

October 30, 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, OCTOBER 30, 2019, 9:00 AM

PLEASE NOTE CHANGE IN MEETING LOCATION:
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 9:01 a.m.

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

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 October 16, 2019.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 16, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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 (10/16/2019 - ADOPT
RECOMMENDATIONS; 10/30/2019 - SECOND READING OF AN
ORDINANCE) |
| 2. | NOTICED PUBLIC HEARING:
ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
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) |
| 3. | EXTENSION OF PERFORMANCE COMPLETION DATES ON
VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION
IMPROVEMENTS |
| 4. | AUTHORIZATION TO ESTABLISH APPROPRIATIONS FOR DON
DUSSAULT PARK PHASE III AND TO ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR DON DUSSAULT PARK PHASE
II AND PHASE III IMPROVEMENTS
(4 VOTES) |
| 5. | SET A HEARING FOR 12/11/2019:
GENERAL SERVICES - SET HEARING -ACQUISITION OF
APPROXIMATELY 29 ACRES FROM CALTRANS FOR SHERIFF
AND DEPARTMENT OF PUBLIC WORKS OPERATIONS

(RELATES TO SANITATION AGENDA NO. SA1) |
| 6. | ESTABLISH APPROPRIATIONS AND APPROVE COOPERATIVE
AGREEMENT BETWEEN THE STATE OF CALIFORNIA
(CALTRANS) AND THE COUNTY OF SAN DIEGO FOR THE STATE
ROUTE 67/BRADLEY AVENUE INTERCHANGE PROJECT
(4 VOTES) |
| 7. | ADOPT A RESOLUTION AUTHORIZING APPLICATION AND
ACCEPTANCE OF GRANT FUNDING FROM THE BUILDING
HOMES & JOBS ACT |
| 8. | PUBLIC COMMUNICATION |

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (10/16/2019 - ADOPT
RECOMMENDATIONS; 10/30/2019 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: 1, 2, 3, & 5)**

OVERVIEW

On October 16, 2019 (4), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on October 30, 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 four items from the July 26, 2019, meeting agenda:

- Item 1-A is a periodic 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 Briarwood Road from Sweetwater Road to State Route 54 in Bonita. The roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 40.9 MPH. Road operating conditions including collision experience and the narrowing of travelled lanes for installation of bicycle lanes during this summer's regular resurfacing project support a 35 MPH posted speed limit along with the use of radar for enforcement.
- Item 2-A is a periodic 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 Potrero Valley Road from State Route 94 and Potrero Park Drive in Potrero. The roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 37.9 MPH. Road operating conditions, an adjacent school zone, and measured speeds that allow for a speed reduction support a 35 MPH posted speed limit along with the use of radar for enforcement.
- Item 3-A is a periodic 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 Mary Lane from the Escondido City Limits (near Jasmine Place) to Summit Drive in unincorporated Escondido. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 46.0 MPH. Road operating conditions including collision experience and high residential driveway density support a 40 MPH posted speed limit along with the use of radar for enforcement.

- Item 5-A is a periodic 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 Winter Haven Road from Mission Road to Brooke Road in Fallbrook and certify the speed limit for radar enforcement. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 44.5 MPH. Road operating conditions, adjacent land uses including schools and residences, and measured speeds that allow for a speed reduction support a 40 MPH posted speed limit along with the use of radar for enforcement.

The Board's action on Item 1-A, 2-A, 3-A, & 5-A would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On October 16, 2019, the Board would consider the TAC items. If the Board takes action on October 16, 2019, then on October 30, 2019, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Adopt the Ordinance entitled:

ORDINANCE AMENDING SECTIONS 72.161.95., 72.164.11., 72.169.54.1., AND 72.169.77.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 1-A, 2-A, 3-A, & 5-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. 10630 (N.S.), entitled: ORDINANCE AMENDING SECTIONS 72.161.95., 72.164.11., 72.169.54.1., AND 72.169.77.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**2. SUBJECT: NOTICED PUBLIC HEARING:
ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
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

On September 25, 2019 (10), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on October 30, 2019.

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

Adopt the Ordinance entitled:

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 closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10631 (N.S.), entitled: **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.**

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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, bonding can be used to finance completion of the required improvements. However, under certain circumstances, the County is able to grant an 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 5134-1, Welk Garden Villas, located in the North County Metropolitan Subregional Plan area. This condominium project has 10 approved lots, with 148 residential units accommodated on 4 lots, 3 open space lots, 1 recreational lot, 1 private street lot, and 1 lot for a guard shack, and the overall acreage is 49.0 acres.
2. TM 5005-1, Fairbanks Ranch, located in the San Dieguito Community Plan area. This condominium project has 5 approved lots, with 80 commercial units on 2 lots, 2 recreational lots, and 1 private street lot, and the overall area is 31.6 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. 5134-1 and Tentative Map No. 5005-1 to October 30, 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 October 30, 2021, the performance completion dates in subdivision agreements for developments referenced by Tentative Map No. 5134-1 and Tentative Map No. 5005-1.

