

May 6, 2015

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

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STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, MAY 06, 2015, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:01 a.m.

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

Approval of Statement of Proceedings/Minutes for the meeting of April 22, 2015.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of April 22, 2015.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

Public Communication: [No Speakers]

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

Board of Supervisors' Agenda Items

Agenda # Subject

1. NOTICED PUBLIC HEARING:
 OLD MINE ROAD WIRELESS TELECOMMUNICATION FACILITY; NORTH
 MOUNTAIN SUBREGIONAL PLAN AREA

2. NOTICED PUBLIC HEARING:
 STONEMARK ESTATES SUBDIVISION; NORTH COUNTY METROPOLITAN
 SUBREGIONAL PLAN AREA

3. * SAN DIEGO ASSOCIATION OF GOVERNMENTS PRESENTATION OF SAN
 DIEGO FORWARD: THE REGIONAL PLAN

*Presentation

4. ADOPT A RESOLUTION TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC HIGHWAY PURPOSES ALONG MEADOW GLEN WAY - SC-990.2, IN THE VICINITY OF HIDDEN MEADOWS (VACATION NO. 2014-0082)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]

5. MCCLELLAN-PALOMAR AIRPORT – THIRD AMENDMENTS TO AVIATION LEASES WITH SCIF PALOMAR, LLC
[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED AGREEMENT]
(4 VOTES)

1. **SUBJECT: NOTICED PUBLIC HEARING:
OLD MINE ROAD WIRELESS TELECOMMUNICATION
FACILITY; NORTH MOUNTAIN SUBREGIONAL PLAN
AREA (DISTRICT: 5)**

OVERVIEW:

Application Date: December 21, 2011

This is a request for the Board of Supervisors to consider an appeal of the Planning Commission's approval of the proposed Old Mine Road Major Use Permit. The project is an unmanned wireless telecommunication facility consisting of two 35-foot tall faux mono-pine trees along with associated equipment. The property is currently developed with a single-family home and accessory structures.

The site is located along Old Mine Road just north of Montezuma Valley Road, within the North Mountain Subregional Plan Area (Thomas Bros. Map Page 409, L/9).

The case numbers for this project are: PDS2011-3300-11-034 (MUP), and PDS2011-3910-1110006 (ER).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

PLANNING COMMISSION

On February 20, 2015, the Planning Commission considered the application and made the following decisions:

1. Adopt the Environmental Findings included in Attachment F, which includes the adoption of a Mitigated Negative Declaration (MND).
2. Grant Major Use Permit PDS2011-3300-11-034 and impose the requirements and conditions set forth in the Major Use Permit Form of Decision (Attachment D).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the decision of the Planning Commission and recommends the Board of Supervisors:

1. Deny the appeal (Attachment B) for the reasons discussed in this Board Letter.

2. Adopt the Environmental Findings included in Attachment F, which includes the adoption of a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) Guidelines.
3. Grant Major Use Permit PDS2011-3300-11-034 and impose the requirements and conditions set forth in the Major Use Permit Form of Decision (Attachment D).
4. Require Robert MacLachlan / Vista Towers, LLC to enter into an agreement to defend and indemnify the County in accordance with County Code Section 86.201 et seq. and authorize the Director of Planning & Development Services to execute the agreement. If litigation is filed challenging the Board's action on this project, require Robert MacLachlan / Vista Towers, LLC to provide security in the amount of \$100,000 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel within 10 days of litigation being filed (Attachment J).

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board closed the Hearing and took action as recommended.

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

2. **SUBJECT: NOTICED PUBLIC HEARING:
STONEMARK ESTATES SUBDIVISION; NORTH COUNTY
METROPOLITAN SUBREGIONAL PLAN AREA
(DISTRICT: 5)**

OVERVIEW:

Application date: February 16, 2006

This is a request for the Board of Supervisors (Board) to consider an appeal of the Planning Commission's approval of the proposed Stonemark Estates subdivision. The project is a Tentative Map and Administrative Permit for a residential subdivision of 25.8-acres into 19 lots ranging in size from 0.5 to 4.3 acres. Access to the site would be provided by a new private road connecting to Buena Vista Drive. The site is located along Buena Vista Drive just south of Mar Vista Drive, within the North County Metropolitan Subregional Plan Area (Thomas Bros. Map Page 1107, H/3).

