

September 25, 2019

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, SEPTEMBER 25, 2019, 9:00 AM
COUNTY OPERATIONS CENTER
CAMPUS CENTER CHAMBERS
5520 OVERLAND AVENUE
SAN DIEGO, CA 92123

Order of Business

A. **REGULAR SESSION:** Meeting was called to order at 9:00 a.m.

PRESENT: Supervisors Dianne Jacob, Chairwoman; Kristin Gaspar; Nathan Fletcher; Jim Desmond; also, Erin Demorest, Assistant Clerk of the Board of Supervisors.

ABSENT: Supervisor Greg Cox, Vice-Chairman

B. Closed Session Report

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

D. Approval of the Statement of Proceedings/Minutes for the meeting of September 11, 2019.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of September 11, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

E. Formation of Consent Calendar

F. Discussion Items

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

Board of Supervisors' Agenda Items

| Agenda # | Subject |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: TRAFFIC ADVISORY COMMITTEE (09/11/2019 - ADOPT RECOMMENDATIONS; 09/25/2019 - SECOND READING OF AN ORDINANCE) |

2. SAN MARCOS HIGHLANDS ANNEXATION AGREEMENT - ANNEXATION OF APPROXIMATELY 124.7 ACRES FROM THE UNINCORPORATED COUNTY TO THE CITY OF SAN MARCOS
3. EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS
4. GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR CALLE DEL SOL IN THE JAMUL AREA (VACATION NO. 2018-0297)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]
5. SAN DIEGO COUNTY LIBRARY - AGREEMENT BETWEEN THE CITY OF POWAY AND THE COUNTY OF SAN DIEGO FOR THE USE OF THE POWAY COMMUNITY BRANCH LIBRARY
[FUNDING SOURCE: SDCL REVENUES, INCLUDING PROPERTY TAXES AND LIBRARY USER FEES]
6. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR RIOS CANYON ROAD SIDEWALK IMPROVEMENTS PROJECT IN THE COMMUNITY OF LAKESIDE
[FUNDING SOURCE: FEDERAL FUNDING THROUGH A COMMUNITY DEVELOPMENT BLOCK GRANT AND REVENUE FROM THE HIGHWAY USER TAX]
(4 VOTES)
7. APPROVE A RESOLUTION TO ADOPT THE 2019 SAN DIEGO INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN AND TO APPLY FOR AND ACCEPT FUTURE IRWM GRANT FUNDING
[FUNDING SOURCE: STATE DEPARTMENT OF WATER RESOURCES (DWR), PROPOSITION 1, OR ANY FUTURE WATER BOND FUNDING THROUGH WHICH IRWM FUNDS ARE APPORTIONED]
8. AUTHORIZATION TO ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR SIDEWALK IMPROVEMENT PROJECTS AND AN INTERSECTION IMPROVEMENT PROJECT FOR FUERTE DRIVE AT AVOCADO BOULEVARD AND CALAVO DRIVE
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE AND PRIOR YEAR ROAD FUND FUND BALANCE]
9. NOTICED PUBLIC HEARING TO ADOPT RESOLUTION TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM INSTITUTED BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY
10. ADOPT ORDINANCE TO AMEND PORTIONS OF THE COUNTY CODE RELATING TO FLOOD DAMAGE PREVENTION TO IMPLEMENT FEDERAL NATIONAL FLOOD INSURANCE REQUIREMENTS AND MAKE CHANGES TO IMPROVE FLOOD MAPPING AND ORDINANCE LANGUAGE (09/25/2019 - FIRST READING ORDINANCE; 10/30/2019 ADOPT ORDINANCE)

11. PUBLIC COMMUNICATION

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (09/11/2019 - ADOPT
RECOMMENDATIONS; 09/25/2019 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: 2 & 3)**

OVERVIEW

On September 11, 2019 (03), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on September 25, 2019.

As part of the Department of Public Works' (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) 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 the communities in the unincorporated region with a safe and efficient road system. To accomplish this, it is necessary that traffic policies be established and used to provide persons using the road system with consistent and uniform regulations that are effective and can be legally enforced. 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-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 studies and studies of traffic conditions.

