

**December 6, 2023**

**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  
**WEDNESDAY, DECEMBER 6, 2023, 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 10:09 a.m.

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

- B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.
- C. Closed Session Report
- D. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- E. Approval of the Statement of Proceedings/Minutes for the meeting of November 8, 2023.

**ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of November 08, 2023.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

- F. Consent Calendar
- G. Discussion Items

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

## **Board of Supervisors' Agenda Items**

- | <b>Agenda #</b> | <b>Subject</b>  |
|-----------------|---|
| 1.              | ADMINISTRATIVE ITEM:<br>SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:<br>LOCAL MICROENTERPRISE HOME KITCHEN OPERATION PROGRAM<br>UPDATE AND OPTIONS FOR CONTINUED AUTHORIZATION IN SAN<br>DIEGO COUNTY, COTTAGE FOOD OPERATION PROGRAM OPTIONS, AND<br>RELATED CEQA EXEMPTION (11/8/2023 - Introduction and First Reading;<br>12/6/2023 - Second Reading)<br>[FUNDING SOURCE: PERMIT FEES] |
| 2.              | LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY<br>FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL<br>CRISIS AND RELATED CEQA EXEMPTION   |
| 3.              | COUNTY OF SAN DIEGO TRACT NO. 5610-1 (FINAL MAP NO. 16348):<br>APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE<br>MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND<br>EXTENSION OF TIME) FOR CREEKSIDE AT VILLAGE WALK LOCATED IN<br>THE RAMONA COMMUNITY PLAN AREA   |
| 4.              | COUNTY OF SAN DIEGO TRACT NO. 5158-1 (FINAL MAP NO. 16289):<br>APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE<br>MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND<br>EXTENSION OF TIME) FOR PALISADES ESTATES TENTATIVE MAP<br>LOCATED IN THE BONSALL COMMUNITY AND NORTH-COUNTY METRO<br>SUBREGIONAL PLAN AREAS   |
| 5.              | EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS<br>SECURED IMPROVEMENT AGREEMENTS TO COMPLETE SUBDIVISION<br>IMPROVEMENTS AND RELATED CEQA EXEMPTION   |
| 6.              | NOTICED PUBLIC HEARING:<br>NEWSOM PARCEL OPEN SPACE VACATION AND AN ADDENDUM TO<br>PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION,<br>PDS2022-VAC-22-003; JULIAN COMMUNITY PLAN AREA (11/8/2023 - SET<br>HEARING; 12/6/2023 - HOLD HEARING)<br>[FUNDING SOURCE: TOM NEWSOM (THE APPLICANT)]  |
| 7.              | TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION<br>(12/06/2023 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN<br>ORDINANCE; 01/10/2024 - SECOND READING OF AN ORDINANCE, UNLESS<br>ORDINANCE IS MODIFIED ON SECOND READING)<br>[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT]   |

8. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR ALPINE COMMUNITY PARK AND ADOPT A RESOLUTION TO ESTABLISH AN ALL-WAY STOP AT SOUTH GRADE ROAD AND CALLE DE COMPADRES AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT  
[FUNDING SOURCE: GENERAL PURPOSE REVENUE FROM FY 21-22, FY 23-24, AND GENERAL FUND FUND BALANCE FROM FY 18-19]
9. UPDATE ON THE DEVELOPMENT FEASIBILITY ANALYSIS IN VMT EFFICIENT AND INFILL AREAS OF FOUR COMMUNITIES: BUENA CREEK, CASA DE ORO, SPRING VALLEY AND NORTH EL CAJON/SOUTH LAKESIDE AND ASSOCIATED EXEMPTION TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
[FUNDING SOURCE: ONE-TIME GENERAL PURPOSE REVENUE]
10. PUBLIC COMMUNICATION

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1. **SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:  
LOCAL MICROENTERPRISE HOME KITCHEN OPERATION  
PROGRAM UPDATE AND OPTIONS FOR CONTINUED  
AUTHORIZATION IN SAN DIEGO COUNTY, COTTAGE FOOD  
OPERATION PROGRAM OPTIONS, AND RELATED CEQA  
EXEMPTION (11/8/2023 - Introduction and First Reading; 12/6/2023 -  
Second Reading) (DISTRICTS: ALL)**

#### **OVERVIEW**

On November 8, 2023 (06), the Board of Supervisors took action to further consider and adopt the Ordinances on December 6, 2023.

The California Retail Food Code (State law) establishes uniform health and sanitation standards at the State level for the regulation of retail food operations (food facilities) to prevent foodborne illness. State law defines a food facility as an operation that stores, prepares, serves, sells, or otherwise provides food for human consumption at the retail level, and includes restaurants, mobile food trucks, grocery stores, delis, food carts, schools, and Cottage Food Operations. The Department of Environmental Health and Quality (DEHQ) is the local enforcement agency of State law for all 18 incorporated cities (local jurisdictions), as well as the unincorporated communities in the region. DEHQ implements a regulatory Food Program conducting inspections at more than 15,000 food facilities annually, focusing on compliance with State law and reviewing food handling practices to protect public health and prevent the incidence of foodborne illness.

Prior to 2012, California required that food sold to consumers must be produced at inspected commercial kitchens. In 2013, the California Homemade Food Act allowed certain low-risk food products not requiring refrigeration, such as bread, pie, fruit jam, and dried food, to be made in private home kitchens and sold as a fully packaged and labeled product to consumers. This operation, commonly known as Cottage Food Operation (CFO), provides an opportunity for home cooks to start a small business. In accordance with State law, DEHQ implemented a CFO program in 2013.

In 2019, the enactment of Assembly Bill 626 (AB 626), *California Retail Food Code: Microenterprise Home Kitchen Operation* established a Microenterprise Home Kitchen Operation (MEHKO) as a new type of home-based food service facility in State law. When authorized, MEHKO home cooks can prepare and sell a wide range of foods in a home kitchen (like a mini restaurant), including foods, such as meat, fish, poultry, and dairy products, that require time and temperature control in order to prevent bacteria growth that can lead to foodborne illness. State law limits MEHKO operators on the number of meals that can be prepared and sold, the type of food preparation that is allowed, as well as the maximum number of employees and gross annual sales. MEHKO operators cannot operate or be permitted until authorization is granted by the governing body of the local enforcement agency. The County of San Diego Board of Supervisors (Board), as the governing body of DEHQ, has the authority to authorize a local MEHKO program for the entire San Diego region, which includes both the unincorporated communities and all 18 incorporated cities.

