

March 28, 2018

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 28, 2018, 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 Kristin Gaspar, Chairwoman; Dianne Jacob, Vice-Chairwoman; Greg Cox; Ron Roberts; Bill Horn; also, Andrew Potter, Assistant Clerk of the Board of Supervisors.

B. Closed Session Report

C. Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

D. Approval of the Statement of Proceedings/Minutes for the meeting of March 14, 2018.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of March 14, 2018.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

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.	AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO DELEGATE AUTHORITY TO APPROVE FINAL MAPS AND ASSOCIATED IMPROVEMENT AGREEMENTS; AND ADDITIONAL MINOR EDITS

2. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION
3. REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 ACCEPTED AND EXPENDED FOR OFFICIAL COUNTY BUSINESS PURPOSES FOR EMPLOYEES DESIGNATED BY THE COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
4. RATIFY AND APPROVE FISCAL YEAR 2017-18 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING [FUNDING SOURCES: A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND 1991 REALIGNMENT REVENUE]
5. TRAFFIC ADVISORY COMMITTEE (03/28/18 - ADOPT RECOMMENDATIONS; 04/18/18 - SECOND READING OF AN ORDINANCE)
6. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR GUARDRAIL MAINTENANCE [FUNDING SOURCE: HIGHWAY USER TAX ACCOUNT]
7. AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE GUAJOME SEWER IMPROVEMENTS PROJECT [FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE AND AVAILABLE REVENUE FROM THE PARKS AND RECREATION TRUST FUND]
8. COUNTY OF SAN DIEGO TRACT NO. 5593-1: APPROVAL OF FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS AND APPROVAL OF AGREEMENTS FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR TRINITY MEADOWS TENTATIVE MAP LOCATED IN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA
9. NOTICED PUBLIC HEARING: SHADY OAK ZONE RECLASSIFICATION, TENTATIVE MAP, AND SITE PLAN, LOCATED IN THE VALLEY CENTER COMMUNITY PLAN AREA
10. ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE)

11. AUTHORIZE EXECUTION OF A REVENUE AGREEMENT FOR CONSTRUCTION OF ROAD IMPROVEMENTS IN EAST OTAY MESA AND ESTABLISH APPROPRIATIONS
[FUNDING SOURCES: A PAYMENT FROM THE STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION AND REVENUE FROM AN AGREEMENT WITH KEARNY PCCP OTAY 311, LLC; OMC PROPERTIES, LLC; AND AVS PROPERTIES, LLC]
(4 VOTES)
12. HOUSING AFFORDABILITY: ESTABLISHING A DENSITY TRANSFER CREDIT PROGRAM, A TRANSFER OF DEVELOPMENT RIGHTS, OR AN EQUIVALENT PROGRAM IN THE COUNTY OF SAN DIEGO
13. CLOSED SESSION (CONTINUED FROM 03/27/18 AGENDA NO. 12)
14. PUBLIC COMMUNICATION

1. SUBJECT: AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO DELEGATE AUTHORITY TO APPROVE FINAL MAPS AND ASSOCIATED IMPROVEMENT AGREEMENTS; AND ADDITIONAL MINOR EDITS (DISTRICTS: ALL)

OVERVIEW

On December 6, 2017 (5), the Board of Supervisors (Board) directed the Chief Administrative Officer to investigate the feasibility of streamlining the final map approval process by delegating the approval authority to Planning & Development Services (PDS), or other departmental authority, for final maps as allowed by State law.

Today's action recommends revisions of the County Subdivision Ordinance, Title 8, Division 1 of the San Diego County Code to authorize the Director of PDS, or any successor director or designee, to approve final maps and associated improvement agreements. Delegation of the Board's authority will result in greater efficiency by expediting map processing times (reduction of 30-45 days per final map) and reducing costs to applicants (estimated savings of \$3,000 to \$5,000 per final map). The proposed amendments also refine language to clarify the responsibilities and authority of specific County officials, add specific requirements to notify the County's Community Planning Group and Sponsor Group Chairs regarding final map actions, and include minor clean-up edits.

Lastly, the process under which minor revisions can be approved, and by whom, is described, as directed by the Board.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On March 28, 2018:

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may have a significant effect on the environment.
2. Approve the introduction of the Ordinance amending Title 8, Division 1 of the San Diego County Code of Regulatory Ordinances (first reading), read title and waive further reading.