The TAC recommends the Board act on two items from the June 14, 2019, meeting agenda:

- Item 2-A is a review to establish an all-way stop at the intersection of Orville Street and Thayer Drive in Spring Valley at the request of area residents. The intersection of Orville Street and Thayer Drive meets the California Manual on Uniform Traffic Control Devices criteria for all-way stop. The TAC recommends establishing an all-way stop to minimize vehicle/pedestrian interactions at this intersection of two major residential roadways. This intersection is located near schools that generate high pedestrian volumes (STEAM Academy at La Presa, Kempton Street Literary Academy, and the Spring Valley Branch Library).

The Board's action on Item 2-A does not require a second hearing and Board direction on September 11, 2019 would allow implementation by DPW.

- Item 3-A is a periodic speed review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Citrus Avenue from State Route 78 to the Escondido City Limits in Escondido. Measured speeds averaged 48.9 MPH. Road operating conditions support the use of radar for enforcement of the existing 45 MPH posted speed limit. Approval of this item 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. Presently, this segment of Citrus Avenue is comprised of two speed zones with short lengths, both posted 45 MPH. Approval of this item would also combine these two segments into a single uniform 45 MPH speed zone ordinance.

The Board's action on Item 3-A would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On September 11, 2019, the Board would consider the TAC item. If the Board takes action on September 11, 2019, then on September 25, 2019, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTION 72.161.28. AND DELETING SECTION 72.179.5. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 3-A).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 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 Gaspar, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No.10624 (N.S.), entitled: ORDINANCE AMENDING SECTION 72.161.28. AND DELETING SECTION 72.179.5. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 3 A).

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

2. **SUBJECT: SAN MARCOS HIGHLANDS ANNEXATION AGREEMENT - ANNEXATION OF APPROXIMATELY 124.7 ACRES FROM THE UNINCORPORATED COUNTY TO THE CITY OF SAN MARCOS (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider approving an agreement between the County of San Diego (County), City of San Marcos (City), U.S. Fish & Wildlife Service (Service), California Department of Fish & Wildlife (Department), and Vista San Marcos, LP (Developer) for the annexation of a portion of the San Marcos Highlands project in the unincorporated area from the County into the City (Annexation Agreement).

The San Marcos Highlands project is a single-family residential development within the jurisdictions of both the City and the County. The project was approved in its entirety by the City on November 15, 2016. At the time of approval, the project was conditioned, at the County's request, to complete the proposed Annexation Agreement prior to the San Diego Local Agency Formation Commission (LAFCO) consideration of the transfer of land from the County to the City. The County requested the condition in order to address Section 6.7.3 of

the North and East County Multiple Species Conservation Program (MSCP) Planning Agreement which requires the County request an annexation agreement between the County, City, Service, and Department to ensure that the proposed annexation will not jeopardize the buildout of future preserves or compromise viable habitat linkages within the proposed preserves in the Planning Areas. The Planning Agreement defines the County's, Service's, and Department's commitment to the preparation of the MSCP Plans. The Developer proposes to annex approximately 124.7 acres of unincorporated property within the County's draft North County MSCP Plan Area into the City.

RECOMMENDATION(S)

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services recommends that the Board of Supervisors:

1. Find that the environmental impact report (EIR) on file with the City of San Marcos as Final Environmental Impact Report 15-001 (State Clearing House #1999071007) was completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein before approving the San Marcos Highlands Annexation Agreement. Find that the San Marcos Highlands Annexation Agreement would not cause changes in the San Marcos Highlands 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 November 15, 2016, 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.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, five original copies of the Annexation Agreement for San Marcos Highlands (Attachment B, on file with the Clerk of the Board) by and among the City of San Marcos, the County of San Diego, the United States Fish and Wildlife Service, the California Department of Fish and Wildlife, and Vista San Marcos, LP.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

A motion was made by Supervisor Desmond, seconded by Supervisor Gaspar, to take action as recommended.

