

December 9, 2020

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, DECEMBER 9, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

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

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

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

- B. Closed Session Report
- C. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of November 18, 2020.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Jacob, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of November 18, 2020.

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. | NOTICED PUBLIC HEARING:
ADOPTION OF THE CAMP LOCKETT MASTER PLAN AND
REZONE |
| 2. | NOTICED PUBLIC HEARING:
APPEAL OF THE LIBERTY CHARTER HIGH SCHOOL MAJOR USE
PERMIT |
| 3. | SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES,
COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY
CODE PROVISIONS APPLICABLE TO THE LAND USE AND
ENVIRONMENT GROUP |
| 4. | SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN
ORDINANCE AMENDING TITLE 9, DIVISION 7, CHAPTER 1 OF
THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES (COUNTY GREEN BUILDING CODE) RELATED TO
INCREASING WATER EFFICIENCY IN NEW RESIDENTIAL
DEVELOPMENT (11/18/2020 - 1st Reading; 12/09/2020 - 2nd Reading) |
| 5. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN
ORDINANCE AMENDING THE SAN DIEGO COUNTY
ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO
WAIVE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH
RENEWABLE ENERGY PROJECTS (11/18/2020 - 1st Reading;
12/9/2020 - 2nd Reading)
[FUNDING SOURCE: GENERAL FUND FUND BALANCE] |
| 6. | ADMINISTRATIVE ITEM:
THIRD CONSIDERATION AND ADOPTION OF ORDINANCES:
ADMINISTRATIVE ACTIONS AND ORDINANCES TO RETITLE
THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE
DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
AND IMPLEMENT ASSOCIATED ORGANIZATIONAL CHANGES |
| 7. | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY
VACATE A PORTION OF AN IRREVOCABLE OFFER OF
DEDICATION FOR PUBLIC HIGHWAY FOR VIA ENCINOS -
PALOMAR DRIVE (SC 130) IN THE FALLBROOK AREA
(VACATION NO. 2020-0128)
[FUNDING SOURCE: DEPOSIT FROM APPLICANT] |

8. ESTABLISH APPROPRIATIONS AND APPROVE THE AGREEMENT BETWEEN THE JULIAN COMMUNITY HERITAGE FOUNDATION AND THE COUNTY OF SAN DIEGO FOR JULIAN TOWN SQUARE [FUNDING SOURCE: GENERAL FUND FUND BALANCE COMPONENT DECREASE - PARKS EXPANSION & IMPROVEMENT COMMITMENT]
(4 VOTES)
9. EL MONTE RIVER VALLEY - CONSIDERATION OF THE ACQUISITION OF APPROXIMATELY 98 ACRES OF LAND IN LAKESIDE FROM HÉLIX WATER DISTRICT FOR ACTIVE RECREATION AND TRAIL CONNECTIVITY
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE AND A TRANSFER FROM THE DEPARTMENT OF PARKS AND RECREATION, SERVICES & SUPPLIES, BASED ON EXISTING APPROPRIATIONS OF DISTRICT TWO NEIGHBORHOOD REINVESTMENT PROGRAM FUNDS; LEASE REVENUE AND DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE]
(4 VOTES)
10. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR PHASE 1 OF THE SYCUAN/SLOANE CANYON TRAIL PROJECT
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]
11. AMEND AN INTERGOVERNMENTAL IMPROVEMENT FUNDING AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE BARONA BAND OF MISSION INDIANS AND ESTABLISH A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SAN DIEGO AND THE GROSSMONT UNION HIGH SCHOOL DISTRICT
12. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PEDESTRIAN FACILITY IMPROVEMENT PROJECTS (WILMA STREET, D STREET, BIRCH STREET, LAKESHORE DRIVE, AMMUNITION ROAD, WEST AVIATION ROAD AND WEST ALVARDO STREET SIDEWALK IMPROVEMENT PROJECT)
[FUNDING SOURCE: FEDERAL FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT]
(4 VOTES)

13. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2020-21 AND APPROVE REIMBURSEMENT AGREEMENT BETWEEN SAN DIEGO GAS AND ELECTRIC COMPANY AND THE COUNTY OF SAN DIEGO FOR ROAD RESTORATION IN DESCANSO
[FUNDING SOURCE: SB-1, TRANSNET, 2019 SDG&E REVENUE AGREEMENT, AND PROPOSED REVENUE AGREEMENT WITH SDG&E (4 VOTES)]
14. REQUEST TO ISSUE A COMPETITIVE SOLICITATION FOR GAS RELATED SERVICES AT COUNTY CLOSED LANDFILLS
[FUNDING SOURCE: ENVIRONMENTAL TRUST FUND]
15. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE SWEETWATER SUMMIT REGIONAL PARK CAMPGROUND EXPANSION PHASE II PROJECT
[FUNDING SOURCE: GENERAL PURPOSE REVENUE]
16. RECEIVE THE OPTIONS TO STREAMLINE RENEWABLE ENERGY PROJECTS IN THE UNINCORPORATED AREA REPORT; PROVIDE DIRECTION ON THE OPTIONS CONTAINED IN THE REPORT
17. SAN DIEGO COUNTY REVITALIZATION AND ASSISTANCE PROGRAM GRANTS TO PROVIDE SUPPORT TO BUSINESSES IN THE UNINCORPORATED AREA AS THEY RECOVER FROM THE COVID-19 HEALTH EMERGENCY
[FUNDING SOURCE: AVAILABLE GENERAL FUND FUND BALANCE]
18. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING:
ADOPTION OF THE CAMP LOCKETT MASTER PLAN AND
REZONE (DISTRICT: 2)**

OVERVIEW

The Camp Lockett property consists of approximately 400-acres of land located in the unincorporated area within the Campo/Lake Morena subregional group area. Historically, Camp Lockett was an Army Calvary base that came into County of San Diego (County) ownership in the 1950s. On March 1, 2016 (6) and July 19, 2016 (11), the Board of Supervisors (Board) approved the conveyance of portions of the Camp Lockett property to nonprofit organizations that are part of the Camp Lockett Interest Group (Interest Group). The purpose of the conveyance was to maintain and improve the property to preserve and complement its historical nature while providing services and other benefits to the community. As part of the July 2016 hearing, the Board also directed Planning & Development Services (PDS) staff to develop and recommend new zones on the Camp Lockett property that would permit civic, cultural, visitor, and community-oriented uses. The existing zoning was established when the County owned the property and it currently only allows public uses, such as libraries, schools, and parks.

The Interest Group includes the following five nonprofit organizations and a school district: the Camp Lockett Event Equestrian Facility, the Pacific Southwest Railway Museum, the Mountain Health and Community Services (which is now under San Ysidro Health's ownership), the Motor Transport Museum, the Mountain Empire Historical Society (MEHS), and the Mountain Empire Unified School District. All these organizations, except for MEHS, hold ownership over portions of Camp Lockett and have plans to establish improvements and expand services on the property. Staff developed a master plan with the Interest Group and community to include updated zoning for the properties owned by the Interest Group. The Camp Lockett Master Plan (Master Plan) establishes zoning, development standards and use regulations to guide future land uses and improvements on the property. The proposed Master Plan is the result of a collaborative effort between the County, the Interest Group, the Campo/Lake Morena Community Planning Group, and other community stakeholders.