If on March 28, 2018 the Board of Supervisors takes the action recommended above related to the introduction of the Ordinance, then, on April 18, 2018:

Consider and adopt the Ordinance amending Title 8, Division 1 of the San Diego County Code of Regulatory Ordinances (second reading).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2017-18 Operational Plan in Planning & Development Services. If approved, this request will result in no additional costs, with offsetting revenue and expense reductions estimated at \$42,000 to \$70,000 in Fiscal Year 2017-18. Staff anticipates processing roughly 14 final maps per year, at an estimated cost savings of \$3,000 to \$5,000 per final map processed. Estimated impacts to future revenue and expenses will be incorporated in the Fiscal Year 2018-19 CAO Recommended Operational Plan in Planning & Development Services. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

The proposed process improvements, if approved by the Board of Supervisors, will result in project applicants realizing a time savings of an estimated 30-45 days in final map processing time, and an estimated cost savings of \$3,000 to \$5,000, due to reduced staff processing time.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, introducing the Ordinance for further Board consideration and adoption on April 18, 2018, and directed the Chief Administrative Officer to codify the existing practice into the Planning and Development Services policy to notify the Chairs of the respective community planning and sponsor groups of any minor deviations to a discretionary project that received approval from the Board of Supervisors.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

2. **SUBJECT: SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) Department of Parks and Recreation (DPR) received donations from the San Diego County Parks Society (Parks Society) during the period of July 1, 2017 to December 31, 2017. The Parks Society is a nonprofit organization committed to promoting DPR and supporting its programs and special events by offsetting costs through both cash and non-cash donations. County of San Diego Administrative Code, Section 66, *Acceptance of Gifts*, permits the acceptance of donations by the administrative head of each department of the County, subject to ratification by the Board of Supervisors (Board). Board approval is required to accept individual gifts over \$5,000. Donations received from the Parks Society for the period of July 1, 2017 to December 31, 2017 total \$76,405.40 (\$15,952.29 in cash donations and \$60,453.11 in non-cash donations).

Today's proposed actions are to accept the DPR's Report of Gifts and Donations for the period of July 1, 2017 to December 31, 2017 from the Parks Society and ratify the acceptance of gifts exceeding \$5,000. In addition, today's action authorizes the Chair of the Board to sign a letter of appreciation to the Parks Society for the donations.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not a project as defined by the California Environmental Quality Act pursuant to Section 21065 because none of the donations were used for actions that would constitute direct or indirect physical change in the environment.
2. In accordance with Administrative Code Section 66, *Acceptance of Gifts* and Board Policy A-112, *Acceptance and Use of Gifts and Donations*, accept the County Department of Parks and Recreation Report of Gifts and Donations from the San Diego County Parks Society for the period of July 1, 2017 to December 31, 2017 and ratify the acceptance of gifts exceeding \$5,000.
3. Authorize the Chair of the Board of Supervisors to sign a letter of appreciation on behalf of the County of San Diego to the San Diego County Parks Society.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Parks and Recreation received donations from the San Diego Parks Society totaling \$76,405.40 from July 1, 2017 to December 31, 2017. Donations are used to support Department of Parks and Recreation programs. 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 Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

3. **SUBJECT: REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 ACCEPTED AND EXPENDED FOR OFFICIAL COUNTY BUSINESS PURPOSES FOR EMPLOYEES DESIGNATED BY THE COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego Department of Environmental Health (DEH) receives gifts and donations from organizations interested in expanding DEH expertise and supporting its programs, training events, and staff knowledge by offsetting costs through both cash and non-cash donations. County of San Diego Board Policy A-112, *Acceptance and Use of Gifts and Donations*, permits the acceptance of donations by the administrative head of each department of the County if specified conditions are met. County Administrative Code Section 66, *Acceptance of Gifts*, requires Board of Supervisors ratification of the acceptance of such gifts and approval prior to the expenditure of the gift, if the gift exceeds \$5,000. Because DEH did not receive Board approval prior to expending gifts in excess of \$5,000 as required by Administrative Code Section 66, the Board is requested to ratify the acceptance and expenditure of these gifts of \$5,254 in cash and non-cash gifts and donations exceeding \$5,000 in value received by DEH for the period of July 1, 2017 to December 31, 2017.

Today's proposed actions are to accept DEH's Report of Gifts and Donations for the period of July 1, 2017 to December 31, 2017, and to ratify the acceptance and expenditure of gifts by DEH that exceeded \$5,000. Donations received during this reporting period from non-profit and industry associations were used to support DEH conference participation, attendance, and staff training.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not a project as defined by the California Environmental Quality Act pursuant to California Public Resources Code Section 21065 because none of the donations were used for actions that would result in a direct or indirect physical change in the environment.

