

August 18, 2021

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, AUGUST 18, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:02 a.m.

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

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

- B. Closed Session Report

- C. Presentation or Announcement of Proclamations and Awards:

Vice-Chair Nora Vargas presented a proclamation declaring August 18, 2021, to be The International Friendship Park Day throughout the County of San Diego.

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

- E. Approval of the Statement of Proceedings/Minutes for the meeting of July 14, 2021.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of July 14, 2021.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

- F. Formation of Consent Calendar

- G. 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. | NOTICED PUBLIC HEARING:
JVR ENERGY PARK MAJOR USE PERMIT, FIRE PROTECTION
AND MITIGATION AGREEMENT, AND ENVIRONMENTAL
DOCUMENT |
| 2. | NOTICED PUBLIC HEARING:
PROPOSED ORDINANCE CHANGES TO PROVIDE FINAL ENGINEERING
FLEXIBILITY (08/18/2021 - 1ST READING; 09/01/2021 - 2ND READING) |
| 3. | NOTICED PUBLIC HEARING:
UPDATED CALIFORNIA ENVIRONMENTAL QUALITY ACT
GUIDELINES FOR HYDROLOGY AND WATER QUALITY |
| 4. | NOTICED PUBLIC HEARING:
HIDDEN MEADOWS - HIDDEN MEADOWS COUNTY PRESERVE -
APPROVE ACQUISITION OF APPROXIMATELY 277 ACRES OF
OPEN SPACE LAND (PARADIGM DEVELOPMENT L.P.) (6/30/2021 -
SET HEARING; 8/18/2021 - HOLD HEARING)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND
FUND BALANCE] |
| 5. | NOTICED PUBLIC HEARING:
VALLEY CENTER - PARADISE MOUNTAIN COUNTY PRESERVE-
APPROVE ACQUISITION OF APPROXIMATELY 419 ACRES OF
OPEN SPACE LAND (TITLE INSURANCE & TRUST CO HA NO 398)
(6/30/2021 - SET HEARING; 8/18/2021 - HOLD HEARING)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND
FUND BALANCE] |
| 6. | APPROVE AND RATIFY REVENUE AGREEMENT WITH THE
STATE OF CALIFORNIA FOR ENFORCEMENT OF THE STATE
RADIATION CONTROL LAW
[FUNDING SOURCE: REVENUE AGREEMENT WITH CDPH AND
1991 REALIGNMENT REVENUE] |
| 7. | ACCEPTANCE OF A DONATION FROM SDG&E COMPANY TO
THE DEPARTMENT OF PARKS AND RECREATION AND
AUTHORIZE THE ACCEPTANCE OF FUTURE ENVIRONMENTAL
IMPROVEMENT DONATIONS |

8. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE OTAY LAKES PARK IMPROVEMENT PROJECTS
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]
9. SET A HEARING FOR 09/01/2021:
MONTECITO RANCH OPEN SPACE VACATION,
PDS2020-VAC-20-001, RAMONA COMMUNITY PLAN AREA
(08/18/2021 - SET HEARING; 09/01/21 - HOLD HEARING)
10. TRAFFIC ADVISORY COMMITTEE (08/18/2021 - ADOPT
RECOMMENDATIONS; 09/01/2021 - SECOND READING OF
ORDINANCES)
11. CLOSED SESSION (CONTINUED ITEM FROM AUGUST 17, 2021 ITEM 25)
12. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING:
JVR ENERGY PARK MAJOR USE PERMIT, FIRE PROTECTION
AND MITIGATION AGREEMENT, AND ENVIRONMENTAL
DOCUMENT (DISTRICT: 2)**

OVERVIEW

Today's requested action is for the Board of Supervisors (Board) to consider a Major Use Permit (MUP), a Fire Protection and Mitigation Agreement to contribute ongoing funding toward fire services, and the Environmental Impact Report (EIR) for the JVR Energy Park (Project). The Project is a solar energy generation and storage facility which will produce 90 megawatts (MW) of renewable electric power and deliver it to an existing San Diego Gas & Electric (SDG&E) 138 kilovolt (kV) transmission line transecting the Project site that connects to the Boulevard Substation. The 604-acre solar facility will be developed within the 1,356-acre Project site, which includes a proposed 435-acre biological open space easement. No development is proposed within the remaining acreage of the Project site.

The site is located within the Jacumba Subregional Group Area, which is part of the Mountain Empire Subregional Plan Area, to the south of Interstate 8 (I-8), immediately east of the community of Jacumba Hot Springs, and immediately north of the U.S./Mexico international border. The Project will include photovoltaic units (solar) mounted on support structures, a battery energy storage system, a substation, a switchyard, overhead transmission lines, and supporting electrical components.

Based on comments received from the community during processing of the Project, the applicant, JVR Energy Park LLC, increased the setbacks from Old Highway 80 and Jacumba Community Park. In addition, staff recommended the inclusion of a 300-foot buffer from residential properties north of Old Highway 80 to increase the distance from these properties. Although the addition of buffers reduced the solar facility from 643 acres to 604 acres, the project revision to utilize improved photovoltaic (PV) solar panel technology still allows for a 90 MW power capacity. This technology includes the use of panels with increased wattage capacity and the use of dual-sided solar panels, which produce energy from both sides of the panels. The 604-acre solar facility, including the increased buffers, is called the Community Buffer Project to distinguish it from the original Project. On June 22, 2021, the Jacumba Community Sponsor Group submitted an alternative solar facility layout that they named the Equity for Jacumba Alternative. This alternative reduces the solar facility to 300 acres and focuses the development north of the town of Jacumba Hot Springs and does not allow for a 90 MW power capacity. Staff recommends that the Board adopt the Community Buffer Project, which is described below in the Background section and in greater detail as the Community Buffer Alternative in the Final EIR. Today, the Board is being requested to consider the MUP and the Fire Protection and Mitigation Agreement, and to certify the Final EIR. The Board can approve the Community Buffer Project, approve with modifications, or deny the Project.

Should the Board select an alternative that was not analyzed in the EIR, additional findings and analysis will likely need to be prepared for the Board's consideration.

RECOMMENDATION(S)

PLANNING COMMISSION

On July 9, 2021, the Planning Commission considered the JVR Energy Park Major Use Permit (Project) and made the following recommendations to the Board of Supervisors (Board):

1. Adopt the Environmental Findings, which include the certification and findings regarding significant effects of the project, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2018-ER-18-22-001 for the reasons stated therein and discussed in this report (Attachment A, on file with the Clerk of the Board).
2. Adopt the Community Buffer Alternative as described in Chapter 4, Project Alternatives of the Final EIR.
3. Approve Major Use Permit (MUP) PDS2018-MUP-18-022, and include the requirements and conditions set forth in the Form of Decision (Attachment B, on file with the Clerk of the Board).
4. Approve the Fire Protection and Mitigation Agreement between the County and JVR Energy Park LLC (Applicant) and authorize the County Fire Warden or their representative to sign the agreement for the County (Attachment C, on file with the Clerk of the Board).
5. Recommend that the Applicant work with the community to see what benefits they could bring to the community prior to the Board hearing this project.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

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

Require JVR Energy Park LLC (Applicant) to enter into a standard Defense and Indemnification Agreement, as modified, with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require the Applicant to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment D, on file with the Clerk of the Board).