On January 26, 2022 (3), the Board adopted an ordinance that temporarily authorized a local MEHKO Program for the region for a period of two years. This ordinance became effective February 25, 2022 and expires February 25, 2024. The Board also directed staff to implement a public education program for aspiring MEHKO operators on food safety, following the adoption of the MEHKO ordinance. Additionally, the Board directed staff to assess the temporary program by:

- Working with all jurisdictions within the region, on a voluntary basis, to gather data related to MEHKO implementation during the temporary authorization, including but not limited to potential community impacts such as traffic, noise, wastewater, and code or nuisance complaints as well as food safety related data such as number of permitted MEHKO operators, complaints or reports of foodborne illness, and retail food safety compliance.
- Providing informational/educational trainings for city staff and operational leads in all jurisdictions in the region to share best practices to reduce, prevent and/or address nuisance activity, and possible approaches related to local land use nuisance regulations.
- Analyzing potential community impacts and collect data on nuisance complaints related to impacts from MEHKO operators in the unincorporated communities.

Planning & Development Services (PDS), oversees land use compliance for MEHKO operators in the unincorporated area. While State law preempts local zoning regulations do not apply to MEHKO operators, statute does allow for enforcement of local noise and nuisance regulations as well as a prohibition on signs at a MEHKO. DEHQ and PDS have collaborated since the authorization of the temporary, local MEHKO Program. As of October 16, 2023, there are 61 permitted MEHKO operators in the region. To date, the MEHKO Program has been successful with limited concerns from community members.

Since the authorization of a temporary, local MEHKO Program in 2022, Senate Bill 972 (SB 972), *California Retail Food Code*, was enacted on January 1, 2023. SB 972 modified State law to allow home-based businesses, including CFO and MEHKO, additional opportunities to expand their businesses through the use of compact mobile food operations (carts). Per State law, these opportunities to expand CFO or MEHKO businesses, must be approved by the Board.

Additionally, on July 21, 2023, Assembly Bill 1325 (AB 1325), *Microenterprise Home Kitchen Operation*, was enacted as urgency legislation, modifying State law again and increased the limit on the number of individual meals that a MEHKO can prepare and sell from 60 to 90 individual meals per week, and raising the maximum amount of verifiable gross annual sales that a MEHKO can have, from no more than \$50,000 to no more than \$100,000, without the Board having to take action.

Authorization for the temporary local MEHKO Program will sunset on February 25, 2024, at which point MEHKO operators will no longer be able to operate in the region if the Board takes action to decline the continuation of a local MEHKO Program. Today, staff are providing a report on the status of the temporary local MEHKO Program and related Board direction and requesting the Board provide direction regarding authorization of a local MEHKO Program.

Based on input received during stakeholder outreach and data collected throughout the implementation of the temporary local MEHKO Program, staff recommends the Board authorize the continuation of a local MEHKO Program for the entire San Diego region. Additionally, staff are requesting the Board consider providing direction regarding changes to the CFO Program based on recent State law changes.

On November 8, 2023, if the Board takes action to authorize the continuation of a local MEHKO Program (Option 2a), it is requested that they also provide direction on the additional opportunities for MEHKO (Options 3 through 6). There is flexibility regarding how the Board may approach Options 5 and 6 and can provide specific direction regarding number of meals and gross annual sales limits for MEHKO operators with carts. The Board is also requested to take action on the CFO Program (Option 7). Any and all Board actions on Options 2a, 3, 4, and 7 should be included in the ordinance amending the County of San Diego Code of Regulatory Ordinances (County Code). If the Board takes action to affirmatively decline to authorize a local MEHKO Program (Option 2b), then MEHKO operators will no longer be able to operate in the region beginning February 25, 2024, and it is requested that an ordinance be adopted to remove references to a temporary MEHKO Program included in sections of Title 6 of County Code.

Adoption of any of the proposed ordinances requires two steps. On November 8, 2023, the Board is requested to approve the first reading of an ordinance. If approved, the selected ordinances will be brought back for adoption on December 6, 2023.

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

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

Consider and adopt the Ordinance(s) amending the County Code of Regulatory Ordinances (second reading).

#### **EQUITY IMPACT STATEMENT**

Continuing to permit and regulate home-based food business, such as Microenterprise Home Kitchen Operation (MEHKO) and/or Cottage Food Operation (CFO), in the region would result in economic benefits to local communities and home cooks from a wide variety of backgrounds. Data from Riverside County, the first county to adopt a MEHKO program, found that MEHKO operators were 85% people of color and 60% women. Currently, there are 565 CFO and 61 MEHKO home based food businesses in the San Diego region. Home based food businesses create opportunities for self-reliance and empowerment for local community members, such as immigrants, by increasing their family income and contributing positively to the local economy.

#### **SUSTAINABILITY IMPACT STATEMENT**

If authorized, the local Microenterprise Home Kitchen Operation (MEHKO) would promote new, home-based businesses, supporting the County of San Diego (County) Strategic Initiative of creating policies to reduce and eliminate poverty, promoting economic sustainability for all, by providing just and equitable access to vulnerable populations in partnerships with communities. Additionally, authorizing a MEHKO Program in the region would support the County Strategic Initiative of protecting and promoting our agricultural resources by protecting the health and wellbeing of everyone in region by expanding the market for healthy, sustainable, and local food.



### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If the Board of Supervisors (Board) authorizes Microenterprise Home Kitchen Operation (MEHKO) (Option 2a), this request will result in estimated costs and revenue of \$184,000 in FY 2023-24. It is anticipated that Options 3 through 7 will have no fiscal impact. The funding source is permit fees. There will be no change in net General Fund cost and no additional staff years associated with these options.

A waiver of Board Policy B-29 is requested because the current fees do not cover all operating costs. The total unrecovered cost, per Board Policy B-29, for these permits is approximately \$9,600 for MEHKO (\$2,004) and Cottage Food Operation (CFO) (\$7,596) in DEHQ for FY 2023-24 and, if approved, will continue to be funded with existing departmental funds.

There is no fiscal impact if the Board declines to authorize a MEHKO Program (Option 2b), and there will be no change in net General Fund and no additional staff years associated with this option. The current resources will be allocated to other food programs.

### **BUSINESS IMPACT STATEMENT**

Due to the high start-up costs for restaurants, it is challenging for many cooks to benefit independently from their labor, skills, and limited resources, reducing an opportunity to produce a viable income. Alternatively, home cooks may choose to operate illegally, which can be treated as a criminal act. Continuing to allow home-cooked food sales through the continuation and expansion of home-based businesses, such as MEHKO and CFO Programs, will have the following positive impacts:

- Regulate unsafe private kitchen practices that may cause foodborne illness when food is cooked at unpermitted facilities;
- Promote food justice in communities that do not have access to healthy and affordable food options;
- Enable home cooks, who are mostly underrepresented groups such as women, immigrants, and people of color, to use their skills to generate income.

If continuation and expansion of home-based businesses is authorized by the Board of Supervisors, it will allow home cooks of all socioeconomic levels the opportunity to start a home-based business, preparing and serving food to the public throughout the region.