2. In accordance with Administrative Code, Section 66, *Acceptance of Gifts*, and Board Policy A-112, *Acceptance and Use of Gifts and Donations*, accept the County of San Diego Department of Environmental Health Report of Gifts and Donations from the California Hazardous Materials Investigator's Association (CHMIA) for the period of July 1, 2017 to December 31, 2017, and ratify the acceptance and expenditure of gifts exceeding \$5,000 during this period.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Environmental Health received \$5,254 in cash and non-cash donations for the period of July 1, 2017 through December 31, 2017. These gifts and donations were used to support training and conference attendance. 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 Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

4. **SUBJECT: RATIFY AND APPROVE FISCAL YEAR 2017-18 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING (DISTRICTS: 1, 3, 4 & 5)**

OVERVIEW

Since 1999, the Department of Environmental Health (DEH) has contracted with the State of California to coordinate the sampling and testing of ocean water and posting of signs warning of contaminated water at recreational beaches and bays when impacted by sewage spills or urban stormwater runoff. Signs are posted when monitoring indicates bacteria levels exceed State standards, or during other events that may pose a threat to public health. This program provides San Diego County's residents and visitors with up-to-date and easily accessible beach water quality information so they can make an informed decision as to where they can go into the water.

The County of San Diego received a final agreement from the State Water Resources Control Board on January 23, 2018. This revenue agreement of \$348,500 consists of Federal (\$188,500) and State (\$160,000) funding. Since the revenue agreement is funded by both Federal and State funds, the performance period for each of the funded amounts is different. The performance period for the State-funded portion will reimburse expenses incurred from July 1, 2017 to June 30, 2018 while the Federally-funded portion will reimburse expenses incurred from October 1, 2017 to August 15, 2018.

Because this agreement was not received by DEH until after the July 1, 2017 start date, this request is to ratify the acceptance of a State Water Resources Control Board Revenue Agreement and adopt a Resolution authorizing DEH to receive funds in the amount of

\$348,500 to continue the Beach and Bay Water Quality Monitoring program. In addition, this request will authorize the Director, DEH or their designee to execute a revenue agreement with the State Water Resources Control Board in the amount of \$348,500 for the period of July 1, 2017 through August 15, 2018.

RECOMMENDATIONS

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, which requires full cost recovery for revenue contracts.
3. Ratify acceptance and authorize the Director, Department of Environmental Health, or their designee, to execute a revenue agreement with the State Water Resources Control Board to fund beach and bay water quality monitoring, in the amount of \$348,500 for the period July 1, 2017 through August 15, 2018.
4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH WATER QUALITY MONITORING FOR FISCAL YEAR 2017-2018.
5. Authorize the Director, Department of Environmental Health, or their designee to execute any amendments, extensions or revisions thereof that do not materially impact or alter either the program or funding level.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2017-18 Operational Plan in the Department of Environmental Health (DEH). If approved, this request will result in current year program costs and revenue of \$515,893. The funding sources are a revenue agreement with the State Water Resources Control Board (\$348,500) and 1991 Realignment revenue (\$167,393). DEH receives a fixed amount of ongoing 1991 Realignment revenue which is restricted to funding public health programs with insufficient funding including the Beach and Bay Water Quality Monitoring Program.

A waiver of Board Policy, B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, is requested in the amount of \$167,393 for program costs not covered by the revenue agreement, including County support costs, which are disallowed under the State agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

It is imperative that water quality testing be conducted in a timely manner to ensure the protection of public health and to monitor for water quality impacts at public beaches and bays. Business, tourism and recreational activities in the county can be negatively impacted if bacteria levels in the water at beaches and bays exceed State standards.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 18-033, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH WATER QUALITY MONITORING FOR FISCAL YEAR 2017-2018.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

5. SUBJECT: TRAFFIC ADVISORY COMMITTEE (03/28/18 - ADOPT RECOMMENDATIONS; 04/18/18 - SECOND READING OF AN ORDINANCE) (DISTRICTS: 2, 3 & 5)

OVERVIEW

The Traffic Advisory Committee (TAC) meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices on County-maintained roads. The TAC recommends the Board of Supervisors (Board) act on seven items from the January 26, 2018, meeting agenda.

Item 2-A would recertify the existing 40 MPH speed limit on Victoria Drive between the east and west intersections with Alpine Boulevard for radar enforcement.

Item 3-A would establish a 45 MPH speed limit on Lomas Santa Fe Drive/Linea Del Cielo from the Solana Beach City Limit (near Highland Drive) to 1,600 feet west of El Camino Real and certify the speed limit for radar enforcement.

Item 3-B would establish a 45 MPH speed limit on Rancho Bernardo Road from the San Diego City Limit (350 feet west of Via Del Campo) to Camino Del Norte and certify the speed limit for radar enforcement.