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: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: AUTHORIZATION TO ESTABLISH APPROPRIATIONS FOR DON DUSSAULT PARK PHASE III AND TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR DON DUSSAULT PARK PHASE II AND PHASE III IMPROVEMENTS (DISTRICT: 5)**

OVERVIEW

Don Dussault Park is a 0.75-acre County park that is partially developed. It is situated in the unincorporated community of Fallbrook and surrounded by multi-family and single-family homes. Existing park amenities include a playground and picnic pavilion at the north end of the park. The south end of Don Dussault park is largely undeveloped.

The U.S. Department of Housing and Urban Development provides grant funding for community development projects through the Community Development Block Grant (CDBG) Program. On April 17, 2018 (05) the Board of Supervisors (Board) approved the Fiscal Year (FY) 2018-19 County of San Diego Annual Funding Plan which included CDBG funding for the Don Dussault Park Phase II Improvements project at the south end of the park. The project includes an exercise area, picnic areas, looped walkway, security lighting and landscaping. On April 9, 2019 (03), the Board approved the FY 2019-20 Annual Funding Plan (Funding Plan), which included CDBG funding for Don Dussault Park Phase III Improvements which complement the Phase II improvements by including a playground structure, fencing and additional lighting for the park. Creating new park amenities supports *Live Well San Diego*, the County’s vision, by expanding the use of civic space for public gathering and recreation.

The total cost for Don Dussault Park Phase II and Phase III is estimated at \$585,000 with \$285,000 appropriated on January 9, 2019 (6) for Phase II and \$300,000 being appropriated today for Phase III in Capital Project 1023436. Today's requested actions will establish appropriations for Don Dussault Park Phase III Improvements. This request will also authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Don Dussault Park Phase II Improvements and for the Don Dussault Park Phase III Improvements. If approved, construction will begin winter 2019/20 and be completed in spring 2020.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Don Dussault Park Phase II and Phase III Improvements projects are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15301, 15303, 15304 and 15311.
2. Establish appropriations of \$300,000 in the Capital Outlay Fund for Capital Project 1023436 Don Dussault Park Phase III Improvements based on grant funding from a Community Development Block Grant. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Don Dussault Park Phase II Improvements project and the Don Dussault Park Phase III Improvements project.
4. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer for administering the construction contract for the Don Dussault Park Phase II Improvements project and the Don Dussault Park Phase III Improvements project, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for Capital Project 1022585, Don Dussault Park Phase II improvements are included in the FY 2019-20 Operational Plan in the Capital Outlay Fund, in the amount of \$285,000. If approved, this request will result in costs and revenue of \$285,000 for Capital Project 1022585, Don Dussault Park Phase II Improvements based on a FY 2018-19 Community Development Block Grant. Approximately \$19,500 is being used for Phase II project development and administration; construction cost is estimated at \$265,500, including contingency. The total project cost for Phase II is estimated at \$285,000.

Funds for Capital Project 1023436, Don Dussault Park Phase III Improvements are not included in the FY 2019-20 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs and revenue of \$300,000 based on a Fiscal Year 2019-20 Community Development Block Grant. Approximately \$50,000 will be used for Phase III project development and administration; construction cost is estimated at \$250,000 including contingency. The total project cost for Phase III is estimated at \$300,000.

Upon completion of the projects, it is estimated that there would be no change in the existing annual cost for operations and maintenance at Don Dussault Park (\$15,619), which is currently funded by existing General Purpose Revenue and staff as budgeted in the FY 2019-20 Operational Plan for the Department of Parks and Recreation. 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: Cox, Jacob, Gaspar, Fletcher, Desmond

5. **SUBJECT: SET A HEARING FOR 12/11/2019:
GENERAL SERVICES - SET HEARING -ACQUISITION OF
APPROXIMATELY 29 ACRES FROM CALTRANS FOR SHERIFF
AND DEPARTMENT OF PUBLIC WORKS OPERATIONS
(DISTRICT: 2)**

OVERVIEW

The California Department of Transportation (Caltrans) plans to dispose of approximately 29 acres of land located in the unincorporated community of Rancho San Diego (Property). The Property is located south and west of Campo Road, and north of Singer Lane. Caltrans has offered to sell the Property to the County prior to making it available on the open market.

