

**May 7, 2014**

**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, MAY 07, 2014, 09:00 A.M.**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:02 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Greg Cox; Dave Roberts; Ron Roberts; also Thomas J. Pastuszka, Clerk.

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:  
          APPEAL OF PLANNING COMMISSION DECISION TO DISAPPROVE OAK  
          TREE RANCH TENTATIVE MAP; RAMONA COMMUNITY PLANNING AREA
  
2.        PROGRESS REPORT FOR THE DEPARTMENT OF PLANNING &  
          DEVELOPMENT SERVICES
  
3.        APPROVAL OF JOINT SECURED AGREEMENT FOR PUBLIC  
          IMPROVEMENTS FOR TPM 21125 LOCATED IN THE LAKESIDE  
          COMMUNITY PLAN AREA  
  
          (RELATES TO SANITATION DISTRICT AGENDA NO. SA1)
  
4.        DEPARTMENT OF PARKS AND RECREATION - APPROVAL OF LEASE  
          AMENDMENT WITH SPRINT AT SAN DIEGUITO PARK  
          [FUNDING SOURCE(S): RENT REVENUE RECEIVED UNDER THE TERMS OF  
          THE PROPOSED LEASE AMENDMENT]  
          (4 VOTES)

5. PROVENCE HOUSE PARKING LEASE AGREEMENT, ESTABLISH APPROPRIATIONS AND AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT  
[FUNDING SOURCE(S): EXISTING NEIGHBORHOOD REINVESTMENT PROGRAM FUNDS AND UNANTICIPATED REVENUE FROM THE PARKS AND RECREATION TRUST FUND]  
(4 VOTES)
6. REQUEST FOR SOLE SOURCE PROCUREMENT OF MOSQUITO LARVICIDE FOR AERIAL AND LAND APPLICATION TO PREVENT WEST NILE VIRUS  
[FUNDING SOURCE(S): VECTOR CONTROL BENEFIT ASSESSMENT]
7. FILED COMMUNICATIONS – LAND DEVELOPMENT PERFORMANCE REVIEW COMMITTEE MEMO
8. AUTHORIZATION TO EXECUTE THE EXTENSION OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT EXERCISE OF POWERS AGREEMENT  
[FUNDING SOURCE(S): GENERAL PURPOSE REVENUE]

1. **SUBJECT: NOTICED PUBLIC HEARING:  
APPEAL OF PLANNING COMMISSION DECISION TO  
DISAPPROVE OAK TREE RANCH TENTATIVE MAP;  
RAMONA COMMUNITY PLANNING AREA (DISTRICT: 2)**

**OVERVIEW:**

Application date: January 31, 2013

This is a request for the Board of Supervisors to consider the applicant's appeal of the Planning Commission's disapproval of proposed Tentative Map 5574. The applicant proposes a Tentative Map (TM) to convert 119 existing and 136 future mobilehome spaces from rental spaces to resident-owned spaces. The 136 future mobilehome spaces would be constructed on an approximately 50 acre undeveloped area of the site. An expanded on-site private circulation system, installation of necessary serving facilities and utilities, and grading, at a minimum, would be required to create 136 new spaces for the placement of future mobilehomes.

The TM requested by the applicant is a discretionary action and therefore, subject to the California Environmental Quality Act (CEQA). PDS and County Counsel have had the opportunity to review and comment on the applicant's proposal throughout the Major Pre-Application and TM process. During these reviews, PDS issued a letter that outlined the technical studies necessary to analyze the potential impacts associated with the expansion of the mobilehome park, and analyzed potential CEQA exemptions. To date, the applicant has not provided any technical documents to determine the project's impacts, if any, in accordance with CEQA and contends the project is exempt from CEQA. The case numbers for this project are PDS2012-3992-12-006 and PDS2013-TM-5574.

The subject site is approximately 92 acres in size and is located southeast of Black Canyon Road and north of Orange Avenue in the Ramona Community Plan area within unincorporated San Diego County. The site is partially developed with a mobilehome park consisting of 119 prepared mobilehome spaces, 75 of which are currently occupied with mobilehomes. The site also contains private facilities including a clubhouse, recreation room, laundry facilities and a pool (57th Edition Thomas Guide Page 1133, A/6).

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**PLANNING COMMISSION**

1. By a vote of 3-3-1 on January 24, 2014, TM 5574 was deemed disapproved by the Planning Commission in accordance with County Administrative Code Section 388. By way of this vote, the Planning Commission recommendation is disapproval of TM 5574.

**DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES**

1. Deny the appeal for the reasons discussed in this Board Letter.
2. Disapprove TM 5574 for the reasons stated in this Board Letter and attachments and adopt the Resolution Denying TM 5574 in Attachment C.