AYES: Gaspar, Desmond

NOES: Jacob, Fletcher

ABSENT: Cox

(Motion failed due to a tie vote; per Rule 2(g) of the Board Rules of Procedure, this item is continued to October 16, 2019)

3. SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS (DISTRICT: 5)

OVERVIEW

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on major private development subdivisions. Subdivision developers, as conditions of their permits, are often required to construct specific improvements, such as roads and storm drainage systems, to benefit the public. In many cases, these improvements are accepted into the County-maintained system to be owned, operated, and maintained by the County of San Diego's (County) Department of Public Works in perpetuity. Subdivision Improvement Agreements and their bonding requirements protect the County by ensuring any required improvements are constructed for approved and mapped subdivisions. In the event of a default by the applicant, this bonding can be used to finance completion of the required improvements. However, under certain circumstances, the County is able to grant a time extension that allows the applicant time to complete construction while preserving the County's rights to have the public improvements constructed by the developer.

This is a request for the Board of Supervisors (Board) to approve two-year extensions of performance completion dates for the following subdivisions in District 5:

1. TM 4351-1, Mimulus Road, located in the Rancho Santa Fe area. This project has 8 single family residential lots, 1 private street lot, and the overall acreage is 16.9 acres.
2. TM 4908-2, Brook Hills Unit 2, located in the Fallbrook area. This project has 34 single family residential lots, 3 open space lots, 2 private street lots, and the overall area is 105.2 acres.
3. TM 5093-1, Rancho Cielo Estates, located in the Rancho Santa Fe area. This project has 96 single family residential lots, 4 open space lots, 10 private street lots, and the overall area is 245.0 acres.

Staff has determined the two-year extensions to complete improvements are warranted due to ongoing construction activities, requests from the developers to extend the time for completion, and the County's interest in receiving the improvements. Therefore, staff is recommending the County accept the delayed completion of the public improvements. Staff has also determined that there is adequate improvement security (i.e., capacity through a bond or other financial instrument) for each of the subdivision maps to guarantee completion of remaining work for each agreement recommended for extension, should that become necessary in the future.

Today's request is for the Board to approve the extension of the performance completion dates in subdivision agreements for developments referenced by Tentative Map No. 4351-1, Tentative Map No. 4908-2, and Tentative Map No. 5093-1 to September 25, 2021.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of the performance completion dates in subdivision agreements to complete subdivision improvements is not a "project" as defined in Section 15378 of the state CEQA Guidelines.
2. Extend, to September 25, 2021, the performance completion dates in subdivision agreements for developments referenced by Tentative Map No. 4351-1, Tentative Map No. 4908-2, and Tentative Map No. 5093-1.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. 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 Gaspar, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

4. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR CALLE DEL SOL IN THE JAMUL AREA (VACATION NO. 2018-0297) (DISTRICT: 2)**

OVERVIEW

The Department of General Services, Real Estate Services Division is processing a request to summarily vacate the remaining portion of an Irrevocable Offer of Dedication (IOD) over a portion of Calle del Sol (private) that is accessed from State Route 94 via Vista Diego Road (private). The IOD is located in Jamul, an unincorporated area of County and is within the Jamul Community Plan Area. A summary road vacation, or in this case an offer to dedicate, may be requested by the public if the road is found to be excess right of way not required for road purposes. In many cases the road vacation can be a public benefit through improved use of the land made available by the vacation.

The portion of Calle del Sol that is the subject of this vacation request can be determined to be excess right-of-way not required for street or highway purposes because this portion of the road does not provide connectivity to other public roads, is not County maintained, and is not a General Plan Mobility Element (ME) roadway. The IOD has never been accepted by the County of San Diego, there are no existing in-use public facilities that rely on the franchise utility rights associated with an accepted public road right of way, and no property owner would be land-locked as a result of the proposed vacation. Therefore, this excess right-of-way may be summarily vacated in accordance with California Streets and Highways Code section 8334.

Today's request is to approve and adopt a resolution to summarily vacate a portion of an IOD over a portion of Calle del Sol.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) because the action does not have a direct or indirect effect on the environment as it will only result in the vacation of an unnecessary irrevocable offer of dedication.
2. Approve and adopt the attached Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR CALLE DEL SOL IN THE JAMUL AREA (VACATION NO. 2018-0297).
3. Direct the Clerk of the Board to record the Resolution pursuant to California Streets and Highways Code section 8336.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$3,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-156, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR CALLE DEL SOL IN THE JAMUL AREA (VACATION NO. 2018-0297).

