

**October 12, 2022**

**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, OCTOBER 12, 2022, 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 9:01 a.m.

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

(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, pursuant to Resolution No. 22-136, adopted September 13, 2022.)

- B. Closed Session Report
- C. 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.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of September 28, 2022.

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of September 28, 2022.

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

- E. 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**

- | <b>Agenda #</b> | <b>Subject</b>   |
|-----------------|--|
| 1.              | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE A PORTION OF THE ORIGINAL ALIGNMENT OF JAPATUL ROAD, IN THE ALPINE COMMUNITY PLAN AREA (VACATION NO. 2020-0117)<br>[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]  |
| 2.              | COUNTY OF SAN DIEGO TRACT NO. 5447-1 (FINAL MAP NO. 15938):<br>APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR QUANTUM ESTATES LOCATED IN THE SAN DIEGUITO COMMUNITY PLAN AREA   |
| 3.              | TRAFFIC ADVISORY COMMITTEE (10/12/2022 - ADOPT RECOMMENDATIONS;<br>10/26/2022 - SECOND READING OF AN ORDINANCE)<br>[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT]  |
| 4.              | ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR<br>ESTRELLA PARK WATER PROJECT<br>[FUNDING SOURCE: DEPARTMENT OF PUBLIC WORKS; WATERSHED PROTECTION PROGRAM (WPP); GENERAL PURPOSE REVENUE; PRIOR YEARS WPP GENERAL FUND FUND BALANCE]<br>(4 VOTES)<br><br>(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL01) |
| 5.              | NOTICED PUBLIC HEARING:<br>RUGGED SOLAR MAJOR USE PERMIT MODIFICATION AND TIME EXTENSION   |
| 6.              | PUBLIC COMMUNICATION   |

**1. SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE A PORTION OF THE ORIGINAL ALIGNMENT OF JAPATUL ROAD, IN THE ALPINE COMMUNITY PLAN AREA (VACATION NO. 2020-0117) (DISTRICT: 2)**

**OVERVIEW**

The Asset Management Division of the Department of General Services is processing a request to summarily vacate a portion of the original alignment of Japatul Road. A summary vacation is a streamlined process by which a public road, an offer of dedication for a public road, or a public service easement is abandoned. A summary vacation may be requested by the public if the easement interests are found to be excess to County of San Diego (County) needs and are not required for the purposes for which they were obtained.

The applicant has requested to vacate the portion of the original alignment of Japatul Road that encumbers a strip of land running through their property. The property is on the south side of Japatul Road and is located about five miles southeast of the intersection of Japatul Road with Dehesa Road, within the Alpine Community Plan Area in the unincorporated community of Alpine. The vacated area is the excess Japatul Road right-of-way created when this section of Japatul Road was relocated by the County of San Diego circa 1963. The vacation of this original alignment of Japatul Road will allow for further use of the applicant's property for uses accessory to the existing single-family home, such as an accessory dwelling unit.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate this portion of the original alignment of Japatul Road that is excess right-of-way not required for street or highway purposes.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of a public right-of-way easement that is not needed for public road purposes and will not have a reasonably foreseeable direct or indirect effect on the environment, and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A PORTION OF THE ORIGINAL ALIGNMENT OF JAPATUL ROAD, IN THE ALPINE COMMUNITY PLAN AREA (VACATION NO. 2020-0117).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2020-0117 pursuant to State of California Streets and Highways Code Section 8336.

### **EQUITY IMPACT STATEMENT**

The removal of encumbrances from private lands that are no longer needed for public road purposes will provide an overall public benefit and improve the use of the land made available by the vacation. The proposed summary vacation is located in a residential area and will allow the parcel owner that was impacted by the encumbrance to better use their property. The existing surrounding road system will continue to provide adequate access for all properties located near the proposed vacation and the summary vacation would not preclude future development.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to summarily vacate a portion of the original alignment of Japatul Road contributes to the County of San Diego Sustainability Goal No. 1 to engage the community to partner and participate in decisions that impact their lives and communities and Goal No. 2 to provide just and equitable access to develop their land for housing needs. This action will impact the property owner directly by providing them with improved use of their property by allowing them to add an accessory dwelling unit.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,500 to process the proposed summary 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-149, entitled: RESOLUTION TO SUMMARILY VACATE A PORTION OF THE ORIGINAL ALIGNMENT OF JAPATUL ROAD, IN THE ALPINE COMMUNITY PLAN AREA (VACATION NO. 2020-0117).