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Horn, the Board closed the Hearing and continued the item to July 9, 2014 at 9:00 a.m. to allow the applicant to submit a replacement map for the conversion of 119 existing mobilehome spaces from rental to resident-owned spaces.

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

2. **SUBJECT: PROGRESS REPORT FOR THE DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES (DISTRICTS: ALL)**

**OVERVIEW:**

On May 9, 2012 (2), the Board of Supervisors directed the Chief Administrative Officer to take the actions necessary to create a new County department that centralizes land development services to provide a more seamless customer experience. On September 25, 2012 (11), through the Board's adoption of ordinance amendments to the Zoning Ordinance, County Code and County Administrative Code, the Department of Planning & Development Services was established.

Today's item will present an 18-month progress report for Planning & Development Services.

**FISCAL IMPACT:**

There is no fiscal impact associated with this progress report.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Receive the progress report for Planning & Development Services and provide follow up direction as necessary.

**ACTION:**

Agenda items 2 and 7 were heard concurrently. ON MOTION of Supervisor Jacob, seconded by Supervisor R. Roberts, the Board took action as recommended and adopted Resolution No. 14-051, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS DISSOLVING THE LAND DEVELOPMENT PERFORMANCE REVIEW COMMITTEE.

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

NOES: Horn

**3. SUBJECT: APPROVAL OF JOINT SECURED AGREEMENT FOR PUBLIC IMPROVEMENTS FOR TPM 21125 LOCATED IN THE LAKESIDE COMMUNITY PLAN AREA (DISTRICT: 2)**

**OVERVIEW:**

This is a request for the Board of Supervisors and the Board of Directors to consider the approval of a Joint Secured Agreement for public improvements for a proposed parcel map. This project is a minor subdivision consisting of four single-family residential parcels and a remainder parcel on a total of 9.36 acres. It is located in Lakeside, on the north side of Pepper Drive at Somerlane Street (Thomas Guide page 1251, J-2, 2000 Edition).

This project is being brought before both Boards for approval of joint agreement for public improvements.

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Acting as the Board of Supervisors:

Approve and authorize the Clerk of the Board to execute a Joint Agreement to Improve Minor Subdivision, which includes street and drainage improvements, water facilities and sewer facilities (Attachment B).

Acting as the Board of Directors of the San Diego County Sanitation District:

Approve and authorize the Clerk of the Board to execute a Joint Agreement to Improve Minor Subdivision, which includes street and drainage improvements, water facilities and sewer facilities (Attachment B).

(Relates to Sanitation District Agenda No. SA1)

**ACTION:**

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

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

ABSENT: Cox

4. **SUBJECT: DEPARTMENT OF PARKS AND RECREATION -  
APPROVAL OF LEASE AMENDMENT WITH SPRINT AT  
SAN DIEGUITO PARK (DISTRICT: 5)**

**OVERVIEW:**

The 125-acre San Dieguito Park, located in Rancho Santa Fe, provides a variety of recreational activities to the public (Thomas Guide page 1167, J-6). On March 19, 2004, the County executed a ten-year lease agreement with Sprint PCS LLC (Sprint) allowing Sprint to operate a cellular facility within San Dieguito Park. Since the expiration of the lease on March 18, 2014, Sprint has been a holdover on a month-to-month tenancy.

This request is to approve a lease amendment to extend the term of the lease for an additional 10 years and provide Sprint one 10-year extension option. Sprint may exercise one 10-year extension option, provided the County determines that an extension would be in the best interests of the County. The initial base monthly rent under the amended lease would be \$2,350 per month, which was determined by an independent appraisal to be fair market value. This rental rate would be subject to annual fixed three percent increases and would be renegotiated if Sprint exercises its option to extend. The lease is consistent with the Department of Parks and Recreation's Business Plan, and, if approved, would provide revenue to help offset the Department of Parks and Recreation's operations and maintenance expenses of County parks and facilities.

Today's request is to authorize the Director, Department of General Services to execute a lease amendment with Sprint and to take any other actions necessary to administer the lease and facilitate any extension options.