Today's proposed action is for the Board to approve the Master Plan, add it to the County's Zoning Ordinance, and rezone 400 acres into the five zones outlined in the Master Plan. This action will allow civic, cultural, visitor, and community-oriented uses on the Camp Lockett property, as directed by the Board. The Master Plan also includes design guidelines to ensure that future development maintains high-quality architecture that embraces and complements Camp Lockett's cultural and historical context.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On November 13, 2020, the County of San Diego's Planning Commission considered the Camp Lockett Master Plan and Overlay Zone. The Planning Commission made the following recommendations to the Board of Supervisors (Board):

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15183 of the CEQA Guidelines.

2. Adopt the attached Form of Ordinance: AN ORDINANCE ADDING SECTION 8990 TO THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO THE CAMP LOCKETT MASTER PLAN, AND PROPERTY ZONING (POD 17-003; REZ 20-005) (Attachments B and C, on file with the Clerk of the Board).
3. Adopt the attached Form of Ordinance: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE CAMP LOCKETT MASTER PLAN/OVERLAY ZONE. (Attachments D and E, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission's recommendations to the Board of Supervisors (Board) and further recommends that the Board:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15183 of the CEQA Guidelines.
2. Adopt the attached Form of Ordinance: AN ORDINANCE ADDING SECTION 8990 TO THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO THE CAMP LOCKETT MASTER PLAN, AND PROPERTY ZONING (POD 17-003; REZ 20-005) (Attachments B and C, on file with the Clerk of the Board).
3. Adopt the attached Form of Ordinance: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE CAMP LOCKETT MASTER PLAN/OVERLAY ZONE. (Attachments D and E, on file with the Clerk of the Board).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following:

Ordinance No. 10700 (N.S.), entitled: AN ORDINANCE ADDING SECTION 8990 TO THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO THE CAMP LOCKETT MASTER PLAN, AND PROPERTY ZONING (POD 17-003; REZ 20-005); and,

Ordinance No. 10701 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE CAMP LOCKETT MASTER PLAN/OVERLAY ZONE.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

2. SUBJECT: APPEAL OF THE LIBERTY CHARTER HIGH SCHOOL MAJOR USE PERMIT (DISTRICT: 2)

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider an appeal of the Planning Commission's approval of the Major Use Permit (MUP) and associated environmental findings for the proposed Liberty Charter High School project (Project). The Project consists of the construction and operation of a charter high school, which will include a 48,000-square-foot, two-story building with 22 classrooms, administrative offices, and a gymnasium. At full capacity, the school will serve 450 students and have 33 faculty and staff. The 7.7-acre property is currently vacant and located on Chase Avenue just west of Jamacha Road in the Valle De Oro Community Plan area. The Project is being appealed by the Valle De Oro Community Planning Group (CPG) and by Steve Dillingham on behalf of the Save Our Students - Safety Over Sorry (SOS2) group, represented by Caldarelli Hejmanowski Page & Leer Law Firm (Attachment A). The Valle De Oro CPG appeal lists seven concerns and the SOS2 appeal includes 28 concerns within their appeal letter. Responses to all the points of appeal are included in Attachment B, with this Board letter providing a focused response to three primary concerns as follows:

1. Compliance with the California Environmental Quality Act and whether an Environmental Impact Report (EIR) should have been prepared rather than a Mitigated Negative Declaration;
2. Negative impact on traffic, parking, and safety, and the use of flawed traffic data; and
3. Inadequate public noticing.

Planning & Development Services recommends that the appeals be denied as the department has not identified any deficiencies in the environmental review or in the Major Use Permit findings made for the Project. Staff has determined that all potential environmental impacts will be mitigated to levels of less than significant with required mitigation measures and conditions of approval of the MUP. Staff also determined that the Project meets the intent and specific standards and criteria established in the County of San Diego's (County) Zoning Ordinance and complies with the County's General Plan and the Valle De Oro Community Plan.

The Board can: (1) deny the appeal and sustain the Planning Commission's decision to approve the MUP, (2) grant the appeal and deny the MUP, or (3) grant the appeal and send the MUP back to staff for additional environmental analysis, preparation of an EIR and/or reconsideration including any additional direction from the Board.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On September 18, 2020, the Planning Commission considered the Liberty Charter High School project (Project) and made the following decisions:

1. Adopt the Environmental Findings, which includes a Mitigated Negative Declaration as required by California Environmental Quality Act guidelines (Attachment C).
2. Grant Major Use Permit PDS2015-MUP-15-027, make the findings, and impose the requirements and conditions included in the Form of Decision (Attachment D).

The Planning Commission also requested that the applicant work with staff to increase the number of electric vehicle charging stations installed on-site and increase the number of Live Oak trees planted on the property.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the decision of the Planning Commission and recommends the Board of Supervisors (Board):

1. Deny the appeals in their entirety for the reasons discussed in this Board Letter.
2. Adopt the Environmental Findings, which includes the adoption of a Mitigated Negative Declaration as required by California Environmental Quality Act guidelines (Attachment C)
3. Sustain the Planning Commission's decision to Grant Major Use Permit PDS2015-MUP-15-027, make the findings, and impose the requirements and conditions included in the Form of Decision (Attachment D).
4. Require Literacy First Charter School Issuer, Inc. to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require Literacy First Charter Schools, to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 10 days of litigation being filed (Attachment E).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION 2.1:

A motion was made by Supervisor Jacob, seconded by Supervisor Fletcher, to grant the appeal and deny the Major Use Permit.

(Substitute motion was introduced)

ACTION 2.2:

ON MOTION by Supervisor Desmond, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended by the Department of Planning & Development Services adopting the following:

1. Denied the appeals in their entirety for the reasons discussed in this Board Letter.
2. Adopted the Environmental Findings, which includes the adoption of a Mitigated Negative Declaration as required by California Environmental Quality Act guidelines (Attachment C)
3. Sustained the Planning Commission's decision to Grant Major Use Permit PDS2015-MUP-15-027, make the findings, and impose the requirements and conditions included in the Form of Decision (Attachment D).

4. Required Literacy First Charter School Issuer, Inc. to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require Literacy First Charter Schools, to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 10 days of litigation being filed (Attachment E).
5. Added a condition to the Major Use Permit (MUP) that requires the applicant to prepare an onsite Traffic Operations Plan prior to the issuance of any building permits that details the following:
 - Daily on-site traffic operations during drop-off and pick-up times and explain how the school administrators will monitor off-site parking, traffic, and assist parents with compliance; and
 - Allow flexibility in the school's intended start time to ensure avoidance of conflicts with other nearby schools.
6. Added a condition to the MUP requiring ongoing conformance with the approved onsite Traffic Operations Plan for the life of the MUP, including the following:
 - In the event of non-compliance with the approved plan, the applicant will receive a written notice from the County and will have 30 days to respond and resolve the inconsistency.
 - Should the school fail to comply with the approved plan after the 30 days, the MUP could be subject to review, modification or revocation by the Planning Commission.