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

2. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5447-1 (FINAL MAP NO. 15938): APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR QUANTUM ESTATES LOCATED IN THE SAN DIEGUITO COMMUNITY PLAN AREA (DISTRICT: 3)**

### **OVERVIEW**

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions to complete required improvements on private development projects, including new

or improved roads, water, and sewer facilities. As conditions of their permits, private development applicants are often required to construct specific improvements that benefit the public, such as roads and stormwater drainage systems. In many cases, these improvements are accepted by the County of San Diego (County) into the County-maintained system to be owned, operated, and maintained by the Department of Public Works (DPW). Subdivision Improvement Agreements include the specific improvements that need to occur, when they need to be completed and financial security requirements. The financial security requirements protect the County by ensuring any required improvements are constructed. In the event of a default by the applicant, the financial security can be used by the County to complete the required improvements. However, under certain circumstances, the County can grant time extensions to allow an applicant additional time to complete the improvements, while simultaneously preserving the County's rights to have the public improvements constructed by the applicant.

The Quantum Estates project includes seven (7) single-family residential lots on 1.47 acres and is located in the San Dieguito Community Plan Area, south of the Del Dios Highway and El Camino Norte intersection, east of Paseo Delicias. On September 11, 2013 (8), the Board of Supervisors (Board) approved the Subdivision Map and Improvement Agreement, which includes street and drainage improvements, and water and sewer facilities. The Improvement Agreement required the improvements to be completed within two years. The Director of Planning & Development Services (PDS) approved an extension to the Improvement Agreement on January 5, 2016. The Director of PDS can approve one extension to the Improvement Agreement and any further extensions require Board approval. The subdivision owner has requested a second extension for an additional two-years to construct the public improvements. There is no limitation on the number of extensions that can be approved by the Board. To date, no improvements or construction has begun on the overall project, including the single-family homes.

This is a request for the Board of Supervisors (Board) to approve the First Amendment to Agreement to Improve Major Subdivision (First Amendment to Agreement), which includes a two-year extension of performance completion date for County Tract No. 5447-1 (Final Map No. 15938), also known as Quantum Estates.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the approval of the First Amendment to Agreement (Attachment B) and associated actions for County Tract No. 5447-1 is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines because administrative activities of governments will not result in a direct or indirect physical change in the environment.
2. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the First Amendment to Agreement. This agreement extends the time to construct improvements to two (2) years after the execution of this First Amendment to Agreement.



### **EQUITY IMPACT STATEMENT**

Planning & Development Services (PDS) ensures that public improvements are constructed as part of new housing developments, such as roads and stormwater drainage systems. PDS ensures the completion of the public improvements through agreements and financial security, which ensures communities are safe. This extension to the improvement agreement will allow the applicant additional time to complete the required public improvements, which will help provide housing for unincorporated communities.

### **SUSTAINABILITY IMPACT STATEMENT**

The requested Improvement Agreement extension to construct public road, water, and sewer improvements associated with the construction of seven single-family homes will contribute housing to the unincorporated area while protecting natural spaces and water quality. The project will preserve onsite open space and will treat and address stormwater runoff in accordance with State requirements.

### **FISCAL IMPACT**

There is no fiscal impact associated with the approval of the requested time extension as presented today. Any costs incurred to continue this project, at such time the owner wishes to move forward, will be paid for by the applicant (or owner/developer). 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 Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent.

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

3. **SUBJECT: TRAFFIC ADVISORY COMMITTEE (10/12/2022 - ADOPT RECOMMENDATIONS; 10/26/2022 - SECOND READING OF AN ORDINANCE) (DISTRICTS: ALL)**

### **OVERVIEW**

The Traffic Advisory Committee (TAC) supports the Department of Public Works (DPW) traffic engineering program. The TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the county. To be effective, TAC proposes policies that will enhance safety, reduce congestion and 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. TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on six items from the June 10, 2022, TAC meeting agenda:

<b>Items from the 06/10/2022 TAC Meeting</b>			
<b>District</b>	<b>Item</b>	<b>Location</b>	<b>Action</b>
1	1-A	Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive, Bonita	Establish two all-way stop intersections.
2	2-A*	4S Ranch Parkway, 4S Ranch	Reduce the 35 miles per hour (MPH) speed limit to 30 MPH and certify.
3	3-A*	Rancho Santa Fe Farms Road, Fairbanks Ranch	Relocate the northern endpoint, reduce the 40 MPH speed limit to 35 MPH, and certify.
4	4-A	Hidden Mesa Road, Hillsdale	Recertify the 40 MPH speed limit.
<b>District</b>	<b>Item</b>	<b>Location</b>	<b>Action</b>
5	5-A*	North Broadway, Unincorporated Escondido	Relocate the northern endpoint, reduce the 45 MPH speed limit to 40 MPH, and certify.
5	5-B	York Drive & Montgomery Drive, Unincorporated Vista	Establish an all-way stop intersection.
*Indicates second reading of the ordinance is required.			

Approval of Items 2-A on 4S Ranch Parkway in 4S Ranch (District 2), 3-A on Rancho Santa Fe Farms Road in Fairbanks Ranch (District 3), 4-A on Hidden Mesa Road in Hillsdale (District 4), and 5-A on North Broadway in Escondido (District 5) 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.

Approval of Items 1-A on Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive in Bonita (District 1) and 5-B on York Drive & Montgomery Drive in Vista (District 5) would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at three intersections. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

The Board's action on Items 1-A on Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive in Bonita (District 1), 4-A on Hidden Mesa Road in Hillsdale (District 4), and 5-B on York Drive & Montgomery Drive in Vista (District 5) does not revise the San Diego County Code of Regulatory Ordinances and therefore does not require a second reading of an ordinance. Board direction on October 12, 2022, would allow implementation by DPW.



The Board's action on Items 2-A on 4S Ranch Parkway in 4S Ranch (District 2), 3-A on Rancho Santa Fe Farms Road in Fairbanks Ranch (District 3), and 5-A on North Broadway in Escondido (District 5) would introduce an ordinance to amend speed limit zones. This action would revise County Code and require two steps. On October 12, 2022, the Board would consider the TAC items. If the Board takes action as recommended on October 12, then on October 26, 2022, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction.

## **RECOMMENDATION(S)**

### **TRAFFIC ADVISORY COMMITTEE**

#### **District 1:**

Item 1-A. Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive in Bonita - establish all-way stop intersections at two separate locations.

#### **District 2:**

Item 2-A. 4S Ranch Parkway from Dove Creek Road to Camino del Norte in 4S Ranch - Reduce the existing 35 MPH speed limit to 30 MPH and certify the speed limit for radar enforcement.

#### **District 3:**

Item 3-A. Rancho Santa Fe Farms Road from the San Diego city limit (at Rancho Santa Fe Lakes Drive) to Rancho Diegueno Road in Fairbanks Ranch - Relocate the northern endpoint from Rancho Diegueno Road to Rancho Santa Fe Farms Drive, reduce the 40 MPH speed limit to 35 MPH, and certify the speed limit for radar enforcement.

#### **District 4:**

Item 4-A. Hidden Mesa Road from Jamacha Road to the cul-de-sac in Hillsdale - Recertify the 40 MPH speed limit for radar enforcement.

#### **District 5:**

Item 5-A. North Broadway from North Avenue to Cougar Pass Road in unincorporated Escondido East - Relocate the northern endpoint from Cougar Pass Road to the end of County maintenance (at 2,355' north of Cougar Pass Road), reduce the 45 MPH speed limit to 40 MPH, and certify the speed limit for radar enforcement.

Item 5-B. York Drive and Montgomery Drive in unincorporated Vista - Establish an all-way stop intersection.

### **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. Adopt the following resolutions:

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Items 1-A & 5-B)

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Item 1-A)

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 306 RELATING TO THE ESTABLISHMENT OF YIELD RIGHT-OF-WAY INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Item 5-B)

4. Approve the introduction, read title, and waive further reading of the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.162.39.1., 72.161.97., AND 72.161.40.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 3-A, & 5-A)

If, on October 12, 2022, the Board takes action as recommended, then, on October 26, 2022: Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.162.39.1., 72.161.97., AND 72.161.40.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 3-A, & 5-A)

#### **EQUITY IMPACT STATEMENT**

The review of traffic signs and roadway markings supports vehicle safety on County-maintained roads. The transportation system must be safe for all road users including pedestrians and bicyclists. Understanding travel patterns, where correctable crashes are occurring and the disproportionate impacts on certain communities will allow the Department of Public Works (DPW) to identify actions to address the underlying factors and causes and improve safety.