EQUITY IMPACT STATEMENT

The JVR Energy Park Major Use Permit (Project) will provide renewable energy to San Diego Community Power, a Community Choice Aggregation (CCA) program. CCAs create a powerful, nimble, and responsive opportunity to address community needs through clean energy access, local jobs and economic benefits, and healthier environments. Unlike investor-owned utilities, CCAs are governed by local public officials who are close to the communities they serve, allowing the CCA to guide their respective agency's formation, policies, procurement, and rate design with community priorities; prioritize equity and inclusion in a wide range of planning and policy decisions; and put policy into practice through programs to reduce energy- and transportation-related greenhouse gas emissions in the built environment and bring underrepresented community members into the energy workforce.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took the following actions:

1. Include staff recommended clarifications noted in the presentation:
 - a. Clarifying that the Major Use Permit (MUP) will grant a height exception for switchyard and substation towers;
 - b. Changing the timing of decommissioning bond and plan to be submitted before the first building permit; and,
 - c. Adding a mitigation plan requirement for the tricolored blackbird.
2. Adopted the Environmental Findings, which include the certification and findings regarding significant effects of the project, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2018-ER-18-22-001 for the reasons stated therein and discussed in this report.
3. Adopted the Community Buffer Alternative as described in Chapter 4, Project Alternatives of the Final EIR.
4. Approved Major Use Permit (MUP) PDS2018-MUP-18-022, and include the requirements and conditions set forth in the Form of Decision.
5. Approved the Fire Protection and Mitigation Agreement between the County and JVR Energy Park LLC (Applicant) and authorize the County Fire Warden or their representative to sign the agreement for the County.
6. Required JVR Energy Park LLC (Applicant) to enter into a standard Defense and Indemnification Agreement, as modified, with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require the Applicant to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed.
7. Directed the applicants to provide \$4,000,000 toward community benefits in Jacumba prior to approval of a grading permit and the applicant shall report to Planning & Development Services what funds have been spent and for what types of projects. The applicant shall use all reasonable diligence to spend all the funds to the satisfaction of Planning & Development Services.

8. Change the project set back from 300 to 400 feet, with acknowledgement that the applicant will strive for a 1,000 foot set back.

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

**2. SUBJECT: NOTICED PUBLIC HEARING:
PROPOSED ORDINANCE CHANGES TO PROVIDE FINAL
ENGINEERING FLEXIBILITY (08/18/2021 - 1ST READING;
09/01/2021 - 2ND READING) (DISTRICTS: ALL)**

OVERVIEW

On February 12, 2020, (6), the Board of Supervisors (Board) directed staff in the Department of Planning & Development Services (PDS,) to reduce time and costs of discretionary permit processing across seven categories and return to the Board with recommendations for review and direction. The discretionary permitting process requires various technical studies and analyses, multiple stages of evaluation, and the determination of compliance with policies and regulations, all of which can be a costly and lengthy process. PDS staff has prepared options to increase discretionary permit processing efficiencies that reduce time and costs for customers, as well as make the process more predictable and transparent. All seven categories are described in the background section of the Board Letter. One of the categories is the subject of this Board Letter, as described below.

The Board directed staff to return with the Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) by February 2023. This effort will not reduce the quality of PDS review of permit applications or create shortcuts or loopholes in the permitting process that would impact public safety, quality of life, environmental protection, or limit intended public participation. Instead, the effort allows applicants some flexibility when responding to outside agency conditions, without having to necessarily go through new permitting with the County as currently required.

The discretionary permit process applies to projects that are subject to CEQA and require the exercise of judgement on the part of decision makers. Examples of discretionary projects are Tentative Maps, Major Use Permits, Minor Use Permits, and Site Plans. Examples of projects that are exempt from CEQA are building permits, which are approved if the project complies with all applicable regulations. These are called ministerial permits. Final engineering plans, such as grading and improvement plan permits, further refine the design of a project while building plans develop this information to the level of detail needed for construction.

After a discretionary permit (e.g., a subdivision or a use permit) is approved, if changes are made to a project or there are changes to law after a project is approved, a subsequent discretionary permitting process is required. In the case of subdivision maps to divide one property into separate individual lots, a revised map may be required. In the case of use permits, a minor deviation allowing up to a 10 percent change to an approved permit may be allowed. If the proposed change exceeds 10 percent, a modification may be required. Proposed project changes can be the result of updated State or federal regulatory requirements such as stormwater law changes, fire or building code changes, and biological resource law changes. By providing final engineering flexibility, the County can allow certain project

changes required to comply with changes in State or federal regulatory requirements, without requiring a modification to a use permit or a revised map if specific findings are made, as listed below.

Proposed changes as a result of State or federal regulatory changes would be provided an additional 10 percent change allowance, if the following findings are met: 1) the change does not result in a new or substantially increased significant impact in accordance with CEQA; 2) the change does not result in a situation that would be detrimental to the health, safety, or welfare of the public; and 3) the change does not result in the elimination of project features required to meet the County code requirements. Examples of project features required to meet the County code requirements that cannot be eliminated include: trails that provide connection through the project that are needed for regional connectivity; reduction in the overall amount of parkland approved with the original project; elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project; and elimination of space needed for required water supply wells or onsite wastewater treatment systems (septic). To implement Final Engineering Flexibility, changes will be made to the County Zoning Ordinance, Subdivision Ordinance, and Grading Ordinance.

RECOMMENDATION(S) PLANNING COMMISSION

On April 16, 2021, Planning Commission considered staff's recommendation of the Proposed Ordinance Changes to Provide Final Engineering Flexibility and recommended approval of staff's recommendation to the Board.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

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

1. Find that the Final Program EIR for the General Plan, dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, was completed in compliance with the CEQA and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum thereto, dated February 11, 2021, on file with PDS as PDS2020-MISC-20-029, before making its recommendation on the Zoning Ordinance, Subdivision Ordinance, and Grading Ordinance Amendments.

Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated August 3, 2011, 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 EIR was certified as explained in An Addendum to the Previously Certified Environmental Impact Report, LOG No. 02-ZA-00 for the County of San Diego (Attachment A on file with the Clerk of the Board).

2. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Zoning Ordinance Amendment titled:
AN ORDINANCE AMENDING SECTION 7609 OF THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATING TO MINOR DEVIATION OF PLAN (Attachment B, on file with the Clerk of the Board).

3. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Subdivision Ordinance Amendment titled:
AN ORDINANCE AMENDING SECTIONS 81.501 AND 81.801 OF THE COUNTY OF SAN DIEGO SUBDIVISION ORDINANCE RELATING TO MAPS AND PARCEL MAPS TO CONFORM TO REQUIREMENTS (Attachment C, on file with the Clerk of the Board).
4. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Grading Ordinance Amendment titled:
AN ORDINANCE AMENDING SECTIONS 87.203 AND 87.207 OF THE COUNTY OF SAN DIEGO GRADING ORDINANCE RELATING TO ISSUANCE OF GRADING PERMITS AND GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUS DISCRETIONARY LAND USE APPROVAL (Attachment D, on file with the Clerk of the Board).

If, on August 18, 2021, the Board takes action as recommended then, on September 1, 2021:

1. Consider and adopt the Ordinance Amending Section 7609 of the County of San Diego Zoning Ordinance Relating to Minor Deviation of Plan (second reading).
2. Consider and adopt the Ordinance Amending Sections 81.501 and 81.801 of the County of San Diego Subdivision Ordinance Relating to Maps and Parcel Maps to Conform to Requirements (second reading).
3. Consider and adopt the Ordinance Amending Sections 87.203 and 87.207 of the County of San Diego Grading Ordinance Relating to Issuance of Grading Permits and Grading Plans or Improvement Plans for Projects with Previous Discretionary Land Use Approval (second reading).

EQUITY IMPACT STATEMENT

No disadvantaged communities or Live Well Communities will be negatively impacted by the proposed efforts. The Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) will provide greater flexibility to applicants between the early design and final engineering of a project without creating shortcuts or loopholes in the permitting process that would otherwise impact public safety, quality of life, environmental protection, or limit intended public participation. Final Engineering Flexibility requires findings to ensure adverse impacts will not occur to parks, trails, emergency access or travel time, traffic, water wells, or septic systems in any communities. Final engineering flexibility would also provide options that are low cost and equitable for all permit applicants to more easily navigate through the permitting process.