The appeal filed on November 24, 2014 raises a number of concerns, including community compatibility, enforcement of the Limited Building Zone, possible inadequacy of the environmental impact analysis and conclusions, lack of proper noticing and an appellant proposed reduced project design.

The case numbers for this project are: PDS2006-3100-5479 (TM), PDS2013-AD-13-034 (AD), and PDS2006-3910-0608018 (ER).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

PLANNING COMMISSION

On November 14, 2014, the Planning Commission considered the application and made the following decisions:

1. Adopt the Environmental Findings included in Attachment G, which includes a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines.
2. Grant Administrative Permit AD-13-034 with the requirements and conditions set forth in the Administrative Permit Form of Decision (Attachment E).
3. Adopt the Resolution of Approval for Tentative Map 3100-5479, 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 D).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the decision of the Planning Commission and recommends the Board of Supervisors:

1. Deny the appeal (Attachment B) for the reasons discussed in this Board Letter.
2. Adopt the Environmental Findings included in Attachment G, which includes a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines.
3. Grant Administrative Permit AD-13-034 with the requirements and conditions set forth in the Administrative Permit Form of Decision (Attachment E).
4. Adopt the Resolution of Approval for Tentative Map 3100-5479, 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 D).
5. Require PAS Investors, LP to enter into an agreement to defend and indemnify the County in accordance with County Code Section 86.201 et seq. and authorize the Director of Planning & Development Services to execute the agreement. If litigation is filed challenging the Board's action on this project, require PAS Investors, LP to provide security in the amount of \$100,000 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel within 10 days of litigation being filed (Attachment K).

2.1 ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board closed the Hearing and took action as recommended, adopting Resolution No. 15-055, entitled: RESOLUTION OF SAN DIEGO COUNTY CONDITIONALLY APPROVING TENTATIVE MAP NO. 5479RPL6.

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

2.2 ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board directed the Chief Administrative Officer to look at the County's landscaping requirements in terms of water-wise and fire-wise landscaping and report back to the Board on any recommended changes.

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

3. SUBJECT: SAN DIEGO ASSOCIATION OF GOVERNMENTS PRESENTATION OF SAN DIEGO FORWARD: THE REGIONAL PLAN (DISTRICTS: ALL)

OVERVIEW:

Elected officials and representatives from each of the County's nineteen jurisdictions and San Diego Association of Governments (SANDAG) staff have worked together to develop a hybrid transportation plan that combines the Regional Transportation Plan and Sustainable Communities Strategy with the Regional Comprehensive Plan into one planning document that provides a vision for the region's future growth and development.

San Diego Forward: The Regional Plan proposes a strategy for a more sustainable future which includes investing in a transportation network that will provide residents with more travel choices, protects the environment, creates healthy communities, and stimulates economic growth. SANDAG is in the process of presenting this information to each of the individual jurisdictions this summer and is here today to present The Regional Plan to the Board of Supervisors.

FISCAL IMPACT:

There is no fiscal impact associated with receiving the SANDAG presentation.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHAIRMAN BILL HORN**

Receive the SANDAG presentation of San Diego Forward: The Regional Plan.

ACTION:

Received the SANDAG presentation of San Diego Forward: The Regional Plan.

4. **SUBJECT: ADOPT A RESOLUTION TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC HIGHWAY PURPOSES ALONG MEADOW GLEN WAY-SC-990.2, IN THE VICINITY OF HIDDEN MEADOWS (VACATION NO. 2014-0082) (DISTRICT: 5)**

OVERVIEW:

The Department of General Services, Real Estate Services Division is processing a request from the owner of APNs 186-580-21 and 22 to summarily vacate two Irrevocable Offers of Dedication (IOD) for public highway purposes, together with the right to extend and maintain drainage facilities and excavation and embankment slopes beyond the limits of the right-of-way. The IOD was first offered, but not accepted, as Parcel 1975-0636A on a dedication by Joe and Elizabeth Tackett recorded in the office of the San Diego County Recorder on September 15, 1975, as document number 1975-249878. The right-of-way was offered for dedication again and rejected by the County on Parcel Map No. 15632, filed in the office of the San Diego County Recorder on April 6, 1989. The proposed vacation is located in the unincorporated area of the county, in the vicinity of Hidden Meadows, east of I-15. (2010 Thomas Guide Page 1089-H3).