DPW's Local Road Safety Program reviews correctable collisions along road segments within the unincorporated areas of the county and utilizes the Healthy Places Index and CalEnviroScreen 4.0 to ensure 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.

## **SUSTAINABILITY IMPACT STATEMENT**

The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a monthly public forum to find timely, reasonable, and cost-effective in-road traffic solutions that reduce costly traffic delays, mitigate vehicle idling to reduce emissions, improve fire response times and regional readiness, and ensure justice in enforcement of traffic regulations. Whenever possible, DPW crews will also recycle or reuse materials, use products with recycled content, and use low-emissions construction equipment and vehicles.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan for the Department of Public Works Road Fund. If approved, this request will result in current year costs and revenue of \$2,024 for staff time and materials and supplies. The funding source is State Highway User Tax Account. There will be no change in the net General Fund and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

1. Found 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. Adopted the Traffic Advisory Committee's recommendations.
3. Adopted Resolution No. 22-150, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Items 1-A & 5-B);

Adopt Resolution No. 22-151, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Item 1-A);

Adopt Resolution No. 22-152, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 306 RELATING TO THE ESTABLISHMENT OF YIELD RIGHT-OF-WAY INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Item 5-B);

And, took action to further consider and adopt the Ordinance on October 26, 2022.

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

**4. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR ESTRELLA PARK WATER PROJECT (DISTRICT: 4)**

**OVERVIEW**

The Department of Public Works (DPW) has a green infrastructure capital program that implements projects that are designed to improve local water quality. Estrella Park Water Quality Project (Project) is one of the green infrastructure capital projects that consists of improving stormwater quality through the implementation of Best Management Practices (BMPs), and infrastructure improvements within Estrella County Park in the community of Casa de Oro. The Project is located within upstream portions of the Sweetwater River Watershed, which drains to the lower lying areas of the Casa De Oro and Spring Valley communities in the unincorporated County. Runoff from Estrella Park ultimately drains to San Diego Bay. BMPs are temporary or permanent control measures or solutions, for controlling the quality and quantity of water that runs off the land, both during wet and dry weather. The improvements will serve as a pilot project through a partnership with the Department of Parks and Recreation (DPR) to efficiently combine water quality treatment benefits and park improvements, which include new walking trails, benches, a picnic area, drought-tolerant landscaping, a new parking lot, a staircase providing access to existing trails and amenities, and 400 linear feet of sidewalk to improve pedestrian access to the recently developed portions of the park.

This Project will include a trash capture device that will help DPW meet requirements associated with trash and water quality regulations. Federal and State laws require local governments to control pollution that enters waterways through streets, storm drains, gutters, ditches, and other conveyance systems that are collectively referred to as the Municipal Separate Storm Sewer System (MS4). The County of San Diego (County) has a permit from the Regional Water Quality Control Board that governs various aspects of the County's MS4 system. This permit, which was last issued in 2013, is commonly referred to as the 2013 Permit. Among other requirements, the 2013 Permit established Total Maximum Daily Load (TMDL) limitations for various pollutants that enter waterways.

TMDL is a regulatory term in the U.S. Clean Water Act, describing a plan for restoring impaired waters that identifies the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards. The TMDL limitations require the County to reduce the number and concentration of certain pollutants (such as bacteria and nutrients) that enter local waterbodies from the County's MS4 during both dry and wet weather conditions. In 2015, the State Water Resources Control Board adopted regulations that require local agencies to control trash from entering local water bodies via the MS4; these requirements are known as the Trash Amendments. The purpose of these State regulations is to protect and enhance the quality of water bodies such as creeks, rivers, and the ocean that are designated for recreational, environmental, and other uses.