Item 3-C would recertify the existing 35 MPH speed limit on Alva Road from Rancho Bernardo Road to 400 feet south of Monterey Ridge Drive for radar enforcement.

Item 5-A would establish a 40 MPH speed limit on Woods Valley Road from Valley Center Road to North Lake Wohlford Road and certify the speed limit for radar enforcement.

Item 5-B would establish a 45 MPH speed limit on Gird Road from State Route 76 to a point 1,000 feet south of Oak Cliff Drive and certify the speed limit for radar enforcement.

Item 5-C would recertify the existing 45 MPH speed limit on Gird Road from a point 1,000 feet south of Oak Cliff Drive to Reche Road.

Approval of items 2-A, 3-A, 3-B, 3-C, 5-A, 5-B, and 5-C will establish tools for speed enforcement that increases road safety and retain mobility. Properly posted speed limits provide feedback to safe and reasonable drivers to improve traffic safety and reduce the number and severity of collisions and allow for fair enforcement.

The Board action on Items 3-A, 3-B, 5-A, and 5-B will revise the San Diego County Code of Regulatory Ordinances (County Code) and requires two steps. On March 28, 2018, the Board will consider the TAC items. If the Board takes action on March 28, 2018, then on April 18, 2018, a second reading of Ordinances amending Sections 72.162. (Item 3-A), 72.162.39.3. (Item 3-B), 72.161.35.2. (Item 5-A), and 72.169.74.5 (Item 5-B) and deleting Section 72.161.35.3. (Item 5-A) of the County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2

Item 2-A. Victoria Drive between the east and west intersections with Alpine Boulevard (58th Edition Thomas Guide Page 1234-B6) - Recertify the existing 40 MPH speed limit for continued radar enforcement.

District 3

Item 3-A. Lomas Santa Fe Drive/Linea Del Cielo from the Solana Beach City Limit (near Highland Drive) to 1,600 feet west of El Camino Real (58th Edition Thomas Guide Page 1167- J6) - Establish a 45 MPH speed limit and certify the speed limit for radar enforcement.

Item 3-B. Rancho Bernardo Road from the San Diego City Limit (350 feet west of Via Del Campo) to Camino Del Norte (58th Edition Thomas Guide Page 1169-H2) - Establish a 45 MPH speed limit and certify the speed limit for radar enforcement.

Item 3-C. Alva Road from Rancho Bernardo Road to 400 feet south of Monterey Ridge Drive (58th Edition Thomas Guide Page 1169-G2) - Recertify the existing 40 MPH speed limit for continued radar enforcement.

District 5

Item 5-A. Woods Valley Road from Valley Center Road to North Lake Wohlford Road (58th Edition Thomas Guide Page 1090-G5) - Establish a 40 MPH speed limit and certify the speed limit for radar enforcement.

Item 5-B. Gird Road from State Route 76 to a point 1,000 feet south of Oak Cliff Drive (58th Edition Thomas Guide Page 1048-D4) - Establish a 45 MPH speed limit and certify the speed limit for radar enforcement.

Item 5-C. Gird Road from 1,000 feet south of Oak Cliff Drive to Reche Road (58th Edition Thomas Guide Page 1048-D1) - Certify the existing 45 MPH speed limit for radar speed enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project to establish speed limits is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing County maintained roads, resulting in negligible or no expansion of use beyond that existing at the time of the Board action.

2. Adopt the Traffic Advisory Committee's recommendations.
3. Approve the introduction, read title, and waive further reading of the following Ordinance: ORDINANCE AMENDING SECTIONS 72.162., 72.162.39.3., 72.161.35.2., AND 72.169.74.5. AND DELETING SECTION 72.161.35.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 3-A, 3-B, 5-A, and 5-B).

If, on March 28, 2018, the Board takes action as recommended, then, on April 18, 2018:

Consider and adopt:

ORDINANCE AMENDING SECTIONS 72.162., 72.162.39.3., 72.161.35.2., AND 72.169.74.5. AND DELETING SECTION 72.161.35.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 3-A, 3-B, 5-A, and 5-B).

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. If approved, 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 Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on April 18, 2018.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

6. **SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR GUARDRAIL MAINTENANCE (DISTRICTS: 2, 3 & 5)**

OVERVIEW

The Department of Public Works has identified locations for repair and replacement of guardrail sections. Guardrails enhance the safety of County roads by reducing the severity of a potential crash by preventing motorists from leaving the roadway. Guardrails are typically repaired or replaced along roads where guardrails have been damaged or where there is a need to upgrade to meet current guardrail design standards.

