

March 17, 2021

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 17, 2021, 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 Nathan Fletcher, Chair; Nora Vargas, Vice-Chair; Joel Anderson; Terra Lawson-Remer; Jim Desmond; also, Andrew Potter, Clerk of the Board of Supervisors.

(Please note, California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, all members of the Board of Supervisors attended the meeting via teleconference and participated in the meeting to the same extent as if they were present.)

- B. **Closed Session Report**
- C. **Non-Agenda Public Communication:** Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- D. **Approval of the Statement of Proceedings/Minutes for the meeting of March 3, 2021.**

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of March 3, 2021.

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

- E. **Formation of Consent Calendar**
- F. **Discussion Items**

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|--|
| 1. | CONTINUED ITEM FROM 03/03/2021 (02):
BOULDER BRUSH FACILITIES MAJOR USE PERMIT, FIRE AND EMERGENCY SERVICES AGREEMENT, AND ENVIRONMENTAL DOCUMENT |
| 2. | CONTINUED ITEM FROM 03/03/2021 (08):
GILLESPIE FIELD - NEW 50-YEAR GROUND LEASE WITH SGCLMC-WELD INVESTMENT COMPANY, L.P.
(4 VOTES) |
| 3. | NOTICED PUBLIC HEARING:
CAMPO - SET HEARING TO APPROVE ACQUISITION OF APPROXIMATELY 2,151 ACRES OF OPEN SPACE PRESERVE LAND FROM STAR RANCH ENTERPRISES LLC (2/10/2021 - SET HEARING; 3/17/2021 HOLD HEARING) [FUNDING SOURCES: RESTRICTIVE USE EASEMENT FROM THE NAVY AND AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE AND DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE] |
| 4. | NOTICED PUBLIC HEARING:
SAN PASQUAL VALLEY ROAD TENTATIVE MAP, AGRICULTURAL PRESERVE DISESTABLISHMENT, REZONE, AND ENVIRONMENTAL DOCUMENT, LOCATED IN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA |
| 5. | NOTICED PUBLIC HEARING:
EAST OTAY MESA BUSINESS PARK SPECIFIC PLAN AMENDMENT AND ENVIRONMENTAL DOCUMENTATION, LOCATED IN THE OTAY SUBREGIONAL PLAN AREA |
| 6. | SUBCONTRACTOR TRANSPARENCY MEASURES FOR COUNTY PERMITS |
| 7. | ADOPT RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF A JOINT COMMUNITY FACILITIES AGREEMENT WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY RELATING TO A COMMUNITY FACILITIES DISTRICT TO FINANCE CERTAIN PUBLIC FACILITIES; APPROVING A FORM OF ACQUISITION AGREEMENT BETWEEN THE AUTHORITY, THE COUNTY OF SAN DIEGO AND THE DEVELOPER |
| 8. | GILLESPIE FIELD - FIRST AMENDMENT TO INDUSTRIAL GROUND LEASE WITH DENTT DEVELOPMENT LLC
(4 VOTES) |
| 9. | GILLESPIE FIELD - FOURTH AMENDMENT TO AVIATION LEASE WITH MITRE AVIATION, L.P.
(4 VOTES) |

10. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE SEWER IMPROVEMENTS FISCAL YEAR 2019-20
[FUNDING SOURCE: AVAILABLE PRIOR YEAR SAN DIEGO COUNTY SANITATION DISTRICT FUND FUND BALANCE]
11. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE SEWER MAINTENANCE HOLE IMPROVEMENTS FISCAL YEAR 2019-20
[FUNDING SOURCE: AVAILABLE PRIOR YEAR SAN DIEGO COUNTY SANITATION DISTRICT FUND FUND BALANCE]
12. 2020 GENERAL PLAN ANNUAL PROGRESS REPORT
13. ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
14. PUBLIC COMMUNICATION

1. **SUBJECT: CONTINUED ITEM FROM 03/03/2021 (02):
BOULDER BRUSH FACILITIES MAJOR USE PERMIT, FIRE AND
EMERGENCY SERVICES AGREEMENT, AND ENVIRONMENTAL
DOCUMENT (DISTRICT: 2)**

OVERVIEW

On March 3, 2021 (02), the Board of Supervisors continued the item to March 17, 2021.

Today's requested action is for the Board of Supervisors (Board) to consider a Major Use Permit (MUP), a Fire and Emergency Services Agreement to contribute ongoing funding toward fire services, and the environmental document for the Boulder Brush Facilities Major Use Permit (Project). The Project under County of San Diego (County) jurisdiction is a component of the larger Campo Wind project, which will generate 252 megawatts of wind energy, enough electricity for 70,000 homes. A total of 60 wind turbines and other supporting infrastructure will be located on land leased from the Campo Band of Diegueño Mission Indians within the Campo Reservation, and therefore are not subject to any County permits.

The Project under the County's land use jurisdiction is limited to a 3.5-mile 230-kilovolt overhead transmission line, a substation, a switchyard, and access roads in the Boulevard Subregional Plan Area located in the Mountain Empire Subregional Plan. The Project site is located off Ribbonwood Road, 2.3 miles north of Interstate 8. The Board is considering the MUP, the Fire and Emergency Services Agreement, and certification of the environmental document for the Project. The wind turbines and other supporting infrastructure located on the Campo Reservation are outside the County's jurisdiction and are not before the Board for consideration. The Board can either approve, approve with modifications, or deny the Project.

RECOMMENDATION(S)

PLANNING COMMISSION

On November 13, 2020, the Planning Commission considered the Boulder Brush Facilities Major Use Permit (Project) and made the following recommendations to the Board of Supervisors:

1. Adopt the California Environmental Quality Act (CEQA) Findings, which include the certification and findings regarding significant effects of the project, the mitigation and monitoring program, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2019-ER-19-16-001 for the reasons stated therein and discussed in this report (Attachment A, on file with the Clerk of the Board).
2. Approve Major Use Permit (MUP) PDS2019-MUP-19-002, which imposes the requirements and conditions described in the MUP (Attachment B, on file with the Clerk of the Board).
3. Approve the Fire and Emergency Services Agreement (Agreement) between the County of San Diego and Boulder Brush LLC and authorize the County Fire Warden or his designee to sign the Agreement (Attachment C, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the recommendations made by the Planning Commission, and makes one additional recommendation to the Board of Supervisors (Board):

Require Boulder Brush LLC (Applicant) to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County), as revised, in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require the Applicant 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 D, on file with the Clerk of the Board).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended.

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

2. **SUBJECT: CONTINUED ITEM FROM 03/03/2021 (08):
GILLESPIE FIELD - NEW 50-YEAR GROUND LEASE WITH
SGCLMC-WELD INVESTMENT COMPANY, L.P. (DISTRICT: 2)**

OVERVIEW

On March 3, 2021 (08), the Board of Supervisors continued the item to March 17, 2021.