To address requirements of the 2013 Permit and the Trash Amendments, Project improvements would include the construction of two stormwater biofiltration basins to capture and treat stormwater, a storm drain system to direct stormwater toward the basins, site amenities such as landscaping including trees, shrubs, and permanent irrigation, walking trails, wood fencing along the tops of the basins, a staircase leading to the lower portion of the

park, a parking lot with a parking stall that meets requirements of the Americans with Disabilities Act and a picnic area. Bollard solar lighting is proposed at the perimeter of the parking lot. Improvements also include a new curb, gutter, and sidewalk along Estrella Drive and the park frontage, and three concrete driveways. An existing dirt access road used by park maintenance crews will also be re-graded as part of the improvements.

This Project will also incorporate drought-tolerant landscaping, including 24 trees, and a “smart” irrigation system, with automatic irrigation controllers that are designed to optimize water use and halt irrigation during a rain event. In addition, the Project will include an electric vehicle charging unit that will be procured and installed by the Department of General Services once the Department of Public Works has completed the construction of the water quality improvements. Once installed, this unit will contribute to the County’s sustainability goals of reducing greenhouse gas emissions.

This is a request to transfer and establish appropriations and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Estrella Park Water Quality Project. If approved, construction is scheduled to begin in late fall 2022 and be completed in summer 2023. The total project cost including design, environmental review, and construction, including contingency, is estimated at \$5,069,200. The funding sources are DPW Watershed Protection Program (WPP), General Purpose Revenue (\$3,233,700), and the prior year’s WPP General Fund fund balance (\$1,835,500). Today’s action also includes a delegation of authority to staff representing the County of San Diego and the San Diego County Flood Control District to negotiate a cost-share agreement whereby the County funds the long-term maintenance of the facilities, and the San Diego County Flood Control District performs maintenance activities.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

#### **Acting as the Board of Supervisors for the County:**

1. Find that the Estrella Park Water Quality Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 of the CEQA Guidelines since the activities include minor improvements within an existing County Park.
2. Transfer appropriations of \$1,835,500 within the Department of Public Works General Fund, Services & Supplies to Operating Transfer Out.
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and to take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the Estrella Park Water Quality 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.



5. Delegate authority to the Director, Department of Parks and Recreation, or designee, with regard to parking improvements and the Director, Department of Public Works, or designee, with regard to all other County improvements, as an agent of the County, to negotiate and enter into an agreement with the Flood Control District for the maintenance of County facilities constructed pursuant to the contract.

**Acting as the Flood Control District Board of Directors:**

1. Establish appropriations of \$1,835,500 in Flood Control District, Services & Supplies, for construction of Estrella Park Water Project, based on an Operating Transfer in from DPW General Fund. (4 VOTES)
2. Delegate authority to the Director, Department of Public Works, or designee, as an agent of the District, acting on behalf of the Flood Control District, to negotiate and enter into an agreement with the County to provide for the maintenance of the Flood Control District facilities constructed pursuant to the contract.

**EQUITY IMPACT STATEMENT**

The Department of Public Works (DPW) strives to preserve, enhance, and promote quality of life and public safety through the responsible development and maintenance of reliable and sustainable infrastructure and services in the unincorporated area. To ensure that we are fairly and equitably serving all communities, while simultaneously complying with mandatory federal and State stormwater regulations, DPW utilizes a variety of tools to prioritize stormwater infrastructure improvement projects and to ensure that historically underserved populations are prioritized. The data used by DPW to evaluate and identify underserved populations include data from the County's Healthy Places Index (HPI), San Diego LiveWell communities, as well as Environmental Justice Communities, CalEnviroScreen 4.0, and other data sources.

The area within which the proposed Estrella Park Water Quality Project (Project) is located has an HPI percentile rank of 59.1% that indicates 40.9% of other California census tracts have healthier community conditions. The area directly downstream of the Project area has an HPI percentile rank of 36.7% which indicates that 63.3% of other California census tracts have healthier community conditions than this tract.

**SUSTAINABILITY IMPACT STATEMENT**

The Project aligns with the County of San Diego's (County's) sustainability goals of protecting and promoting natural resources, diverse habitats, and sensitive species, as it also enhances the natural environment for residents, visitors, and future generations to enjoy. Green infrastructure, such as this Project, helps to improve water quality by reducing the amount of pollution and trash conveyed within existing storm drains. The Project will help restore the local surface waters by improving habitat, and visual appeal and by providing more recreational opportunities. The Project is located within upstream portions of the Sweetwater River Watershed, which drains to the lower lying areas of the Casa De Oro and Spring Valley communities in the unincorporated County and ultimately to San Diego Bay. In addition to being located within an underserved community, and having a lower Healthy Places Index rating, these communities are especially affected by water quality impairments from high volumes of trash which can limit recreational opportunities by creating odors and visual blight.