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

5. **SUBJECT: SAN DIEGO COUNTY LIBRARY - AGREEMENT BETWEEN THE CITY OF POWAY AND THE COUNTY OF SAN DIEGO FOR THE USE OF THE POWAY COMMUNITY BRANCH LIBRARY (DISTRICT: 2)**

OVERVIEW

On June 9, 1998 (53), the County of San Diego (County) Board of Supervisors (Board) signed an agreement to partner with the City of Poway (City) to provide library services to the residents and visitors of Poway. The San Diego County Library (SDCL) provides these services at the Poway Library facility, which is owned and maintained by the City. The SDCL and its staff provide free access to information, technology, and educational programs for the community. The City provides the facility that helps make these services possible, as well as the maintenance, repairs, landscaping and custodial services for the facility. This agreement

the maintenance, repairs, landscaping and custodial services for the facility. This agreement has been consistently renewed by the Board since it was adopted in 1998. Today's action requests approval for a new five-year Provision of Library Services Agreement (Agreement) with the City of Poway to continue library services based on the annual SDCL budget. The proposed Agreement was approved by the Poway City Council on August 6, 2019 (1.7) and will take effect on the date it is approved by the Board.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301.
2. Approve the Agreement between the City of Poway and the County of San Diego for the Use of the Poway Community Branch Library and authorize the Director, County Library, to execute two originals of the Agreement.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan for the San Diego County Library (SDCL). The estimated annual operating cost and revenue for the provision of Library services at the Poway Library is \$1,177,318. The funding sources are SDCL revenues, including property taxes and library user fees. There will be no change in net General Fund or Library Fund cost and no additional staff years.

Under the terms of the Provision of Library Services Agreement between the City of Poway (City) and the County of San Diego, the SDCL funds and provides staff, management oversight, library materials, and utilities necessary for library services. As owner of the building, the City funds and provides facility maintenance and repairs.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

6. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR RIOS CANYON ROAD SIDEWALK IMPROVEMENTS PROJECT IN THE COMMUNITY OF LAKESIDE (DISTRICT: 2)**

OVERVIEW

On April 8, 2015 (08), the Board of Supervisors approved a grant for the Active Transportation Program (ATP) from the San Diego Association of Governments. As part of the ATP grant, a Pedestrian Gap Analysis (PGA) was developed to identify locations in unincorporated communities where sidewalk could be built to enhance walkability in areas that attract pedestrians such as schools, parks, and shopping centers. Locations were identified based on existence of sidewalk, pedestrian access, and community input.

The Rios Canyon Road Sidewalk Improvements Project will fill a sidewalk gap at a location identified in the PGA. The project will construct new sidewalk and pedestrian ramps in the unincorporated community of Lakeside, enhancing accessibility and walkability on Rios Canyon Road, between Legacy Court and a private drive north of 14382 Rios Canyon Road. The Department of Public Works routinely looks for opportunities to apply for grant funding for sidewalk projects and was successful in obtaining a federal Community Development Block Grant (CDBG) to fund the project on November 28, 2018.

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Rios Canyon Road Sidewalk Improvements Project. If approved, construction is scheduled to begin by the end of 2019 and be completed in spring 2020. The construction cost is estimated at \$283,000 including contingency and the funding sources are federal funding through a CDBG (\$173,000) and revenue from the Highway User Tax (\$110,000).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Rios Canyon Road Sidewalk Improvements Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because it involves the minor alteration of an existing public roadway involving negligible or no expansion of an existing or former use.
2. Establish appropriations of \$173,000 in the Department of Public Works Road Fund Fiscal Year 2019-2020 Detailed Work Program for the Rios Canyon Road Sidewalk Improvements Project based on revenue from the Community Development Block Grant (\$173,000). **(4 VOTES)**
3. Authorize the Director of Purchasing and Contracting to advertise and award a construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the Rios Canyon Road Sidewalk Improvements Project.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Detailed Work Program. Construction project costs are estimated at \$283,000, including contingency. The funding sources are federal funding through a Community Development Block Grant (\$173,000) and revenue from the Highway User Tax (\$110,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