The effort is not focused on a specific neighborhood but is applied throughout the unincorporated county. Because the effort provides options to reduce the time and cost spent on permit processing, the efforts would be more equitable to all permit applicants than current permitting process options. The effort would not adversely affect equity or result in unintended consequences to public health, housing, food, access and affordability, or jobs. For information on the outreach conducted as part as this effort, please see the Public Input section of this Board Letter.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years. The Proposed Ordinance Changes to Provide Final Engineering Flexibility will be implemented through publicly or privately initiated projects which are publicly or privately funded. Private development costs will be paid for by the private sector through the entitlement and permit processes. Public project costs will be identified during project development and funded in future Operational Plans.

BUSINESS IMPACT STATEMENT

The Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) would reduce the time and cost of permit processing for applicants. This effort would reduce review time by up to 11½ months and reduce costs to applicants by up to \$30,000.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, to further consider and adopt the Ordinances on September 1, 2021.

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

3. **SUBJECT: NOTICED PUBLIC HEARING:
UPDATED CALIFORNIA ENVIRONMENTAL QUALITY ACT
GUIDELINES FOR HYDROLOGY AND WATER QUALITY
(DISTRICTS: ALL)**

OVERVIEW

On February 12, 2020, (6), the Board of Supervisors (Board) directed staff in the Department of Planning & Development Services (PDS), to reduce time and costs of discretionary permit processing across seven categories and return to the Board with recommendations for review and direction. The discretionary permitting process requires various technical studies and analyses, multiple stages of evaluation, and the determination of compliance with policies and regulations, all of which can be a costly and lengthy process. PDS staff has prepared options to increase discretionary permit processing efficiencies that reduce time and costs for customers, as well as make the process more predictable and transparent. All seven categories are described in the background section of the Board Letter. One of the categories is the subject of this Board Letter, as described below.

The Board directed staff to return with the Updated California Environmental Quality Act (CEQA) Guidelines for Hydrology and Water Quality (Updated CEQA Guidelines) by August 2021. This effort will not reduce the quality of PDS review of permit applications or create shortcuts or loopholes in the permitting process that would impact public safety, quality of life, environmental protection, or limit intended public participation. Instead, it provides options to applicants to conduct certain analyses at different times during the discretionary permit application process.

The discretionary permit process applies to projects that are subject to CEQA and require the exercise of judgement on the part of decision makers. Examples of discretionary projects are Tentative Maps, Major Use Permits, Minor Use Permits, and Site Plans. Examples of projects that are exempt from CEQA are building permits, which are approved if the project complies with all applicable regulations. These are called ministerial permits. Final engineering plans, such as grading and improvement plan permits, further refine the design of a project while building plans develop this information to the level of detail needed for construction.

The proposal is to update the County's Guidelines for Determining Significance for Hydrology and Surface Water Quality for consistency with updated regulations, create a more user-friendly document, and provide options to reduce time and costs associated with project discretionary review.

CEQA requires public agencies to review whether proposed projects will adversely impact the environment and if they do, to consider what measures will reduce those adverse effects. State CEQA Guidelines encourage lead agencies, like the County, to develop and publish the level at which the environmental impacts become significant. These are called thresholds of significance. A lead agency is the public agency that has the principal responsibility for carrying out or approving a project. The published CEQA Guidelines provide technical guidance for evaluating the potential significance of a project's impact on the environment and provide a consistent and objective basis for determining the level of impact, based to the extent possible on scientific and factual data. The significance of an activity may vary with the setting. For example, an activity that is not significant in an urban area like a city may be significant in a more rural environment. The Guidelines allow readers to more easily understand the facts and logic that led the lead agency to conclude if impacts are significant in technical reports and environmental documents.

The County CEQA Guidelines are guidance documents with thresholds of significance for separate environmental topics under CEQA such as biological resources, cultural resources, and geology, among others. These Guidelines provide transparency and a clear understanding of the requirements to applicants, County staff, consultants, and the public in analyzing projects for environmental impacts and preparing technical reports during CEQA review of discretionary permits.

As directed by the Board, the County CEQA Guidelines for hydrology and water quality are proposed to be changed as part of the Updated CEQA Guidelines. The Updated CEQA Guidelines establish standards and options for CEQA analysis for hydrology and water quality with the level of information needed for decision makers when considering discretionary permits. The information needed during this stage of review is at a level that allows the lead agency to determine a project's potential environmental impacts and apply corresponding project conditions and/or mitigation measures to reduce impacts.

To accomplish this, two options that project applicants can use have been incorporated into the Updated CEQA Guidelines for hydrology and water quality. The two proposed options allow for a planning-level project design analysis for stormwater quality and flood analyses. Stormwater reviews involve analysis of water quality from the built environment. Flood analysis is also known as hydrology which is the study of water, its properties, its distribution, and circulation as well as its effects on the surrounding environment. The existing guidelines do not allow a planning-level analysis but require final engineering-level analysis during the discretionary permit review phase. An example of a final-engineering level analysis is a

geotechnical report that analyzes the project terrain and provides construction details to withstand earthquakes.

A typical project goes through a series of progressively more detailed design and engineering phases. For context, the level of planning, design, and CEQA evaluation needed under the existing process for a discretionary permit is at a level that describes the intended land uses, including the project scope, the layout and design of buildings, parks, and related

infrastructure and public facilities. This level of design is commonly referred to as the “planning-level design phase.” Prior to any construction, final-engineering level analyses are required to comply with local, State, and federal regulations, but in much greater detail than the discretionary permit phase. The proposed options would not impact the environment, or jeopardize public safety, health, or welfare. An applicant would still need to obtain permits from State or federal agencies prior to approval of grading or construction permits, and detailed stormwater and flood analyses would still be required to ensure compliance with State and local water quality requirements.

Language in the Updated CEQA Guidelines has also been revised to be more understandable and user friendly. New or updated regulations since the previous guidelines went into effect were also incorporated into the Updated CEQA Guidelines with links. Additional detail can be found in the background section of this Board Letter.

RECOMMENDATION(S) PLANNING COMMISSION

On April 16, 2021, Planning Commission considered staff’s recommendation of the proposed Updated CEQA Guidelines for Hydrology and Water Quality and recommended approval to the Board.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission’s recommendations stated below.

1. Find that the Updated California Environmental Quality Act (CEQA) Guidelines for Hydrology and Water Quality (Updated CEQA Guidelines) comply with CEQA and State CEQA Guidelines because adoption of the Updated CEQA Guidelines is not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines Section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines Section 15060 (c); separately and independently, is categorically exempt pursuant to Section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines) as stated in the Updated CEQA Guidelines Notice of Exemption (Attachment A, on file with the Clerk of the Board).
2. Recommend that the Board of Supervisors adopt the Resolution:
**RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
ADOPTING THE COUNTY OF SAN DIEGO GUIDELINES FOR DETERMINING
SIGNIFICANCE, HYDROLOGY AND WATER QUALITY, INCLUDING
HYDROLOGY AND WATER QUALITY THRESHOLDS OF SIGNIFICANCE,
DATED AUGUST 18, 2021 (Attachment B, on file with the Clerk of the Board).**

EQUITY IMPACT STATEMENT

No disadvantaged communities or Live Well Communities will be negatively impacted by the proposed efforts. The Updated California Environmental Quality Act (CEQA) Guidelines for Hydrology and Water Quality (Updated CEQA Guidelines) will provide the basis for consistent, objective, and predictable evaluation of significant effects on hydrology and water quality from proposed projects. The Updated CEQA Guidelines will require projects to meet regulations to ensure no additional pollutants enter impaired or non-impaired water bodies, preventing over-burdening of water bodies in any geographical area. The Updated CEQA Guidelines would also ensure adequate flood control measures are taken to prevent further degradation of flood facilities. This effort will be applied within the County of San Diego jurisdiction and benefit all communities in the unincorporated area where projects are proposed.

The Updated CEQA Guidelines are not focused on a specific neighborhood but are applied throughout the unincorporated county. Because the effort provides options to reduce the time and cost spent on permit processing, the effort would be more equitable to all permit applicants than current permitting process options.