Today's request is to adopt a resolution to summarily vacate Irrevocable Offers of Dedication that have been superseded by relocation of SC-990.2. The Irrevocable Offers of Dedication requested for vacation were never accepted by the County and no improvements were made within them by the County. The Irrevocable Offers of Dedication have not been used for the purposes for which they were dedicated or acquired, and no property owner would be land-locked as a result of the proposed vacation. No public service easement would be terminated as a result of the vacation. Pursuant to Streets and Highways Code Section 8330, excess right-of-way superseded by relocation, not required for street or highway purposes may be summarily vacated.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2014-2015 Operational Plan in the Department of General Services. If approved, this request would result in costs and revenue of \$2,085 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is not subject to review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060 (c)(2) and (3) because it does not have a direct or indirect effect on the environment as it will only result in the vacation of unnecessary easement interests, and the action is not a project as defined in Section 15378 of the CEQA Guidelines.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC HIGHWAY PURPOSES ALONG MEADOW GLEN WAY- SC-990.2, IN THE VICINITY OF HIDDEN MEADOWS (VACATION NO. 2014-0082).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2014-0082 pursuant to Streets and Highways Code Section 8336.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 15-056, entitled: RESOLUTION TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC HIGHWAY PURPOSES ALONG MEADOW GLEN WAY – SC-990.2, IN THE VICINITY OF HIDDEN MEADOWS (VACATION NO. 2014-0082).

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

5. **SUBJECT: MCCLELLAN-PALOMAR AIRPORT – THIRD AMENDMENTS TO AVIATION LEASES WITH SCIF PALOMAR, LLC (DISTRICT: 5)**

OVERVIEW:

McClellan-Palomar Airport (Airport), located in Carlsbad (57th Edition Thomas Guide Page 1127, D3), is a major gateway to and from San Diego's North County. The Airport provides facilities and services to commercial, corporate and general aviation communities.

On June 22, 2005 (6), the Board approved two aviation leases with SCIF Palomar, LLC at McClellan-Palomar Airport. The leases were amended on December 6, 2006 (6), to extend the term, and on June 23, 2010 (4), to adjust rent, improve public access, and give a one-time rent credit. The leases require rent to be renegotiated every five years to keep current with market rates and are due for adjustment on July 1, 2015.

This is a request for approval of the proposed Third Amendments to two aviation leases, County Contracts No. 104566 and No. 104567. The amendments will increase monthly rent to reflect current market rates, effective July 1, 2015. If the

proposed action is adopted, rents for these leases will increase by \$749 per month for contract No. 104566 for total monthly revenue of \$11,832, and a monthly increase of \$1,712 for total monthly revenue of \$27,768 for contract No. 104567.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2015-16 CAO Recommended Operational Plan for the Airport Enterprise Fund. If approved, this request will result in total annual revenue of \$475,200 for County Contracts No. 104566 and No. 104567 in the Fiscal Year 2015-16 Airport Enterprise Fund spending plan; an increase of \$29,532 over the budgeted amount. These leases will be subject to an annual consumer price index adjustment and renegotiation every five years. The funding source for additional revenue is rental payments from the lessee under the terms of the amended agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendments are categorically exempt from CEQA review as they consist of the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the Third Amendments to Aviation Lease Agreements with SCIF Palomar, LLC, County Contracts No. 104566 and No. 104567. **(4 VOTES)**

ACTION:

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

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

There being no further business, the Board adjourned at 11:29 a.m.

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

Consent: Vizcarra

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, June 10, 2015.



BILL HORN
Chairman

Attest:



DAVID HALL
Clerk of the Board

05/06/15