### **ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent, and adopted the following:

Ordinance No. 10880 (N.S.), entitled: ORDINANCE AUTHORIZING A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM throughout THE COUNTY OF SAN DIEGO;

Ordinance No. 10881 (N.S.), entitled: ORDINANCE AMENDING THE REGULATORY CODE RELATING TO MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM throughout THE COUNTY OF SAN DIEGO TO ALLOW THE SALE OF NON-POTENTIALLY HAZARDOUS FOOD WITH CARTS;

Ordinance No. 10882 (N.S.) entitled: ORDINANCE AMENDING THE REGULATORY CODE RELATING TO MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM throughout THE COUNTY OF SAN DIEGO TO ALLOW MEHKO TO SERVE AS A COMMISSARY; and,

Ordinance No. 10883 (N.S) entitled: ORDINANCE AMENDING THE REGULATORY CODE RELATING TO COTTAGE FOOD OPERATION (CFO) PROGRAM throughout THE COUNTY OF SAN DIEGO TO ALLOW THE SALE OF NON-POTENTIALLY HAZARDOUS FOOD WITH CARTS.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond  
NOT PRESENT: Lawson-Remer

**2. SUBJECT: LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

**OVERVIEW**

On June 27, 2023 (16), the County of San Diego (County) Board of Supervisors (Board), issued a Proclamation of Local Emergency (Proclamation) as a result of the continued conditions for detrimental impacts to the environment, economy, and property within San Diego county, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630. The Proclamation further asked the Governor to proclaim a State of Emergency in San Diego County. Government Code section 8630(c) requires local governing bodies to review the need for continuing the local emergency at least once every 60 days until the local emergency is terminated.

On July 19, 2023 (4), September 13, 2023 (3), and November 8, 2023 (2) the Board found that there is a continuing need for the local emergency. This is a request to find that a review of the local emergency has been conducted and that the local emergency will remain in effect.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proclamation of local emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378(b)(4)&(5) because the action is an administrative action intended to facilitate state and federal funding, does not commit the County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.

2. Find that there is a need to continue the local emergency and that the local emergency shall continue subject to review requirements until terminated pursuant to Government Code section 8630(d).

#### **EQUITY IMPACT STATEMENT**

The communities closest to the San Diego International Border, including the communities of Imperial Beach, San Ysidro, Otay Mesa, and Tijuana River Valley are identified by SB 535 (2012) and CalEnviroScreen 4.0 as being Environmental Justice communities having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation, and poverty rates. By supporting the local emergency proclamation, the County of San Diego remains committed to working with local, state, federal and Mexican authorities to improve conditions for these communities. Local Environmental Justice communities have decades of suffering from various pollution sources, have been advocating and working to raise their concerns to the various agencies, and have engaged to elevate the need for data collection to document environmental injustices.

#### **SUSTAINABILITY IMPACT STATEMENT**

This action letter aligns with the County of San Diego's sustainability goals to protect the environment and promote our natural resources, diverse habitats and cultivate a natural environment for residents, visitors, and future generations to enjoy.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this request to continue the emergency. There will be no change in net General Fund costs and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

Increased beach water closures resulting from sewage impacts have a direct effect for the surrounding community due to decreased tourism, patronage of local businesses, and opportunities for youth recreation and camps. By continuing a local emergency, the County of San Diego will be able to engage businesses and non-profit service providers that have been impacted by the restricted access to local beaches and oceans with the goal of assisting in identifying ways to connect them to any state or federal relief programs.

#### **ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

3. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5610-1 (FINAL MAP NO. 16348): APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR CREEKSIDE AT VILLAGE WALK LOCATED IN THE RAMONA COMMUNITY PLAN AREA (DISTRICT: 2)**

#### **OVERVIEW**

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on private development projects. As conditions of their permits, 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 and their financial security 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 Creekside at Village Walk project (TM 5610), is a subdivision consisting of a 40-unit market rate residential detached condominium project. The site is 5.5 acres and is located north of the Pala Street/Robertson Street intersection in the Ramona Community Plan Area within unincorporated San Diego County. On July 14, 2017, the San Diego County Planning Commission approved the Subdivision Map and Improvement Agreement, which includes improvements to streets, drainage, water, and sewer facilities. The Director of Planning & Development Services approved an extension to the Improvement Agreement on June 4, 2019. The subdivision owner has requested an additional two-year extension to construct the public improvements due to rising construction costs and current interest rates. To date, no improvements or construction has begun.

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 an increase in the amount of security from \$361,900 to \$431,800 for the Faithful Performance Bond and an increase of \$180,900 to \$215,900 for the Labor & Material Bond. The request also includes a two-year extension of performance completion date of the improvements for County Tract No. 5610-1 (Final Map No. 16348), known as Creekside at Village Walk. The County Code allows the Director of PDS to grant the first extension for up to two additional years. All subsequent extensions require Board approval. If the Board chooses not to grant the extension as recommended, it may have other options available, including (but not limited to): Approving the recommended extension upon substitution of security; denying the recommended extension and using the existing security to fund the completion of the improvements; denying the recommended extension and seeking a remedy against the developer or surety.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the approval of the First Amendment to Agreement (Attachment A) and associated actions for County Tract No. 5610-1 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 to execute the First Amendment to the 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 40 detached condominiums will contribute housing to the unincorporated area while protecting natural spaces and water quality. The project 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 Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

4. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5158-1 (FINAL MAP NO. 16289): APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND EXTENSION OF TIME) FOR PALISADES ESTATES TENTATIVE MAP LOCATED IN THE BONSCALL COMMUNITY AND NORTH-COUNTY METRO SUBREGIONAL PLAN AREAS (DISTRICT: 5)**

#### **OVERVIEW**

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on private development projects. As conditions of their permits, 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 and their financial security 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 Palisades Estates, Unit 1, project (TM 5158) includes 19 single-family residential lots, 1 lot for future development (nothing proposed at this time), and two open space lots on 383 acres, as indicated on the approved Tentative Map 5158. The project site is located in the Bonsall Community and North County Metropolitan Subregional Plan Areas within unincorporated San Diego County. The Board of Supervisors (Board) approved the Subdivision Map and Improvement Agreement on March 1, 2006, which includes street and drainage improvements including road widening, paving, and stripping, as well as water and sewer facilities. The Director of Planning & Development Services approved an extension of time to complete the improvements as required by the Improvement Agreement on August 7, 2018. The subdivision owner has requested an additional two-year extension to construct the public improvements. To date, no improvements or construction has begun as the applicant is in the process of recording the second unit of map. The applicant anticipates commencing the construction work for the improvements in April 2024.

This is a request for the Board to approve the First Amendment to Agreement to Improve Major Subdivision (First Amendment to Agreement) which includes an increase in the amount of security from \$2,184,400 to \$2,806,964 for the Faithful Performance Bond and an increase from \$1,092,200 to 1,403,482 for the Labor & Material Bond. This request also includes a two-year extension of performance completion date of the improvements for County Tract No. 5158-1 (Final Map No. 16289), known as Palisades Estates Tentative Map. The County Code allows the Director of PDS to grant the first extension for up to two additional years. All subsequent extensions require Board approval. If the Board chooses not to grant the extension as recommended, it may have other options available, including (but not limited to): approving the recommended extension upon substitution of security; denying the recommended extension and using the existing security to fund the completion of the improvements and; denying the recommended extension and seeking a remedy against the developer or surety.

