

July 9, 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, JULY 09, 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 9:00 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Dave Roberts; Ron Roberts; also Nicole Temple, Assistant Clerk of the Board.

Absent: Supervisor Greg Cox

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

Board of Supervisors' Agenda Items

Agenda # Subject

1. CONTINUED FROM MAY 7, 2014 - APPEAL OF PLANNING COMMISSION DECISION TO DISAPPROVE OAK TREE RANCH TENTATIVE MAP; RAMONA COMMUNITY PLANNING AREA

2. NOTICED PUBLIC HEARING:
ISLAMI OPEN SPACE EASEMENT VACATION; VAC 13-005; LAKESIDE COMMUNITY PLAN AREA (6/18/2014 – SET HEARING; 7/9/2014 – HOLD HEARING)

3. 2013 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT

4. ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM FOR SAN LUIS REY RIVER PARK LAND ACQUISITION

5. ESTABLISH APPROPRIATIONS AND AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COLLIER PARK BASKETBALL COURT IMPROVEMENTS
[FUNDING SOURCE(S): OPERATING TRANSFER FROM THE PARKLAND DEDICATION AREA 28 RAMONA FUND]
(4 VOTES)

6. EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS
7. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: TRAFFIC ADVISORY COMMITTEE RECOMMENDATIONS
8. PUBLIC COMMUNICATIONS

1. **SUBJECT: CONTINUED FROM MAY 7, 2014 - APPEAL OF PLANNING COMMISSION DECISION TO DISAPPROVE OAK TREE RANCH TENTATIVE MAP; RAMONA COMMUNITY PLANNING AREA (DISTRICT: 2)**

OVERVIEW:

At the May 7, 2014 (1) Board of Supervisors (Board) hearing, the Board voted to continue the Oak Tree Ranch Tentative Map project to the July 9, 2014 hearing to allow the applicant to submit a replacement map for the conversion of 119 existing mobilehome spaces from rental to resident-owned spaces. The applicant had previously requested approval of a one lot subdivision for 255 condominium units. The applicant appealed the Planning Commission's disapproval of the one lot subdivision for 255 condominium units to the Board.

Based on the Board's direction at the May 7, 2014 hearing, Planning & Development Services (PDS), County Counsel and the applicant team have been working together to develop a replacement Tentative Map which meets all applicable laws, ordinances and regulations.

Working with the applicant team, PDS determined that seven spaces beyond the 119 existing spaces could be supported in a disturbed area within the existing footprint of the site which is currently graded and used for miscellaneous storage. A Replacement Tentative Map was provided by the applicant which includes a one lot subdivision for 126 mobilehome spaces (Attachment 2).

Today, the Board is asked to deny the applicant's appeal and approve the proposed Replacement Tentative Map for 126 mobilehome spaces.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Based on the replacement Tentative Map provided by the applicant for the conversion of 126 mobilehome spaces from rental to resident owned spaces, PDS has modified its recommendation to the Board as follows:

1. Deny the appeal requesting approval of 255 condominium units within a one lot subdivision at the Oak Tree Ranch for the reasons specified in the Board Letter and attachments and adopt the Resolution entitled RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS DENYING TENTATIVE MAP NO. PDS2013-TM-5574 in Attachment 3.

2. Find that Replacement Tentative Map 5574 dated June 4, 2014 for the conversion of 126 existing rental mobilehome spaces to resident ownership is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.8 as the conversion will not result in an expansion of or change in existing use of the property.
3. Adopt the environmental findings included in Attachment 5.
4. Approve Replacement Tentative Map 5574 dated June 4, 2014 authorizing 126 condominium units within a one lot subdivision at the Oak Tree Ranch. Adopt the Resolution entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING REPLACEMENT TENTATIVE MAP NO. PDS2013-TM-5574 in Attachment 4.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-090, entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS DENYING TENTATIVE MAP NO. PDS2013-TM-5574; and adopting Resolution No. 14-091, entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING REPLACEMENT TENTATIVE MAP NO. PDS2013-TM-5574.