The effort would not adversely affect equity or result in unintended consequences to public health, housing, food, access and affordability, or jobs. For information on the outreach conducted as part of this effort, please see the Public Input section of this Board Letter.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years. The Updated California Environmental Quality Act (CEQA) Guidelines for Hydrology and Water Quality (Updated CEQA Guidelines) will be implemented through publicly or privately initiated projects which are publicly or privately funded. Private development costs will be paid for by the private sector through the entitlement and permit processes. Public project costs will be identified during project development and funded in future Operational Plans.

BUSINESS IMPACT STATEMENT

The Updated California Environmental Quality Act (CEQA) Guidelines for Hydrology and Water Quality (Updated CEQA Guidelines) would reduce the time and cost of permit processing for applicants. Flood reviews would reduce time by two to six months at the discretionary review phase and reduce the cost to applicants by approximately \$15,000 to \$30,000. Stormwater reviews would reduce time by five to nine months at the discretionary review phase and reduce the cost to applicants by approximately \$10,000.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the hearing and took action as recommended, adopting Resolution No. 21-139, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE COUNTY OF SAN DIEGO GUIDELINES FOR DETERMINING SIGNIFICANCE, HYDROLOGY AND WATER QUALITY, INCLUDING HYDROLOGY AND WATER QUALITY THRESHOLDS OF SIGNIFICANCE, DATED AUGUST 18, 2021.

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

**4. SUBJECT: NOTICED PUBLIC HEARING:
HIDDEN MEADOWS - HIDDEN MEADOWS COUNTY PRESERVE -
APPROVE ACQUISITION OF APPROXIMATELY 277 ACRES OF
OPEN SPACE LAND (PARADIGM DEVELOPMENT L.P.) (6/30/2021 –
SET HEARING; 8/18/2021 - HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

On June 30, 2021 (12), the Board of Supervisors set a Hearing for August 18, 2021.

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego county by preserving significant natural resources. A core aspect of DPR's conservation program is the acquisition, management and monitoring of open space lands that supports the preservation of sensitive species and habitat. The County of San Diego (County) has identified an approximately 277-acre property (Property) north of Mountain Meadow County Preserve and east of Keys Creek Preserve in Hidden Meadows. This acquisition meets the criteria for conservation due to the high-quality habitat and biodiversity, biological connectivity, access, and value. Acquisition of the Property would contribute to greenhouse gas reductions by approximately 325 metric tons of carbon dioxide equivalents per year. The County executed an Option Agreement with Paradigm Development L.P. (Seller) for the purchase of the Property for the appraised value of \$3,462,000 (\$12,500/acre).

The unincorporated county is comprised of three Multiple Species Conservation Program (MSCP) Plan Areas: the adopted South County Subarea Plan, the draft North County Plan, and the future East County Plan. Each MSCP Plan has been or will be designed to meet the needs of the habitats and species located within the respective Plan Area's unique geography. The Property is within the MSCP draft North County Plan Area. The MSCP is a long term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within the region. The County has acquired approximately 13,200 acres within the draft North County MSCP Plan Area. DPR implements the MSCP through open space acquisition, land management, and biological monitoring of sensitive habitats and species.

Acquiring the Property would further protect the region's biodiversity and supports implementation of the County's 2018 Climate Action Plan and efforts to improve water quality.

DPR currently owns and/or manages 55,500 acres of open space and park lands. As reported in the 2020 MSCP Annual Report, since 1998 and through December 31, 2020, the County has acquired approximately 23,300 acres of open space lands within the County's adopted MSCP South County Subarea, the draft North County, and future East County Plan Areas. In 2021, the County has acquired over 2,100 acres of open space land in the future East County Plan Area. As of June 2021, DPR has acquired approximately 25,400 acres of open space lands in all three MSCP Plan Areas since the start of MSCP implementation in 1998.

As reported in the 2020 MSCP Annual Report, from 1998 through December 2020, approximately \$213 million has been spent on County acquisitions in all three MSCP Plan areas, of which approximately \$118 million is from County funding and \$95 million is from partnering organizations and grants. From January 2021 through June 2021, approximately \$7.7 million has been spent on County acquisitions in the future East County Plan Area, of which approximately \$6.4 million is from County funding and \$1.3 million is from partnering organizations and grants to acquire over 2,100 acres of open space land.

DPR staff will have legal and physical access for DPR staff to the property for land stewardship, monitoring, and management activities. To maximize efficiency and monitoring of the Property, additional access through adjacent parcels is being pursued. The Board is requested to authorize DGS to execute all licenses, consents and/or access agreements with adjacent property owners as needed to obtain additional access.

Today's request is for the Board of Supervisors (Board) to set a hearing for August 18, 2021 to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on August 18, 2021, after making the necessary findings, the Board will be requested to authorize the purchase of the Property from Paradigm Development L.P. (Seller) for the appraised value of \$3,462,000 (approximately \$12,500 per acre). The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$3,882,500. Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. The annual costs to manage the Property are \$126,500, including the addition of 0.5 FTE Park Ranger who will lead ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs and staffing needs will be requested in the FY 2022-23 Operational Plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APNs 185-102-11, -12, -13, and -14 and a portion of 185-090-80 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15313 (Acquisition of Lands for Wildlife Conservation Purposes) and 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources).
2. Authorize the Director, Department of General Services, or designee to exercise the option to purchase APNs 185-102-11, -12, -13, and -14 and a portion of 185-090-80 for the appraised value of \$3,462,000.
3. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 185-102-11, -12, -13, and -14 and a portion of 185-090-80.
4. Authorize the Director, Department of General Services, or designee to execute all license agreements, consent agreements, and access agreements necessary to acquire additional access to the proposed acquisition Property through the adjacent parcels.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation Conservation Program's acquisition of properties with high-quality habitat is anticipated to result in positive public health impacts by improving water and air quality for all equity-seeking groups including Black, Indigenous, People of color (BIPOC), women, people with disabilities, immigrants, youth and the LGBTQ community. The acquisition of the Property will contribute acreage to multiple sustainability efforts, including expanding the draft MSCP North County Plan preserve area by 277 acres and reducing greenhouse gas reductions by 325 metric tons of carbon dioxide equivalents per year.

FISCAL IMPACT

There is no impact in Fiscal Year (FY) 2020-21. Funds for this request are included in the FY 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. If approved, this request will result in total project costs and revenue for the Property of \$3,882,500 itemized as follows: \$3,462,000 for Property acquisition, plus \$85,000 for staff time and appraisal reports to complete the transaction; \$4,500 for closing and title costs; \$331,000 in one-time land improvement costs, which includes \$280,000 for the preparation of a Resource Management Plan and initial species monitoring and \$51,000 to conduct initial stewardship that features signage, access control, vegetation management, erosion control, and small tools and other supplies and services and on-going management. The funding source is available prior year General Fund fund balance (\$3,882,500). There will be no change in net General Fund cost and no additional staff years in FY 2021-22.

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$126,500, itemized as follows: Approximately \$500 for fixed charge assessments; \$16,000 for adaptive management and biological monitoring; \$73,500 for annual total operating costs for managing the site; and \$36,500 for the addition of 0.5 full-time equivalent (Park Ranger) positions. Ongoing costs, staffing, and funding sources will be included and identified in the FY 2022-23 Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

5. **SUBJECT: NOTICED PUBLIC HEARING:
VALLEY CENTER - PARADISE MOUNTAIN COUNTY
PRESERVE- APPROVE ACQUISITION OF APPROXIMATELY
419 ACRES OF OPEN SPACE LAND (TITLE INSURANCE &
TRUST CO HA NO 398) (6/30/2021 - SET HEARING; 8/18/2021 –
HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

On June 30, 2021 (13), the Board of Supervisors set a Hearing for August 18, 2021.