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

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

7. **SUBJECT: APPROVE A RESOLUTION TO ADOPT THE 2019 SAN DIEGO INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN AND TO APPLY FOR AND ACCEPT FUTURE IRWM GRANT FUNDING (DISTRICTS: ALL)**

OVERVIEW

Integrated Regional Water Management (IRWM) is a planning framework developed by the State of California to encourage collaboration among water resource managers and stakeholders to improve local water supply reliability and protect water quality and natural resources. The State Department of Water Resources (DWR) makes grant funding available to regions with approved IRWM Plans. Today's action would adopt a resolution to approve the 2019 San Diego IRWM Plan update and authorize County departments to apply for and accept future IRWM-related grant funding.

In 2005, the County of San Diego (County), City of San Diego (City), and San Diego County Water Authority (Water Authority) formed the San Diego IRWM Regional Water Management Group (RWMG). In 2007, the first San Diego IRWM Plan (Plan) was developed with input from the IRWM Regional Advisory Committee (RAC), which is comprised of representatives from more than 30 water supply agencies, wastewater and stormwater management agencies, tribes, and other environmental stakeholders. The Plan was updated in 2013. Governing boards for each RWMG entity approved adoption of both the 2007 and 2013 Plans, as required by the State. The County Board of Supervisors approved on November 7, 2007 (7) and October 9, 2013 (3).

The San Diego IRWM Plan establishes regional water management goals as well as criteria for how projects are selected for inclusion in regional grant applications submitted to the State for IRWM funding consideration. Since 2008, the State has awarded \$96.4 million in grants to the San Diego IRWM planning region, which includes the area within San Diego county draining westward from the mountains to the ocean. The eastern portion of San Diego county is managed by the Borrego Water District, and therefore not covered by the San Diego IRWM Plan. IRWM Plans must be updated periodically to maintain eligibility for State grant funding. A 2019 Plan update has been prepared with substantial input from RAC members. The updated Plan includes revisions to comply with new State requirements as well as updates to reflect current regional priorities. For example, the 2019 Plan assigns high priority to projects that enhance climate change resilience, capture stormwater runoff for reuse, or benefit disadvantaged communities. Once the Plan update is approved, the San Diego IRWM planning region will be eligible to receive approximately \$31 million in IRWM grant funding from DWR.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not subject to the California Environmental Quality Act (CEQA) as specified under CEQA Guidelines Section 15060(c)(3) because it is not a project as defined in Section 15378 of the state CEQA Guidelines.
2. Adopt the Resolution entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING ADOPTION OF THE 2019 SAN DIEGO INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN AND APPLICATION FOR AND ACCEPTANCE OF FUTURE IRWM FUNDING.
3. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for services provided under grants.

FISCAL IMPACT

There is no immediate fiscal impact associated with acceptance of the 2019 IRWM Plan and authorization to apply for and accept future IRWM grants from the State, however, adoption would provide opportunities for future grant revenues from State water bond programs that allocate money for IRWM projects. If grant funds are awarded, the funding source will be the State Department of Water Resources (DWR), Proposition 1, or any future water bond funding through which IRWM funds are apportioned. If the Department of Public Works (DPW) receives grants that require matching funds, the match will be provided by DPW general purpose revenue.

A waiver of Board Policy B-29 is requested because the proposed grant funding may not offset all operating costs. If approved and a grant is awarded, any unrecovered cost per Board Policy B-29 would be funded by available funds within DPW. If grant funds are awarded, DPW will return to the Board of Supervisors to request the necessary appropriations. 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 Gaspar, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-157, entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING ADOPTION OF THE 2019 SAN DIEGO INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN AND APPLICATION FOR AND ACCEPTANCE OF FUTURE IRWM FUNDING.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

8. SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR SIDEWALK IMPROVEMENT PROJECTS AND AN INTERSECTION IMPROVEMENT PROJECT FOR FUERTE DRIVE AT AVOCADO BOULEVARD AND CALAVO DRIVE (DISTRICTS: 1, 2, & 5)

OVERVIEW

On April 8, 2015 (08), the Board of Supervisors approved a grant for the Active Transportation Program (ATP) from the San Diego Association of Governments. As part of the ATP grant, a Pedestrian Gap Analysis (PGA) was developed to identify locations where added sidewalk could enhance walkability in areas that attract large numbers of pedestrians. Locations were identified based on several factors including existence of sidewalk, pedestrian access, and community input.