AYES: Cox, Gaspar, Desmond

NOES: Jacob, Fletcher

3. SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP (DISTRICTS: ALL)

OVERVIEW

On November 18, 2020 (6), the Board of Supervisors introduced the Ordinances for further Board consideration and adoption on December 9, 2020.

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.

The proposed actions include: adoption of an Ordinance amending two sections of the County Regulatory Code (Title 6 and Title 8); approval of amendments for two Administrative Code titles (XVI-C and XXIa); and approval of amendments for eleven Board Policies (A-124, I-099, I-108, I-109, I-133, I-138, J-004, J-017, J-021, J-025, J-031). The proposed action also includes approval of a new sunset review date for the policies and ordinances reviewed by this letter, but do not have recommended revisions.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Consider and adopt the Ordinances amending the San Diego County Administrative Code and San Diego County Code of Regulatory Ordinances (Second Reading).

ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XVI-C RELATING TO THE FUNCTIONS OF THE SAN DIEGO COUNTY FISH AND WILDLIFE ADVISORY COMMISSION;

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XXIa RELATING TO THE RULES OF CONDUCT AND PROCEDURE FOR PLANNING AND ZONING PROCESS TO UPDATE THE PROCESS OF HOW HEARINGS ARE RECORDED AND TO CONVEY THAT RECORDED HEARINGS ARE READILY AVAILABLE TO THE PUBLIC, AND RELATED ACTIONS;

ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO EYE GNAT ADVISORY SERVICES; and,

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO ZONING AND LAND USE REGULATIONS TO UPDATE AND CLARIFY THE PROCESS, UPDATE DEFINITIONS AND TERMS, ESTABLISH THAT THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION (DPR) WILL DETERMINE AND CONCUR WHETHER THERE IS THE NECESSARY ROUGH PROPORTIONALITY BETWEEN THE REQUIRED DEDICATION AND THE IMPACTS OF OR BENEFITS TO THE PROPOSED SUBDIVISION UNDER SECTION 81.402 (U), TO PROVIDE GREATER CLARITY AND MINOR GRAMMATICAL EDITS, AND RELATED ACTIONS.

2. Approve the new sunset review date of December 31, 2027 for the amended San Diego County Administrative Code and San Diego County Code of Regulatory Ordinances sections.

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 Cox, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, adopting the following:

Ordinance No. 10702 (N.S.), entitled: ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XVI-C RELATING TO THE FUNCTIONS OF THE SAN DIEGO COUNTY FISH AND WILDLIFE ADVISORY COMMISSION;

Ordinance No. 10703 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XXIa RELATING TO THE RULES OF CONDUCT AND PROCEDURE FOR PLANNING AND ZONING PROCESS TO UPDATE THE PROCESS OF HOW HEARINGS ARE RECORDED AND TO CONVEY THAT RECORDED HEARINGS ARE READILY AVAILABLE TO THE PUBLIC, AND RELATED ACTIONS;

Ordinance No. 10704 (N.S.), entitled: ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO EYE GNAT ADVISORY SERVICES; and,

Ordinance No. 10705 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO ZONING AND LAND USE REGULATIONS TO UPDATE AND CLARIFY THE PROCESS, UPDATE DEFINITIONS AND TERMS, ESTABLISH THAT THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION (DPR) WILL DETERMINE AND CONCUR WHETHER THERE IS THE NECESSARY ROUGH PROPORTIONALITY BETWEEN THE REQUIRED DEDICATION AND THE IMPACTS OF OR BENEFITS TO THE PROPOSED SUBDIVISION UNDER SECTION 81.402 (U), TO PROVIDE GREATER CLARITY AND MINOR GRAMMATICAL EDITS, AND RELATED ACTIONS.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING TITLE 9, DIVISION 7, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES (COUNTY GREEN BUILDING CODE) RELATED TO INCREASING WATER EFFICIENCY IN NEW RESIDENTIAL DEVELOPMENT (11/18/2020 - 1st Reading; 12/09/2020 - 2nd Reading) (DISTRICTS: ALL)**

OVERVIEW

On November 18, 2020 (7), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on December 9, 2020.

Sustainability is a core component of Planning & Development Services. Over the years, the department has implemented and expanded programs that incorporate sustainability within our communities. On February 14, 2018 (1), the Board of Supervisors (Board) adopted the Climate Action Plan (2018 CAP) to reduce the County of San Diego's (County) community-wide and government operations greenhouse gas (GHG) emissions. The County's 2018 CAP established GHG emission reduction targets for 2020 and 2030, consistent with the State's Global Warming Solutions Acts of 2006 (Assembly Bill 32) and 2016 (Senate Bill 32).

On December 24, 2018, the Superior Court ruled that the 2018 CAP is inconsistent with the County's General Plan and that its approval did not comply with the California Environmental Quality Action (CEQA). The Superior Court ordered the County to set aside and vacate the February 14, 2018 approvals, the certification of the 2018 CAP, and Final Supplemental Environmental Impact Report (Final SEIR). This decision was later affirmed in part by the California Court of Appeal, Fourth Appellate District (Appellate Court). The Appellate Court also ruled that the 26 greenhouse gas reduction measures in the 2018 CAP are CEQA compliant and consistent with the General Plan.

On September 30, 2020, the County rescinded the 2018 CAP and Final SEIR. The County will prepare a CAP Update and a Revised Supplemental EIR in consultation with environmental, community, and industry groups. Pending adoption of the CAP Update, the County will continue to implement the 26 greenhouse gas reduction measures identified in the 2018 CAP to reduce GHG emissions in compliance with the State's 2030 reduction target. Independent of the 2018 CAP and Final SEIR, the County is continuing to implement greenhouse gas reduction measures contained in the 2018 CAP to further sustainability as well as to meet 2030 State GHG targets consistent with Senate Bill 32.

These greenhouse gas reduction measures include the 2018 CAP Measure W-1.1, Increase Water Efficiency in New Residential Development, which requires mandatory installation of water-efficient appliances, such as "Energy Star" rated appliances and plumbing fixtures in all new residential development in the unincorporated area by the end of 2020. By 2030, implementation of greenhouse gas reduction measure W-1.1 will reduce GHG emissions by 87 metric tons. In addition to these emission reduction benefits, implementation of these measures will also improve regional water quality, reduce water and energy utility costs, and improve air quality and biological resources.

To codify and implement this greenhouse gas reduction measure, adoption of the California Green Building Code (also known as "CalGreen") recommended voluntary standards (also known as "Tier 1") is necessary. State law allows local governments to make additions, modifications, and deletions, through local amendments when they are reasonably necessary because of local climatic, geological, and topographical conditions.