The County of San Diego's (County) Department of Public Works, Airports Section (Airports) was granted ownership of Gillespie Field by the federal government in 1952. This approximately 700-acre property includes a roughly 400-acre general aviation airport that is a gateway to and from San Diego's east county, providing infrastructure, facilities, and services to corporate and general aviation. The remaining 300 acres of surrounding non-aeronautical use property is leased to provide revenues to the Airport Enterprise Fund, which must be used exclusively for development, improvement, operation, and maintenance of the County's eight-airport system. Gillespie Field is located within the municipal limits of the City of El Cajon, which acts as the land use authority for private development at the airport. Gillespie Field's non-aeronautical land has been leased primarily for light industrial and manufacturing development, with most of the available acreage having been built-out between 1975 and 2000, under the terms of close to 70 separate ground lease agreements.

Airports has approximately 29.5 acres of vacant land located at the NW corner of Weld Boulevard and Cuyamaca Street, in El Cajon, CA. This property cannot be developed for aeronautical use because it is physically separated from the airport by trolley tracks, a major roadway, and a flood control channel. Because of these constraints, the Federal Aviation

Administration (FAA) has approved this area for non-aeronautical uses such as manufacturing and light industrial development. Airports and SGCLMC-WELD Investment Company, L.P., a California Limited Partnership (WELD), have negotiated the terms for a potential development of a 141,360-square foot “last-mile” distribution center for an e-commerce company. This distribution center would facilitate the sorting and loading of packages for local delivery via small vans, while also creating new jobs in east county and generating revenues for the County’s Airport Enterprise Fund. Although the expected end user of the property is a technology and e-commerce company, upon approval of the Board this property would be leased to and developed by WELD, irrespective of who their tenant is.

This is a request to approve a 50-year ground lease agreement with WELD, who would invest a minimum of \$20 million in required improvements to the property and pay rent of \$420,000 annually. The City of El Cajon, the East County Economic Development Council, and the Gillespie Field Development Council are supportive of the project. If approved, revenues from this lease on airport property would be placed into the County’s Airport Enterprise Fund, to be used to develop, operate, maintain, and improve County airports.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with CEQA Guidelines section 15096, find that the County of San Diego, as a responsible agency under CEQA, has considered the environmental effects of the County’s approval of a ground lease as shown in the Environmental Impact Report (EIR) prepared by the City of El Cajon for the Forrester Creek Industrial Park Project (SCH No. 2006011027) and the City’s associated CEQA Addendum for the Weld Boulevard Distribution Center Project, dated January 2021, before reaching its own conclusions as to whether and how to approve the ground lease.

Additionally, find that in the County’s review of the EIR and the associated 2021 CEQA Addendum, per Section 15162 of the CEQA Guidelines, there are no changes in the project or in the circumstances under which it is undertaken, in relation to the County’s issuance of a new ground lease, that involve significant new environmental impacts which were not considered in the previously certified Environmental Impact Report and Addendum, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said EIR and Addendum were prepared. Section 15162 Findings for this action, are placed in the administrative record for the lease issuance.

2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new ground lease with SGCLMC-WELD Investment Company, L.P., a California Limited Partnership. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2020-2021 Operational Plan for the Airport Enterprise Fund. If approved, this request will result in additional revenue to the Airport Enterprise Fund beginning in FY 2022-2023. The revenue source is rental payments from the lessee under the terms of the new lease agreement. Total additional lease revenue for the proposed lease in FY 2022-2023 is estimated to be \$210,000. Lease revenue in subsequent years would be \$420,000, adjusted every five years to reflect increases in the cost of living and in lease year 25 based on appraisal. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

If the Board of Supervisors approves the proposed ground lease with SGCLMC-WELD Investment Company, L.P., the distribution center is anticipated to generate 400 or more jobs located in the east county area. In addition, during the current economy, construction projects can help keep people working. Additional tax base will also be created by this project to support local government.

ACTION:

ON MOTION of Supervisor Lawson-Remer, seconded by Supervisor Anderson, the Board of Supervisors took the following actions:

1. In accordance with CEQA Guidelines section 15096, found that the County of San Diego, as a responsible agency under CEQA, has considered the environmental effects of the County's approval of a ground lease as shown in the Environmental Impact Report (EIR) prepared by the City of El Cajon for the Forrester Creek Industrial Park Project (SCH No. 2006011027) and the City's associated CEQA Addendum for the Weld Boulevard Distribution Center Project, dated January 2021, before reaching its own conclusions as to whether and how to approve the ground lease.

Additionally, found that in the County's review of the EIR and the associated 2021 CEQA Addendum, per Section 15162 of the CEQA Guidelines, there are no changes in the project or in the circumstances under which it is undertaken, in relation to the County's issuance of a new ground lease, that involve significant new environmental impacts which were not considered in the previously certified Environmental Impact Report and Addendum, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said EIR and Addendum were prepared. Section 15162 Findings for this action, are placed in the administrative record for the lease issuance.

2. Approved and authorized the Clerk of the Board to execute, upon receipt, three copies of the new ground lease with SGCLMC-WELD Investment Company, L.P., a California Limited Partnership.
3. Directed the Chief Administrative Officer to ensure that the final version of the executed contract requires lessee to comply with all laws and ordinances, including current and future laws and ordinances.
4. Directed the Chief Administrative Officer to notify lessee that a workforce ordinance is currently under development by the Fiscal subcommittee of the Board of Supervisors, and if enacted by a majority of the Board, will be applicable to this lease as well.

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

**3. SUBJECT: NOTICED PUBLIC HEARING:
CAMPO - SET HEARING TO APPROVE ACQUISITION OF
APPROXIMATELY 2,151 ACRES OF OPEN SPACE PRESERVE LAND
FROM STAR RANCH ENTERPRISES LLC (2/10/2021 - SET
HEARING; 3/17/2021 HOLD HEARING) (DISTRICT: 2)**

OVERVIEW

On February 10, 2021 (06), the Board of Supervisors set a Hearing for March 17, 2021.

The Multiple Species Conservation Program (MSCP) is a regional conservation planning program initiated in 1998 to balance protection of habitat and species with recreation, development, and agricultural activities within the San Diego region. The MSCP protects habitat and species through acquisition, management and monitoring of dedicated open space lands. Since 1998, the County of San Diego (County) has acquired approximately 23,000 acres of open space land for the MSCP in the adopted South County Subarea, draft North County MSCP Plan Area, and future East County MSCP Plan Area.

DPR evaluates multiple factors when considering land for potential acquisition and inclusion into County Preserves, including biology, connectivity, accessibility, and value. The County identified an approximately 2,151-acre property in Campo (Property) that met these factors for acquisition. The Property is within the future East County MSCP Plan Area and is within an area important for preservation of sensitive species and habitat. Acquisition of the Property will preserve high quality chaparral, wetland and riparian habitats that support a variety of sensitive wildlife species including arroyo toad and least Bell's vireo, which are under the protection of the Federal and State Endangered Species Acts. Acquiring the Property may provide connections to nearby regional trails, such as the Pacific Crest Trail. The Department of Parks and Recreation (DPR) currently owns and/or manages 42,000 acres of open space lands within all three MSCP Plan Areas. From 1998 through calendar year 2019, a total of \$209 million was invested in land acquisitions in the three MSCP Plan Areas, of which \$114 million is from County funding and \$95 million is from partnering organizations and grants.