**RECOMMENDATION(S)****CHIEF ADMINISTRATIVE OFFICER**

1. Find that the approval of the First Amendment to Agreement (Attachment A) and associated actions for County Tract No. 5158-1 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 to execute the First Amendment to the 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 19 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 Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

**5. SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS SECURED IMPROVEMENT AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS AND RELATED CEQA EXEMPTION (DISTRICTS: 2, 3 & 5)**

**OVERVIEW**

Within the existing legal boundaries of their property, private property owners may use the County of San Diego's (County) land development process to further subdivide their land, creating new internal legal lots and boundaries, which are recorded on subdivision maps. Subdivision developers, as conditions of their permits, are often required to construct specific improvements that benefit the public, such as roads and storm drainage systems. In many cases, these improvements are accepted by the County to be owned, operated, and maintained by the Department of Public Works (DPW) in perpetuity.

Subdivision improvement agreements and the requirement for developers to provide security (i.e., a bond or other financial instrument) are executed at the time of final map approval in order to ensure that any required improvements are constructed for approved subdivisions with a recorded map. The security amount is 100% of the total estimate of the improvements, conditioned on the developer's completion of the improvements listed in the agreement, and an additional amount of 50% securing payment for labor and materials in the event the developer does not complete the improvements as required. If a developer defaults without completing the improvements included in the subdivision improvement agreement, this security can be used to finance the completion of the required improvements.

The San Diego County Code of Regulatory Ordinances allows for and establishes the requirements for time extensions for the completion of these required improvements on private development subdivisions in order to grant the developer additional time to complete construction, while simultaneously preserving the County's rights to have the public improvements constructed by the developer. It is not uncommon for development projects to take an extended time to complete. Construction schedules can be affected by the economy, the developer's circumstances, permitting, site conditions, and other related factors. DPW staff monitors the status of subdivision improvement agreements and the associated work. If developers need additional time and wish to extend the agreement, they can submit an extension request and provide a current cost estimate of the remaining work. DPW staff reviews the estimate to confirm the total security is adequate based on construction progress and estimated costs for remaining work based on current pricing. If the original security is insufficient, staff will confirm the increased total amount matches the current cost estimate. If staff determine a time extension is warranted, staff will then bring the request forward for Board of Supervisors (Board) consideration.

This is a request for the Board to approve two-year extensions of performance completion dates for the following subdivisions in Districts 2, 3, and 5:

1. Tract No. 5365-1 (Map No. 15888), Harmony Grove Village Unit 1, located in the Escondido area. This project has 71 single-family residential lots, one non-residential lot, one fire station lot, one wastewater treatment/water reclamation lot, seven property owners' association (POA) lots, 18 private road lots, and two open space lots. The overall acreage of the site is 84.4 acres. This extension is specifically for project condition 3.b to provide an additional



northbound through-lane and a dedicated northbound right-turn lane at the Via Rancho Parkway and Del Dios Highway intersection per offsite public improvement plan CG 4777. All other conditions of the project have been met.

2. Tract No. 5110-1 (Map No. 14997), Belmont Estates, located in the Valley Center area. This project has 14 single-family residential lots and the overall area is 34.83 acres.
3. Tract No. 5537-1 (Map No. 16320), F Street Subdivision, located in the Ramona area. This project has 10 single-family residential lots and the overall area is 2.06 acres.

Staff has determined these two-year extensions to complete improvements are warranted due to the developers' requests, the County's continued interest in receiving the improvements, and the absence of negative impacts associated with later delivery. In the case of Harmony Grove Unit 1 (TM 5365-1), the developer encountered difficulties in designing the offsite intersection improvements and is currently working through design changes to complete the improvements. All units for Harmony Grove Unit 1 have been completed along with the onsite infrastructure to support this development. The extension would be solely for the offsite improvements required by project condition 3.b as described above. No units for Belmont Estates or F Street Subdivision have been completed to date. The developer of Belmont Estates has chosen not to begin construction due to economic reasons. For F Street Subdivision, the improvement permit was not issued until February of 2022 delaying the start of construction. The developer is currently working on site preparation in order to begin construction of the required improvements. For these reasons, staff believes there are no adverse consequences to granting the developers additional time to complete the improvements. Staff has also determined that there is adequate security for all improvements to guarantee completion of the remaining work for the agreement, should that become necessary to leverage in the future to ensure improvements are constructed.

Today's request is for the Board to approve the extension of the performance completion dates in subdivision agreements for developments referenced by Tract No. 5365-1, Tract No. 5110-1 and Tract No. 5537-1 to December 6, 2025.

#### **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 December 6, 2025, the performance completion dates in subdivision agreements for developments referenced by Tract No. 5365-1, Tract No. 5110-1 and Tract No. 5537-1.

#### **EQUITY IMPACT STATEMENT**

It is anticipated that the extension will allow time for infrastructure to be completed by the developer for the benefit of the unincorporated communities where the projects are located. This infrastructure includes roads and drainage systems that will support housing development.

### **SUSTAINABILITY IMPACT STATEMENT**

The extension will allow time for stormwater infrastructure to be completed by the developer which have environmental and sustainability benefits. Storm drain inlet filter inserts for Harmony Grove Unit 1 (5365-1); a bioretention basin, permeable interlocking pavers, and vegetated swales for Belmont Estates (5110-1); and tree wells for F Street Subdivision (5537-1) will be installed to address stormwater quality.

### **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 Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

6. **SUBJECT: NOTICED PUBLIC HEARING:  
NEWSOM PARCEL OPEN SPACE VACATION AND AN ADDENDUM  
TO PREVIOUSLY ADOPTED MITIGATED NEGATIVE  
DECLARATION, PDS2022-VAC-22-003; JULIAN COMMUNITY PLAN  
AREA (11/8/2023 - SET HEARING; 12/6/2023 - HOLD HEARING)  
(DISTRICT: 2)**

### **OVERVIEW**

On November 8, 2023 (04), the Board of Supervisors set a Hearing for December 6, 2023.