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for repair and replacement of guardrail on Sunrise Highway, Guejito Road, Rancho Bernardo Road, and La Cresta Road. Construction is scheduled to begin in summer 2018 and be complete by fall 2018. The construction cost is estimated at \$300,000, including contingency, and the funding source is the Highway User Tax Account.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from California Environmental Quality Act (CEQA) as specified under Section 15301 of the State CEQA Guidelines because this project consists of the advertisement and award of a contract to allow for repair and replacement of existing guardrails involving negligible or no expansion of existing uses.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq. of the Administrative Code with respect to contracting for subject public works 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 2017-18 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction project costs are estimated at \$300,000 including contingency. The funding source is Highway User Tax Account (\$300,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County construction contracts are competitively bid and help stimulate the local economy.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

7. **SUBJECT: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE GUAJOME SEWER IMPROVEMENTS PROJECT (DISTRICT: 5)**

OVERVIEW

Guajome Regional Park is a 394-acre County park located in northern San Diego County in the City of Oceanside, California. The park offers camping sites, picnic areas, playgrounds, and multi-use trails. Guajome Regional Park recently upgraded its electrical and water systems and select areas of the sewer system to better accommodate park users. The Guajome Sewer Improvements Project will make improvements throughout the rest of the sewer system to further modernize the park and extend the useful life of the sewer system.

The requested action will authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract to the lowest responsive and responsible bidder for the Guajome Sewer Improvements Project for an estimated construction cost of \$760,000, including contingency. Remaining project funds of approximately \$111,951 will be used for related project costs including design, inspection, construction management and project

administration for an estimated total project cost of \$871,951. If approved, construction is scheduled to begin in winter 2018-19 with completion expected in late spring 2019. The funding source is available prior year General Fund fund balance (\$800,000) and available revenue from the Parks and Recreation Trust Fund (\$71,951).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Guajome Sewer Improvements Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land).
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Guajome Sewer Improvements Project.
3. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Section 430.4 of the County Code of Administrative Ordinances and Board Policy F-41 Public Works Construction Contracts.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2017-18 Operational Plan in the Capital Outlay Fund. If approved, this request will result in approximate total project costs of \$871,951 for Capital Project 1021153, Guajome Sewer Improvements. Construction costs are estimated at \$760,000, including contingency. Remaining project funds of approximately \$111,951 will be used for design, inspection, construction management, and project administration. The funding source is available prior year General Fund fund balance (\$800,000) and available revenue from the Parks and Recreation Trust Fund (\$71,951).

Upon project completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

8. SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5593-1: APPROVAL OF FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS AND APPROVAL OF AGREEMENTS FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR TRINITY MEADOWS TENTATIVE MAP LOCATED IN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA (DISTRICT: 5)

OVERVIEW

This is a request for the Board of Supervisors to review and approve the Final Map for County of San Diego Tract No. 5593-1; accept related easements; and approve, authorize, and execute the Agreement to Improve Major Subdivision (Agreement for Improvements) for public and private improvements. This project, known as Trinity Meadows Tentative Map 5593RPL1 (TM 5593RPL1), is a subdivision consisting of 22 single-family residential lots, one road lot, and two water quality basin lots on 12.51 acres. It is located at the northwest corner of the intersection of Bear Valley Parkway and San Pasqual Valley Road (State Route 78) in the North County Metropolitan Subregional Plan Area within the unincorporated county (2009 Thomas Guide, Page 1130, C-4 & D-4).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Final Map, the Agreement to Improve Major Subdivision (Agreement for Improvements) and associated actions is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(1) and (2) of the CEQA Guidelines because it does not involve the exercise of discretionary powers by a public entity, and the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Approve the Final Map for County of San Diego (County) Tract No. 5593-1.
3. Accept, on behalf of the County, an easement for public highway purposes (shown as Lot D), as granted on the Final Map.
4. Accept, on behalf of the County, an access restriction easement together with the access rights in and to San Pasqual Valley Road (State Route 78) and Bear Valley Parkway, as granted on the Final Map.
5. Accept, on behalf of the County, a noise protection easement, as granted on the Final Map.
6. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Agreement for Improvements, which includes street improvements, drainage facilities, water facilities, and final monumentation (Attachment B).
7. Authorize the Clerk to forward the Final Map to the County Recorder for recordation.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Roberts, Horn

9. **SUBJECT: NOTICED PUBLIC HEARING:
SHADY OAK ZONE RECLASSIFICATION, TENTATIVE MAP, AND
SITE PLAN, LOCATED IN THE VALLEY CENTER COMMUNITY
PLAN AREA (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors to evaluate and consider a proposed Zone Reclassification, Tentative Map, and Site Plan Permit, and adopt the Environmental Findings for the Shady Oak project. The Zone Reclassification requires all three permits to be approved by the Board.