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego county by preserving significant natural resources. A core aspect of DPR's conservation program is the acquisition of open space lands that supports the preservation of sensitive species and habitat. The County of San Diego (County) has identified an approximately 419-acre property (Property) southwest of Hellhole Canyon Preserve in Valley Center. This acquisition meets the criteria for conservation due to the high-quality habitat and biodiversity, biological connectivity, access, and value. Acquisition of the Property would contribute to greenhouse gas reductions by approximately 492 metric tons of carbon dioxide equivalents per year. County executed an Option Agreement with Title Insurance & Trust Co H A No 398 (Seller) for the purchase of the Property for the appraised value of \$3,100,000 (\$7,400/acre).

The unincorporated county is comprised of three Multiple Species Conservation Program (MSCP) Plan Areas: the adopted South County Subarea Plan, the draft North County Plan, and the future East County Plan. Each MSCP Plan has been or will be designed to meet the needs of the habitats and species located within the respective Plan Area's unique geography. The Property is within the MSCP draft North County Plan Area. The MSCP is a long term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within San Diego county. The County has acquired approximately 13,200 acres within the draft North County MSCP Plan Area. DPR implements the MSCP through open space acquisition, land management, and biological monitoring of sensitive habitats and species. Acquiring the Property would further protect the region's biodiversity and supports implementation of the County's 2018 Climate Action Plan and efforts to improve water quality.

DPR currently owns and/or manages 55,500 acres of open space and park lands. As reported in the 2020 MSCP Annual Report, since 1998 and through December 31, 2020, the County has acquired approximately 23,300 acres of open space lands within the County's adopted 3 MSCP South County Subarea, the draft North County, and future East County Plan Areas. In 2021, the County has acquired over 2,100 acres of open space land in the future East County Plan Area. As of June 2021, the County has acquired approximately 25,400 acres of open space lands in all three MSCP Plan Areas since the start of MSCP implementation in 1998.

As reported in the 2020 MSCP Annual Report, from 1998 through December 2020, approximately \$213 million has been spent on County acquisitions in all three MSCP Plan areas, of which approximately \$118 million is from County funding and \$95 million is from partnering organizations and grants. From January 2021 through June 2021, approximately \$7.7 million has been spent on County acquisitions in the future East County Plan Area, of which approximately \$6.4 million is from County funding and \$1.3 million is from partnering organizations and grants to acquire over 2,100 acres of open space land.

Today's request is for the Board of Supervisors (Board) to set a hearing for August 18, 2021 to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on August 18, 2021, after making the necessary findings, the Board will be requested to authorize the purchase of the Property from Title Insurance & Trust Co H A No 398 for the appraised value of \$3,100,000 (approximately \$7,400 per acre). The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$3,603,300. Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. The annual costs to manage the Property are

\$111,500, including the addition of 0.5 FTEs Park Ranger who will lead ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs and staffing needs will be requested in the FY 2022-23 Operational Plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APNs 190-040-24, 190-061-02, -03, -32, -33, -34, -35, 190-062-08, -09, -10, 190-172-05, -13, -14, -15 and -16 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15313 (Acquisition of Lands for Wildlife Conservation Purposes) and 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources).
2. Authorize the Director, Department of General Services, or designee to exercise the option to purchase Assessor Parcel Numbers 190-040-24, 190-061-02, -03, -32, -33, -34, -35, 190-062-08, -09, -10, 190-172-05, -13, -14, -15 and -16 for the appraised value of \$3,100,000.
3. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 190-040-24, 190-061-02, -03, -32, -33, -34, -35, 190-062-08, -09, -10, 190-172-05, -13, -14, -15 and -16.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation Conservation Program's acquisition of properties with high-quality habitat is anticipated to result in positive public health impacts by improving water and air quality for all equity-seeking groups including Black, Indigenous, People of color (BIPOC), women, people with disabilities, immigrants, youth and the LGBTQ community. The acquisition of the Property will contribute acreage to multiple sustainability efforts, including expanding the draft MSCP North County Plan preserve area by 419 acres and reducing greenhouse gas reductions by 492 metric tons of carbon dioxide equivalents per year.

FISCAL IMPACT

There is no impact in Fiscal Year (FY) 2020-21. Funds for this request are included in the FY 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. This request will result in total project costs for the Property of \$3,603,300 itemized as follows: \$3,100,000 for property acquisition, plus \$60,000 for staff time and appraisal reports to complete the transaction; \$4,300 for closing and title costs; \$439,000 in one-time land improvement costs, including \$320,000 for the preparation of a preserve specific Resource Management Plan and initial species monitoring and \$119,000 to conduct initial stewardship that features signage, access control, vegetation management, erosion control, vehicle, radio communications, and small tools and other supplies and services and on-going management. The funding source is available prior year General Fund fund balance (\$3,603,300).

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$111,500 itemized as follows: Approximately \$500 for fixed charge assessments; \$20,000 for adaptive management and biological monitoring; \$54,500 for annual total operating costs for managing the site; and \$36,500 for the addition of 0.5 full-time

equivalent (Park Ranger) positions. Ongoing costs, staffing, and funding sources will be included in the FY 2022-23 Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

6. SUBJECT: APPROVE AND RATIFY REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR ENFORCEMENT OF THE STATE RADIATION CONTROL LAW (DISTRICTS: ALL)

OVERVIEW

Radiation is energy that travels in invisible waves or rays. Although radiation is naturally present in the environment, it can have either beneficial or harmful effects, depending on its use and control. The Radiation Control Law (California Health and Safety Code §§ 114960 – 115273) establishes regulations for sources of radiation. It requires radioactive materials to be used and stored in a way that minimizes exposure and protects the public and radiation workers.

The California Department of Public Health (CDPH) is designated as the State agency responsible for enforcement of the Radiation Control Law; however, CDPH may enter into agreements with agencies to implement a local program to perform technical evaluations of radioactive materials and conduct inspections of facilities with radiation producing machines. The County of San Diego and Los Angeles County are the two agencies in the state that implement a local program. The local program in San Diego county benefits all residents by acting as a local source of subject-matter expertise for radiation emergency preparedness efforts in the region.

Since 1986, the Department of Environmental Health and Quality (DEHQ) has entered into an agreement with CDPH to enforce the Radiation Control Law throughout the San Diego region. DEHQ's Radiological Health Program inspects radiation producing machines and evaluates usage and disposal of radioactive materials, performs technical evaluations of license applications, conducts complaint investigations, and responds to radiological emergencies in the region. These activities protect the environment and the residents from the harmful effects of radiation by overseeing more than 2,800 facilities with x-ray machines and 125 facilities with radioactive material use.

On August 5, 2020 (12) the Board of Supervisors approved and authorized the DEHQ Director to execute a one-year revenue agreement with CDPH to enforce the Radiation Control Law in San Diego county for the period of July 1, 2020 through June 30, 2021.

This is a request for DEHQ to execute a three-year revenue agreement with CDPH in the amount of \$3,205,203 to continue local enforcement of the Radiation Control Law for the period of July 1, 2021 through June 30, 2024. The estimated total program cost is \$3,505,141 for the same period. Each year the County of San Diego (County) receives ongoing 1991 Health Realignment revenue from the State, and a portion of this funding is used to offset the remaining costs for the Radiological Health Program. The 1991 Health Realignment revenue is dedicated State funding provided to counties to cover costs associated with public health, mental health, and social services program responsibilities transferred from the State to counties. DEHQ will use \$299,938 of 1991 Health Realignment revenue funding for the Radiological Health Program expenditures not allowable under the revenue agreement, including a portion of County overhead, salary and benefit costs, which are capped by the State under the revenue agreement.

A waiver of Board Policy, B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is requested in the amount of \$299,938 because DEHQ does not receive full cost reimbursement for this agreement. In addition, ratification is requested as delayed receipt of the State agreement prevented DEHQ from bringing the agreement to the Board at least 60 days before the effective date of the agreement, and work began before the agreement was in place, as required by Board Policy B-29. The County of San Diego received a final revenue agreement from the CDPH on June 28, 2021.