Planning & Development Services (PDS) is processing a request from Tom Newsom (the Applicant(see Attachment B, Ownership Disclosure) to vacate a Biological Open Space Easement and Limited Building Zone Easement Vacation (Vacation) (see Attachment B, Open Space Area to be Vacated and Rededicated) which is located on a privately owned parcel in the Julian Community Plan Area, within unincorporated San Diego County (see Attachment A, Vicinity Map). The Vacation is proposed within a vacant and undeveloped 4.4-acre parcel that is located south of Winn Ranch Road, approximately 1,100ft east of Highway 79. The applicant is currently in the permitting process with PDS to develop a single-family home on the parcel. Currently, 2.56-acres of the property are Biological Open Space and 1.32-acre has a Limited Building Zone Easements that were recorded May 7, 2007 (Attachment F, Recorded Biological Open Space and Limited Building Zone Easements), in accordance with the Tentative Parcel Map Decision of Approval (TPM-20571RPL). Concurrently, a rededication is proposed for a 2.59-acre Biological Open Space Easement and a 1.28-acre Limited Building Zone Easement in the parcel.

On September 19, 2002, the County Department of Environmental Health and Quality approved a septic layout (Percolation Test Report No. P03463, see Attachment F). In 2007 the property owner at that time, submitted an application for Tentative Parcel Map (TPM-20571RPL) that would divide the property into four lots. During the approval process for the Tentative Parcel Map, there was a clerical oversight, and the Biological Open Space Easement was placed over the already approved septic location. Today, the applicant, who is also the new property owner, is requesting the Vacation and a rededication of the open space to correct the easement configuration so that the applicant may construct the septic system in the location originally approved by the County of San Diego. The parcel's terrain does not allow for a septic system to be located anywhere else except where it was approved in 2002, as there are numerous rock sediment boulders, making it unsuitable for septic system development (Attachment F). Relocating the easement will allow for a septic system, consisting of an underground septic tank, a distribution box, baffles, and a drain field to be used for the single-family home project being developed.

A rededication of the easement will reconfigure 2.59-acre Biological Open Space Easement and 1.28-acre Limited Building Zone Easement to ensure the parcel's continued compliance with the previously approved Mitigated Negative Declaration (MND) mitigation measures. The proposed rededication, which requires easements restricting certain uses of the property to support the conservation of sensitive habitat lands, must be recorded by the Clerk of the Board.

Today's request requires two steps: November 8, 2023, it is requested that the Board set a date for a public hearing on December 6, 2023, and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended for today, then on December 6, 2023, it is requested that the Board consider and adopt a resolution to vacate the referenced open space easements, record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2022-VAC-22-003, and record the BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT concurrently.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Adopt the environmental findings, which include findings in accordance with Section 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines that there are no substantial changes in the Vacation or in the circumstances under which the Vacation is undertaken that involve significant new environmental impacts which were not considered in the previously adopted Mitigated Negative Declaration (MND) dated February 24, 2004, 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 MND was adopted (Attachment C).
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING BIOLOGICAL OPEN SPACE AND LIMITED BUILDING ZONE EASEMENTS PDS2022-VAC-22-003 (Attachment D).

3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325 and record the BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT (Attachment E) concurrently.

#### **EQUITY IMPACT STATEMENT**

The Newsome Vacation (Vacation) will result in a 2.59-acre Biological Open Space Easement and a 1.28-acre Limited Building Zone Easement which will preserve land and biological resources within San Diego County and Julian Community on a 4.4- acre private property. The proposed easement vacation is unnecessary for current or future public use as a public service easement. The location of the property will contribute to preserving biological resources within the Julian Community and assist with long-term preservation of biological resources within San Diego County. The preservation of this land will enhance the quality of the environment within the region by contributing to sustainability and conservation of land in perpetuity that promotes an environment where communities can prosper.

#### **SUSTAINABILITY IMPACT STATEMENT**

The purpose of this Vacation is to rectify an oversight that occurred in the creation of a parcel from a recorded 2007 Parcel Map, the Vacation proposes to vacate a Biological Open Space Easement and Limited Building Zone Easement and concurrently rededicate a Biological Open Space Easement and Limited Building Zone Easement. At Vacation completion, there will be an overall increase in the amount of Biological Open Space on the parcel. The Vacation does not present a substantial change to the previously approved project as it will conserve sensitive habitat lands in perpetuity.

#### **FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year 2023-24 Operational Plan in Planning & Development Services. If approved, this request will result in estimated costs and revenue of \$16,415 for the Open Space Vacation and will cover the staff time involved with preparing the resolution, public notice, board letter, and public hearing documents. The funding source for this project is provided by Tom Newsom (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 Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors closed the Hearing and took action as recommended, and adopted Resolution No. 23-141, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENTS PDS2022-VAC-22-003.

AYES: Vargas, Anderson, Desmond, Montgomery Steppe

NOT PRESENT: Lawson-Remer

7. **SUBJECT: TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (12/06/2023 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 01/10/2024 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: 2 & 5)**

#### **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 region. To be effective, the TAC proposes policies that will enhance safety, reduce congestion, and be legally enforceable. 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 the implementation of a traffic safety measure in unincorporated areas, the TAC reviews and investigates the requested item, including engineering and traffic condition studies. The TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on four items from the July 28, 2023, TAC meeting agenda:

<b>Items from the 07/28/2023 TAC Meeting</b>			
<b>District</b>	<b>Item</b>	<b>Location</b>	<b>Action</b>
2	2-A	Ha Hana Road from Los Coches Road to Lakeview Road in Lakeside	Certify the 35 miles per hour (MPH) speed limit.
2	2-B	La Cresta Boulevard from Mountain View Road to Suncrest Boulevard in La Cresta	Certify the 30 MPH speed limit.
2	2-C	Rios Canyon Road and Calle de Ernesto/Rios Elementary School Driveway in Glenview	Establish an all-way stop intersection.
5	5-A*	Pepper Tree Lane/Calavo Road from McDonald Road to Stage Coach Lane in Fallbrook	Reduce the 40 MPH speed limit to 35 MPH and certify.
* Indicates second reading of the ordinance is required.			

Approval of Item 2-A on Ha Hana Road in Lakeside (District 2), Item 2-B on La Cresta Boulevard in La Cresta (District 2), and Item 5-A on Pepper Tree Lane/Calavo Road in Fallbrook (District 5) would allow for speed enforcement which enhances roadway safety. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for enforcement.

Approval of Item 2-C at Rios Canyon Road and Calle de Ernesto/Rios Elementary School Driveway in Glenview (District 2) will provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at 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 Item 2-A on Ha Hana Road in Lakeside (District 2), Item 2-B on La Cresta Boulevard in La Cresta (District 2), and Item 2-C at Rios Canyon Road and Calle de Ernesto/Rios Elementary School Driveway in Glenview (District 2) does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second reading of an ordinance. Board direction on December 6, 2023, would allow for implementation by DPW.

The Board's action on Item 5-A on Pepper Tree Lane/Calavo Road in Fallbrook (District 5) would introduce an ordinance to amend a speed limit zone. This action would revise the County Code and requires two steps. On December 6, 2023, the Board would consider the TAC items. If the Board takes action as recommended on December 6, then on January 10, 2024, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction. If the proposed ordinance is altered on December 6, 2023, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

**RECOMMENDATION(S)**  
**TRAFFIC ADVISORY COMMITTEE**

**District 2:**

Item 2-A. Ha Hana Road from Los Coches Road to Lakeview Road in Lakeside - Certify the 35 miles per hour (MPH) speed limit.