Approximately 15,400 acres is within the future East County MSCP Plan Area. Acquisition of this Property would bring the total open space lands within the future East County MSCP Plan Area to approximately 17,550 acres. From 1998 through calendar year 2019, a total of \$22.5 million was invested in land acquisitions in the future East County MSCP Plan Area, of which \$13.1 million is from County funding and \$9.4 million is from partnering organizations and grants.

The Property is located just north of DPR's Campo Stone Store Museum, northwest of State Route 94, and south of Buckman Springs Road. The Property connects to hundreds of acres of Federal Bureau of Land Management lands and is in the vicinity of the Naval Base Coronado's Mountain Warfare Training Camp Michael Monsoor. Camp Michael Monsoor is a naval facility that provides a training platform to support crucial Naval Special Warfare training and requires relative isolation buffered from developed areas due to the nature of Navy operations at the site. The U.S. Department of the Navy (Navy) and the County have partnered to acquire the Property to provide an open space buffer for Naval operations by Camp Michael Monsoor. The Property is also of interest to the Navy's Readiness and Environmental Protection Integration (REPI) program. The Navy is proposing to place a REPI Restricted Use Easement (RUE) on the entire Property that would prohibit future development, thus protecting the Navy facilities in La Posta and helicopter operations

surrounding them. In exchange for the RUE, the Navy will pay the County \$1,278,000 based on the appraised value.

Today's request requires two steps. On February 10, 2021 it is requested that the Board of Supervisors (Board) set a hearing for March 17, 2021 and provide public notice of the hearing. If the Board takes the actions recommended for February 10, 2021, then on March 17, 2021, after making the necessary findings, it is requested that the Board approve the acquisition of the Property for the \$7,700,000 purchase price (\$3,580 per acre) and approve execution of a purchase agreement with the Department of Navy REPI program. The purchase price reflects a negotiated reduction of \$900,000 from the 2019 appraised value of \$8,600,000. The Navy has offered to pay the County \$1,278,000 for a RUE over the Property as part of the REPI program. With staff, transaction and land improvement costs, the total project cost in Fiscal Year 2020-21 is \$8,758,000, based on budgeted appropriations of available prior year General Fund fund balances in the Capital MSCP Acquisition Fund and Navy funding for the RUE. The Board is also asked to authorize the Director of DPR to accept future potential grants or endowments from the Navy's REPI program to fund a portion of operational costs.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301, 15303, 15304, 15313 and 15325.
2. Authorize the Director, Department of General Services, to exercise the option to purchase Assessor Parcel Numbers 655-010-01 & -02, 655-020-10, 656-030-22, 655-030-36, 655-070-01, 655-080-01, 655-090-26, and 655-100-11 for \$7,700,000.
3. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase of Assessor Parcel Numbers 655-010-01, 655-010-02, 655-020-10, 656-030-22, 655-030-36, 655-070-01, 655-080-01, 655-090-26, and 655-100-11.
4. Approve the Easement Purchase Agreement between the U.S. Department of the Navy and the County for the Navy's purchase of a restrictive use easement over APNs 655-010-01, 655-010-02, 655-020-10, 656-030-22, 655-030-36, 655-070-01, 655-080-01, 655-090-26, and 655-100-11 from the County for \$1,278,000.
5. Approve and authorize the Director, Department of Parks and Recreation, or designee, to apply for and accept potential Navy grants for the management of the Property and to execute endowment and non-endowment fund agreements with the San Diego Foundation for the Star Ranch Preserve to receive the future grants.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2020-21 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. This request will result in total project costs for the Property of \$8,758,000 itemized as follows: \$7,700,000 for property acquisition, plus \$63,500 for staff time and appraisal reports to complete the transaction; \$4,500 for closing and title costs; \$990,000 in one-time land improvement costs, including \$490,000 for the preparation of a Resource Management Plan and \$500,000 initial stewardship that features signage, access control vegetation management, erosion control,

structure demolition and debris removal, purchase of vehicles, radios and small tools and other supplies and services needed to conduct initial stewardship and on-going management. The funding source is Restrictive Use Easement from the Navy (\$1,278,000) and available prior year General Fund fund balance (\$7,480,000).

Total annual costs for assessments, monitoring, and operations and management of the Property are estimated at \$278,500 itemized as follows: Approximately \$500 for fixed charge assessments; \$40,000 for adaptive management and biological monitoring; \$69,000 for annual total operating costs for managing the site; and \$169,000 for the addition of 2.0 full-time equivalent (FTE) positions. Ongoing costs are estimated to be \$278,500 and the funding source will be Department of Parks and Recreation General Purpose Revenue. The Navy may provide an endowment which could offset costs by providing up to \$70,000 annually for ongoing operations and maintenance. The Board approved a waiver of Board Policy B-29 for LUEG grants on June 24, 2020 (12), therefore a waiver is not requested as part of this action. If a grant is awarded, any unrecovered cost per Board Policy B-29 would be funded by existing General-Purpose Revenue in the Department of Parks and Recreation as determined by the nature of the project(s) or program(s). Ongoing costs and staffing will be included in the FY 2022-23 Operational Plan. There will be no change in net General Fund cost and no additional staff years in the current fiscal year.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Lawson-Remer, the Board of Supervisors closed the Hearing and took action as recommended.

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

4. **SUBJECT: NOTICED PUBLIC HEARING:
SAN PASQUAL VALLEY ROAD TENTATIVE MAP, AGRICULTURAL
PRESERVE DISESTABLISHMENT, REZONE, AND
ENVIRONMENTAL DOCUMENT, LOCATED IN THE NORTH
COUNTY METROPOLITAN SUBREGIONAL PLAN AREA
(DISTRICT: 3)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider a Tentative Map, Agricultural Preserve Disestablishment, Rezone, and environmental document for the proposed San Pasqual Valley Road project (Project). If approved, the Tentative Map will allow the 18.2-acre site to be subdivided into 14 residential lots which will allow 13 new single-family homes after approval of subsequent building permits. One existing single-family home will remain on the site, for a total of 14 homes. The Project is before the Board because it includes an Agricultural Preserve Disestablishment and Rezone, which require Board approval. The Project preserves onsite biological resources through dedicated open space and by consolidating the Project's development footprint away from biological resources. The proposed project is consistent with General Plan policies and land use classifications. The Project, located at 2260 San Pasqual Valley Road (State Route 78), is within the North County Metropolitan Subregional Plan area and is approximately three miles east of Interstate 15. The

City of San Diego boundary is approximately 0.9 miles to the east and the City of Escondido boundary is approximately 1.1 miles to the west of the site. The Project site is bordered by existing single-family homes to the north, south, east, and west, on lots ranging from 0.3 to 10 acres in size. The 18.2-acre property has an existing home that will remain on the site, which will allow a total of 13 new homes if the Board approves the Project.