Today's request is the first reading to consider the adoption of the proposed ordinance to codify and implement greenhouse gas reduction measure W-1.1. This measure requires local amendments to the County Green Building Code that County staff determined are reasonably necessary because of the county's climatic, geological, and topographical conditions. If the Board takes the action recommended today, then on December 9, 2020, the Board can consider and adopt the proposed ordinance.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Consider and adopt the Ordinance Amending Title 9, Division 7, Chapter 1 of the San Diego County Code of Regulatory Ordinances (County Green Building Code) Related to Increasing Water Efficiency in New Residential Development (second reading).
2. Upon adoption of the ordinance, direct the Clerk of the Board to provide a certified copy of the adopted ordinance for the County Green Code together with the associated findings (Attachments A-D) to the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833 pursuant to Health and Safety Code Section 17958.7.

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

There is no business impact associated with this recommendation. The changes will be addressed with comments on building plans and field inspections that the County already provide. As a result of the CalGreen Tier 1 requirements there is an increased cost for the new home construction of approximately \$300 dollars per home. The 2018 CAP Cost-Effectiveness Study prepared by The Energy Policy Initiatives Center (EPIC) at the University of San Diego School of Law found that the long-term savings resulting from utility savings would be roughly \$850 dollars per home.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10706 (N.S.), entitled: AN ORDINANCE AMENDING TITLE 9, DIVISION 7, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES (COUNTY GREEN BUILDING CODE) RELATED TO INCREASING WATER EFFICIENCY IN NEW RESIDENTIAL DEVELOPMENT.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. **SUBJECT: ADMINISTRATIVE ITEM:**
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO WAIVE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH RENEWABLE ENERGY PROJECTS (11/18/2020 - 1st Reading; 12/9/2020 - 2nd Reading) (DISTRICTS: ALL)

OVERVIEW

On November 18, 2020 (8), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on December 9, 2020.

On August 25, 2020 (2), the Board of Supervisors (Board) approved changes to the Chief Administrative Officer Recommended Operational Plan, including a resolution adopting the County of San Diego Fiscal Year (FY) 2020-2021 Budget Resolution. The FY 2020-21 Operational Plan includes appropriations of \$620,000 for Planning & Development Services (PDS) to develop a new pilot program to waive building permit fees associated with renewable energy projects for the following permit types: (1) residential wind projects, (2) residential electric vehicle charging systems, (3) residential energy storage, and (4) residential panel upgrades associated with renewable energy, electric vehicle charging, or battery storage, and to report back to the Board.

The Green Building Incentive Program, approved by prior Board action, provides incentives to green building projects. Qualifying projects can utilize hay bale construction, increase their energy efficiency by more than 10 percent above standard design, or utilize recycled materials in their new construction. These incentives also include plan check and building permit fee

waivers for small wind turbines. An amendment to the County Administrative Code is necessary to codify the waiving of building permit fees for the following permit types: (1) residential EV charging systems, (2) residential energy storage, and (3) residential panel upgrades associated with renewable energy, EV charging, or battery storage. No amendment to the San Diego County Administrative Code is required to waive residential wind permit fees because the Board has already waived these fees.

Today's request is the first reading to consider the adoption of the proposed ordinance to codify and implement Board direction to develop a new pilot program to waive building permit fees associated with the Board-recommended renewable energy projects. These fees will be waived until the appropriated funding has been exhausted. If the Board takes the action recommended today, then on December 9, 2020, the Board can consider and adopt the proposed ordinance. If adopted on December 9, 2020 the ordinance will become effective 30 days later and fee waivers can begin on January 9, 2021. Once implemented, PDS will provide a report back to the Board on the status of the program and remaining funding within one year of implementation (in 2022) or after 50 percent of the appropriations have been used whichever is sooner.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the Ordinance (second reading):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO ELIMINATE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH RENEWABLE ENERGY PROJECTS (Attachment A, on file with the Clerk).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan in Planning & Development Services. If approved, the costs and revenues for the renewable energy permit fees are \$620,000. A waiver of Board Policy B-29 would be required since the proposed fee waivers do not cover all the operating costs. The total unrecovered cost per Board Policy B-29 is \$620,000 in FY 2020-21 and in future years until these funds are depleted. The funding source is General Fund fund balance. There will be no increase in staff years.

BUSINESS IMPACT STATEMENT

The elimination of the building permit fees associated with renewable energy would benefit the business community by reducing upfront costs, improving customer service, and providing incentives for: (1) residential wind projects, (2) residential electric vehicle (EV) charging systems, (3) residential energy storage, and (4) residential panel upgrades associated with renewable energy.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10707 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO ELIMINATE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH RENEWABLE ENERGY PROJECTS.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**6. SUBJECT: ADMINISTRATIVE ITEM:
THIRD CONSIDERATION AND ADOPTION OF ORDINANCES:
ADMINISTRATIVE ACTIONS AND ORDINANCES TO RETITLE THE
DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE
DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
AND IMPLEMENT ASSOCIATED ORGANIZATIONAL CHANGES
(DISTRICTS: ALL)**

OVERVIEW

On October 28, 2020 (2), the Board of Supervisors set a Hearing and introduced the Ordinances for further Board consideration and adoption on November 18, 2020.

On November 18, 2020 (9), the Board of Supervisors continued the item to December 9, 2020.

Departments within the Land Use and Environment Group (LUEG) continue to examine their operations to identify ways to reinvent and reimagine service delivery to achieve what the community needs from its programs. Several LUEG departments have reviewed their structure, operations, and service delivery to the community. In September 2012, through Board of Supervisors (Board) action, the Department of Planning & Development Services was established by incorporating staff and functions from the former Department of Planning and Land Use and the land development review functions and staff from Department of Public Works. In 2016, the Department of Parks and Recreation reorganized their Park Planning and Development division to match park operating regions. In 2019, Department of Public Works began reorganizing their multiple financial and budget staff and functions in the programs into a departmental centralized unit for resource efficiencies. This year, the Department of Agriculture, Weights and Measures has reviewed all programs, structure and state licensure requirements for staff working in these programs. Overall, LUEG will continue to explore potential areas of unconscious bias, including working with the Department of Human Resources to review job classifications within the LUEG departments to analyze minimum qualification requirements, such as technical certifications, to determine what is necessary and where requirements could be modified to allow for greater employment opportunity. As part of this effort, the Department of Environmental Health (DEH) conducted a review of the department's structure, operations, and services to the community. This effort resulted in DEH proposing to retitle to the Department of Environmental Health and Quality (DEHQ) and implement organizational changes that are reflective of the broad spectrum of programs within the department, and help with implementation of programs, leadership recruitment, retention, and succession planning.

The proposed organizational changes would retitle the current department head to Director of Environmental Health and Quality and retitle the Assistant Director of Environmental Health to division Director of Environmental Health. As the department head, the Director of DEHQ would continue to provide overall leadership and oversight of department operations, including budget and administration, and implement strategic and innovative operational planning to maintain the department at the forefront of environmental health. The division Director of Environmental Health would retain immediate supervision over the Health Officer Programs as required under State law and focus on the implementation of programs, legislation, emerging trends, and support stakeholder engagement. State law requires that specific environmental health programs such as water quality, food safety, body art, public pools, beach and bay monitoring, and sewage spills (collectively, Health Officer Programs)

are under the immediate supervision of a Director of Environmental Health who is a Registered Environmental Health Specialist.