The 2019 Sidewalk Improvement Projects will construct new sidewalk and fill sidewalk gaps at four locations identified in the PGA. The four project locations are:

- North side of San Miguel Road in the unincorporated community of Sweetwater to improve pedestrian access in the vicinity of Sunnyside Elementary School.
- East side of Petite Lane in the unincorporated community of Lakeside to improve pedestrian access in the vicinity of Lindo Lake County Park and Tierra Del Sol Middle School.
- East side of Kenwood Drive in the unincorporated community of Spring Valley to improve pedestrian access to the local businesses and points of interest.
- South side of Oleander Avenue in the unincorporated community of North County Metro to improve pedestrian access in the vicinity of Joli Ann Leichtag Elementary School.

Community members identified an additional intersection improvement project located along Fuerte Drive at its intersections with Avocado Boulevard and Calavo Drive within the unincorporated community of Valle De Oro. Specifically, at the intersection of Fuerte Drive and Avocado Boulevard, the project would install pedestrian ramps at each corner, and existing medians along Avocado Boulevard would be replaced. Also, at the intersection of Fuerte Drive and Calavo Drive, a berm would be installed at the southwest corner, and a new median along Calavo Drive would be installed south of Fuerte Drive.

This is a request to approve the advertisement and subsequent award of multiple construction contracts to the lowest responsive and responsible bidder. Construction is scheduled to begin early 2020 and be completed by summer 2020. The construction cost is estimated at, \$1,550,000 including contingencies and the funding source is available prior year General Fund fund balance (\$1,300,000) and available prior year Road Fund fund balance (\$250,000).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the 2019 Sidewalk Improvement Projects and the Intersection Improvement Project for Fuerte Drive at Avocado Boulevard and Calavo Drive are independently and collectively exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because they involve the minor alteration of existing public roadways involving negligible or no expansion of an existing or former use.

2. Authorize the Director of Purchasing and Contracting to advertise and award multiple construction contracts and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the 2019 Sidewalk Improvement Projects and the Fuerte Drive at Avocado Boulevard and Calavo Drive Intersection Improvement Project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, construction project costs are estimated at \$1,550,000 including contingencies. The funding source is available prior year General Fund fund balance (\$1,300,000) and prior year Road Fund fund balance (\$250,000). There will be no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

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

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

9. **SUBJECT: NOTICED PUBLIC HEARING TO ADOPT RESOLUTION TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM INSTITUTED BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (DISTRICTS: ALL)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to adopt a resolution to join the Statewide Community Infrastructure Program (SCIP) managed by the California Statewide Communities Development Authority (CSCDA). SCIP was created by CSCDA to help finance development projects and is a tax-exempt bond financing program that pools the sale of bonds from different jurisdictions into one bond issuance. The bonds can finance impact fees and public improvements through establishing assessment districts that levy special assessments on property owners within the districts. SCIP provides local agencies a means of offering competitive financing to developers and minimizes local agency staff time by having CSCDA issue the bonds and administer the assessment districts.

The County of San Diego (County) has been a member of CSCDA since 1991. This has allowed the County and 501(c)(3) organizations in the region to use programs provided by CSCDA to access low-cost, tax-exempt bonds to finance or refinance the acquisition, construction, installation, expansion, or rehabilitation of land, buildings, and equipment. SCIP is one of several programs that are administered by CSCDA and available to the County. To participate in SCIP, members are required to adopt a Resolution authorizing CSCDA to form

assessment districts and issue bonds to finance impact fees and improvements on behalf of private development projects. Today's request is for the Board to adopt the resolution required for County participation in SCIP.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, pursuant to Section 15061 (b)(3) of the California Environmental Quality Act Guidelines, that actions to adopt the resolution to participate in the Statewide Community Infrastructure Program instituted by the California Statewide Communities Development Authority does not constitute a project, since it can be seen with certainty there is no possibility that it will have a significant effect on the environment.
2. Adopt a Resolution entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING THE COUNTY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS WITHIN THE TERRITORY OF THE COUNTY OF SAN DIEGO; APPROVING THE FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS (Attachment A, on file with the Clerk of the Board).