The Shady Oak project is located on 5.2 acres and consists of 47 single-family dwelling units, 0.8 acre of common landscape areas, and 0.3 mile of pedestrian pathways connecting to existing trail networks and a recently approved by the Board of Supervisors 2.6-acre public park. The General Plan allows for a maximum of 156 dwelling units on the project site, which exceeds the 47 dwelling units proposed by the project. To achieve the maximum density under the General Plan, multi-family, attached structures would be required, which would not be consistent with the rural community character. The applicant determined multi-family units to be economically infeasible at the site's location. The project site is located west of Valley Center Road and south of Mirar de Valle Road within the South Village of the Valley Center Community Plan area (57th Edition Thomas Guide Page 1090, E-4).

RECOMMENDATION(S)

PLANNING COMMISSION

On December 15, 2017, the Planning Commission considered the project and made the following recommendations to the Board of Supervisors.

1. Adopt the Environmental Findings, which includes a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act Guidelines (Attachment B).
2. Adopt the Ordinance titled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN VALLEY CENTER, REF: PDS2016-REZ-16-005 (Attachment C).
3. Adopt the Resolution of Approval for Tentative Map PDS2016-TM-5614, 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 as set forth in the Resolution of Approval (Attachment D).
4. Grant Site Plan Permit Decision PDS2016-STP-16-019, which includes the requirements and conditions set forth in the Form of Decision (Attachment E).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the Planning Commission's recommendations and makes the following additional recommendation to the Board of Supervisors (Board):

Require the applicant to enter into a standard Defense and Indemnification Agreement (Agreement) with the County of San Diego in accordance to 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, Touchstone Communities, LLC, is required to provide security in the amount of \$600,000 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel, or cash, within 10 days of litigation being filed (Attachment F).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10527 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN VALLEY CENTER, REF: PDS2016-REZ-16-005; and adopting Resolution No. 18-034, entitled: RESOLUTION OF COUNTY OF SAN DIEGO BOARD OF SUPERVISORS CONDITIONALLY APPROVING TENTATIVE MAP NO. PDS2016-TM-5614.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

10. **SUBJECT: ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE) (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to initiate proceedings to establish Community Facilities District (CFD) No. 2018-01 (Meadowood Maintenance) through the adoption of the Resolution of Intention and the Resolution Adopting a Boundary Map of the proposed CFD. In accordance with the Resolution of Intention, the Board will hold a protest hearing on May 9, 2018, prior to adopting a Resolution of Formation and ordering a special tax election.

On January 9, 2012 (3), the Board approved a Tentative Map for Meadowood (VTM 5354RPL). Pardee Homes (Developer) is in the process of completing the conditions of approval for their first Final Map for Meadowood, a 389-acre project located in the northeast quadrant at the intersection of the State Route-76 and Interstate-15 Interchange, within the Fallbrook Community Plan area. This planned community is expected to be developed with 841 single- and multi-family residential homes. The project also includes public trails, a public park, and storm water drainage and treatment facilities.

The Developer has petitioned the County of San Diego to create a CFD that will benefit the Meadowood community through the levy of a voter-approved special tax to finance the ongoing maintenance of public trails, a public park, storm water drainage and treatment facilities serving the project, and supplemental fire protection and emergency medical services of the North County Fire Protection District. The special tax will include an annual adjustment to offset increases in maintenance services costs and fund ongoing administration costs of the CFD. The petition submitted by the Developer has been reviewed by staff and was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. 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).
2. 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.
3. Approve and adopt the Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT AND ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE) (Attachment B).
4. Approve and adopt the Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR THE INCLUSION IN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE) (Attachment C).

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2017-18 Operational Plan in Planning & Development Services, the Department of Parks and Recreation, or the Department of Public Works. All County staff time and consultant costs incurred to establish and form this Community Facilities District (CFD), estimated at \$75,000, will be funded by

Pardee Homes (Developer). The Developer is responsible for all County and consultant costs incurred in the establishment and formation of this CFD and will provide additional funds as needed.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied on each parcel. For CFD 2018-01, the special tax was divided into three special tax categories to separate the funding required by the County (Special Tax A), the San Diego County Flood Control District (Special Tax B), and the North County Fire Protection District (Special Tax C). The RMA also specifies an Undeveloped Special Tax, levied on the Developer, until enough units are sold to support the overall CFD budget (excluding Special Tax C, as this tax will be levied only on developed parcels). Additionally, the CFD special tax will fund ongoing administration costs for the CFD, estimated at \$25,000 annually in 2018 dollars. The special taxes will include an annual adjustment pursuant to the project conditions of approval to offset increases in maintenance services costs and ongoing administration costs of the CFD.