In order to ensure that County's Administrative Code, Regulatory Code and Compensation Ordinance provisions reflect the retitling and organizational changes of the department, today's action requests Board of Supervisors consideration to: 1) amend Articles XV-A, XV-AA, and LVII of the Administrative Code, relating to DEH; 2) amend Titles 2, 5, 6 and 8 of the Regulatory Code, relating to DEH; 3) amend the Compensation Ordinance by: retitling three (3) unclassified job codes/classifications; and 4) take other actions necessary for the successful retitling and organizational changes of the department.

On October 28, 2020 (2), the Board of Supervisors set a hearing and introduced the Ordinances for further Board consideration and adoption on November 18, 2020 (9). At the direction of the Board, consideration and adoption of the Ordinances was continued to December 9, 2020. If approved, today's action would adopt the proposed amendments to the applicable Administrative Code, Regulatory Code, and Compensation Ordinances.

The request to retitle and implement organizational changes to the department would result in no change to levels of service, no increase to annual cost and no additional staff years. The proposed changes would continue to support the day to day operations of the department, regulatory program operations, and maintain services provided to the community.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt Ordinances amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances and Compensation Ordinance (second reading).

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, ESTABLISHING THE POSITION OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY, DEFINING THE DUTIES AND AUTHORITIES OF THE DIRECTOR OF ENVIRONMENTAL HEALTH, RETITLING THE ENVIRONMENTAL HEALTH ADVISORY BOARD, THE APPOINTMENT AUTHORITY FOR THE COUNTY VETERINARIAN, AND RELATED ACTIONS;

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, DEFINING THE DUTIES AND AUTHORITIES OF THE POSITIONS OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND DIRECTOR OF ENVIRONMENTAL HEALTH, AND RELATED ACTIONS; and,

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND ESTABLISHING COMPENSATION.

FISCAL IMPACT

There is no fiscal impact associated with the approval of today's actions amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances, and Compensation Ordinance. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, adopting the following:

Ordinance No. 10708 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, ESTABLISHING THE POSITION OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY, DEFINING THE DUTIES AND AUTHORITIES OF THE DIRECTOR OF ENVIRONMENTAL HEALTH, RETITLING THE ENVIRONMENTAL HEALTH ADVISORY BOARD, THE APPOINTMENT AUTHORITY FOR THE COUNTY VETERINARIAN, AND RELATED ACTIONS;

Ordinance No. 10709 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, DEFINING THE DUTIES AND AUTHORITIES OF THE POSITIONS OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND DIRECTOR OF ENVIRONMENTAL HEALTH, AND RELATED ACTIONS; and,

Ordinance No. 10710 (N.S.), entitled: AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND ESTABLISHING COMPENSATION.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR VIA ENCINOS - PALOMAR DRIVE (SC 130) IN THE FALLBROOK AREA (VACATION NO. 2020-0128) (DISTRICT: 5)**

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request to summarily vacate a portion of an Irrevocable Offer of Dedication for Public Highway over a portion of Via Encinos - Palomar Drive, also known as Select Collector 130 (SC 130), that is located within the Fallbrook Community Plan Area in the unincorporated community of Fallbrook. The portion of SC 130 that is the subject of this vacation request can be determined to be excess right-of-way not required for street or highway purposes because this portion of the road has not been constructed, does not provide connectivity to other public roads, is not County maintained, and is not a General Plan Mobility Element roadway. A summary vacation of an offer to dedicate a road may be requested by the public if the road is

found to be excess right-of-way not required for road purposes. In many cases a road vacation can be a public benefit through improved use of the land made available by the vacation.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate a portion of SC 130 that is excess right-of-way not required for street or highway purposes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would not have a reasonably foreseeable direct or indirect effect on the environment and is not a project subject to CEQA review as it will only result in the partial summary vacation of a portion of public right-of-way that is not needed for public road purposes, and that, independently, the proposed vacation is categorically exempt under State CEQA Guidelines Section 15305.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR VIA ENCINOS - PALOMAR DRIVE (SC 130) IN THE FALLBROOK AREA (VACATION NO. 2020-0128).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2020-0128 pursuant to State of California Streets and Highways Code Section 8336.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan in the Department of General Services. If approved, this request will result in estimated expenses of \$3,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-190, entitled: RESOLUTION TO SUMMARILY VACATE A PORTION OF AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR VIA ENCINOS - PALOMAR DRIVE (SC 130) IN THE FALLBROOK AREA (VACATION NO. 2020-0128).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE THE AGREEMENT BETWEEN THE JULIAN COMMUNITY HERITAGE FOUNDATION AND THE COUNTY OF SAN DIEGO FOR JULIAN TOWN SQUARE (DISTRICT: 2)

OVERVIEW

Julian Community Heritage Foundation (JCHF) is a community organization serving the Julian Community Planning Area. JCHF was formed in 2017 to enhance the quality of life for Julian residents and visitors by dedicating time to community enhancement projects, outreach, advocacy, and awareness efforts. The Department of Parks and Recreation (DPR) worked with JCHF and determined that the Parks Expansion Improvement (PEI) funds are available for the acquisition of real property, known as Julian Town Square, located at 2712 Washington Street, Julian, CA 92036, Assessor Parcel Number 291-072-18-00. The property will be developed by JCHF as a local park available for public use. The project will benefit the Julian community by providing new park amenities. Proposed amenities include an amphitheater, stage, bench seating, landscaping, and open lawn. JCHF will be the owners and operators of Julian Town Square. JCHF will be responsible for the development, operations and maintenance of the park. PEI funding is used to fund new public park facilities throughout the County. DPR has determined that the funding request is an eligible and reasonable use of PEI funds.

This requested action will approve and authorize the Director, Department of Parks and Recreation, to execute an Agreement (Attachment B) with JCHF for the acquisition of Julian Town Square. If approved, the park acquisition is expected to be complete in winter 2020/21.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APN 291-072-18-00 is exempt from the California Environmental Quality Act (CEQA) pursuant to (a) Public Resources Code section 21080.28 and CEQA Guidelines section 15325 for the preservation of land for park purposes and (b) CEQA Guidelines section 15004(b)(2) and section 15004(b)(2)(A) because an agency may designate a preferred site for CEQA review and enter into land acquisition agreements prior to completing CEQA review and the Board of Supervisors hereby makes conditions any future use of the site upon CEQA compliance.
2. Authorize the Auditor & Controller to reduce the Fund Balance Commitment for Parks Expansion & Improvement by \$330,000 to provide funding to fund the agreement with Julian Community Heritage Foundation for the acquisition of Julian Town Square.
(4 VOTES)
3. Establish appropriations of \$330,000 , to County Department of Parks and Recreation (Org 52806), Services and Supplies to fund the agreement with Julian Community Heritage Foundation for the acquisition of Julian Town Square based on General Fund fund balance component decrease - Park Expansion & Improvement Commitment.
(4 VOTES)
4. Approve and Authorize the Clerk of the Board to execute, once finalized, the Agreement Affecting Real Property between the County of San Diego and Julian Community Heritage Foundation for the Acquisition of Land and Development of Parks and Recreation Facilities.