These conditions can also promote the establishment of invasive plant species.

In addition, the Project will include an electric vehicle charging unit that will be procured and installed by the Department of General Services once the Department of Public Works has completed the construction of the water quality improvements. Once installed, this unit will contribute to the County's sustainability goals of reducing greenhouse gas emissions.

#### **FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2022-23 Operational Plan in the Department of Public Works. If approved, the total project estimated cost for the Estrella Park Water Quality Project is \$5,069,200. The funding sources are the Department of Public Works, Watershed Protection Program (WPP), General Purpose Revenue (\$3,233,700), and the prior year's WPP General Fund fund balance (\$1,835,500). There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

County construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL01)

#### **ACTION:**

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

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

5. **SUBJECT: NOTICED PUBLIC HEARING:  
RUGGED SOLAR MAJOR USE PERMIT MODIFICATION AND TIME  
EXTENSION (DISTRICT: 2)**

#### **OVERVIEW**

Today's requested action is for the Board of Supervisors (Board) to consider a modification to an approved large-scale utility solar project. The request includes the following changes to the Rugged Solar Project (Proposed Project): a proposed Modification and Time Extension to an approved Major Use Permit, Fire Protection and Emergency Services Agreement to contribute ongoing funding toward fire services, and the environmental findings. The Rugged Solar Project site is located in the Boulevard Subregional Planning Area, which is part of the Mountain Empire Subregional Plan Area.

The Rugged Solar Project alongside a different solar project called the Tierra Del Sol Project were previously approved by the Board on October 14, 2015 (2). These projects are referred to as the Approved Rugged Solar Project and Approved Tierra Del Sol Project in this report. Both projects were analyzed in the Soitec Solar Development Program Environmental Impact Report (Soitec PEIR), which was certified by the Board on October 14, 2015 (2). An additional two solar projects (LanEast and LanWest) were also analyzed in the Soitec PEIR; however, those two projects were ultimately rejected by the Board on October 14, 2015, when the PEIR was adopted without the inclusion of the LanEast and LanWest projects.

Soitec Solar, the previous proponent of the Approved Rugged Solar and Tierra Del Sol Projects, did not proceed with either project, and both of these projects were acquired by new owners. The Approved Rugged Solar Project was acquired by the current Applicant, Rugged Solar LLC, in 2016. The Tierra Del Sol Project was acquired by a different owner. The modification and time extension for the Tierra Del Sol Project is still being processed and is not under consideration at this time.

In 2017, the current Applicant for Rugged Solar submitted a Time Extension and Modification to the Rugged Solar Major Use Permit (MUP). The Applicant proposes to utilize photovoltaic (PV) solar technology rather than concentrator photovoltaic (CPV), which results in a reduction of the panel height from a maximum of 30-feet to a maximum of 12-feet and the reduction of the development footprint by about 21% from 498 acres to 391 acres. The proposed Rugged Solar project would provide 74 megawatts of renewable electricity, which is enough energy for approximately 56,000 homes for one year.

In today's action, the Board is considering whether to approve, approve with modifications, or deny the proposed Modification and Time Extension to the Rugged Solar Major Use Permit, Fire Protection and Emergency Services Agreement to contribute ongoing funding toward fire services, and the environmental findings for the Proposed Project.

## **RECOMMENDATION(S)**

### **PLANNING COMMISSION**

On July 22, 2022, the Planning Commission made the following recommendations to the Board of Supervisors (Board):

1. Adopt the Environmental Findings included in Attachment A, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE with the following modifications:
  - i. Change the site fencing to remove the concertina wire (razor wire) on top of the fence.
  - ii. Underground utilities (electrical lines) onsite within the footprint of the solar facility.
  - iii. Provide an annual endowment of \$25,000 to the Community.

## **DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) concurs with Planning Commission's recommendation 2.i above requiring the applicant to remove the razor wire on top of the site fencing.