The annual ongoing operations and maintenance costs are consistent with Board Policies I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, to ensure all staff and consultant costs are fully covered. The maintenance service costs account for staff, services, and supplies plus administration costs. The anticipated repair and replacement of equipment included in the public trails, public park, and storm water drainage and treatment facilities is included in the service costs.

Upon approval of this item by the Board and approval of the special taxes by electors, the ongoing operations, maintenance and administration costs and levying of the CFD special taxes, are authorized to begin in Fiscal Year 2018-19 and will be included in future Operational Plans. 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 Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 18-035, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT AND ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE); and Resolution No. 18-036, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR THE INCLUSION IN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MEADOWOOD MAINTENANCE).

AYES: Cox, Jacob, Gaspar, Roberts, Horn

11. SUBJECT: AUTHORIZE EXECUTION OF A REVENUE AGREEMENT FOR CONSTRUCTION OF ROAD IMPROVEMENTS IN EAST OTAY MESA AND ESTABLISH APPROPRIATIONS (DISTRICT: 1)

OVERVIEW

On November 18, 2013, the State of California, Department of Corrections and Rehabilitation (Department of Corrections) adopted a Mitigation Monitoring and Reporting Program (MMRP) when it certified an Environmental Impact Report for the construction of their dormitory infill project at the Richard J. Donovan Correctional Facility in East Otay Mesa (Correctional Facility). The MMRP required the Department of Corrections to add traffic signals to the intersection of Alta Road and Otay Mesa Road and widen a portion of both roads leading to the intersection (Improvements), or pay the County for the equivalent cost of the proposed Improvements. The Improvements are intended to mitigate for traffic impacts caused by the Department of Corrections' project by enhancing road safety and reducing traffic congestion.

The Department of Corrections estimated the cost of the Improvements to be approximately \$2,664,000 and paid that amount to the County in August 2017. The County Department of Public Works (DPW) estimated the cost of the Improvements to be \$3,050,001. Three developers that own land adjacent to the Improvements, and who would possibly be conditioned to construct the Improvements as part of the land development process, offered to donate funds to cover the \$386,001 difference between the Department of Corrections funding and the DPW estimate.

The developers have also offered to pay for road widening and improvements (Additional Improvements) beyond the Correctional Facility requirements. These Additional Improvements expand on the Improvements contemplated by the Correctional Facility MMRP and are needed to address transportation impacts from the developer's projects. DPW has estimated the cost of the Additional Improvements to be \$900,000. The three developers have agreed to contribute the full \$900,000 for the Additional Improvements so that the total contribution from the developers will be \$1,286,001 towards the total estimated project cost of \$3,950,001.

Today's request is to authorize the Director of the Department of Public Works, or designee, to execute a revenue agreement among the County of San Diego and Kearny PCCP Otay 311, LLC; OMC Properties, LLC; and AVS Properties, LLC that would fund a portion of the road improvement costs. This request also will establish appropriations for the payments from the Department of Corrections and the revenue agreement, and authorize the Auditor and Controller to refund any remaining funds to the developers up to the amount each one of them contributed plus any interest accrued at the conclusion of the project, if there are funds remaining.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with section 15096 of the State California Environmental Quality Act (CEQA) Guidelines, that the County of San Diego (County), as a responsible agency under CEQA, has considered the environmental effects of the road improvement work included as a mitigation measure for the project detailed in the Environmental Impact Report (EIR) prepared by the Department of Corrections for the Level II Infill Corrections Facility Project, State Clearinghouse No. 2012122038, and has reached its own conclusions on

whether and how to approve the road improvement work and determined there are no substantial environmental impacts identified in the EIR associated with completion of the road improvement work; and,

Find that there are no changes in the road improvement work or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously certified EIR, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance regarding the road improvement work has become available since the EIR was prepared.

2. Approve and authorize the Director of the Department of Public Works, or his designee, to execute the Revenue Agreement for Construction of Road Improvements in East Otay Mesa, between the County and Kearny PCCP Otay 311, LLC; OMC Properties, LLC; and AVS Properties, LLC.
3. Establish appropriations of \$3,950,001 in the Department of Public Works Fiscal Year 2017-18 Road Fund Detailed Work Program for the Alta Road and Otay Mesa Road Improvements project based on revenue from the State of California, Department of Corrections and Rehabilitation (\$2,664,000) and revenue from Kearny PCCP Otay 311, LLC; OMC Properties, LLC; and AVS Properties, LLC. (\$1,286,001) **(4 VOTES)**
4. Authorize the Auditor and Controller at the conclusion of the project to refund to the developers any funds contributed by the developers that are unspent, in accordance with the terms of the revenue agreement.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2017-18 Operational Plan in the Department of Public Works Road Fund. If approved, this request will result in total project costs and revenue of \$3,950,001. The funding source is a payment from the State of California Department of Corrections and Rehabilitation (\$2,664,000) and revenue from an agreement with Kearny PCCP Otay 311, LLC (\$428,667); OMC Properties, LLC (\$428,667); and AVS Properties, LLC (\$428,667). 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 Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