Item 2-B. La Cresta Boulevard from Mountain View Road to Suncrest Boulevard in La Cresta - Certify the 30 MPH speed limit.

Item 2-C. Rios Canyon Road and Calle de Ernesto/Rios Elementary School Driveway in Glenview - Establish an all-way stop intersection.

**District 5:**

Item 5-A. Pepper Tree Lane/Calavo Road from McDonald Road to Stage Coach Lane in Fallbrook - Reduce the 40 MPH speed limit to 35 MPH and certify for radar enforcement.

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County of San Diego 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. (Item 2-C)  
  
RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO. (Item 2-C)
4. Approve the introduction the following Ordinance:  
ORDINANCE AMENDING SECTION 72.169.55.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY. (Item 5-A)

If, on December 6, 2023, the Board takes action as recommended, then, on January 10, 2024:  
Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTION 72.169.55.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY. (Item 5-A)

#### **EQUITY IMPACT STATEMENT**

The review of traffic signs, intersection controls, and roadway markings supports vehicle safety on County of San Diego-maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities, and for people of all incomes, races, ethnicities, ages, and abilities. Understanding travel patterns, where correctable crashes are occurring, and the disproportionate impacts on certain communities will allow the Department of Public Works to identify actions to address the underlying causes, improve safety, and ensure there is justice in the enforcement of traffic regulations.

DPW's Local Roadway Safety Plan reviews correctable collisions along road segments within the unincorporated areas of the region and utilizes the Healthy Places Index (3.0) and CalEnviroScreen 4.0 to ensure underserved populations are prioritized. The Traffic Advisory Committee (TAC) relies on the Local Roadway 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 TAC 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 public forum every six weeks 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.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2023-24 Operational Plan in the Department of Public Works Road Fund. If approved, this request will result in current year costs and revenue of \$6,360 for staff time, materials, and supplies. The funding source is State Highway User Tax Account. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, and adopted the following:

Resolution No. 23-142, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO;

Resolution No 23-143, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO; and, to further consider and adopt the Ordinance on January 10, 2024.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

8. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR ALPINE COMMUNITY PARK AND ADOPT A RESOLUTION TO ESTABLISH AN ALL-WAY STOP AT SOUTH GRADE ROAD AND CALLE DE COMPADRES AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT (DISTRICT: 2)**

### **OVERVIEW**

This item was continued from the November 8, 2023 (03) meeting agenda.

The unincorporated community of Alpine encompasses approximately 108 square miles with a population of 17,609. Alpine currently has no County of San Diego (County) managed parks and only 1.83 acres of parkland per 1,000 residents, falling well short of the County General Plan goal of providing 10 acres of parkland per 1,000 residents. To support the community's current and future recreational needs, the Department of Parks and Recreation (DPR) will construct a 25-acre park on an undeveloped 98-acre property, approved by the Board of Supervisors for purchase by DPR in 2019. The addition of the 25 acres of parkland will increase the parkland ratio to approximately 3.2 acres of parkland per 1,000 residents. The future park is the result of over a decade of work in partnership with community stakeholders and hundreds of properties evaluated. The proposed park property, which is adjacent to and north of South Grade Road and east of Tavern Road, was acquired to develop a portion as an active park and conserve the



majority of the property as open space. Active recreation is planned for 25 of the 98 acres and will connect to trails located on Wright's Field, a publicly accessible nature preserve owned and managed by Back County Land Trust. The remaining 73 acres will remain as open space preserve and will serve as a natural barrier between the park and non-accessible areas of Wright's Field.

Following the purchase of the property, DPR facilitated an extensive community-driven design process to shape the new park, including 5 public meetings, several online surveys, stakeholder meetings, and community events. Amenities planned for the park were derived from this community outreach and in adherence to goals outlined in the Parks Master Plan. The Alpine Community Park project will be constructed in phases. Phase 1 of the project will include the construction of utilities, northern site development and grading, a dog park, playgrounds, picnic areas, an equestrian staging area, a community garden, sports courts, park office and restrooms, a volunteer pad, and parking. Future phases will include the remainder of site development, utilities, and grading, a multi-purpose grass area, baseball field, all-wheel area, bike skills course, fitness stations, multi-purpose building, a second restroom, and additional trails and parking. This project will also establish an all-way stop at South Grade Road and Calle de Compadres.

Today's proposed actions will adopt and certify the Alpine Community Park Environmental Impact Report (EIR) and the Mitigation, Monitoring, and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) for the construction and operation of the Alpine Community Park. Today's proposed actions will also adopt a resolution that amends a master resolution to establish an all-way crossing to support pedestrian and bicyclist crossing at the South Grade Road and Calle de Compadres intersection. Further, the proposed actions will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for an estimated Phase 1 construction cost of \$11,400,000, including an all-way stop and contingency. Additional project funds of \$10,600,000 will be used for related project costs, including acquisition, design, environmental monitoring, restoration, inspection, construction management, and project administration for a total Phase 1 project cost of \$22,000,000. The total Alpine Community Park project is estimated to cost \$45,575,000 for all phases and construction of all amenities. The request for funding for completion of the park is in future years. The Board of Supervisors (Board) is also requested to designate the Director, DPR, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects. Phase 1 construction will begin in Spring 2024 and is expected to be completed in Winter 2025. Ongoing costs for operation and maintenance, the addition of 2.0 full-time staffing positions, start-up costs, and funding sources will be included and identified in the FY 2025-26 Operational Plan.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Certify that the Environmental Impact Report (EIR) for the Alpine Local Park project (State Clearinghouse #2021030196), dated December 16, 2022, on file with the Department of Parks and Recreation (Attachment B) has been completed in compliance with California Environmental Quality Act (CEQA) and State CEQA Guidelines, that the EIR was presented to the Board of Supervisors and that the Board of Supervisors has

reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgment and analysis of the Board of Supervisors.

2. Adopt the findings concerning mitigation of significant environmental effects pursuant to Section 15091 of the CEQA Guidelines (Attachment C).
3. Adopt the Mitigation, Monitoring, and Reporting Program prepared in accordance with Public Resources Code section 21081.6 and CEQA Guidelines 15091(d) (Attachment D).
4. Adopt the “Statement of Location and Custodian of Record of Proceedings” (Attachment E).
5. Find, in accordance with California Manual on Uniform Traffic Control Devices that an all-way stop control at the intersection of South Grade Road and Calle de Compadres in Alpine is appropriate to support an equestrian/pedestrian/bicycle crossing through the intersection.
6. Adopt Resolutions entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY and RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO (Attachment F)
7. 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 and Public Contract Code section 22160-22169, with respect to contracting for the construction of the Alpine Local Park project.
8. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of Alpine Local Park project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

#### **EQUITY IMPACT STATEMENT**

At present, Alpine is deficient in both parkland and active recreation opportunities to meet the current and growing needs of its diverse community members and achieve the County of San Diego’s (County’s) General Plan goal of 10 acres of parkland per 1,000 residents. Development of the site will add 25 acres to County-owned active recreation parkland bringing the ratio to approximately 3.2 acres per 1,000 residents, and enable the Department of Parks and Recreation to better serve residents of Alpine by expanding access to opportunities to recreate outdoors within their own community.