**FISCAL IMPACT:**

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for the Department of Parks and Recreation. If approved, this request will result in \$4,186 of unanticipated revenue for Fiscal Year 2013-14, and \$28,482 in total revenue for Fiscal Year 2014-15 and annual increases of three percent in succeeding years, in accordance with the lease agreement. The funding source will be rent revenue received under the terms of the proposed lease amendment. There will be no change in net General Fund costs and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find, in accordance with Section 15301 of California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendment is categorically exempt from CEQA review as it involves leasing and minor alteration of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Director, Department of General Services, subject to the approval of the Director, Department of Parks and Recreation, to execute two copies of the First Amendment to the Lease Agreement with Sprint PCS LLC and take any other actions necessary to administer the lease and facilitate any extension options. **(4 VOTES)**

**ACTION:**

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

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

ABSENT: Cox

5. **SUBJECT: PROVENCE HOUSE PARKING LEASE AGREEMENT, ESTABLISH APPROPRIATIONS AND AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT (DISTRICT: 1)**

**OVERVIEW:**

Provence House is located on a County-owned parcel in the City of Chula Vista (Thomas Guide, page 1310, G-2). The property is surrounded by the City of Chula Vista's Rohr Park. The County has made improvements to Provence House that will increase its appeal as an event facility. On April 15, 2014 (19), the Board approved the allocation of District One Neighborhood Reinvestment Program funds in the amount of \$250,000 for the design, environmental review and construction of a parking lot and trail adjacent to Provence House.

The Department of Parks and Recreation has negotiated a \$1-per-year lease with the City of Chula Vista for use of approximately 1 acre of Rohr Park to make trail improvements and construct a parking lot that will support operations at Provence House. Today's request is to approve a 20-year lease with optional extensions up to 25 additional years.

Today's request will also establish appropriations of \$250,000 from the Parks and Recreation trust fund to Capital Project 1018902, Provence House Parking Lot to fully fund the parking lot construction and trail improvements. In addition, the Board is requested to authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract estimated at \$420,000 including contingency. Additional project funds of \$80,000 will be used for project costs including design, environmental review, construction inspection, construction management and project administration for a total project cost of \$500,000. If

approved, project construction is scheduled to begin in fall 2014 and be completed in winter 2015.

**FISCAL IMPACT:**

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs and revenue of up to \$500,000 for Capital Project 1018902, Provence House Parking Lot. Funding sources will be existing Neighborhood Reinvestment Program funds (\$250,000) and unanticipated revenue from the Parks and Recreation trust fund (\$250,000). Construction costs for the proposed project are estimated at \$420,000 including contingency. Remaining funds of \$80,000 will be used for design, environmental review, construction inspection, construction management and project administration.

Upon project completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in the net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the approval of the Provence House Parking Lease is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378.
2. Find that the construction of the Provence House Parking Lot Project and trail improvements are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311.
3. Approve and authorize the Director, Department of General Services, subject to the approval of the Director, Department of Parks and Recreation to execute three copies of the lease and take any other actions necessary to administer the lease, and exercise any extension options.
4. Establish appropriations of \$250,000 in the Capital Outlay Fund for Capital Project 1018902, Provence House Parking Lot, based on unanticipated revenue from the Parks and Recreation trust fund. **(4 VOTES)**
5. 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 Provence House Parking Lot Project.

**ACTION:**

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

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

ABSENT: Cox

6. **SUBJECT: REQUEST FOR SOLE SOURCE PROCUREMENT OF MOSQUITO LARVICIDE FOR AERIAL AND LAND APPLICATION TO PREVENT WEST NILE VIRUS (DISTRICTS: ALL)**

**OVERVIEW:**

West Nile Virus has been found in the County of San Diego since the fall of 2003. Control measures are a key strategy in minimizing the impacts of the virus on our residents. The Department of Environmental Health's Vector Control Program uses a comprehensive approach for vectors and the diseases that they carry through surveillance, disease diagnostics, education and control. Results from applications of microbial larvicide, bacteria based insecticides that interfere with the gut of mosquito larvae using a helicopter reveal that mosquito populations can be significantly reduced if applied every three weeks. The Vector Control Program conducts aerial applications of larvicide every three weeks beginning in the spring (April/May) through fall (October/November) at up to 46 selected mosquito-breeding locations in the county. Ground based applications of larvicide at over 1,300 sites and neglected swimming pools are also conducted on an as needed basis in the county.

On April 28, 2010 (7), the Board of Supervisors approved a sole source agreement with Adapco for the purchase of larvicide and on November 9, 2011 (4), the Board authorized an increase in that sole source agreement. The proposed action is for the Board to approve the sole source purchase of larvicide to conduct the aerial and land applications at the same level that was approved in 2011. Adapco Inc. is the sole distributor of VectoMax® larvicide. For this reason, a sole source agreement with Adapco, Inc. is requested for a five-year period.

This is a request for approval of sole source procurement and authorization to enter into an agreement with Adapco, Inc. for an amount not to exceed \$750,000 per year for a period of five years, commencing with Fiscal Year 2014-2015 through Fiscal Year 2018-19.