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

ABSENT: Cox

2. **SUBJECT: NOTICED PUBLIC HEARING:
ISLAMI OPEN SPACE EASEMENT VACATION; VAC 13-005; LAKESIDE COMMUNITY PLAN AREA (6/18/2014 – SET HEARING; 7/9/2014 – HOLD HEARING) (DISTRICT: 2)**

OVERVIEW:

On June 18, 2014 (6), the Board set a Hearing for July 9, 2014.

Application date: December 19, 2013

This is a request for the Board of Supervisors (Board) to consider the vacation of an unnecessary 0.29-acre portion of a dedicated open space/trail easement pursuant to Board Policy I-103: Open Space Easement Vacations and the Streets and Highways Code. The portion of the easement requested to be vacated by the applicant was dedicated in association with the Lake Jennings Ranch Specific Plan (SP 77-06) and Tentative Map (TM 3626) which were approved by the Board on January 11, 1978 (16, 17, and 30-34). An Environmental Impact Report (EIR) was certified for Lake Jennings Ranch Specific Plan under Environmental Log No. 77-14-080. The existing open space easement was dedicated on the subject property for the sole purpose of reserving land for pedestrian and/or equestrian use. The width of the existing easement on the subject property far exceeds the minimum width required for pedestrian and/or equestrian use, and a realigned easement has been rededicated. The case number for this project is: PDS2013-VAC-13-005.

The portion of the easement to be vacated is located at the southwest corner of Lot 37 (Map 9552, Attachment H) (9425 Quail Canyon Road), within the Lakeside Community Plan area (2009 Thomas Guide, Page 1232, G/4).

Today's request requires two steps: on June 18, 2014, it is requested that the Board set a date for a public hearing on July 9, 2014 and provide notice of that hearing. If the Board takes the actions recommended for June 18, 2014, then on July 9, 2014, it is requested that the Board consider and adopt a resolution to vacate a portion of the referenced easements and record the resolution of vacation.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

1. Adopt the environmental findings included in Attachment D.
2. Adopt the resolution entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS VACATING PUBLIC SERVICE EASEMENT PDS2013-VAC-13-005 (Attachment C).
3. Direct the Clerk of the Board to record this resolution pursuant to the Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 14-092, entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS VACATING PUBLIC SERVICE EASEMENT PDS2013-VAC-13-005.

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

ABSENT: Cox

3. **SUBJECT: 2013 MULTIPLE SPECIES CONSERVATION PROGRAM
SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT
(DISTRICTS: ALL)**

OVERVIEW:

On October 22, 1997 (1), the Board of Supervisors adopted the County of San Diego Multiple Species Conservation Program South County Subarea Plan. The associated Implementing Agreement between the County of San Diego, California Department of Fish and Wildlife and United States Fish and Wildlife Service became effective on March 17, 1998. The Implementing Agreement requires the County to prepare an annual accounting of 1) all habitat gained through

acquisitions or dedications of open space; and 2) all habitat lost as a result of discretionary land use and certain ministerial actions.

The 2013 Multiple Species Conservation Program South County Subarea Plan Annual Report summarizes habitat gains and losses within the South County Subarea for the period of January 1, 2013 through December 31, 2013. This report also includes a discussion of management and monitoring programs and funding sources utilized by the County to meet its obligations pursuant to the Implementing Agreement.

Today's requested action is to receive the 2013 Multiple Species Conservation Program South County Subarea Plan Annual Report and approve the updated South County Subarea Plan Map.

FISCAL IMPACT:

There is no fiscal impact associated with the Board's acceptance of the 2013 Multiple Species Conservation Program South County Subarea Plan Annual Report and approval of the updated Multiple Species Conservation Program South County Subarea Plan Map. 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. Receive the 2013 Multiple Species Conservation Program South County Subarea Plan Annual Report (Attachment A).
2. Approve the updated Multiple Species Conservation Program South County Subarea Plan Map (Attachment B).

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board withdrew this item at the request of the Chief Administrative Officer, on Consent.