If approved by the Board, these recommendations allow for continued implementation of the local program and authorize the DEHQ Director, or their designee, to execute a revenue agreement with CDPH in the amount of \$3,205,203 for the period of July 1, 2021 through June 30, 2024 to fund the Radiological Health Program, and adopt a resolution authorizing DEHQ to receive the funds. If the recommendations are not approved by the Board, enforcement of the Radiation Control Law would instead be conducted by CDPH.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3), since it can be seen with certainty that there is no possibility this project may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15308, since it is an action taken by a regulatory agency to assure the protection of the environment.
2. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, which requires full cost recovery for revenue contracts as well as docketing revenue contracts with the Board at least 60 days prior to the effective date of the contract.
3. Ratify acceptance and authorize the Director, Department of Environmental Health and Quality, or their designee to execute a three-year revenue agreement with the California Department of Public Health, Radiologic Health Branch to enforce the State Radiation Control Law in San Diego County, in the amount of \$3,205,203 for the period July 1, 2021 through June 30, 2024.

4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH/RADIOLOGIC HEALTH BRANCH FOR ENFORCEMENT OF THE RADIATION CONTROL LAW FOR FISCAL YEARS 2021-22, 2022-23, AND 2023-24.
5. Authorize the Director, Department of Environmental Health and Quality, or their designee to execute any amendments, extensions, and/or revisions thereof that will allow the County to more closely achieve full cost recovery, or that do not materially impact or alter either the program or funding level.

EQUITY IMPACT STATEMENT

The revenue agreement with the State of California for enforcement of the State Radiation Control Law (revenue agreement) will have a positive health impact on all demographics in the region by ensuring radioactive materials are used and stored in a way that eliminates unnecessary exposure and protects the public and radiation workers. The Department of Environmental Health and Quality plans to meet or exceed the required performance measures established by the State in the revenue agreement, such as conducting inspections of facilities with x-ray machines or radioactive materials and investigating complaints.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If approved, this request will result in a three-year revenue agreement with California Department of Public Health (CDPH) for \$3,205,203. The total program costs and revenue of \$1,156,774 for FY 2021-22 are included in the FY 2021-22 Operational Plan. The funding source is a revenue agreement with CDPH (\$1,068,401) and 1991 Realignment Revenue (\$88,373). DEHQ receives ongoing 1991 Realignment Revenue from the State, which is restricted to fund public health programs with insufficient funding, including the Radiological Health Program.

Projected total program costs in future years are estimated to be \$1,168,342 in FY 2022-23 and \$1,180,025 in FY 2023-24. These estimates do not include increases for expenditures such as salaries, retirement, health insurance, and overhead. The funding sources in future years are the revenue agreement with the CDPH (\$1,068,401 in FY 2022-23 and \$1,068,401 in FY 2023-24) and 1991 Realignment Revenue (estimated funding required of \$99,941 in FY 2022-23 and \$111,624 in FY 2023-24). Funds for subsequent years of the agreement, including unreimbursed costs, will be included in future Operational Plans in DEHQ.

A waiver of Board Policy, B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery is requested in the amount of \$88,373 for FY 2021-22 and for future years program costs (estimated at \$99,941 in FY 2022-23 and \$111,624 in FY 2023-24) that would be funded with 1991 Realignment Revenue. These amounts include a portion of County overhead, salary and benefit costs, which are capped by the CDPH agreement. There will be no change in net General Fund cost and no additional staffing.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, adopting Resolution No. 21-140, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH/RADIOLOGIC HEALTH BRANCH FOR ENFORCEMENT OF THE RADIATION CONTROL LAW FOR FISCAL YEARS 2021-22, 2022-23, AND 2023-24.

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

7. **SUBJECT: ACCEPTANCE OF A DONATION FROM SDG&E COMPANY TO THE DEPARTMENT OF PARKS AND RECREATION AND AUTHORIZE THE ACCEPTANCE OF FUTURE ENVIRONMENTAL IMPROVEMENT DONATIONS (DISTRICTS: ALL)**

OVERVIEW

The Department of Parks and Recreation (DPR) manages more than 150 locations across 56,000 acres of land, and over 380 miles of multi-use trails. Trees are valuable assets to the park system and the overall health of residents in the County of San Diego, as they serve as important climate buffers that moderate temperature and moisture, remove carbon dioxide from the atmosphere, and increase the usability and enjoyment of parks by all park visitors.

On May 19, 2021, the Board authorized the advertisement and award of contracts estimated at \$2,000,000 for the purchase of approximately 3,500 trees through multiple vendors, the installation of watering systems, removal of dead and diseased trees, and the equipment needed to plant and maintain the trees through the Comprehensive Tree Program. The San Diego Gas & Electric Company (SDG&E), a subsidiary of Sempra Energy, is seeking to donate 2,000 native trees (valued at \$200,000) to be used for DPR's Comprehensive Tree Program. The donation will allow the Comprehensive Tree Program to plant up to 2,000 more trees and for the program to purchase supplies to improve tree planting and maintenance. The trees will be planted to support a healthy regional tree canopy system to replace lost trees because of age, drought, and pest infestation, improve air quality and provide additional shade to park visitors throughout the County of San Diego. Through the Comprehensive Tree Program, DPR supports the County's 2018 Climate Action Plan goal of reducing greenhouse gases by 1,796,692 metric tons of carbon dioxide equivalent by 2030.

In addition to the acceptance of the tree donation from SDG&E, this item proposes to streamline the process for DPR to accept future donations from individuals, businesses, and non-profit partners that seek to contribute funds and services to improve the environment and their communities. County of San Diego Administrative Code Section 66, *Acceptance of Gifts*, and Board of Supervisors Policy A-112, *Acceptance and Use of Gifts and Donations*, requires the Board of Supervisors to approve the acceptance of donations that exceed \$5,000. This process can take three months or longer. Board approval to delegate authority to the DPR Director to accept donations that will improve the environment will streamline the donation process and make it easier for community partners to participate in improving the environment and their county parks. The types of items that could be donated include native plants and

trees, planting and maintenance services, and equipment to support planting and growth of native plants and trees. New donations exceeding \$5,000 accepted for the improvement of the environment will be reported to the Board of Supervisors through DPR's Semi-Annual Report of Gifts and Donations Totaling Over \$5,000.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3), 15304 (Minor Alterations to Land) and 15378.
2. In accordance with Administrative Code Section 66, Acceptance of Gifts and Board Policy A-112, Acceptance and Use of Gifts and Donations, accept a non-cash donation of 2,000 trees (valued at \$200,000) from the San Diego Gas & Electric Company to the Department of Parks and Recreation to be planted in County Parks to replace lost trees because of age, drought, and pest infestation, improve air quality, and provide additional shade to park visitors throughout the County of San Diego.
3. Authorize the Department of Parks and Recreation Director, or designee, to accept donations that will improve the environment that includes native plants and trees, services, and equipment. Donations accepted for the improvement of the environment will be reported to the Board of Supervisors through DPR's Semi-Annual Report of Gifts and Donations Totaling Over \$5,000.

EQUITY IMPACT STATEMENT

The planting of trees makes a positive health impact on all demographics in the County by removing carbon dioxide from the atmosphere, reducing erosion, and lowering the temperature of the air and ground under trees on hot days. Healthy tree canopies in parks ensure that parks have available and accessible shaded areas that can be enjoyed by the public during the hottest times of the year and reduce UV exposure.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. If approved, the Department of Parks and Recreation (DPR) will accept the donation of 2,000 trees estimated to have a value of \$200,000 from the San Diego Gas & Electric Company. The planting and annual maintenance of donated trees and future environmental donations will be provided by existing DPR staff. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

**8. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR
THE OTAY LAKES PARK IMPROVEMENT PROJECTS
(DISTRICT: 1)**

OVERVIEW

The Department of Parks and Recreation (DPR) operates Otay Lakes County Park (Park) near Lower Otay Reservoir in Chula Vista. In August 1999, DPR opened the Regional Park after acquiring the facility from the California Department of Transportation and conducting renovations. The 78-acre park includes a playground, picnic areas, horseshoe pits, hiking trails, an open lawn area and a native plant demonstration garden. The Boy Scouts of America San Diego- Imperial Council (Scouts) leases 43 acres of land in the park and has recently completed construction of a day-use area, overnight campground, and related recreational amenities (Campground) for joint-use by Scouts and the public. Estimated annual attendance of the park is approximately 50,000. DPR proposes to construct three capital projects concurrently to modernize the sewer and electrical infrastructure at the park and support the Campground.