5. Approve and authorize the Director, Department of Parks and Recreation, or designee, to execute the Agreement with the Julian Community Heritage Foundation for the acquisition of Julian Town Square in the community of Julian.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2020-21 Operational Plan for Parks and Recreation. If approved, this request will result in current year cost of \$330,000 in the County Department of Parks and Recreation. The funding source is General Fund fund balance component decrease - Parks Expansion & Improvement Commitment. There will be no change in net General Fund cost and no additional staff years. Annual operations and maintenance costs of the improvements will be the responsibility of the Julian Community Heritage Foundation.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. **SUBJECT: EL MONTE RIVER VALLEY - CONSIDERATION OF THE ACQUISITION OF APPROXIMATELY 98 ACRES OF LAND IN LAKESIDE FROM HELIX WATER DISTRICT FOR ACTIVE RECREATION AND TRAIL CONNECTIVITY (DISTRICT: 2)**

OVERVIEW

On September 16, 2020 (12), the Board of Supervisors (Board) directed staff to develop an acquisition plan for the purchase of approximately 98 acres (Property) from the Helix Water District (Helix) and return to the Board no later than December 9, 2020, with recommendations if negotiations with Helix to acquire the Property were successful. The Board also approved allocating \$500,000 from the District Two Neighborhood Reinvestment Program to partially fund the acquisition. The Property is identified as Assessor's Parcel Numbers 392-050-47 and 392-060-43 and is located in the El Monte River Valley in the unincorporated community of Lakeside. The Property is situated south of Willow Road on both sides of Ashwood Street and is adjacent to Cactus County Park. A staff assessment determined that keeping the Property in public ownership would provide opportunities for future trail connections, recreation facilities, retention of existing equestrian and youth baseball uses, and the development of future park amenities.

Helix provided an appraisal for the Property with an opinion of value of \$3,117,760 that used a "fair market value" methodology, which by definition is the "highest sales price." County staff determined that the highest sales price does not reflect what a willing buyer would pay a willing seller and commissioned an appraisal using a "market value" methodology, which is "the most probable price." The County's reconciled appraisal concluded that the value of the Property was \$2,728,000. Staff time, title, and escrow fees needed to complete the purchase are estimated at \$46,500. If staff is directed to proceed with the acquisition, funds are requested to clear debris and vegetation, and to improve a little league sports complex that

does not currently meet County standards for water supply, irrigation, field playability and overall safety and accessibility. The cost for these activities would range between \$259,000 and \$2,900,000 depending upon the level of funding that is appropriated.

Today's request is for the Board to provide County staff with direction on the proposed acquisition due to the difference of opinion as to the value of the Property. The potential options include direction to offer Helix \$3,117,760, based on their appraised value, make an offer in between the County's value and the Helix value, or discontinue negotiations with Helix altogether. If the Board directs staff to proceed with the acquisition, the Board is also requested to establish the appropriations necessary for total project costs of up to \$6,064,260 and set a hearing to approve the acquisition of the Property on January 13, 2021, and to direct the Clerk of the Board to provide public notice of the hearing.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that today's action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15352, 15004(b)(2)(A) and 15378 of the State CEQA Guidelines.
2. Provide direction to staff with regard to the acquisition of the Property, including price and terms, if applicable.
3. If staff is directed to proceed with the acquisition of the Property, transfer appropriations of \$471,000 from the Department of Parks and Recreation, Services & Supplies, to the Contributions to Capital Outlay Fund, Operating Transfer Out (\$391,000), and the General Fund Contributions to Fleet Internal Service Fund, Operating Transfer Out (\$80,000); amend the Fiscal Year 2020-21 Department of General Services Fleet Internal Service Fund Spending Plan by \$80,000 to provide funding for the purchase of a work crew vehicle, based on an Operating Transfer In from the General Fund; and provide direction on the level of improvements by selecting to:
 - a. Acquire and clean up the land by establishing appropriations of up to \$2,923,260 in Contributions to Capital Outlay Fund, Operating Transfer Out, based on available prior year General Fund fund balance to provide funding to Capital Project 1024372, El Monte River Valley; and establish appropriations of up to \$3,314,260 in the Capital Outlay Fund for Capital Project 1024372, El Monte River Valley, based on an Operating Transfer In from the General Fund **(4 VOTES)**, or
 - b. Acquire and clean up the land, and improve the sports fields and spectator areas to an improved level of safety and playability by establishing appropriations of up to \$4,623,260 in Contributions to Capital Outlay Fund, Operating Transfer Out, based on available prior year General Fund fund balance to provide funding to Capital Project 1024372, El Monte River Valley; and establish appropriations of up to \$5,014,260 in the Capital Outlay Fund for Capital Project 1024372, El Monte River Valley, based on an Operating Transfer In from the General Fund **(4 VOTES)**, or

- c. Acquire and clean up the land, and improve the sports fields and spectator areas to the Department of Parks and Recreation standards by establishing appropriations of up to \$5,564,260 in Contributions to Capital Outlay Fund, Operating Transfer Out, based on available prior year General Fund fund balance to provide funding to Capital Project 1024372, El Monte River Valley; and establish appropriations of up to \$5,955,260 in the Capital Outlay Fund for Capital Project 1024372, El Monte River Valley, based on an Operating Transfer In from the General Fund.
(4 VOTES)

4. If staff is directed to proceed with the acquisition of the Property, Authorize the Department of Parks and Recreation to transfer up to \$60,000 of incurred capital costs to Capital Project 1024372, El Monte River Valley.
5. If staff is directed to proceed with the acquisition of the Property, set a hearing for January 13, 2021, and direct the Clerk of the Board of Supervisors to provide notice of the hearing via publication and posting as required by law.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2020-21 Operational Plan in the Department of Parks and Recreation (\$500,000) and is not included in Capital Outlay Fund for Capital Project 1024372, El Monte River Valley or the Department of General Services (DGS) Fleet Internal Service Fund (ISF). If approved, this request would result in total project costs up to \$6,064,260 which consists of \$29,000 for Department of Parks and Recreation (DPR) for equipment and supplies, \$80,000 for DGS Fleet ISF for the purchase of a work crew vehicle and up to \$5,955,260 for Capital Project 1024372, El Monte River Valley (up to \$3,117,760 for the acquisition, \$42,000 for staff time and appraisal reports to complete the transaction; \$4,500 for closing and title costs; up to \$2,791,000 for land protection costs, ballfield facility renovations, and site cleanup), based on the level of improvements directed by the Board. The funding source is available prior year General Fund fund balance (up to \$5,564,260) and a transfer from the Department of Parks and Recreation, Services & Supplies, based on existing appropriations of District Two Neighborhood Reinvestment Program funds (\$471,000). A remaining \$29,000 will be available in DPR for the purchase of equipment and supplies. The funding source is District Two Neighborhood Reinvestment Program funds.