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

ABSENT: Cox

4. **SUBJECT: ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM FOR SAN LUIS REY RIVER PARK LAND ACQUISITION (DISTRICT: 5)**

OVERVIEW:

Through its annual Environmental Enhancement and Mitigation Program (EEMP), the California Natural Resources Agency provides grants to state and local governments for the acquisition and development of public outdoor recreation areas and facilities to mitigate environmental impacts of California transportation facilities. The Department of Parks and Recreation (DPR) has an approved Master Plan for the 1,600-acre San Luis Rey River Park (2012 Thomas Guide page 1067, J-4) that parallels State Route 76. The California Department of Transportation is constructing improvements to State Route 76 which have impacted the San Luis Rey River Valley. DPR is seeking external funding to purchase preserve land for the San Luis Rey River Park.

This is a request to adopt a Resolution authorizing DPR to apply for and accept up to \$350,000 of EEMP grant funds. If awarded, the EEMP grant funds, in conjunction with Multiple Species Conservation Plan funding, will be used to acquire 20.3 acres for planned open space and trail connections within the San Luis Rey River Park. The appraised value of the 20.3 acres is \$825,000. This request will also authorize the Director, Department of Parks and Recreation to conduct all negotiations and to execute and submit all documents necessary to apply for and accept grant funds if awarded. If authorized and grant funds are awarded, DPR will return to the Board for authorization to appropriate funds as necessary.

FISCAL IMPACT:

There is no fiscal impact associated with today's action. If approved, this request will authorize the Department of Parks and Recreation (DPR) to apply for and accept Environmental Enhancement and Mitigation Program (EEMP) grant funds of up to \$350,000. If awarded, the EEMP grant funds in conjunction with Multiple Species Conservation Program funding will be used to acquire 20.3 acres for planned open space and trail connections within the San Luis Rey River Park. The appraised value of the land is \$825,000. There is no match required for this grant. If awarded, DPR will return to the Board at a later date to appropriate grant funds and initiate the acquisition process. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Programmatic Environmental Impact Report (PEIR) dated February 2008, the Errata dated September 2008 and the Addendum dated August 8, 2011 for the San Luis Rey River Park Master Plan on file with the Department of Public Works, State Clearing House Number 2006051074, were completed in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines and that the Board has reviewed and considered the information contained therein and the Addendum thereto dated August 2011 on file with the Department of Public Works before approving the project and;

Per CEQA Guidelines Section 15162, find that there are no changes in the project or in the circumstances under which the project is undertaken which involve new significant environmental effects which were not considered in the previously certified PEIR, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the PEIR was certified.

2. Adopt the Resolution entitled:

RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM (EEMP) FOR THE SAN LUIS REY RIVER PARK LAND ACQUISITION.

3. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests and, if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-093, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM (EEMP) FOR THE SAN LUIS REY RIVER PARK LAND ACQUISITION.

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

5. **SUBJECT: ESTABLISH APPROPRIATIONS AND AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COLLIER PARK BASKETBALL COURT IMPROVEMENTS (DISTRICT: 2)**

OVERVIEW:

Collier Park is an 8.5 acre County park located in the community of Ramona (2006 Thomas Guide page 1152, H-6). Existing park facilities include a Boys and Girls Club, soccer arena, tennis courts, playgrounds and a native plant garden. The Collier Park Basketball Court Improvements project will convert one of the two existing tennis courts into a basketball court.

Currently one of the two tennis courts at Collier Park is underutilized. There are no nearby basketball courts and the community and the on-site Boys and Girls Club have expressed a need for a basketball court.

This is a request to establish appropriations of \$70,620 in Capital Project 1019116, Collier Park Basketball Court Improvements based on an operating transfer from Parkland Dedication Area 28 Ramona fund. In addition, the Board is requested to authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract estimated at \$55,620 including contingency. Remaining project funds of \$15,000 will be used for project design, inspection services, project management and project administration. If approved, project construction is scheduled to begin in fall 2014 and be completed by spring 2015.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2014-15 CAO Approved Operational Plan for the Capital Outlay Fund. If approved, this request will result in current year costs and revenue of \$70,620 for Capital Project 1019116, Collier Park Basketball Court Improvements. The funding source is an Operating Transfer from the Parkland Dedication Area 28 Ramona fund. Upon project completion, annual operations and maintenance of the improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in current year net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Collier Park Basketball Court Improvements project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303.
2. Establish appropriations of \$70,620 in the Parkland Dedication Area 28 Ramona, Operating Transfer Out, to provide funds for Collier Park Basketball Court Improvements, based on fund balance available. **(4 VOTES)**

