks and Recreation to execute the Sixth Amendment to the Joint Exercise of Powers Agreement between the Ramona Unified School District and the County of San Diego for the construction of playground improvements at Barnett Elementary School.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

6. **SUBJECT: SET A HEARING FOR 3/16/2016: KELLY-AUFMANN-LAU OPEN SPACE VACATION, PDS2015-VAC-15-001; SAN DIEGUITO COMMUNITY PLAN AREA (3/2/2016 – SET HEARING; 3/16/2016 – HOLD HEARING) (DISTRICT: 5)**

OVERVIEW:
Application date: March 18, 2015

This is a request for the Board of Supervisors (Board) to consider the vacation of 2,101 square feet of dedicated open space easement on Lots 145 and 146 (Subdivision Map 9736), and replace with 2,101 square feet of open space dedication located 20 feet east of the area proposed for vacation. The portion of the easement requested to be vacated by the applicants was dedicated in association with the Fairbanks Ranch Specific Plan, which was approved by the Board of Supervisors on January 16, 1978 (N/A). This request is related to Boundary Adjustment, PDS2015-BC-15-0020, which has been conditionally approved by the Director of Planning & Development Services pending approval by the Board of the vacation of the open space easement pursuant to Board Policy I-103: Open Space Easement Vacations and the Streets and Highways Code.

The existing open space easement was dedicated on lots 145 and 146 for the sole purpose of meeting the Fairbanks Ranch Specific Plan clustering and development policy. In order to remain consistent with the Specific Plan, 2,101 square feet of open space is proposed to be rededicated on lots 145 and 146, 20 feet to the east. The case number for this project is: PDS2015-VAC-15-001.

The involved properties are 1.5 to 2.3 acres and located in the San Dieguito Community Plan area, 3.3 miles east of Interstate 5 (I-5). No new construction is proposed.

Today's request requires two steps: On March 2, 2016, it is requested that the Board set a date for a public hearing on March 16, 2016 and provide public notice of that hearing. If the Board takes the actions recommended for March 2, 2016, then on March 16, 2016, it is requested that the Board consider and adopt a resolution to vacate the referenced open space easement and record the resolution of vacation.

The project is located at 15931 Via De Santa Fe, in the San Dieguito Community Plan Area, Thomas Guide Page 1188 E/6.

FISCAL IMPACT:
N/A

BUSINESS IMPACT STATEMENT:
N/A

RECOMMENDATION:
DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES
On March 2, 2016:

1. Set a public hearing date on March 16, 2016 at 9:00 a.m. to consider vacating 2,101 square feet of an open space easement for Specific Plan clustering purposes as detailed in Attachment I.

2. Direct the Clerk of the Board of Supervisors to provide notice of the hearing via publication and posting as required by law.

If on March 2, 2016 the Board takes the actions recommended in items 1-2, then on March 16, 2016:

1. Adopt the environmental findings included in Attachment E, which includes findings in accordance with Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines that there are no substantial changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated January 16, 1978, 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.

2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2015-VAC-15-001, (Attachment C).

3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325 and then record the rededication easement concurrently.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, setting a Hearing for March 16, 2016.

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

7. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5394-1: APPROVAL OF FINAL MAP AND APPROVAL OF JOINT SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR SOUTH COUNTY COMMERCE CENTER TENTATIVE MAP LOCATED IN THE OTAY SUBREGIONAL PLAN AREA (DISTRICT: 1)**

OVERVIEW:
This item is a request for the Board of Supervisors (Board) to review and approve the Final Map for County of San Diego Tract No. 5394-1, reject the related easements at this time while reserving the right to accept those easements in the future, and approve, authorize and execute the Joint Agreement to Improve Major Subdivision (Agreement) for public and private improvements.

This project, known as South County Commerce Center Tentative Map (TM), is a subdivision consisting of 10 industrial lots on 64.84 acres. The South County Commerce Center TM is located within the Otay Subregional Plan area at the southwest corner of Otay Mesa Road and Enrico Fermi Drive (2009 Thomas Guide, Page 1352, B-2).

FISCAL IMPACT:
N/A

BUSINESS IMPACT STATEMENT:
N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER
Acting as the San Diego County Board of Supervisors:

1. Find that the approval of the Final Map, the Agreement and associated actions are 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.