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The CSCDA will have primary responsibility for forming and administering an assessment district and issuing bonds, subject to approval of affected property owners. There will be some staff costs associated with reviewing applications and managing payment requests associated with development projects. However, developers are required to reimburse staff costs through developer deposit accounts established pursuant to County of San Diego ordinances, and as a condition of project approval. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Program participation would enhance the ability of a project applicant to pay County impact fees and build infrastructure improvements, such as recreational centers, parks, roads, trails, and sanitation systems, by providing a cost effective mechanism for the formation of assessment districts and issuance of bonds to reimburse developers for investments in public improvements.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 19-158, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING THE COUNTY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS WITHIN THE TERRITORY OF THE COUNTY OF SAN DIEGO; APPROVING THE FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

10. **SUBJECT: ADOPT ORDINANCE TO AMEND PORTIONS OF THE COUNTY CODE RELATING TO FLOOD DAMAGE PREVENTION TO IMPLEMENT FEDERAL NATIONAL FLOOD INSURANCE REQUIREMENTS AND MAKE CHANGES TO IMPROVE FLOOD MAPPING AND ORDINANCE LANGUAGE (09/25/2019 - FIRST READING ORDINANCE; 10/30/2019 ADOPT ORDINANCE (DISTRICTS: ALL))**

OVERVIEW

San Diego county has a semi-arid climate prone to both droughts and floods. Rain events can be intense, leading to catastrophic flooding. The unincorporated county has experienced severe flooding, which included loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief. These devastating events have brought to light the importance of mitigating risks to reduce loss of life and property.

The Flood Damage Prevention Ordinance (Ordinance) was adopted by the Board of Supervisors (Board) in 1988 to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding. The Ordinance includes requirements to elevate structures above the base flood elevation and to restrict residential or commercial uses within flood hazard areas which are dangerous to health, safety, or property due to flooding. These methods and provisions apply to new development and redevelopment within the floodplain.

The County of San Diego (County) participates in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (Insurance Program). The Insurance Program regulations require that new buildings and improvements exceeding 50 percent of a structure's value to existing buildings be protected from the "base flood," which has a 1% chance of occurring in any given year. Additionally, the Insurance Program encourages communities to address other concerns, such as protecting natural floodplain functions, health and safety, and critical facilities, such as hospitals, police stations, or fire stations. In exchange for making flood insurance and disaster assistance available to property owners within a jurisdiction, local governments must agree to adopt and enforce the Insurance Program's floodplain management standards within the boundaries of a floodplain shown on the FEMA

Flood Insurance Rate Maps or County maps. Additionally, the County participates in FEMA's Community Rating System Program, which enables residents to receive flood insurance at a reduced rate of 20% and this requires the County to go above and beyond the minimum Insurance Program standards by performing additional tasks and activities, such as education and outreach to the public, regulation and documentation of development within special flood hazard areas, and preservation of open space.

The Department of Public Works (DPW) has engaged with other County departments, the Building Industry Association (BIA), as well as other representatives from industry, the floodplain management and legal communities of practice, and regional planning bodies (e.g., San Diego Association of Governments) through the Flood Control District Advisory Commission and the Land Development Technical Working Group to gather feedback and concurrence.

The changes recommended to your Board fall into the following categories:

- Changes associated with FEMA
 - o Changes to meet minimum standards of the Insurance Program
 - o Changes to achieve consistency with language and definitions in the Code of Federal Regulations (CFR) and FEMA forms
- Change associated with a business process re-engineering collaboration with the BIA
- Administrative changes at the County level
 - o Changes to achieve consistency with the County Building Code
 - o Other administrative changes (grammatical and spelling corrections, formatting changes, etc.)