3. Establish appropriations of \$70,620 in Capital Outlay Fund for Capital Project 1019116, Collier Park Basketball Court Improvements project, based on an Operating Transfer from Parkland Dedication Ordinance Area 28 Ramona fund. (4 VOTES)
4. 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 Collier Park Basketball Court Improvements 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: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS (DISTRICT: 5)**

OVERVIEW:

San Diego County Code of Regulatory Ordinances (County Code) Section 81.405, Extension of Time to Construct Required Improvements, enables the Board of Supervisors to consider time extensions for completion of required improvements for major subdivisions. The Department of Public Works reviews existing subdivision agreements and their bonding requirements to determine if a time extension is warranted. Bringing forward a single Board letter with a recommendation to extend the performance completion dates for multiple subdivisions is more efficient than reviewing and preparing individual Board letters for each subdivision.

This is a request to approve the extension of performance completion dates for four bonded subdivision agreements as noted below. Staff has determined that extensions are warranted for these agreements. The Board has previously approved final maps for all of these agreements. The requested extension time varies based on the level of project completeness and estimated time to finalize.

- Extend, to January 9, 2016, the performance completion dates in subdivision agreements for developments referenced by the following Tentative Map No.: 3734-2. Sycamore Ranch, a 56 residential lot project located in Fallbrook Community Plan Area (District 5).

- Extend, to July 9, 2016, the performance completion dates in subdivision agreements for developments referenced by the following Tentative Maps Nos.:
4805-1, Robin Court, a seven residential lot project located in North County Metropolitan Subregional Plan Area (District 5)

5005-1, Rancho Valencia Resort, a Condominium Project consisting of 80 commercial units, five commercial lots, two recreational lots, and one private street lot located in the San Dieguito Community Plan Area (District 5)

5134-1, Welk Garden Villas, a 10 lot Condominium Project consisting of 148 condominium units on four lots, three Open Space lots, one recreational lot, one private street lot, and one lot for a guard shack located in North County Metropolitan Subregional Plan Area (District 5)

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of agreements to complete subdivision improvements is not a project as defined in Section 15378 of the CEQA Guidelines.
2. Extend to January 9, 2016, the performance completion dates in subdivision agreements for developments referenced by the following Tentative Map No.: 3734-2.
3. Extend to July 9, 2016, the performance completion dates in subdivision agreements for developments referenced by the following Tentative Maps Nos. 4805-1, 5005-1 and 5134-1.

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: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF
ORDINANCE: TRAFFIC ADVISORY COMMITTEE
RECOMMENDATIONS (DISTRICTS: 2 & 3)**

OVERVIEW:

On June 25, 2014 (8), the Board of Supervisors introduced the Ordinance for further consideration and adoption on July 9, 2014.

The Traffic Advisory Committee meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. Three items were on the Committee's April 25, 2014 meeting agenda. The Committee recommends your action on all three items.

The Board of Supervisors' actions on Item 2-A would revise the County Code of Regulatory Ordinances and requires two steps. On June 25, 2014, the Board will consider the Traffic Advisory Committee items. If the Board takes action on June 25, 2014, then on July 9, 2014, a second reading of an Ordinance adding Section 72.169.93.3. of the San Diego County Code of Regulatory Ordinances would be necessary to implement the Board's direction for Item 2-A.

FISCAL IMPACT:

Funds for this proposal are included in the Department of Public Works Road Fund Fiscal Year 2013-14 Operational Plan. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

Adopt the Ordinance entitled:

AN ORDINANCE ADDING SECTION 72.169.93.3. TO THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO (Item 2-A).

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Ordinance No. 10345 (N.S.), entitled: AN ORDINANCE ADDING SECTION 72.169.93.3. TO THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO (Item 2-A).

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

ABSENT: Cox

8. SUBJECT: PUBLIC COMMUNICATIONS (DISTRICTS: ALL)

OVERVIEW:

Robert Germann spoke to the Board regarding Gillespie Field.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:06 a.m.

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

Consent: Gomez

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, July 30, 2014.


DIANNE JACOB
Chairwoman

Attest:


THOMAS J. PASTUSZKA
Clerk of the Board

07/09/14