2. Approve the Final Map for County of San Diego Tract No. 5394-1.

3. Reject at this time, on behalf of the public, Michael Faraday Drive, Roll Commerce Drive and portions of Otay Mesa Road and Enrico Fermi Drive for use as a street, as offered for dedication on the Final Map, together with the access rights from Lots 1, 2, 3 and 4 in and to Otay Mesa Road, together with the access rights from Lot B in and to Otay Mesa Road and Enrico Fermi Drive, together with the access rights from Lot A in and to Enrico Fermi Drive, all as relinquished and waived on the Final Map.

4. Approve and authorize the Clerk of the Board to execute the Agreement, which includes street improvements, drainage facilities, sewer and water facilities and final monumentation (Attachment B).

5. Approve and authorize the Clerk of the Board to execute and record the Joint Lien Contract (Attachment C) and Holding Agreement No. 1082-0329-00 (Attachment D).

6. Upon approval of the above documents by the Board, and execution by the Clerk of the Board, the documents shall be forwarded to the County Recorder for recordation of the Joint Lien Contract (Attachment C), Holding Agreement No. 1082-0329-00 (Attachment D), and Grant Deed (Attachment E).

7. Authorize the Chair to execute the Lien Contract Certification on Sheet 1 of the Final Map, and authorize the Clerk of the Board to acknowledge this signature on Sheet 1 of the Final Map.

Acting as the Board of Directors of the San Diego County Sanitation District:
Approve and authorize the Clerk of the Board of Supervisors, acting on behalf of the Sanitation District, to execute the Agreement, which includes street improvements, drainage facilities, sewer and water facilities and final monumentation (Attachment B), the Joint Lien Contract (Attachment C) and Holding Agreement No. 1082-0329-00 (Attachment D).

(Relates to Sanitation District Agenda No. SA2)

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

8. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE LAKESIDE TEEN CENTER PHOTOVOLTAIC PROJECT (DISTRICT: 2)**

OVERVIEW:
Lindo Lake Park is located on Vine Street in the community of Lakeside. Existing amenities within the 55-acre park include the Lakeside Community Center, Lakeside Teen Center, two playgrounds, a large group picnic shelter, barbecue and picnic areas, a historic boathouse, and walking trails (57th Edition Thomas Guide page 1232, B-3). Lindo Lake Park has one of the highest energy demands in the County's park system and currently offsets a portion of its electric usage via photovoltaic panels on top of the Lakeside Community Center. The installation of an additional photovoltaic system at the Lakeside Teen Center will further offset the park's energy consumption. This new photovoltaic system is designed to offset 100 percent of the energy usage at the Teen Center.

The requested action will authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract estimated at $185,000 including contingency for this Lakeside Photovoltaic project. Remaining project funds of $115,000 will be used for project design, construction inspection, project management, and project administration for a total project cost of $300,000. If approved, project design would begin in spring 2016 with construction completion anticipated in fall 2016.

FISCAL IMPACT:
Funds for the Lakeside Teen Center Photovoltaic project are included in the Fiscal Year 2015-16 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs of $300,000 for Capital Project 1019564, Lakeside Teen Center Photovoltaic project. Construction costs are estimated at $185,000 including contingency. Remaining project funds of $115,000 will be used for project design, construction inspection, project management, and project administration for a total project cost of $300,000. The funding source is an Operating Transfer In from the General Fund. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:
N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER
1. Find that the Lakeside Teen Center Photovoltaic Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 because the project includes a minor alteration of an existing structure and involves a negligible expansion of an existing use.

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 construction of the Lakeside Teen Center Photovoltaic project.

3. Designate the Director, Department of Parks and Recreation, as County Officer responsible for administrating the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent.

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

9. SUBJECT: RATIFY AND APPROVE FISCAL YEAR 2015-16 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM (DISTRICTS: ALL)

OVERVIEW:
The Department of Environmental Health Local Oversight Program regulates site cleanup related to leaks from underground fuel storage tanks throughout the San

Diego region. The State of California Water Resources Control Board has certified Department of Environmental Health to perform as this jurisdiction's lead agency for the Local Oversight Program. The goal of this program is to protect groundwater resources and public health from the health hazards associated with petroleum products. The program has been funded through a succession of annual revenue agreements with the State of California since 1991. The most recent was approved by the Board of Supervisors on June 18, 2014 (13), and authorized the Director or Assistant Director, Department of Environmental Health or their designee to execute a revenue agreement with the State of California Water Resources Control Board for the period July 1, 2014 through June 30, 2015.