In addition to the 14 single-family residential lots, the Project includes approximately 2.86 acres of biological open space, an 80-foot fuel modification zone in which flammable vegetation will be cleared for fire safety, two internal private roads, individual onsite wastewater treatment systems (septic) for each lot and stormwater basins on each lot, as well as two additional basins near the project entrance. The Project will include sustainable design features such as preserving two onsite natural drainages in biological open space, installing water efficient landscaping, planting a minimum of 28 trees onsite, installing at least one energy efficient appliance in each home, providing solar on each home, and pre-wiring for future electric vehicle charging stations in each garage. The Project does not propose the construction of homes at this time, only the subdivision of 14 residential lots to accommodate 13 new single-family homes in the future, in addition to the one existing home that will remain onsite. The 13 new single-family homes will require ministerial building permits prior to construction based on the building code and will have individual driveway access to the internal private roads. Ministerial permits are building permits that are issued by the department and do not require Board approval.

The Project is consistent with the number of homes allowed under the San Diego County General Plan; however, the Project is located within an agricultural preserve, specifically the Southeast Escondido Agricultural Preserve No. 18, which has a minimum agricultural lot size requirement of 10 acres for properties under a Williamson Act contract. The Project includes a request for an Agricultural Preserve Disestablishment to remove the site from the existing Agricultural Preserve. The Project site was previously subject to a Williamson Act Contract, which are agreements entered into by private landowners with the County to receive reduced property taxes in exchange for maintaining their land in an agricultural use. A previous owner of the Project site opted out of the Williamson Act Contract by filing a Notice of Nonrenewal that was recorded with the County of San Diego in 1984. Due to the previous filing and recording of a Notice of Nonrenewal, the Project site is no longer subject to a Williamson Act contract. However, an Agricultural Preserve Disestablishment is required to eliminate the eligibility for a future contract. If the Agricultural Preserve Disestablishment and Tentative Map are approved as proposed by the Project, a total of 13 new homes can be developed onsite, consistent with the General Plan. A Rezone to remove the existing 'A' Special Area Designator denoting that the land is in an agricultural preserve is also requested, since the designator would no longer apply if the property is removed from the agricultural preserve.

RECOMMENDATION(S) PLANNING COMMISSION

On January 22, 2021, the Planning Commission considered the San Pasqual Valley Road project and made the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings, which conclude that the San Pasqual Valley Road project is exempt from further environmental review according to Section 15183 of the California Environmental Quality Act guidelines (Attachment A, on file with the Clerk of the Board).

2. Adopt the Resolution entitled Resolution of the Board of Supervisors Removing Land from the S. E. Escondido Agricultural Preserve No. 18-(AP 77-51), REF: PDS2017-AP-17-001 (Attachment B, on file with the Clerk of the Board).
3. Adopt the Ordinance for Rezone PDS2017-REZ-17-001 titled AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA, REF: PDS2017-REZ-17-001 (Attachment C, on file with the Clerk of the Board).
4. Adopt the Resolution entitled RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING TENTATIVE MAP NO. 5620, which includes those requirements and conditions necessary to ensure that the San Pasqual Valley Road project is implemented in a manner consistent with State law and County of San Diego regulations (Attachment D, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the recommendations made by the Planning Commission, and makes one additional recommendation to the Board:

Require the applicant to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require KAE Investments, LLC, to provide security in the amount of \$500,000, either as an irrevocable letter of credit or bond (whichever is acceptable to County Counsel), within 10 days of litigation being filed (Attachment E, on file with the Clerk of the Board).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting the following:

Resolution No. 21-038, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS REMOVING LAND FROM THE S. E. ESCONDIDO AGRICULTURAL PRESERVE NO. 18-(AP 77-51), REF: PDS2017-AP-17-001;

Ordinance No. 10721 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA, REF: PDS2017-REZ-17-001; and,

Resolution No. 21-039, entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING TENTATIVE MAP NO. 5620.

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

**5. SUBJECT: NOTICED PUBLIC HEARING:
EAST OTAY MESA BUSINESS PARK SPECIFIC PLAN AMENDMENT
AND ENVIRONMENTAL DOCUMENTATION, LOCATED IN THE
OTAY SUBREGIONAL PLAN AREA (DISTRICT: 1)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider an amendment to the East Otay Mesa Business Park Specific Plan (Specific Plan) and environmental document (Project). In general, specific plans are planning documents for a defined geographic area and are designed to implement the goals and policies of the General Plan. Specific plans contain detailed development standards and implementation measures to which future projects must adhere. This Specific Plan established a development vision and regulations for the development of approximately 3,000 acres of property directly to the east of the City of San Diego and just north of the US/Mexico border within unincorporated San Diego county. Today's Project proposes several changes to the Specific Plan, including changes to: land use designations, such as changing some areas identified for technology business park use to allow for industrial use; permitted uses, such as allowing retail sales within light industrial areas; development and design standard changes; the road network; regulatory provisions, such as reducing minimum lot size; and updates to text, tables, and figures.

The purpose of the amendment is to provide more flexibility to property owners on the range of allowed land uses, specifically industrial uses, and to change various permit requirements to reduce the overall time and cost of permit processing. Additionally, the Project removes areas planned for development that have been acquired by Caltrans for State Routes 11 and 125 and increases to the development footprint for the future Port of Entry with Mexico planned by the San Diego Association of Governments (SANDAG) and Caltrans.

Future projects within the Specific Plan area will continue to require additional discretionary permits, such as Site Plans or Major Use Permits, prior to the issuance of grading or building permits for all property located within the Specific Plan area. These future permits will require additional environmental review to identify any impacts on the environment and include any mitigation for the impacts. The Project will reduce environmental impacts overall due to the changes in land uses and the reduction in the developable area within the Specific Plan, including air quality, greenhouse gas emissions, and traffic impacts.

The Project was initiated by the East Otay Mesa Property Owners Association, who represent a majority of the property owners within the Specific Plan area and contributed \$51,415. An additional \$48,000 of funding for the Project was provided by a Neighborhood Reinvestment Program grant from District 1 (October 29, 2019 (16) and November 17, 2020 (17)) as the Project regulates standards for development, environmental conservation and public facilities, and the amendment would foster economic growth and activity within the Specific Plan.

The Board can approve the Project as presented, approve the Project with modifications, deny the Project, or refer the Project back to staff to prepare additional analysis. If denied, the amendment would not be approved, and the existing Specific Plan would remain valid and effective. Individual projects could still move forward based on the currently adopted Specific Plan.

RECOMMENDATION(S)
PLANNING COMMISSION

On January 22, 2021, the Planning Commission considered the amendment to the East Otay Mesa Business Park Specific Plan (Project) and made the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings which determined that the Project resulted in no substantial changes to the Project, changes in circumstances, or new information that would result in new significant environmental effects or a substantial increase in the severity of previously identified effects from what was analyzed in the Specific Plan's certified Environmental Impact Report and is adequate with an Addendum, pursuant to California Environmental Quality Act Guidelines 15164 (Attachment A, on file with the Clerk of the Board).
2. Adopt the Resolution of the San Diego County Board of Supervisors Approving Specific Plan Amendment SPA PDS2020-SPA-20-002 East Otay Mesa Business Park Specific Plan 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).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission's recommendations.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors closed the hearing and took action as recommended, on Consent, adopting Resolution No. 21-040, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN AMENDMENT SPA PDS2020-SPA-20-002 EAST OTAY MESA BUSINESS PARK SPECIFIC PLAN.