The Park needs sewer and electrical infrastructure upgrades to support current operations and new amenities. Three concurrent capital projects are proposed to provide these upgrades. The Otay Lakes Sewer project will replace the park's existing septic system with new sewer infrastructure, pumping stations and connect to the City of Chula Vista wastewater system. The existing system is aging and does not have the capacity to support new park facilities. The Otay Lakes County Park Electrical Upgrades project will increase available power to the park to support new park amenities and more adequately provide nighttime lighting. The Otay Lakes Park Campground project will install additional infrastructure for both electrical and sewer improvements to support the new Campground amenities including 20 no utility hook up campsites and future restroom building.

Today's proposed actions will authorize the Director of the Department of Purchasing and Contracting to advertise and award a contract for the construction for and to take any action authorized by Section 401, et seq. of the Administrative Code for the three capital projects for an estimated cost of \$3,000,000, including contingency. The remaining \$750,000 in project funding will be used for design, environmental analysis, inspection, construction management and project administration. The total cost will be \$3,750,000, and the funding source is available prior year General Fund fund balance. DPR will combine the three related projects under one construction contract to reduce disruption to park users and park operations.

The proposed projects and funding amounts: Otay Lakes Sewer project, \$2,000,000, the Otay Lakes County Park Electrical Upgrades project, \$1,000,000, and the Otay Lakes Park Campground project, \$750,000, is included in the Fiscal Year 2021-22 Operational Plan. If approved, construction is expected to begin fall 2021 and be completed in summer 2022.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Addendum to the Mitigated Negative Declaration (MND) for the Otay Lakes Campground State Clearinghouse No. 2020019003 on file at the Department of Parks and Recreation has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained in the MND and Addendum thereto date on August 2021 on file (Attachment B) prior to approving the

project, and that the Addendum reflects the independent judgement and analysis of the Board of Supervisors; and

Find that there are no changes in the project, proposed project, or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously authorized MND dated (June 24, 2020), that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the MND was authorized as explained in the Environmental Review Update Checklist Form dated (August 2021).

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 Otay Lakes Park Sewer project, Otay Lakes County Park Electrical Upgrades project, and Otay Lakes Park Campground project.
3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer responsible for administering the construction contract of the Otay Lakes Park Sewer project, Otay Lakes County Park Electrical Upgrades project, and Otay Lakes Park Campground project in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

Replacement of existing utilities and upgrades to park infrastructure will ensure continuation of accessible recreation amenities for all park users throughout the region. It is anticipated that the utility replacements and upgrades will have a positive health impact on all demographics in the county by ensuring that park facilities remain open and accessible.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Capital Outlay Fund. If approved, this request will result in current year costs of \$3,750,000 for the following:

- Capital Project 1021152 Otay Lakes Sewer (\$2,000,000)
- Capital Project 1022917 Otay Lakes County Park Electrical Upgrades (\$1,000,000)
- Capital Project 1021911 Otay Lakes Park Campground (\$750,000)

Upon project completion, annual operations, and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. The funding source is available prior year General Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

9. **SUBJECT: SET A HEARING FOR 09/01/2021:
MONTECITO RANCH OPEN SPACE VACATION,
PDS2020-VAC-20-001, RAMONA COMMUNITY PLAN AREA
(08/18/2021 - SET HEARING; 09/01/21 - HOLD HEARING)
(DISTRICT: 2)**

OVERVIEW

This item is a proposal to vacate a 220.5-acre biological open space easement dedicated to the County of San Diego and recorded on September 10, 2009 as DOC#2009-0506422 on the approximately 935.2-acre property known as Montecito Ranch in the Ramona Community. On August 4, 2010, the Board of Supervisors (Board) approved the Montecito Ranch Project, which consisted of 417 single-family residences, an 8.3-acre park, and an 11.9-acre historic park; however, the applicant for this project will not be moving forward with the development.

The Endangered Habitats Conservancy (EHC), a California non-profit corporation, acquired the entire Montecito Ranch property in 2020 through coordination with the Wildlife Conservation Board (WCB) and Naval Facilities Engineering Command Southwest (U.S. Navy). The Open Space Vacation of 220.5 acres is required to allow the authorization of funding by the U.S. Navy to allow the property to be maintained and managed as biological open space in perpetuity by EHC. The existing 220.5-acre biological open space easement was previously required to resolve unpermitted clearing which occurred while the Montecito Ranch Project application was in-process in the early 2000s. The previously approved Montecito Ranch Project entitlements for the property have been abandoned and the open space easement dedication for the Montecito Ranch Project is no longer required. The open space easement area will still be maintained by EHC for the preservation of biological resources, which is consistent with the original intent of the dedicated open space easement.

Today's request requires two steps: On August 18, 2021, it is requested that the Board set a date for a public hearing on September 1, 2021 and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended for today, then on September 1, 2021, it is requested that the Board consider and adopt a resolution to vacate the referenced open space easement, record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2021-VAC-21-001.

RECOMMENDATION(S)

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

On August 18, 2021, take the following actions:

1. Set a public hearing on September 1, 2021 at 9:00 a.m. to consider vacating the entirety of a 220.5-acre easement recorded as DOC#2009-0506422. (Attachment B, on file with the Clerk of the Board).
2. Direct the Clerk of the Board of Supervisors (Clerk) to provide notice of the hearing through publication and posting as required by law.

If on August 18, 2021 the Board takes the actions recommended in items 1-2, then on September 1, 2021:

1. Adopt the Environmental Findings, which include findings that the proposed project meets the conditions for the application of the California Environmental Quality Act (CEQA) Guidelines Section 15308 and 15061(b)(3) (Attachment E, on file with the Clerk of the Board).
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2021-VAC-21-001 (Attachment D, on file with the Clerk of the Board).

EQUITY IMPACT STATEMENT

The Montecito Ranch Open Space Vacation (Vacation) will result in preservation of 220.5 acres of land and biological resources within San Diego county and Ramona Community on a 935.2-acre property. The location and size of the property will contribute to preserving biological resources within the Ramona Community and assist with long-term preservation of biological resources within San Diego county. The preservation of this land will enhance the quality of the environment within the region by contributing to sustainability and conservation of land in perpetuity that promotes an environment where communities can prosper.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, setting a Hearing for September 1, 2021.

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

- 10. SUBJECT: TRAFFIC ADVISORY COMMITTEE (08/18/2021 - ADOPT RECOMMENDATIONS; 09/01/2021 - SECOND READING OF ORDINANCES) (DISTRICTS: 1, 2, & 5)**

OVERVIEW

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) in the 1960s as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide communities in the unincorporated region with a road system that strives to enhance safety and reduce congestion. To accomplish this, traffic policies are established to provide persons using the road system with consistent and uniform regulations. In order to be effective, these policies are designed to be legally enforceable so that the majority of motorists will comply. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County of San Diego (County) maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC

reviews and investigates the requested item including engineering and traffic condition studies.