This request is to ratify the acceptance of a State of California Water Resources Control Board Revenue Agreement and adopt a Resolution authorizing the Department of Environmental Health to receive funds in the amount of $1,789,720 to continue the Local Oversight Program. In addition, this request will authorize the Director or Assistant Director, Department of Environmental Health or their designee to execute a revenue agreement with the State of California Water Resources Control Board, in the amount of $1,789,720 for the period July 1, 2015 through June 30, 2016.

FISCAL IMPACT:
Funds for this request are included in the Fiscal Year 2015-16 Operational Plan for the Department of Environmental Health. If approved, this request will result in current year costs of $1,916,382 and revenue of $1,789,720. The funding sources are a revenue agreement with State of California Water Resources Control Board ($1,789,720) and 1991 Realignment Revenue ($126,662). The Department receives a fixed amount of on-going 1991 Realignment Revenue which is restricted to fund public health programs with insufficient funding such as the Local Oversight Program. The State of California Water Resources Control Board revenue agreement recovers all of the Department of Environmental Health's direct costs and approximately $622,786 in indirect costs. The remaining indirect costs not covered by the State of California Water Resources Control Board revenue agreement are $126,662, which will be covered using 1991 Realignment Revenue funding. There will be no change in net General Fund and no additional staff years.

BUSINESS IMPACT STATEMENT:
This program benefits business by ensuring that site cleanups related to leaks from underground fuel storage tanks meet state and local standards, enabling tank owners or operators to be reimbursed for costs through the State of California Water Resources Control Board's Underground Storage Tank Cleanup Fund. Additionally, lenders tend to request Department of Environmental Health site clean-up closure letters prior to providing loans to property owners/project proponents.

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER

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

2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, with respect to full cost recovery for the implementation of this contract.

3. Ratify acceptance and authorize the Director or Assistant Director, Department of Environmental Health, or their designee to execute a revenue agreement with the State of California Water Resources Control Board, in the amount of $1,789,720 for the period of July 1, 2015 through June 30, 2016, to fund the Local Oversight Program.

4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM FOR FISCAL YEAR 2015-16.

5. Authorize the Director or Assistant Director, Department of Environmental Health, or their designee to execute any extensions, amendments, and or revisions thereof that do not materially impact or alter either the program or funding level.

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 16-023, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM FOR FISCAL YEAR 2015-16.

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

10. SUBJECT: IMPACT FEE DEFERRAL PROGRAM PERMANENT EXTENSION (3/2/2016 – FIRST READING; 3/16/2016 – SECOND READING) (DISTRICTS: ALL)

OVERVIEW:
In 2008, the State of California approved Assembly Bill 2604, which allows local governments to defer impact fees for land development projects as opposed to collecting the fees when the building permit is issued. The intent of the legislation was to promote economic stimulus by deferring the payment and collection of impact fees.

On December 10, 2008 (14), the Board of Supervisors (Board) directed the Chief Administrative Officer to draft ordinance amendments to defer impact fees for residential tracts and commercial building permits until final inspection or certificate of occupancy. The Board directed that the impact fee deferrals include Transportation Impact Fee (TIF), Park Lands Dedication Ordinance (PLDO) Fee, drainage fees, sanitation district fees, sewer fees, as well as a sunset date for the deferral program. On March 4, 2009 (2), the Board adopted the Impact Fee Deferral Program, which included ordinance amendments to authorize a two-year deferral of certain impact fees in accordance with Assembly Bill 2604. On July 13, 2011 (7), December 4, 2013 (4), and December 16, 2015 (1) the Board authorized three separate two-year extensions of the Impact Fee Deferral Program. On December 16, 2015 (1), the Board also directed staff to return with a permanent Impact Fee Deferral Program extension.

Today's request is that the Board authorize making the Impact Fee Deferral Program permanent.