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

6. SUBJECT: SUBCONTRACTOR TRANSPARENCY MEASURES FOR COUNTY PERMITS (DISTRICTS: ALL)

OVERVIEW

Earlier this year, the Board of Supervisors (Board) indicated their support for measures to increase transparency within the County of San Diego (County). These principles should also extend to building permits issued by the County's Planning & Development Services and right-of-way permits issued by the Department of Public Works. In requiring transparency, we create a culture of safety, legal compliance, and ensure that labor standards are upheld. This action will help root out labor violators and unqualified operators, and ensure accountability and safety.

I am proposing a series of changes to permit processes that would require transparency of the subcontractors working on a given project. State licenses and contact information for subcontractors would be disclosed on building and right-of-way permit applications, which would be outlined in ordinance options developed and brought back to the Board for approval. Although the State requires that all work being done is by a licensed contractor or an employee of the owner, this change in the County ordinances would help to further enforce that requirement. The ordinance would specify that it is the responsibility of the contractor to verify that the subcontractor meets all applicable regulations. Details of compliance and enforcement would be determined at a future date.

RECOMMENDATION(S)

CHAIR NATHAN FLETCHER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that this action to direct staff to return with proposed options for a new ordinance is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Direct the Chief Administrative Officer to seek input from stakeholders and develop options for a new ordinance that would achieve the following objectives:
 - a. Modify the County's online permitting portal Accela to require contractors for building permits and right-of-way permits, to disclose, at the time of subcontractor selection, the subcontractors working on a given project, including their contact information, subcontractor's workers' compensation insurance, State Contractor License Board license number and license category, and any other applicable disclosures.
 - b. Identify clearly that it is the responsibility of the lead contractor to ensure that, at the time of permit issuance and subcontractor selection, all subcontractors meet state and local labor regulations.
3. Return back to the Board with options for ordinance development in 180 days, including recommendations for how information can be collected to verify compliance, as needed.

FISCAL IMPACT

Fiscal impacts associated with developing the ordinance and implementing future recommendations will be presented to the Board in 180 days.

BUSINESS IMPACT STATEMENT

This measure will help ensure transparency and promote the use of licensed subcontractors to conduct necessary work.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Lawson-Remer, the Board of Supervisors took the following actions:

1. Found in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that this action to direct staff to return with proposed options for a new ordinance is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Directed the Chief Administrative Officer to seek input from stakeholders and develop options for a new ordinance that would achieve the following objectives:
 - a. Modify the County's online permitting portal Accela to require contractors for building permits and right-of-way permits, to disclose, at the time of subcontractor selection, the subcontractors working on a given project, including their contact information, subcontractor's workers' compensation insurance, State Contractor License Board license number and license category, and any other applicable disclosures.
 - b. Identify clearly that it is the responsibility of the lead contractor to ensure that, at the time of permit issuance or subcontractor selection, all subcontractors meet state and local labor regulations.
3. Return back to the Board with options for ordinance development in 180 days, including recommendations for how information can be collected to verify compliance, as needed.

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

7. **SUBJECT: ADOPT RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF A JOINT COMMUNITY FACILITIES AGREEMENT WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY RELATING TO A COMMUNITY FACILITIES DISTRICT TO FINANCE CERTAIN PUBLIC FACILITIES; APPROVING A FORM OF ACQUISITION AGREEMENT BETWEEN THE AUTHORITY, THE COUNTY OF SAN DIEGO AND THE DEVELOPER (DISTRICT: 5)**

OVERVIEW

Today's action is to seek Board of Supervisors (Board) approval of a Resolution to authorize the execution and delivery of agreements that will allow tax-exempt bonds for financing of infrastructure and fees required to satisfy conditions of approval for the Meadowood Master

Planned Community (Meadowood). Meadowood is a 844-unit residential development in unincorporated San Diego county. The agreements are related to a new Community Facility District (CFD) proposed by Tri Pointe Homes (FKA Pardee Homes) (Developer). A CFD is a financing mechanism that can be used to fund public improvements, ongoing maintenance, and services. The formation of a new CFD would increase the Mello-Roos special tax for future residents of the development. If approved, the Joint Community Facilities Agreement (JCFA) between the County of San Diego (County) and the California Statewide Communities Development Authority (CSCDA) would authorize Rainbow Municipal Water District (RMWD) to act as lead agency in the CFD formation process. The new CFD would be established for the purpose of reimbursing the Developer for the costs associated with water and sewer capacity fees and infrastructure, and County public road and public park improvements. All improvements funded by the CSCDA CFD will be constructed using prevailing-wage labor. Meadowood includes approximately 122.6 acres of open space, 47.6 acres of agricultural land, 0.5 acres of wetland buffers, 9.1 acres of community park, 1.5 acres of pocket parks, 1.8 acres of cultural conservation area, 12.7 acres for a proposed school site, and 4.3 acres of drainage basins.

Meadowood was approved by the Board on January 11, 2012 (3), is a 389-acre project located northeast of the State Route 76 and Interstate 15 interchange, within the unincorporated Fallbrook Community Planning area. On April 10, 2019 (2), the Board established the CFD No. 2019-01 (Meadowood Maintenance) and a special tax rate to fund ongoing maintenance of certain public facilities within the Meadowood CFD boundary. In April of 2020, the Developer entered into an Annexation Agreement with RMWD to incorporate the Meadowood Project site into the RMWD jurisdictional boundaries to allow RMWD to provide water and sewer services to the Meadowood Project. On June 24, 2020 (2), the Board amended CFD 2019-01 (Meadowood Maintenance) to increase the approved special tax at the Developer's request to fund maintenance of trails, a park, and stormwater drainage and treatment facilities, as well as funds for ongoing fire protection and emergency medical facilities and services provided by the North County Fire Protection District. On October 27, 2020, the RMWD Board of Directors adopted a resolution authorizing the CSCDA to form a CFD and approved the form of the Acquisition Agreement needed for future acceptance of improvements. This new CFD is separated from existing CFD No. 2019-01 (Meadowood Maintenance) and will fund both RMWD water and sewer facilities and County public roads and a public park. The Board is not required to approve the requested CFD. If the Board does not approve the CFD, the Developer would not receive reimbursement for the cost of constructing the County public roads and public park, which would be upfront costs that are the responsibility of the Developer.