FEMA performed its most recent periodic Community Assistance Visit (CAV) to review the County's floodplain management program on May 23, 2018. FEMA identified necessary revisions to the County's Ordinance to meet the Insurance Program's minimum standards in a letter to the Board dated November 13, 2018. These changes are as follows:

1. Revise language to clarify that applicants need to obtain the necessary environmental permits, which also reflects current practice;
2. Revise language to clarify how the floodplain administrator may determine the base flood elevation or depth if it cannot be determined from County or FEMA floodplain maps, formalizing a pathway to use best available information; and
3. Revise and expand language in the Standards for Manufactured Homes Section to clarify that flood standards for manufactured homes also apply to existing manufactured homes that have been substantially damaged by flood.

Failure to implement these changes could adversely affect the County's participation in the Insurance Program, impacting residents' and businesses' ability to purchase Federally backed flood insurance, the County's ability to apply for hazard mitigation grants, and the County's ability to receive financial assistance following a disaster. In subsequent discussions, FEMA concurred with an extended timeline to update the County ordinance so that other changes, still in development, could be included. They expressed satisfaction with the docketing of an ordinance change for Board consideration in the next calendar year, with communication to follow once the change was adopted.

Concurrently, County staff met with BIA representatives and other industry professionals over 2017 and 2018 to discuss and streamline flood control reviews and permitting for land development projects. The BIA collaborative effort resulted in an additional proposed change to improve how flood maps are updated and maintained for Board consideration. The collaboration with the BIA concluded in December 2018, with results memorialized between January and March 2019. Between February and April 2019, the draft ordinance was coordinated within the County, including the Departments of Planning and Development Services, General Services, Parks and Recreation, and County Counsel. Between May and June 2019, the draft ordinance was coordinated externally with industry via the Land Development Technical Working Group, the Flood Control District Advisory Commission, the Flood Control Technical Advisory Committee, as well as BIA working group members from the 2017-2018 collaboration effort. Concerns identified by industry were resolved as of July 1, 2019.

Today's request is for the Board to adopt an ordinance amending the County Ordinance to reflect FEMA's current standards for participation in the Insurance Program and to ensure continued successful participation in the Community Rating System Program. Additionally, this action includes a recommendation generated from discussions with the BIA for the Board's consideration. This action also includes minor administrative changes to the Ordinance, as well as language changes to conform to language found in the Code of Federal Regulations, FEMA flood management forms, and the County Building Code.

The proposed action requires two steps. On September 25, 2019, it is requested that the Board approve introduction of the Ordinance. If the Board takes action on September 25, 2019, then on October 30, 2019, the Board may adopt the Ordinance.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Approve introduction (first reading), read the title, and waive further reading of the following ordinance:
ORDINANCE TO AMEND PORTIONS OF THE FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE § 811.101, ET SEQ. TO IMPLEMENT FEDERAL NATIONAL FLOOD INSURANCE REQUIREMENTS AND MAKE CHANGES TO IMPROVE FLOOD MAPPING AND ORDINANCE LANGUAGE.

If, on September 25, 2019 the Board takes action as recommended, then on October 30, 2019: Submit the ordinance for consideration and adopt (second reading).

ORDINANCE TO AMEND PORTIONS OF THE FLOOD DAMAGE PREVENTION ORDINANCE COUNTY CODE § 811.101, ET SEQ. TO IMPLEMENT FEDERAL NATIONAL FLOOD INSURANCE REQUIREMENTS AND MAKE CHANGES TO IMPROVE FLOOD MAPPING AND ORDINANCE LANGUAGE.

FISCAL IMPACT

There is no fiscal impact associated with today’s proposed actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

The County’s Flood Damage Prevention Ordinance provides requirements for flood protection for private and public development projects to provide clarity to developers while balancing the needs of the community. In addition, the update will allow for continued participation in the National Flood Insurance Program and the Community Rating System, resulting in reduced flood insurance rates for property owners.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on October 30, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

11. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Kathleen Lippitt spoke to the Board regarding public health and prevention of health-related problems.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:43 a.m.

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

Consent: Santiago

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 October 16, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

09/25/19