PDS does not concur with Planning Commission's recommendation 2.ii. above. Undergrounding utilities was studied in the PEIR and rejected from consideration due to potential significant environmental impacts to cultural resources that were not studied in the PEIR.

Regarding the Planning Commission recommendation 2.iii. above, the applicant has indicated they do not agree with the annual endowment of \$25,000 to the community. The developer has voluntarily proposed to donate one-time funds of \$887,000 to benefit the community. This donation is not related to any specific project impact. The developer cannot be required to provide the payment of a \$25,000 annual endowment to the community because there is no nexus to any project impacts that have been identified that would be mitigated by funding an annual endowment to the community.

As a result, PDS recommends the Board of Supervisors (Board):

1. Adopt the Environmental Findings, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines (Attachment A, on file with the Clerk of the Clerk of the Board).
2. Adopt the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE (Attachment B, on file with the Clerk of the Board).
3. Approve the Fire and Emergency Services Agreement between the County of San Diego and Rugged Solar LLC and authorize San Diego County Fire Protection Director or their designee to sign the agreement for the County (Attachment C, on file with the Clerk of the Board).
4. Require Rugged Solar LLC (Applicant) to enter into a standard Defense and Indemnification Agreement 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 \$500,000 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 I, on file with the Clerk of the Board).

## **EQUITY IMPACT STATEMENT**

The Rugged Solar Major Use Permit Modification and Time Extension (Proposed Project) will produce renewable energy. The Applicant does not currently have a Power Purchase Agreement (PPA) with a Community Choice Aggregator (CCA); however, the Applicant intends to secure an agreement with a CCA. CCAs create an opportunity to address

community needs through clean energy access, job creation, 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.

#### **SUSTAINABILITY IMPACT STATEMENT**

Implementation of the Proposed Project to construct a 74 MW solar facility will contribute to the County of San Diego Sustainability Goals: reduce greenhouse gas emissions, support grid decarbonization and reduce air pollution. The Proposed Project will generate renewable energy that will be used by the San Diego Gas and Electric (SDG&E) grid. The development of the utility-scale solar facility will be able to power approximately 56,000 homes for one year. The Proposed Project will help reduce GHG emissions regionwide and help the region achieve State mandated emissions reduction goals.

#### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. Any costs incurred for this project will be paid for by the applicant (or owner/developer). 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 Anderson, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took the following actions:

1. Adopted the Environmental Findings, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines (Attachment A, on file with the Clerk of the Board).
2. Adopted the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE (Attachment B, on file with the Clerk of the Board).
3. Approved the Fire and Emergency Services Agreement between the County of San Diego and Rugged Solar LLC and authorized San Diego County Fire Protection Director or their designee to sign the agreement for the County (Attachment C, on file with the Clerk of the Board).

4. Required Rugged Solar LLC (Applicant) to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorized 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 \$500,000 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 I, on file with the Clerk of the Board).
5. Direct the Chief Administrative Officer to report back to the Board within 180 days with the following options for the Mountain Empire area:
  1. Options to pursue funding sources to operate the resource and community centers for intergenerational programming activities
  2. Explore locations where the County can provide funding, match funding or pursue grants/scholarships for educational and workforce training opportunities
  3. Coordinate with the Mountain Empire Union School District to pursue opportunities to close funding and programming gaps

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

**6. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

**OVERVIEW**

Summer Light spoke to the Board regarding concerns of illegal asphalt dumping.

Audra spoke to the Board regarding voting machines and mail in ballots.

Bryant Rumbaugh spoke to the Board regarding election campaigns.

Consuelo spoke to the Board regarding concerns about interrupting speakers at Board meetings.

KB Strange spoke to the Board regarding suicide prevention month, the risks of using cannabis, and effects of mental health.

Paul Henkin spoke to the Board regarding monkeypox and vaccines.

Terri-Ann Skelly spoke to the Board regarding the expansion of fentanyl education.

Michael Hill spoke to the Board regarding behavior health crisis at Rady's Children Hospital.

Truth spoke to the Board regarding the world economic forum.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:45 a.m.

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

Consent: Perez

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 26, 2022.



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NATHAN FLETCHER  
Chair

Attest:



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ANDREW POTTER  
Clerk of the Board

10/12/2022