The TAC recommends the Board act on eight items from the April 23, 2021, TAC meeting agenda:

District	Item	Location	Action
1	1-A	Corral Canyon Road, Bonita	Reduce the 35 MPH speed limit to 30 MPH and certify
2	2-A	Tavern Road, Alpine	Certify the 35 MPH speed limit
2	2-B	Tavern Road, Alpine	Reduce the 45 MPH speed limit to 40 MPH and certify
5	5-A	Alvarado Street, Fallbrook	Relocate the west endpoint of the speed zone from its current location to Brandon Road North and certify the 35 MPH speed limit
5	5-B	Alvarado Street, Fallbrook	Reduce the 35 MPH speed limit to 30 MPH and certify
5	5-C	Fallbrook Street, Fallbrook	Certify the 40 MPH speed limit
5	5-D	El Camino Real, Rancho Santa Fe	Certify the 45 MPH speed limit
5	5-E	El Camino Real, Rancho Santa Fe	Reduce the 45 MPH speed limit to 40 MPH and certify

Approval of Items 1-A through 5-E would support speed enforcement which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

The Board's action on Items 2-A, 5-C, and 5-D does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second hearing. Board direction on August 18, 2021 would allow implementation by DPW.

The Board's action on Items 1-A, 2-B, 5-A, 5-B, and 5-E would introduce an ordinance to amend speed limit zones. This action would revise County Code and requires two steps. On August 18, 2021, the Board would consider the TAC items. If the Board takes action as recommended on August 18, 2021, then on September 1, 2021, a second reading and adoption of ordinances amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

TRAFFIC ADVISORY COMMITTEE

District 1:

Item 1-A. Corral Canyon Road from Central Avenue to the Chula Vista city limit (near Country Vistas Lane) in Bonita - Reduce the existing 35 MPH speed limit to 30 MPH and certify the 30 MPH speed limit for radar enforcement.

District 2:

Item 2-A. Tavern Road from Victoria Park Terrace to Arnold Way in Alpine - Certify the existing 35 MPH speed limit for radar enforcement.

Item 2-B. Tavern Road from Arnold Way to South Grade Road in Alpine - Reduce the existing 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Alvarado Street from Vine Street to Stage Coach Lane in Fallbrook - Relocate the west endpoint of the speed zone from Vine Street to Brandon Road North and certify the existing 35 MPH speed limit for radar enforcement.

Item 5-B. Alvarado Street from Stage Coach Lane to Live Oak Park Road in Fallbrook – Reduce the existing 35 MPH speed limit to 30 MPH and certify the 30 MPH speed limit for radar enforcement.

Item 5-C. Fallbrook Street from Main Avenue to Stage Coach Lane in Fallbrook - Certify the existing 40 MPH speed limit for radar enforcement.

Item 5-D. El Camino Real from La Orilla to Linea del Cielo in Rancho Santa Fe - Certify the existing 45 MPH speed limit for radar enforcement.

Item 5-E. El Camino Real from Linea del Cielo to the San Diego city limit (near Rancho del Madison) in Rancho Santa Fe - Reduce the existing 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project 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 public facilities relating to regulatory traffic control on County maintained roadways, resulting in negligible or no expansion of existing or former use.
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 72.162.33., 72.169.7., 72.169.7.1., 72.169.88., AND 72.173. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 1-A, 2-B, 5-A, 5-B, & 5-E).

If, on August 18, 2021, the Board takes action as recommended, then, on September 1, 2021: Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.162.33., 72.169.7., 72.169.7.1., 72.169.88., AND 72.173. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 1-A, 2-B, 5-A, 5-B, & 5-E).

EQUITY IMPACT STATEMENT

The review of traffic signs and roadway markings supports vehicle safety on County of San Diego maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities and for people of all incomes, races and ethnicities, ages and abilities. Data-driven safety initiatives must be developed and

administered with an equity lens to ensure our most vulnerable and underserved populations are prioritized. The Department of Public Works' (DPW) actions must be sensitive to community desires and needs, striving to include the voice of every community in traffic safety. Understanding travel patterns, where fatal and serious injury crashes are occurring and the disproportionate impacts on certain communities will allow DPW to identify targeted actions to address the underlying factors and causes and improve safety.

DPW's Local Road Safety Program reviews fatal and severe injury collisions along roads segments within the unincorporated areas of the county and utilizes the Healthy Places Index and other tools to ensure our most vulnerable and underserved populations are prioritized. The Traffic Advisory Committee relies on the Local Road Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of the majority of drivers, the Traffic Advisory Committee also relies on various community engagement methods such as the Tell Us Now! mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the Department of Public Works Road Fund. 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 Desmond, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinance on September 1, 2021, on Consent.

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

11. SUBJECT: CLOSED SESSION (CONTINUED ITEM FROM AUGUST 17, 2021 ITEM 25) (DISTRICTS: ALL)

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Abiding Place Ministries v. County of San Diego, et al.; United States District Court, Southern District No. 3:21-cv-00518-BAS-LL
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Katy Williams, et al. v. County of San Diego, et al.; United States District Court No. 3:17-cv-00815-MMA-JLB

- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
K.J.P., et al. v. County of San Diego, et al.; United States District Court, Southern District No. 3:15-cv-02692-H.MDD
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Donna Blocker, et al. v. Crystal Rios, et al.; San Diego Superior Court, Case No. 37-2019-00031235-CU-PA-CTL
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Patricia Narciso v. County of San Diego, et al.; United States District Court, Southern District No. 20-cv-116-CAB-MSB
- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Wanda Yarborough v. County of San Diego, et al.; San Diego Superior Court Case No. 37-2019-00031415-CU-PA-CTL
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Joe M. Young v. County of San Diego, et al.; United States District Court, Southern District No. 3:20-cv-02441-H-AHG
- H. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Jaime R. Najarro, et al. v. County of San Diego, et al.; United States District Court, Southern District No. 3:20-cv-01394-W-WVG
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
County of San Diego v. DeLorenzo International Inc., et al.; San Diego Superior Court Case No. 37-2018-00064536 -CU-BC-CTL
- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Cleveland National Forest Foundation, et al. v. County of San Diego, et al;
San Diego superior Court, Case No. 37-2020-00031320-CU-WM-CTL
- K. 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)
- L. PUBLIC EMPLOYEE ANNUAL REVIEW
(Government Code section 54957)
Title: Clerk of the Board of Supervisors

ACTION:

County Counsel reported that for Closed Session on August 18, 2021, the Board of Supervisors took the following actions:

Item 25D: Donna Blocker, et al. v. Crystal Rios, et al., with all five Board members voting “AYE”, authorize County Counsel to settle this lawsuit involving an automobile accident between a vehicle driven by a Sheriff’s deputy and a vehicle driven by Ms. Blocker for \$900,000.

Item 25I: County of San Diego v. DeLorenzo International, Inc. et al., with all five Board members voting “AYE”, authorize County Counsel to accept \$150,000 from DeLorenzo to settle this lawsuit alleging that DeLorenzo improperly designed a project to convert ballfields at a County park from natural grass to artificial turf.

Item 25K: Anticipated Litigation re: Granite Construction Company, with all five Board members voting “AYE”, authorize County Counsel to settle this claim seeking reimbursement for improvements Granite made to State Route 76 for \$10,634,279.

12. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Audra Morgan spoke to the Board regarding vaccine effects.

Lori Saldaña spoke to the Board regarding powerlines and wildfires.

Kathleen Lippitt spoke to the Board regarding marijuana.

Ann Riddle spoke to the Board regarding Planning Group members and marijuana businesses.

Kevin Stevenson and Kyle Fanene spoke to the Board regarding concerns about comments during the August 17, 2021 Board meeting.

Dori Raferty spoke to the Board regarding concerns about marijuana businesses and the impact on the environment.

Terri Ann Skelly spoke to the Board regarding concerns about marijuana storefronts.

KB Strange spoke to the Board regarding concerns about marijuana businesses.

Diane Grace spoke to the Board regarding concerns about tobacco use among youth.

Mark Wilcox spoke to the Board regarding marijuana use among youth.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 1:19 p.m.

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

Consent: Rodriguez

Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday, September 01, 2021.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

08/18/2021