Annual total operating costs for managing the site are estimated at \$230,000 beginning in Fiscal Year 2021-22 and would require the addition of 2.0 full-time equivalent (FTE) positions estimated at \$168,000, which would be included in the FY 2021-22 Operational Plan for the Department of Parks and Recreation. The funding source would be lease revenue (\$14,500) and Department of Parks and Recreation General Purpose Revenue (\$215,500).

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting the following:

1. Found that today's action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15352, 15004(b)(2)(A) and 15378 of the State CEQA Guidelines.

2. Provided direction to staff with regard to the acquisition of the Property, including price and terms, if applicable.
3. Adopted Option 3a:
If staff is directed to proceed with the acquisition of the Property, transfer appropriations of \$471,000 from the Department of Parks and Recreation, Services & Supplies, to the Contributions to Capital Outlay Fund, Operating Transfer Out (\$391,000), and the General Fund Contributions to Fleet Internal Service Fund, Operating Transfer Out (\$80,000); amend the Fiscal Year 2020-21 Department of General Services Fleet Internal Service Fund Spending Plan by \$80,000 to provide funding for the purchase of a work crew vehicle, based on an Operating Transfer In from the General Fund; and provide direction on the level of improvements by selecting to:
 - a. Acquire and clean up the land by establishing appropriations of up to \$2,923,260 in Contributions to Capital Outlay Fund, Operating Transfer Out, based on available prior year General Fund fund balance to provide funding to Capital Project 1024372, El Monte River Valley; and establish appropriations of up to \$3,314,260 in the Capital Outlay Fund for Capital Project 1024372, El Monte River Valley, based on an Operating Transfer In from the General Fund.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**10. SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR PHASE 1 OF THE
SYCUAN/SLOANE CANYON TRAIL PROJECT (DISTRICT: 2)**

OVERVIEW

The Sycuan/Sloane Canyon Trail Project would implement a new 4.9-mile trail within the unincorporated communities of Crest/Dehesa/Granite Hills/Harbison Canyon, which will provide a regional connection between the Sweetwater Loop Regional Trail and the California Riding and Hiking Trail, as well as a connection to a United States Fish and Wildlife Service trail network (Attachment A). The proposed trail will improve connectivity and mobility on a regional scale by increasing opportunities for walking, bicycling, and horseback riding.

The trail is proposed to include six segments and be constructed in phases (Attachment B) and has been identified as a priority of the Crest/Dehesa/Granite Hills/Harbison Canyon Community Planning Group. Today's proposed actions will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for Phase 1, which includes construction of trail Segments 1 and 2. Today's proposed actions will also adopt the Sycuan/Sloane Canyon Trail Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for all phases of the project. The total cost of Phase 1 of the Sycuan/Sloane Canyon Trail Project is \$3,500,000 and was included in the Fiscal Year 2020-21 Operational Plan based on available prior year General Fund fund balance. The estimated construction cost for Phase 1 is \$2,500,000, including contingency. Additional project funds of \$1,000,000 have been used for initial project design and to complete environmental analysis, and will also be used for related project costs such as establishing right-of-way and easement agreements for all trail segments, and complete design, monitoring, inspection, construction management, and project administration for Phase 1. The Board is also requested to designate the Director, Department of Parks and Recreation as the County of

San Diego Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects. If approved, Phase 1 construction will begin in spring 2021 and be completed in December 2022. Funding for completion of design for future phases, any necessary additional environmental analysis, and construction of trail Segments 3 through 6 will be requested in future fiscal years.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, on the basis of the whole record, that there is no substantial evidence that the project may have a significant effect on the environment. Consider the Mitigated Negative Declaration (MND) on file with the Department of Parks and Recreation and (Attachment C), State Clearinghouse # 2020050043, together with comments received during public review (Attachment D), and adopt the MND, finding that the document reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment E) prepared pursuant to Public Resources Code section 21081.6 and California Environmental Quality Act Guidelines section 15074(d), and authorize the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a contract and to take any other action authorized by Section 401, et. seq. of the County Administrative Code with respect to contracting for the construction of Phase 1 of the Sycuan/Sloane Canyon Trail project.
4. Designate the Director, Department of Parks and Recreation, or designee, as the County of San Diego Officer responsible for administering the construction contract for Phase 1 of the Sycuan/Sloane Canyon Trail project, in accordance with Section 430.4 of the County Code of Administrative Ordinances and Board Policy F-41, Public Works Construction Projects.
5. Authorize the Director, Department of General Services, or designee, to perform any and all acts necessary to affect the dedication of the public trail easements from the United States Department of the Interior Bureau of Indian Affairs and the Kumeyaay Diegueño Land Conservancy.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2020-21 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs of \$3,500,000 for Capital Project 1021903 Sycuan/Sloane Canyon Trail. Phase 1. Construction costs are estimated at \$2,500,000, including contingency. Additional project funds of \$1,000,000 have been used for initial design and to complete environmental analysis for all trail segments, and also will be used for related project costs such as establishing right-of-way and easement agreements for all trail segments, and to complete design, monitoring, inspection, construction management and project administration of Phase 1. The funding source is available prior year General Fund fund balance.

As part of a proposed right-of-way Agreement with the Bureau of Indian Affairs, Sycuan Band of the Kumeyaay Nation, and the Kumeyaay Diegueño Land Conservancy, trail easements will be dedicated to the Department of Parks and Recreation (DPR) to implement the Sycuan/Sloane Canyon Trail.

Upon completion, annual operation and maintenance of Phase 1 improvements, estimated at \$72,641, will be provided by existing DPR and Department of Public Works (DPW) staff. There will be no additional staff years.

Future phases of design and construction to complete the project are planned for FY 2021-22 through FY 2025-26 at an estimated total one-time cost of \$8,150,000. Costs for future phases will be identified in the Capital Improvement Needs Assessment and will be included in future years Operational Plans based on a one-time funding source. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

11. **SUBJECT: AMEND AN INTERGOVERNMENTAL IMPROVEMENT FUNDING AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE BARONA BAND OF MISSION INDIANS AND ESTABLISH A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SAN DIEGO AND THE GROSSMONT UNION HIGH SCHOOL DISTRICT (DISTRICT: 2)**

OVERVIEW

Ashwood Street is a heavily traveled road in Lakeside which provides access to the Barona Resort and Casino and serves as a secondary access from Lakeside to Country Estates in Ramona. The Ashwood Street Corridor Improvements Project (Project) will widen portions of 1.3 miles of Ashwood Street from Maplevue Street to approximately 1000 feet north of Willow Road, add sidewalks and pedestrian ramps, left-turn lanes, and a traffic signal at the intersection with Willow Road. The project is currently in design by the Department of Public Works.