## **SUSTAINABILITY IMPACT STATEMENT**

The proposed Alpine Community Park will result in sustainability enhancements to the County of San Diego (County) by contributing to all seven of the County Sustainability Goals: engage the community; provide just and equitable access; transition to a green, carbon-free economy; protect health and well-being; protect water; protect ecosystems, habitats, biodiversity, and soil health; and reduce pollution and waste.

Throughout the planning and design process of the park, the community and stakeholders have been engaged to contribute their ideas on the recreational amenities and programming they would like to see. This project will additionally add climate resiliency features including 167 new trees at full build-out, native gardens, water efficient irrigation, and a collection of bioswales and detention basins.

This project is contributing to the health and wellbeing of Alpine, a park-deficient community with limited access to recreational amenities. The Project will increase the community's tree canopy and plants, while using an automatic, weather-based irrigation system that will be adjusted based on weather events.

The full site-built features of the park include installation of 5 dual electric vehicle charging stations and solar photovoltaic panels that are anticipated to offset 163,000 kilowatt hours per year of the total electricity usage of the park. These sustainable building features will help reduce the park's greenhouse gas emissions from building operations and vehicles visiting the park.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2023-24 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs and revenue of \$22,000,000 for the Capital Project 1021897 Alpine Local Park. Construction costs for Phase 1 are estimated at \$11,400,000 including contingency. The remaining \$10,600,000 in project funding is used for acquisition, design, construction management, environmental review, mitigation, restoration, and project administration. The funding source is General Purpose Revenue from FY 21-22 (\$10,500,000), General Purpose Revenue from FY 23-24 (\$5,000,000) and General Fund fund balance from FY 18-19 (\$6,500,000). There will be no change in net General Fund cost and no additional staff years.

Upon completion of this project, ongoing operations are estimated at \$373,712 annually, which will include staffing, utility costs, maintenance supplies and services. An estimated \$175,890 will fund 2 additional full-time staff, and \$197,822 will cover ongoing services and supplies costs. The park is projected to open in FY 2025-26, and these costs will be included in future Operational Plans.

## **BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, and adopted Resolution No. 23-144, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO; and, adopted Resolution No. 23-145, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond  
NOT PRESENT: Lawson-Remer

9. **SUBJECT: UPDATE ON THE DEVELOPMENT FEASIBILITY ANALYSIS IN VMT EFFICIENT AND INFILL AREAS OF FOUR COMMUNITIES: BUENA CREEK, CASA DE ORO, SPRING VALLEY AND NORTH EL CAJON/SOUTH LAKESIDE AND ASSOCIATED EXEMPTION TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (DISTRICTS: ALL)**

**OVERVIEW**

Over the past decade, the State of California (State) has passed numerous laws related to development, climate action, housing, and sustainability. In recent years, the County of San Diego (County) Board of Supervisors (Board) has taken actions to ensure that local policies, regulations, and plans comply with these State laws by directing the development of County programs and policies to reduce Vehicle Miles Traveled (VMT), increase the production of housing for all, and be responsive to community needs throughout the unincorporated area. To meet this direction, housing opportunities will need to be focused in more urbanized areas, and planning for the more rural communities will center around economic development, supporting agriculture, and conserving our natural resources. Equity, community, and sustainability will continue to be at the heart of planning throughout the unincorporated area.

On February 9, 2022 (7), the Board directed staff to develop options for a Sustainable Land Use Framework for the unincorporated area, including the identification of sustainable development principles that could inform land use decisions and options for a parcel-by-parcel analysis. The purpose of the parcel-by-parcel analysis was to identify barriers to housing development, potential solutions, and ways the County can support housing and other improvements in our VMT Efficient and Infill areas. To achieve this, the parcel-by-parcel analysis would look at a range of potential barriers to housing production (i.e., lack of infrastructure, small parcel sizes, insufficient density, or zoning allowances) and identify strategies to address those barriers. Subsequently, the parcel-by-parcel analysis was renamed the “Development Feasibility Analysis (DFA)” to reflect the more comprehensive approach needed for identifying housing development potential in key areas.

Staff returned to the Board on March 1, 2023 (7) with an update on the Sustainable Land Use Framework approach including initial principles for sustainable development, and an overview of the approach for the DFA. As part of this return, staff asked that the Board provide input on the initial set of Sustainability Principles and direct staff to continue stakeholder engagement and proceed with the DFA in the four initial communities of Buena Creek, Casa De Oro, North El Cajon/Lakeside, and Spring Valley. The preliminary boundaries for the four initial communities were defined by County staff by identifying where there were opportunities for streamlining new housing development, environmental justice census tracts, Regional Housing Needs Assessment (RHNA) sites identified in the 6th Cycle Housing Element, concentrations of vacant or re-developable parcels, limited environmental constraints, and proximity to major roads and freeways. As part of the action taken at this meeting, the Board also directed staff to return in the fall of 2023 with a finalized memorandum of understanding (MOU) with North County Transit District (NCTD), specific timelines and anticipated cost estimates to complete the DFA in the initial four communities, and the Infrastructure Gap Analysis (IGA) maps and progress report. Since then, staff has conducted field visits to confirm data related to the four communities (i.e., vacant parcels, currently underway or anticipated County projects, and visible development challenges and opportunities). In addition, outreach was initiated in summer 2023 within the communities through a series of virtual public workshops, Community Planning and Sponsor Group meetings, as well as meetings and tabling events with additional stakeholders and community-based organizations. To conduct the technical analyses required in the second phase of the DFA, staff solicited proposals from consultants in the Planning & Development Services on-call list. Following the review of the proposals, staff contracted with MIG, Inc. (MIG) to help with this effort. MIG will assist staff by conducting more focused outreach to assess community needs and constraints, potential infrastructure improvements, conduct a market and financial feasibility analysis, and generate a final report. For the IGA that will inform the DFA, staff compiled in-house data available for sewer, flood, storm, and road infrastructure. As staff does not provide water service, water infrastructure data will be acquired through coordination with external agencies. To conduct a road infrastructure specific analysis, staff also brought in another consultant to review fourteen (14) road corridors within the four communities to document needed public improvements to promote safe walking, biking, and access to transit facilities in the vicinity of vacant and/or re-developable parcels. The infrastructure gap analysis will also include broadband needs, staff will thread with the Land Use & Environmental Group team overseeing the Broadband infrastructure to assess gaps in network.