At the request of the Developer, the CSCDA plans to establish a CFD on behalf of RMWD to fund RMWD water and sewer capacity fees, RMWD infrastructure, County public road and public park improvements for the Project. RMWD is the lead agency because the majority of the total bond size will be used to fund Rainbow water and sewer infrastructure and fees (60%). The County is the participant agency with 40% of the total bond size, which will be used to reimburse the Developer for the costs to construct the County public roads and a public park. The Resolution is needed to authorize the execution of a JCFA and Acquisition Agreement, so County public road and public park improvements can be funded by the CFD tax-exempt bonds from CSCDA with the County as a participating agency. The form of Acquisition Agreement needs to be approved concurrently with the JCFA Resolution but will not be executed until the second CFD is formed by the CSCDA. The public road and public park improvements will be beneficial to both existing and future residents and customers of

businesses within the CFD. The County will have no obligation or responsibility for the issuance and sale of CFD bonds or the payment of the principal or interest, or the levy of the special tax for the payment of that principal or interest.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt a resolution entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT COMMUNITY FACILITIES AGREEMENT WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY RELATING TO A COMMUNITY FACILITIES DISTRICT TO FINANCE CERTAIN PUBLIC FACILITIES; APPROVING A FORM OF ACQUISITION AGREEMENT BETWEEN THE AUTHORITY, THE COUNTY OF SAN DIEGO AND THE DEVELOPER; AND AUTHORIZING STAFF TO COOPERATE WITH THE AUTHORITY AND ITS CONSULTANTS IN CONNECTION THEREWITH (Attachment A, on file with the Clerk of the Board).
2. Find that the Final Environmental Impact Report (EIR) for the Meadowood Project, dated January 11, 2012, State Clearinghouse Number 2004051028, on file in Planning & Development Services as Environmental Review No. 04-02-004 has been completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; that the decision-making body has reviewed and considered the information contained in the Final EIR prior to approving the project; and the Final EIR reflects the independent judgment and analysis of the Board of Supervisors (Board).

Find that the currently proposed actions are within the scope of the Final EIR; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the certified EIR, nor a substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the Final EIR (CEQA Guidelines Section 15162) was prepared.

FISCAL IMPACT

Funds for this request are not included in Planning & Development Services' Fiscal Year 2020-2021 Operational Plan. If approved, staff time and costs to complete the request are estimated to be approximately \$15,000 in Fiscal Year 2020-21, which will be charged by County staff to the deposit account and are funded by Tri Pointe Homes IE-SD, Inc. All costs related to the construction and acquisition of County public roads will be paid through special taxes collected by the Community Facilities District established by the California Statewide Communities Development Authority, with Rainbow Municipal Water District as the lead agency and the County of San Diego as the participant agency. 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 Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 21-041, entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT COMMUNITY FACILITIES AGREEMENT WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY RELATING TO A COMMUNITY FACILITIES DISTRICT TO FINANCE CERTAIN PUBLIC FACILITIES; APPROVING A FORM OF ACQUISITION AGREEMENT BETWEEN THE AUTHORITY, THE COUNTY OF SAN DIEGO AND THE DEVELOPER; AND AUTHORIZING STAFF TO COOPERATE WITH THE AUTHORITY AND ITS CONSULTANTS IN CONNECTION THEREWITH.

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

8. SUBJECT: GILLESPIE FIELD - FIRST AMENDMENT TO INDUSTRIAL GROUND LEASE WITH DENTT DEVELOPMENT LLC (DISTRICT: 2)

OVERVIEW

Gillespie Field is a general aviation airport, owned and operated by the County of San Diego's (County) Department of Public Works (DPW), located within the municipal limits of the City of El Cajon. The airport is a gateway to and from San Diego's east county providing infrastructure, facilities, and services to corporate and general aviation. Along with aviation-related facilities, Gillespie Field includes three off-airport industrial parks with airport-compatible uses. DPW leases land at these industrial parks at market rate to multiple businesses. Leasing of airport land generates lease revenue for the Airport Enterprise Fund, which is used by DPW to ensure that all County airports are properly maintained and safe for airport users and the surrounding community.

On May 3, 2017 (10), the Board of Supervisors approved two 55-year industrial ground leases with Dentt Development LLC, a California limited liability company, to develop a vacant site at Marshall Avenue in two phases, represented by each of the two leases. Dentt Development LLC has successfully completed the Phase 1 development, and now is seeking to replace its construction loan with a post-construction financing. The lenders have expressed concerns with the restrictive lenders' provisions of the lease and in order to facilitate a loan for Dentt, County and Lessee propose to amend the lease to revise certain terms to provide the lender with more assurances that do not unduly compromise the County's interests.

This is a request to approve the first amendment to the industrial ground lease with Dentt Development LLC to provide additional language and clarifications regarding loans on the leasehold interest. Approval of the proposed amendment would allow the lessee to acquire favorable post-construction financing to replace the short-term construction loan on the Phase 1 development. The new language would clarify certain provisions of the lease and would strengthen lender protections in the event of the lessee's default or bankruptcy. The amendment would also update the lease provision related to compliance with laws to current standards. All other terms of the lease would remain unchanged.

RECOMMENDATION(S)**CHIEF ADMINISTRATIVE OFFICER**

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendment is categorically exempt from CEQA review, as it consists of leasing of existing facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Industrial Ground Lease with Dentt Development LLC. (County Contract No. 317030) **(4 VOTES)**

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

9. SUBJECT: GILLESPIE FIELD - FOURTH AMENDMENT TO AVIATION LEASE WITH MITRE AVIATION, L.P. (DISTRICT: 2)

OVERVIEW

Gillespie Field is a general aviation airport, owned and operated by the County of San Diego's (County) Department of Public Works (DPW), located within the municipal limits of the City of El Cajon. The airport is a gateway to and from San Diego's east county providing infrastructure, facilities, and services to corporate and general aviation. Leasing of airport land generates lease revenue for the Airport Enterprise Fund, which is used by DPW to ensure that all County airports are properly maintained and safe for airport users and the surrounding community.

On October 29, 2014 (7), the Board of Supervisors approved a 23-year, 7-month aviation groundlease at Gillespie Field with Mitre Aviation, L.P. (Mitre). The lease was subsequently amended three times; to extend the demolition period to July 31, 2021, to remove sublease charges payable to County, and to revise rent. The Mitre leasehold is located next to the Runway 17/35, which is classified by the Federal Aviation Administration (FAA) as BII runway. Parts of buildings on the Mitre leasehold encroach into the BII-required runway and taxiway safety setbacks. The lease currently contains provisions requiring Mitre to remove those improvements by July 31, 2021. However, DPW is working with the FAA to reevaluate current and future uses of Runway 17/35 and possibly modify its classification, which could make the removal of Mitre's improvements unnecessary. At the request of Mitre, staff have drafted the proposed lease amendment to postpone the required demolition to allow time for the FAA to finalize their decision.