12. SUBJECT: HOUSING AFFORDABILITY: ESTABLISHING A DENSITY TRANSFER CREDIT PROGRAM, A TRANSFER OF DEVELOPMENT RIGHTS, OR AN EQUIVALENT PROGRAM IN THE COUNTY OF SAN DIEGO (DISTRICTS: ALL)

OVERVIEW

At a time when the San Diego Region needs to take every measure prudent to encourage and promote the production of housing at all income levels, there are instances in which the County allows potential homes for current or future County residents to be lost. Currently, if an action, such as a development project, results in a lower-density development than was anticipated by the General Plan, no mechanism is in place to encourage or ensure recuperation of the lost density.

Establishing a Density Transfer Credit (DTC), Transfer of Development Rights (TDR), or an equivalent program could give the County of San Diego the opportunity to ensure that we're maximizing housing production to combat our current housing crisis. When the region is tens of thousands of homes shy of the demand, resulting in record median home prices, dramatic rises in median rent, negative net migration for the County, and pervasive homelessness, a program like DTC or TDR, if feasible, could be another way the County can bridge the gap.

Today's action will direct the Chief Administrative Officer to investigate the means and mode of establishing a program such as a DTC, TDR, or similar in the County of San Diego, and to return in 180 days with options for the Board to consider and provide direction.

RECOMMENDATION(S)

SUPERVISOR BILL HORN AND SUPERVISOR RON ROBERTS

1. Direct the Chief Administrative Officer to investigate the means and mode of establishing a Density Transfer Credit program, a Transfer Development Rights, or an equivalent program in the County of San Diego.
2. Direct the Chief Administrative Officer to return to the Board within 180 days with findings and options for consideration.

FISCAL IMPACT

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

**13. SUBJECT: CLOSED SESSION (CONTINUED FROM 03/27/18 AGENDA NO. 12)
(DISTRICTS: ALL)**

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Estate of Ruben Nunez v. County of San Diego, et al.; United States District Court,
Southern District, No. 16-CV-1412
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Michelle Rivera, et al. v. County of San Diego, et al.; San Diego County Superior Court
No. 37-2017-00010666-CU-CR-CTL
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Donna Stanley, et al. v. County of San Diego, et al.; United States District Court, Southern
District, No.16-CV-1227
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Joseph A. White, et al. v. County of San Diego, et al.; San Diego County Superior Court
No. 37-2017-00018452-CU-OR-CTL
- E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of
Government Code section 54956.9: (Number of Potential Cases - 1)
- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of
Government Code section 54956.9: (Number of Potential Cases - 1)
- G. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code
section 54956.9: (Number of Cases - 1)
- H. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code section 54957.6)
Designated Representatives: Susan Brazeau, Brad Rankin
Employee Organizations and Unrepresented Employees: All

ACTION:

County Counsel reported that for Closed Session on Wednesday, March 28, 2018, the Board of Supervisors took the following action:

Item 12A: Estate of Ruben Nunez v. County of San Diego, by a vote of five Board members voting "Aye", authorize settlement of this lawsuit involving the death of an inmate at the County jail for \$1,000,000.

Item 12D: Joseph A. White v. County of San Diego, by a vote of five Board members voting “Aye”, authorize County Counsel to file a cross-complaint against Plaintiff Joseph A. White for causing damage to a portion of the County’s right of way as a result of broken storm drain pipe on Mr. White’s property.

Item 12G: By a vote of five Board members voting “Aye”, direction to initiate litigation has been given and the action, defendants, and other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the County’s ability to effectuate service of process on one or more unserved parties.

14. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Martha Welch spoke to the Board regarding HHSa.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:30 a.m., in memory of Michael Reynolds.

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

Consent: Rodriguez

Discussion: Miller

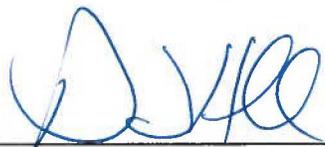
NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, April 18, 2018.



KRISTIN GASPAR
Chairwoman

Attest:



DAVID HALL
Clerk of the Board

03/28/18