The following is a summary of the project timeline and next steps:

Winter 2022	Identified concentration of vacant or re-developable parcels or “hot spots” in VMT Efficient and Infill areas. Identified initial four DFA communities.
Spring 2023	Provided Board with update on completion of Phase I and overview on next steps for Phase II. Developed statement of work for the DFA that was released as a Request for Proposal (RFP) to procure consultant.
Fall 2023	Selected consultant team.
Winter 2023	Update Board on DFA, IGA, MOU with NCTD, and timeline and cost. Begin technical analyses.
Spring 2024	Conduct focused outreach. Continue technical analyses. Phase II of IGA.

Summer 2024	Conduct outreach on results of technical analyses. Continue technical analyses.
Fall 2024	Return to Board with results of technical analyses.

Today's Board Letter provides (1) an update on the DFA effort, (2) an MOU with NCTD for Board approval, (3) specific timelines and anticipated cost estimates to complete the DFA in the four communities, and (4) IGA maps of existing road, sewer, and stormwater infrastructure, a progress report, and an update on the next phase of analysis.

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

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

Planning & Development Services recommends that the Board of Supervisors:

1. Find in accordance with Section 15061(b)(3) and 15378(b)(5) of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Receive the (1) update on the Development Feasibility Analysis (DFA) effort, (2) a Memorandum of Understanding (MOU) with North County Transit District (NCTD), (3) specific timelines and anticipated cost estimates to complete the DFA in the four communities, and (4) Infrastructure Gap Analysis (IGA) maps of existing road, water, sewer, and stormwater infrastructure, a progress report, and an update on the next phase of analysis.
3. Approve and authorize the Director of Planning & Development Services to execute, upon receipt, two copies of the MOU between the County and the NCTD regarding a formal partnership to pursue grant opportunities to implement improvements in areas where the County and NCTD have mutual jurisdiction.
4. Pursuant to Board Policy B-29, authorize the Director, the Department of Planning & Development Services, or his/her designee, to submit grant applications related to the MOU through June 30, 2028 for Planning & Development Services projects and programs.
5. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for services provided under grants.

#### **EQUITY IMPACT STATEMENT**

Access to housing is important to all. Housing affordability and attainability are a challenge for many, with disproportional effects on historically marginalized or underserved communities. To address the urgent housing crisis as soon as possible and support healthy, resilient, equitable communities, housing development will need to occur largely in identified Vehicle Miles Traveled (VMT) Efficient and Infill Areas due to environmental constraints, regulatory requirements, and other challenges that could limit the possibility of large-scale development in most other areas. Conducting a study to understand where and how the County can facilitate and support housing development and foster the creation of balanced communities within the unincorporated County will help to support a variety of housing options in VMT Efficient and

Infill Areas and help to reduce inequities caused by development that is not close to jobs and services and the uneven distribution of services, amenities, schools, parks, and affordable housing. The study will identify how, through focused investment and partnerships, the County can address equitable access to housing by ensuring options for various income levels, addressing disparities in infrastructure and service access, minimizing negative environmental impacts, and looking beyond housing and considering how development can support economic growth within the community.

#### **SUSTAINABILITY IMPACT STATEMENT**

The Development Feasibility Analysis (DFA) will identify specific parcels in Vehicle Miles Traveled Efficient and Infill areas with potential for housing development, as well as the associated infrastructure or service needed to make these parcels viable for development. The DFA promotes sustainability by facilitating more sustainable land use patterns, encouraging efficient use of infrastructure, redeveloping within established communities, reducing commute times, and rejuvenating underutilized infill areas. The DFA will provide information about the needs in different communities that will help to inform the Sustainable Land Use Framework. The Sustainable Land Use Framework is a tool to ensure that all unincorporated communities continue to grow in healthy, resilient, equitable ways by taking into consideration the comprehensive needs of a community, including striking a balance of land uses, fostering equity, nurturing social connectivity, and providing essential services and amenities among other considerations. This effort supports the County's "Sustainability" strategic initiative to cultivate a natural environment by supporting more sustainable land use patterns for future generations to enjoy.

#### **FISCAL IMPACT STATEMENT**

If approved, funds for this request are included in the FY 2023-24 Operational Plan in Planning & Development Services (PDS) for the development of the Sustainable Land Use Framework and the Development Feasibility Analysis (DFA). These recommendations will result in projected one-time costs and revenue of \$3,660,000 in FY 2023-24. The funding source is one-time General Purpose Revenue.

A waiver of Board Policy B-29 is requested because the proposed grant funding associated with the NCTD MOU may not offset all administrative costs. The total unrecovered cost per Board Policy B-29 for FY 2023-24 is not known at this time; PDS staff will return to the Board in Fall 2024 with unrecovered costs, fiscal impacts and related recommendations. At this time, there is no impact to net General Fund costs, and there will be no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

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

**OVERVIEW**

Michael Brando spoke to the Board regarding the COVID vaccines and a book labeled “An End to Upside Down Medicine.”

Vanessa Forsythe spoke to the Board regarding the harmful effects of lead particles in aviation fuel.

Robert Germann spoke to the Board regarding aviation pollution on his personal property.

Summer Light spoke to the Board regarding open space corridors at Elfin Forest and the San Elijo Hills area, and removal of asphalt at the San Marcos Landfill.

Lauren Jeffers spoke to the Board regarding protection of wildlife and land at San Elijo Hills.

Suzanne Hume spoke to the Board regarding Clean Earth for Kids.

Kathleen Lippitt spoke to the Board regarding concerns of the marijuana industry.

John Bottorff spoke to the Board regarding the harmful effects of synthetic turf.

Paul Henkin spoke to the Board regarding the Board’s actions.

Ann Riddle spoke to the Board regarding increased risk of impairment as the result of marijuana use.

Consuelo spoke to the Board regarding comments made by the Board.

Diane Grace spoke to the Board regarding driving under the influence of marijuana.

Terri-Ann Selly spoke to the Board regarding concerns of addiction in alcohol and marijuana.

Truth spoke to the Board regarding comments and actions made by the Board.

Audra spoke to the Board regarding her personal experiences and injuries.

Becky Rapp spoke to the Board regarding concerns of marijuana shops within communities.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.



There being no further business, the Board adjourned at 3:31 p.m. in memory of Dave Kreitzer and Peter Seidler.

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

Consent: Vizcarra  
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.

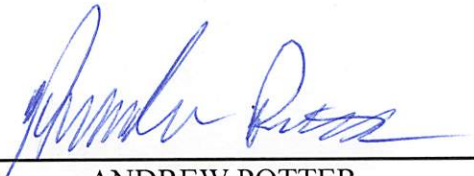
Approved by the Board of Supervisors, on Wednesday, January 10, 2024.

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NORA VARGAS  
Chair

Attest:

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ANDREW POTTER  
Clerk of the Board

12/06/2023