This is a request to approve the fourth amendment to the aviation lease with Mitre Aviation, L.P., postponing the due date for demolition of certain improvements to July 31, 2024. The proposed amendment provides three additional years for Mitre to remove those improvements, if it is still necessary, and updates the lease provisions related to compliance with laws, to incorporate the current standard lease language. All other terms of the lease will remain unchanged.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendment is categorically exempt from CEQA review, as it consists of leasing of existing facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the Fourth Amendment to Aviation Lease with Mitre Aviation, L.P., County Contract Number 315005. **(4 VOTES)**

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

10. **SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE SEWER IMPROVEMENTS FISCAL YEAR 2019-20 (DISTRICTS: 1 & 2)**

OVERVIEW

The Department of Public Works (DPW) manages a sewer system maintenance program for communities that are within the jurisdiction of the San Diego County Sanitation District (District). The District's service area encompasses unincorporated communities within Supervisorial Districts 1 and 2, such as Alpine, Lakeside, Winter Gardens, Spring Valley and Bonita, East Otay Mesa, Julian, Campo, and Pine Valley. The District sewer system includes approximately 432 miles of sewer lines, 8,200 maintenance holes, eight pump stations, several pressurized force mains, and three wastewater treatment plants. The District's sewer system collects flows from the District's service areas, as well as from multiple other sewer agencies, including Otay Water District, City of La Mesa, City of Lemon Grove, City of Chula Vista, National City, and the City of San Diego. Portions of the sewer system also reside in District-owned easements outside of the unincorporated region.

The maintenance of the sewer system is important for public health and safety, protecting the ocean and watersheds, and the sustainability of the District's facilities. Recurring maintenance minimizes the chance of sewer spills, allows for efficient transport of wastewater, and reduces impacts to the community by extending the useful life of the facilities. Remote control video inspection of the interior of the pipelines and annual cleaning are performed, and when non-emergency repairs are identified they are added to a list of sewer system locations to be rehabilitated or replaced. The list is prioritized based on severity of pipeline deterioration and deformation, and risk if the pipeline were to fail. As part of the District's sewer maintenance program, DPW has used the prioritized list to designate various sewer pipelines to be rehabilitated in the communities of Alpine, Bonita, Campo, Casa De Oro, Lakeside, La Presa, and Spring Valley which are included in the Countywide Sewer Improvements Fiscal Year 2019-20 Project (Project).

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Project. Construction is scheduled to begin in summer 2021 and be complete in fall 2021. The construction cost is estimated at \$1,400,000, including contingency. The funding source is available prior year San Diego County Sanitation District Fund fund balance.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Sections 15301 and 15302 of the California Environmental Quality Act (CEQA) that the Project is categorically exempt from CEQA review because it involves the maintenance of existing public sewer lines involving negligible or no expansion of existing use and replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the Construction Contract for the Project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2020-21 Operational Plan in the San Diego County Sanitation District. If approved, construction costs for the Countywide Sewer Improvements FY 2019-20 Project are estimated to be \$1,400,000, including contingency. The funding source is available prior year San Diego County Sanitation District Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy. All workers employed on public works projects must be paid the prevailing wages determined by the Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

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

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

11. **SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE SEWER MAINTENANCE HOLE IMPROVEMENTS FISCAL YEAR 2019-20 (DISTRICTS: 1 & 2)**

OVERVIEW

The Department of Public Works (DPW) manages a sewer system maintenance program for communities that are within the jurisdiction of the San Diego County Sanitation District (District). The District's service area encompasses unincorporated communities within Supervisorial Districts 1 and 2, such as Alpine, Lakeside, Winter Gardens, Spring Valley and Bonita, East Otay Mesa, Julian, Campo, and Pine Valley. The District sewer system includes approximately 432 miles of sewer lines, 8,200 maintenance holes, eight pump stations, several pressurized pipelines, and three wastewater treatment plants. The District's sewer system collects flows from the District's service areas, as well as from multiple other sewer agencies, including Otay Water District, City of La Mesa, City of Lemon Grove, City of Chula Vista, National City, and the City of San Diego. Portions of the sewer system also reside in District-owned easements outside of the unincorporated region.

The maintenance of the sewer system is important for public health and safety, protecting the ocean and watersheds, and the sustainability of the District's facilities. Recurring maintenance minimizes the chance of sewer spills, allows for efficient transport of wastewater, and reduces impacts to the community by extending the useful life of the facilities. Annual cleaning and inspection of sewer maintenance holes are performed and when non-emergency repairs are identified they are added to a list of sewer system locations to be rehabilitated or replaced. The list is prioritized based on severity of maintenance hole deterioration and deformation, and risk if the maintenance hole were to fail. As part of the District's sewer maintenance program, DPW has used the prioritized list to designate various sewer maintenance holes to be rehabilitated in Chula Vista, National City, and the communities of Bonita, La Presa, and Spring Valley which are included in the Countywide Sewer Maintenance Hole Improvements Fiscal Year (FY) 2019-20 Project (Project).

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Project. Construction is scheduled to begin in summer 2021 and be complete in fall 2021. The construction cost is estimated at \$600,000, including contingency. The funding source is available prior year San Diego County Sanitation District Fund fund balance.

RECOMMENDATION(S)**CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Sections 15301 and 15302 of the California Environmental Quality Act (CEQA) that the Project is categorically exempt from CEQA review because it involves the maintenance of existing public sewer lines involving negligible or no expansion of existing use and replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the Construction Contract for the Project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2020-21 Operational Plan in the San Diego County Sanitation District (District). If approved, construction costs for the Countywide Sewer Maintenance Hole Improvements FY 2019-20 Project are estimated to be \$600,000, including contingency. The funding source is available prior year San Diego County Sanitation District Fund fund balance. The District will be partially reimbursed by fair-share contributions from other participating sewer agencies when actual costs are realized. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County of San Diego construction contracts are publicly and competitively bid and help stimulate the local economy. All workers employed on public works projects must be paid the prevailing wages determined by the Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

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

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

**12. SUBJECT: 2020 GENERAL PLAN ANNUAL PROGRESS REPORT
(DISTRICTS: ALL)**

OVERVIEW

General plans are documents adopted by cities and counties that set the long-term vision for housing, jobs, infrastructure, and public services. The County of San Diego's (County) General Plan applies to the unincorporated portions of the region and was last comprehensively updated and adopted on August 3, 2011 (1). The General Plan is based on guiding principles designed to: support a reasonable share of projected regional population growth, locate growth near existing and planned infrastructure and jobs, maintain the character of the region's unique communities, and protect the unincorporated area's natural resources.

The County's General Plan is organized into 10 chapters. Chapter 9 introduces the General Plan's Implementation Plan. The Implementation Plan is a set of actions and procedures necessary to achieve the County's General Plan goals and policies. The broad array of actions, strategies, and processes undertaken to implement the General Plan will help achieve the County's vision for its growth and development. It is a resource for County staff in conducting operations and services, including preparing plans and programs, reviewing development proposals, and maintaining infrastructure. The General Plan is also implemented through codes and ordinances, such as the Zoning Ordinance.

This is a request for the Board of Supervisors (Board) to accept the 2020 General Plan Annual Progress Report (Report). The purpose of the Report is to provide the Board, the Governor's Office of Planning and Research, and the California Department of Housing and Community Development with information on planning and development activities undertaken in the previous calendar year that count toward the County's housing needs allocation and on progress in implementing the County's General Plan. The Report serves as an annual monitoring tool for the State and County to assess progress in producing housing identified in the County's housing allocation, which is established through a separate process every eight years in conjunction with the General Plan Housing Element update. It does not make changes to the General Plan since it is a backward-looking document. The 2020 Report is the final year that will be counted towards the previous housing allocation, as the County is in the process of updating its General Plan Housing Element for 2021-29.