The Department of Public Works (DPW) Roads Division and the Sheriff's Department (Sheriff) Bomb/Arson Unit presently occupy portions of the Property under permits issued by Caltrans. If the Board of Supervisors (Board) approves the proposed acquisition, the existing County operations on the site would remain and other parts of the Property could be apportioned for the closed Jamacha Landfill overseen by DPW and the San Diego County Sanitation District. Loss of DPW's and Sheriff's operations at this site could have a serious detrimental impact on public safety in the County.

Today's request is for the Board to set a hearing for December 11, 2019 to consider the purchase of the Property from Caltrans for the appraised value of \$2,265,000, and to direct the Clerk of the Board of Supervisors to provide public notice of the hearing. If the Board takes the actions recommended today, then on December 11, 2019, staff will return to the Board with a request to authorize the purchase of the Property identified as Director's Deed 17550-01-01 from Caltrans and to establish sufficient appropriations, including San Diego County Sanitation District funds, to purchase the Property.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors:

1. Find that the request to set a hearing date to consider the purchase of Caltrans property known as Director's Deed 17550-01-01 (DD-17550-01-01) does not constitute approval of a project as defined by the California Environmental Quality Act (CEQA) pursuant to Section 15352 and 15378(b)(4) and (5) of the State CEQA Guidelines.
2. Set a hearing for December 11, 2019, at which time the Board of Supervisors may consider approving the purchase of the 29-acre property identified as DD-17550-01-01 for the appraised value of \$2,265,000.
3. Direct the Clerk of the Board of Supervisors to provide notice of the December 11, 2019 hearing pursuant to State of California Government Code Section 6063 and Section 25350.

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

Direct San Diego County Sanitation District staff to return to the Board on December 11, 2019 to authorize appropriation of any necessary funding, authorize County of San Diego staff to accept a portion of the 29-acre property identified as DD-17550-01-01 on the District's behalf, and take other action as necessary.

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

(RELATES TO SANITATION AGENDA NO. SA1)

ACTION:

ON MOTION of Supervisor Gaspar, second by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for December 11, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

6. **SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA (CALTRANS) AND THE COUNTY OF SAN DIEGO FOR THE STATE ROUTE 67/BRADLEY AVENUE INTERCHANGE PROJECT (DISTRICT: 2)**

OVERVIEW

The State Route 67/Bradley Avenue Interchange Project (Project) in the unincorporated community of Bostonia will substantially improve traffic operations by widening Bradley Avenue and replacing the bridge over State Route 67 (SR-67), which will reduce the severe congestion during peak traffic hours. The Project is currently in the design phase and is

divided into two segments. Segment 1 is within State of California (Caltrans) right-of-way and consists of replacing the Bradley Avenue bridge over SR-67, increasing the number of lanes from two lanes to six lanes and improving all on/off ramps. Segment 2 is located within County of San Diego (County) right-of-way and consists of widening Bradley Avenue east of the bridge between Graves Avenue and Mollison Avenue.

In response to community concerns regarding congestion at the SR-67 Interchange and along Bradley Avenue, the County with the assistance of Caltrans began engineering analysis to improve the Bradley Avenue corridor to expand the bridge and add capacity to existing road segments to improve mobility in the area and support economic vitality in the region. On April 25, 2007 (32), the Board of Supervisors (Board) approved a cooperative agreement between the County and Caltrans to complete environmental documents and a Caltrans project development report, which defines the project and initiates the improvements within Caltrans right-of-way. Initial design for this project was being reviewed by Caltrans under the April 2007 approved cooperative agreement until it was discontinued in 2011 due to lack of construction funding. Construction funding was programmed for the project in 2016, at which time Caltrans requested a new cooperative agreement be enacted to continue the project review. The replacement cooperative agreement establishes County and Caltrans roles in a collaborative effort to design, advertise, and award a construction contract for segment 1. A future cooperative agreement or amendment to the proposed agreement will be required to administer the construction contract when agreed upon by both parties. If approved, the scope of this agreement will include a negotiated fee of \$975,000 to reimburse Caltrans for reviewing project plans developed by the County Department of Public Works (DPW) and to advertise and award a construction contract.

The Fiscal Year 2019-20 Operational Plan appropriates \$600,000 of TransNet funding as a portion to be paid to Caltrans, an additional appropriation of \$375,000 from TransNet is required to fully fund the agreed upon \$975,000 for work under the proposed agreement.