**FISCAL IMPACT:**

Funds for this request will be included in the Fiscal Year 2014-16 CAO Recommended Operational Plan in the Department of Environmental Health. If approved, this request will result in \$750,000 cost and revenue in Fiscal Year 2014-15 and \$750,000 for each subsequent year through Fiscal Year 2018-19. The funding source will be Vector Control Benefit Assessment. There will be no change in net General Fund costs and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find 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. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director, Department of Purchasing and Contracting, to enter into negotiations with Adapco, Inc. and subject to successful negotiations and determination of a fair and reasonable price, award an agreement for trade mark product brand VectoMax® from Adapco, Inc. for five years through June 30, 2019, and an additional six months if needed, and to amend the contract as needed to reflect changes to services and funding, subject to approval of the Director of Environmental Health. Waive the advertising requirement of Board Policy A-87.

**ACTION:**

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

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

ABSENT: Cox

7. **SUBJECT: FILED COMMUNICATIONS – LAND DEVELOPMENT PERFORMANCE REVIEW COMMITTEE MEMO (DISTRICTS: ALL)**

**OVERVIEW:**

Board Policy A-72, Board of Supervisors Agenda and Related Process, authorizes the Clerk of the Board to prepare a Filed Communications for Board of Supervisors' Official Records. Routine informational reports, which need to be brought to the attention of the Board of Supervisors yet not requiring action, are listed on this document. Filed Communications documents are on file in the Office of the Clerk of the Board.

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**  
**CHIEF ADMINISTRATIVE OFFICER**

Note and file.

**ACTION:**

Agenda items 2 and 7 were heard concurrently. ON MOTION of Supervisor Jacob, seconded by Supervisor R. Roberts, the Board took action as recommended. The Board thanked the Land Development Performance Review Committee for their service, and adopted Resolution No. 14-051, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS DISSOLVING THE LAND DEVELOPMENT PERFORMANCE REVIEW COMMITTEE.

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

NOES: Horn

8. **SUBJECT: AUTHORIZATION TO EXECUTE THE EXTENSION OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT EXERCISE OF POWERS AGREEMENT (DISTRICTS: 2, 3 AND 5)**

**OVERVIEW:**

On May 16, 1989 (56), the Board of Supervisors approved the Joint Exercise of Powers Agreement (JEPA) between the County of San Diego and the cities of Del Mar, Escondido, Poway, San Diego and Solana Beach, which created the San Dieguito River Valley Regional Open Space Park (Park) Joint Powers Authority (JPA). Under the agreement, these agencies would work together to protect and preserve sensitive lands in the San Dieguito River Valley by placing the lands in public ownership for the benefit of future generations. The term of the JEPA is 25 years and will expire on June 12, 2014.

An amended JEPA was brought before your Board for approval and execution October 23, 2013 (2). In order to fully execute the JEPA amendment, all six member agencies must approve it. The County and the cities of Del Mar, Escondido, Poway and Solana Beach approved the amended JEPA in 2013. The City of San Diego has not approved it. Thus, an extension of the 1989 JEPA is needed at this time or the JPA will dissolve on June 12, 2014.

Today's request will authorize the Clerk of the Board of Supervisors to execute a JEPA extension as approved by the JPA Board on April 18, 2014, between the County and the cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. Only two member agency signatures are required to execute the JEPA extension. Today's request will direct staff to report back to the Board in six months.

**FISCAL IMPACT:**

There is no direct fiscal impact associated with the approval of the Extension of Joint Exercise of Powers Agreement (JEPA).

Funds for the County's annual contribution to the JEPA are included in the Fiscal Year 2014-15 CAO Recommended Operational Plan for the Land Use and Environment Group Executive Office. The County's annual contribution is \$254,100. It should be noted that this contribution amount is based on the formula in the amended JEPA that has not been fully executed by all member agencies. The funding source is General Purpose Revenue. 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 activity is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15320.
2. Approve and authorize the Clerk of the Board of Supervisors to execute the Extension of Joint Exercise of Powers Agreement between the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach Creating the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (Attachment A).
3. Direct staff to report back to the Board in six months on this item.

**ACTION:**

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

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

ABSENT: Cox

There being no further business, the Board adjourned at 11:27 a.m. in memory of Richard Pena, Michael Cavanaugh and Calvin Rodriguez.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors  
County of San Diego, State of California

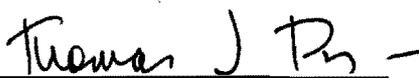
Consent: Miller  
Discussion: Panfil

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, May 21, 2014.

  
\_\_\_\_\_  
DIANNE JACOB  
Chairwoman

Attest:

  
\_\_\_\_\_  
THOMAS J. PASTUSZKA  
Clerk of the Board

05/07/14