FISCAL IMPACT:
If approved, the Ordinances will result in the permanent extension for deferral of applicant payment and County collection of the Transportation Impact Fee (TIF), Park Lands Dedication Ordinance Fee, drainage fees, sewer, and sanitation district fees. This deferral will result in a loss of revenue that would otherwise be generated by interest on the fees if they were collected earlier in the process. The previously adopted administration fee of $170 ensures full cost recovery for additional staff time to administer the program, will remain unchanged. This administration fee will be charged for each commercial permit issued and for each grouped phase of homes for tract developments. Administration of the program will be accomplished with existing staff. Based on data from April 2009 – January 2016, customers were able to defer approximately $5.7 million in impact fees, with an average deferral period of 138 days. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:
Under Assembly Bill 2604, the proposed Impact Fee Deferral Program is designed to provide an economic stimulus for the region through the deferral of payment and collection of impact fees. The Building Industry Association (BIA) supports the extension of the impact fee deferral concept as a means to continue to stimulate development, job growth and the local economy.

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER
Acting as the San Diego County Board of Supervisors:
On March 2, 2016:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15273 of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption dated March 2, 2016, on file with the Department of Planning & Development Services (PDS); and approve the findings in Attachment G pursuant to the CEQA Guidelines Section 15273(c).

2. Approve the introduction of an Ordinance (first reading), read title and waive further reading of the Ordinance (Attachment B), titled:

   AN ORDINANCE AMENDING THE COUNTY CODE AND THE UNIFORM SEWER ORDINANCE RELATED TO THE DEFERRAL OF DEVELOPMENT IMPACT FEES

If on March 2, 2016, the Board takes action as recommended, then on March 16, 2016:
Consider and adopt the Ordinance (second reading):

   AN ORDINANCE AMENDING THE COUNTY CODE AND THE UNIFORM SEWER ORDINANCE RELATED TO THE DEFERRAL OF DEVELOPMENT IMPACT FEES

Acting as Board of Directors of the San Diego County Flood Control District:
On March 2, 2016:

1. Find that the proposed project is exempt from CEQA as specified in Section 15273 of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption dated March 2, 2016, on file with PDS; and approve the findings in Attachment G pursuant to the CEQA Guidelines Section 15273(c).

2. Approve the introduction of an Ordinance (first reading), read title and waive further reading of the Ordinance (Attachment D), titled:

   AN ORDINANCE AMENDING FLOOD CONTROL DISTRICT ORDINANCE NUMBERS 6 AND 7 TO DEFER THE PAYMENT OF SPECIAL DRAINAGE AREA FEES

If on March 2, 2016, the Board takes action as recommended, then on March 16, 2016:
Consider and adopt the Ordinance (second reading):

   AN ORDINANCE AMENDING FLOOD CONTROL DISTRICT ORDINANCE NUMBERS 6 AND 7 TO DEFER THE PAYMENT OF SPECIAL DRAINAGE AREA FEES

Acting as Board of Directors of the San Diego County Sanitation District:
On March 2, 2016:

1. Find that the proposed project is exempt from CEQA as specified in Section 15273 of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption dated March 2, 2016, on file with PDS; and approve the findings in Attachment G pursuant to the CEQA Guidelines Section 15273(c).

2. Approve the introduction of an Ordinance (first reading), read title and waive further reading of the Ordinance (Attachment F), titled:

AN ORDINANCE AMENDING THE UNIFORM SEWER ORDINANCE RELATED TO THE DEFERRAL OF DEVELOPMENT IMPACT FEES

If on March 2, 2016, the Board takes action as recommended, then on March 16, 2016:
Consider and adopt the Ordinance (second reading):

AN ORDINANCE AMENDING THE UNIFORM SEWER ORDINANCE RELATED TO THE DEFERRAL OF DEVELOPMENT IMPACT FEES

(Relates to Flood Control District Agenda No. FL1 and Sanitation District Agenda No. SA3)

ACTION:
ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on March 16, 2016.

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

11. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:
Gia Gonzales spoke to the Board regarding Marijuana Dispensaries.

Martha Welch spoke to the Board regarding Low Income Housing.

Misty Dornon spoke to the Board regarding Marijuana Ordinance.

ACTION:
Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:23 a.m.

DAVID HALL
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller
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, March 16, 2016.

RON ROBERTS
Chairman

Attest:

DAVID HALL
Clerk of the Board

03/02/16