California Law (Government Code Section 65400[a][2]) requires that local planning agencies submit the Report to their respective legislative bodies, the Governor's Office of Planning and Research, and the California Department of Housing and Community Development by April 1 of each year.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is not subject to the California Environmental Quality Act (CEQA) because it is not a project as defined in Sections 15060(c)(3) and 15378(b)(5) of CEQA Guidelines.
2. Accept the 2020 General Plan Annual Progress Report, including the annual update on housing implementation.

FISCAL IMPACT

There is no fiscal impact associated with acceptance of the 2020 General Plan Annual Progress Report. 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 Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent.

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

- 13. SUBJECT: ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (DISTRICTS: ALL)**

OVERVIEW

In 1991, the former California Integrated Waste Management Board (now the California Department of Resources Recycling and Recovery or "CalRecycle"), certified the Department of Environmental Health and Quality (DEHQ) as the Solid Waste Local Enforcement Agency (LEA) for permitting, inspection, and enforcement on all solid waste sites throughout the San Diego region. Subsequently, the City of San Diego established its own Local Enforcement Agency for permitting, inspection, and enforcement of solid waste sites within the city limits. In addition, State law (California Public Resources Code Section 41510) requires each county to have a program for the safe collection, recycling, treatment and disposal of hazardous wastes which are generated by households in the unincorporated areas of the county. DEHQ implements a Household Hazardous Waste (HHW) program for unincorporated communities of San Diego county. HHW is any unwanted household product labeled as flammable, toxic, corrosive, reactive, danger or caution. Improper disposal of these products can contaminate drinking water, pollute waterways, and seriously injure solid waste and recycling collection and landfill employees. The HHW program offers a free disposal program to all unincorporated area residents to ensure safe collection and disposal of HHW.

Since Fiscal Year (FY) 2004-05, the program has collected 5,501,108 pounds, or 2,751 tons, of HHW ensuring proper management of these wastes. In addition to the County's permanent HHW facility in Ramona which was funded by a \$115,000 grant in FY 1998-99, the program conducts one-day collection events in underserved communities such as Borrego Springs, Boulevard, Dulzura, Jacumba, Potrero, Valley Center and Warner Springs, which are ranked pursuant to the California Healthy Places Index (HPI) in Quartile 3 (50 or less percentile) or Quartile 4 (25 percent) for economic, education, transportation, social, neighborhood, clean environment, housing and healthcare access. Without these one-day collection events, residents would have to travel up to 50 miles one way to the County's permanent HHW facility in Ramona. With the use of awarded grant funds of \$250,000, the program has been able to conduct an additional 9 events since FY 2012-13, collecting 389,477 pounds, or 195 tons, of HHW from nearly 3,000 participants. Services also include 16 residential battery collection containers in County Libraries and 12 residential sharps kiosks at Sheriff

substations and fire stations located in HPI Quartile 3 and 4 communities of Borrego Springs, Campo, Bonita, and Valley Center allowing for the safe collection of residential batteries, needles and lancets. These services were initially developed and funded by a \$200,000 grant in FY 2007-08. The program also offers a door-to-door collection for elderly and disabled residents in all unincorporated areas and provides educational information to residents on reducing the amount of HHW products purchased, the use of less toxic alternatives, and options for recycling materials such as used automotive oil.

This is a request for the Board of Supervisors to adopt a Resolution authorizing DEHQ to apply for and accept funding for a Local Enforcement Agency Grant (approximately \$39,000 annually) and Household Hazardous Waste Grants (up to \$250,000 annually) from CalRecycle for a period of five years beginning with the Fiscal Year 2021-22 grant cycle. Pursuant to Public Resources Code, Section 43230 <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=43230>, Local Enforcement Agency grant awards are to be used solely for support of the solid waste facilities permit and inspection programs. Per LEA grant regulation <<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I77CE001EB66E4AB5B1BEE63FA37FAB49>>, eligible applicants are limited to LEAs and regional LEAs that are certified by CalRecycle. The Local Enforcement Agency Grant funds would acquire/replace equipment, purchase supplies and provide training and technical support. The Household Hazardous Waste Grants would be used to supplement existing program elements and/or implement pilot collection programs for newly regulated waste streams; prior examples include household batteries, compact fluorescent bulbs, and residential sharps. This request will also authorize the Director DEHQ, or their designee, to conduct all negotiations and submit all documents that may be necessary to apply for and accept these grants, and to execute the grant agreements.

A waiver of Board Policy, B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is requested. The proposed grant funding may not offset all operating costs and if approved and a grant is awarded, any unrecovered cost per Board Policy B-29 would be funded by available funds within DEHQ from permits, solid waste tipping fees, or tonnage fee revenue from discarded materials, except for source separated recycled inerts such as cement and asphalt.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the State of California Environmental Quality Act Guidelines that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and is, therefore, not subject to the California Environmental Quality Act.
2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery which requires full cost recovery for services provided under these grants.

3. Authorize the Director, Department of Environmental Health and Quality, or their designee, as agent of the County to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests; and to execute grant agreements upon award of grant funds, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels.
4. Adopt a Resolution entitled: RESOLUTION FOR CALRECYCLE GRANTS
(Multi-Year Resolution)

FISCAL IMPACT

There is no fiscal impact associated with today's actions to apply for and accept grant funds from the California Department of Resources Recycling and Recovery (CalRecycle). If approved, today's actions would authorize the Department of Environmental Health and Quality (DEHQ) to submit noncompetitive grant applications of approximately \$39,000 for Local Enforcement Agency (LEA) grants and up to \$250,000 for Household Hazardous Waste (HHW) competitive grants. Matching funds are not a requirement for these grants.

A waiver of Board Policy B-29 Fees, Grants Revenue Contracts - Department Responsibility for Cost Recovery, is requested because the proposed grant funding may not offset all operating costs. If approved and a grant is awarded, any unrecovered cost per Board Policy B-29 would be funded by available funds within DEHQ from permits, solid waste tipping fees, or tonnage fee revenue from discarded materials, except for source separated recycled inerts.

If grant funds are awarded, DEHQ will include the amounts in future Operational Plans based on award and grant performance periods. 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 Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 21-042 entitled: RESOLUTION FOR CALRECYCLE GRANTS.

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

14. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Nancy Logan, Lauren Faulstich, Ronald Stark, and Keith McCormick provided comments to the Board regarding marijuana retail businesses.

Tyler, Chris Wade, and Barbara Gordon provided comments to the Board regarding the marijuana industry influence on youth.

Ethan provided comments to the Board regarding the marijuana industry influence on youth and support of Let Them Play initiative.

KB Strange provided comments to the Board regarding support of smoke free and vape free environments.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:45 p.m.

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

Consent: Rodriguez

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, April 7, 2021.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

03/17/2021