This is a request for the Board to establish appropriations of \$375,000 based on local sales tax revenue from TransNet and to authorize the Director of DPW to execute a cooperative agreement between Caltrans and the County for the advertisement, award, and administration of a construction contract for the State Route 67/Bradley Avenue Interchange Project.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action to approve a cooperative agreement between Caltrans and the County of San Diego (County) for the State Route 67/Bradley Avenue Interchange Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and of the State CEQA Guidelines because it is not a project as defined by Section 15378 of the State CEQA Guidelines.
2. Establish appropriations of \$375,000 in the Department of Public Works Road Fund Fiscal Year 2019-20 Detailed Work Program for the State Route 67/Bradley Avenue Interchange Project based on revenue from TransNet (\$375,000). **(4 VOTES)**
3. Authorize the Director of the Department of Public Works to execute a cooperative agreement between Caltrans and the County to advertise, award, and administer a construction contract for the State Route 67/Bradley Avenue Interchange Project.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program (\$600,000). If approved, this request will result in additional appropriations of \$375,000 for a total cost and revenue of \$975,000 for the cooperative agreement in Fiscal Year 2019-20 based on local sales tax revenue from TransNet. 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: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: ADOPT A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF GRANT FUNDING FROM THE BUILDING HOMES & JOBS ACT (DISTRICTS: ALL)**

OVERVIEW

Senate Bill 2 (SB-2), the Building Homes and Jobs Act, enacted in 2017, directed the State of California Department of Housing and Community Development to establish the SB-2 Planning Grants Program (Planning Grants Program) to provide financial and technical assistance to local governments to prepare, adopt, and implement plans that streamline housing approvals and accelerate housing production using funding from recording fees placed on real estate documents. The first year of SB-2 funding (collected from January 1, 2018 – December 31, 2018) is dedicated to the Planning Grants Program. This funding is now available for grants to local agencies for the update of planning documents. Funding from the remaining years will be made available to local governments for the administration of affordable housing programs. The State is allocating funding from the Planning Grants Program on a non-competitive basis based on a jurisdiction's size. The County of San Diego (County) is considered a large jurisdiction, defined as greater than 200,000 people, and therefore is eligible to receive a maximum of \$625,000.

On October 10, 2018 (2), the Board of Supervisors (Board) accepted the Report on Options to Improve Housing Affordability in the Unincorporated Area (Report). The Report identified actions to address the lack of housing supply and to improve areas within the control of the County, such as local regulations and permitting processes. Staff is proposing to request funding from the Planning Grants Program to develop two actions included in the Report: a Density Bonus Program for Middle-Income Housing, and an Inclusionary Housing Program or Ordinance. Staff will return to the Board for consideration once these actions are developed. This is consistent with direction provided by the Board when it accepted the Report, and both actions meet the grant funding criteria established by the State.

Today's request is for the Board to adopt a resolution authorizing the Director of Planning & Development Services to submit, negotiate, and sign all documents necessary to secure grant funding of \$625,000 from State of California Department of Housing and Community Development in accordance with the Planning Grants Program guidelines. No waiver of Board Policy B-29, Fees Grants, Revenue Contracts - Department Responsibility for Cost Recovery, is needed as part of this grant application.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that today's action not a project under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(4) because it involves "the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS (Attachment A, on file with the Clerk of the Board).

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. No matching funds are required by the SB-2 Planning Grants Program application.

If the Board of Supervisors (Board) adopts the Resolution and the State Department of Housing & Community Development accepts the County's SB-2 Planning Grants Program application, the County may be awarded the requested maximum funding of \$625,000 during Fiscal Year 2019-20 to Fiscal Year 2021-22. If awarded, the funds would be used for the development of a missing middle density bonus and implementation of General Plan Policy H-1.9 for affordable housing as previously directed by the Board, at an estimated cost of \$570,000. Planning & Development Services will return to the Board with a request for additional appropriations, as needed. Grant funding is estimated in an amount sufficient to recover the full cost of these activities, as required by Board Policy B-29, Fees Grants, Revenue Contracts - Department Responsibility for Cost Recovery. Accordingly, there is no projected unrecovered cost and a waiver of Board Policy B-29 is not needed.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors directed the Chief Administrative Officer to return to the Board on November 20, 2019 with a Resolution authorizing and accepting grant funding from the Building Homes and Jobs Act to develop a program to subsidize the construction of an Accessory Dwelling Unit (ADU), as outlined in the October 10, 2018 Board of Supervisors agenda item #2, Recommendation 3 (Accessory Dwelling Units (PI-3)), Option 4: consider encouraging construction of Accessory Dwelling Units by developing a pilot program to provide bridge funding, in the form of a grant or loan, to property owners to construct an Accessory Dwelling Unit in exchange for renting the Accessory Dwelling Unit at an affordable rate through a deed

restriction or similar mechanism. The program shall focus on vulnerable populations such as seniors and veterans.

AYES: Cox, Jacob, Fletcher, Desmond
NOES: Gaspar

8. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Eric Bruvold and Gary London spoke to the Board regarding County Climate Action Plan/Sierra Club Lawsuit.

Paul Rieker spoke to the Board regarding a request for an administration hearing for the Subdivision Map Act.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:39 a.m. in memory of Bruce Walton, John W. Johnson, and Lee Thibadeau.

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 November 20, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

10/30/19