On August 5, 2015 (2), the Board of Supervisors (Board) authorized the Clerk of the Board (Clerk) to enter into an Intergovernmental Improvement Funding Agreement (Agreement) between the County of San Diego (County) and the Barona Band of Mission Indians (Barona) to pay fair share costs of roadway improvements that are now included in the Project.

In late 2018, Barona informed the County that the Tribe would like to use federal Tribal Transportation Program (TTP) funds for a portion of the Tribe's funding obligation for the construction phase of the Project. The use of TTP funds during construction will require federal-aid construction contract provisions for the Project and will result in additional

estimated project costs of \$1,500,000. An amendment to the Agreement will memorialize recent negotiations between the County and Barona to allow Barona to use federal funds to satisfy a portion or all of Barona's fair share contribution from the Agreement for the construction phase of the Project. In accordance with the Agreement, Barona would pay a one-time additional contribution of \$1,500,000 to the County for the additional costs, in addition to Barona's original contribution, and the County would ensure implementation and compliance with federal-aid construction contract provisions for the Project. The Clerk of the Board will sign and execute the agreement once finalized.

The Project proposes improvements to the frontage and entrance to the El Capitan High School (School), which resides on Grossmont Union High School District (GUHSD) property along Ashwood Street. These improvements include widening and straightening the road. The east side of the road, opposite of the School, is a steep slope with a high concentration of large, hard rocks that will need to be broken into smaller pieces and removed. By shifting the road over and completing the improvements on the School side of the road, the Project will avoid the costly and difficult excavation of the easterly slope but will require right-of-way from the GUHSD property.

GUHSD would like to improve the existing non-signalized three-way intersection entrance to the School on the west side of Ashwood Street. On January 16, 2014, GUSHD submitted a formal request to the County for a review of the School entrance for placement on the County's Traffic Signal Priority List. An accompanying Traffic Signal Warrant Study (Study) determined that a traffic signal was only warranted if the School entrance was reconfigured with improvements both on the GUHSD property and within the public roadway in front of the School entrance. GUHSD independently developed improvement plans for the School entrance that met the requirements of the Study and were approved by the County on October 22, 2015. However, instead of constructing these improvements themselves, GUHSD began discussions with the County to form a partnership that would benefit both parties. GUHSD would transfer right-of-way to the County at no cost for widening the road on the School property, and the County would agree to include the traffic signal and other improvements in the road right-of-way at the School entrance with cost savings resulting from avoiding the difficult and costly excavation of the easterly slope of Ashwood Street. This decision also minimizes future interruptions and public inconveniences. Development of this large and complex Project, including design, environmental analysis, right-of-way acquisition, and utility and property owner coordination, has been a lengthy, iterative process. As the Project has progressed, the County and GUHSD both agree that a memorandum of understanding (MOU) between the two parties will help memorialize obligations, establish the timing of the improvements, and define future maintenance responsibilities. GUHSD agrees to fund and construct the improvements to the entrances and exits to the School, which are located within the GUHSD property, prior to the beginning of construction of the Project. GUHSD also agrees to grant the County all right-of-way necessary for the Project construction and future maintenance of the improvements prior to the beginning of construction of the Project. The County agrees to construct the proposed traffic signal at the entrance to the School and the improvements to the entrances and exits to the School, which are located within the road right of way.

This is a request to authorize the Clerk to enter into the First Amendment to the Intergovernmental Improvement Funding Agreement between the County of San Diego and the Barona Band of Mission Indians, established on August 5, 2015, and to authorize the Director, Department of Public Works, or designee, to execute, and amend as needed, the Memorandum of Understanding between the GUHSD and the County of San Diego.

If these actions are approved, the Department of Public Works will return to the Board to request establishment of appropriations, based on \$1,500,000 from Barona, for increased fair share cost of the Project, and authority to advertise and award a construction contract for the Ashwood Street Corridor Improvement Project to the lowest responsive and responsible bidder.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the California Environmental Quality Act (CEQA) Mitigated Negative Declaration (MND) on file in the Department of Public Works for the Ashwood Street Corridor Improvements Project (Project), dated April 22, 2020, State Clearinghouse Number #2019119032, was adopted on May 4, 2020 in compliance with CEQA and State and County Guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving today's actions; and
2. Find that today's actions do not result in changes to the Project or in the circumstances under which it is undertaken that involve significant new environmental impacts which were not considered in the previously adopted MND, that there is no increase in severity of previously identified significant effects, and that no new information of substantial importance has become available since the MND was adopted.
3. Approve and authorize the Clerk of the Board of Supervisors to execute two copies, upon receipt, of the First Amendment to the Intergovernmental Funding Agreement between the County of San Diego and the Barona Band of Mission Indians.
4. Authorize the Director, Department of Public Works, to execute the Memorandum of Understanding between the County of San Diego and the Grossmont Union High School District, including any future amendments needed.

FISCAL IMPACT

There is no fiscal impact associated with amending the Intergovernmental Funding Agreement with the Barona Band of Mission Indians and executing a Memorandum of Understanding with the Grossmont Union High School District. There will be no change in net General Fund cost and no additional staff years.

Funding of \$1,500,000 will be provided by the Barona Band of Mission Indians (Barona) for increased fair share costs for construction of the Project. Funds for construction are not included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. The Department of Public Works will return to the Board of Supervisors to request establishment of necessary appropriations and authority to advertise and award a construction contract. The total construction cost is estimated at \$23,500,000, of which \$5,387,000 will be paid for by Barona per the original funding agreement and the amendment to the agreement. The remaining \$18,113,000 will be funded by the County through TransNet.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 12. SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PEDESTRIAN FACILITY IMPROVEMENT PROJECTS (WILMA STREET, D STREET, BIRCH STREET, LAKESHORE DRIVE, AMMUNITION ROAD, WEST AVIATION ROAD AND WEST ALVARDO STREET SIDEWALK IMPROVEMENT PROJECT) (DISTRICTS: 1, 2, & 5)**

OVERVIEW

On April 8, 2015 (08) the Board of Supervisors approved a grant for the Active Transportation Program (ATP) from the San Diego Association of Governments (SANDAG). As part of the ATP grant, the Department of Public Works (DPW) conducted a Pedestrian Gap Analysis (PGA) utilizing health and socioeconomic data from Health and Human Service Agency (HHS) to identify locations where added sidewalk could enhance walkability in areas that attract large numbers of pedestrians. Locations were identified based on several factors including existence of sidewalk, pedestrian access, and community input.

DPW routinely looks for opportunities to apply for grant funding for sidewalk and other projects and was successful in obtaining a federal Community Development Block Grant (CDBG). CDBG sidewalk projects must be located within areas identified in the Low-Income Census Blocks with more than a 50% poverty rating. DPW identified projects by overlying the Census Block areas with our PGA, as well as reviewing community group and stakeholder priorities. The funding is administered by the HHS Housing and Community Development Services (HCDS).

The 2020 CDBG Pedestrian Facility Improvement Projects will construct 2,615 feet of new sidewalk at seven locations identified in the PGA to fill sidewalk gaps and benefit communities by enhancing pedestrian safety, accessibility, and walkability.

The proposed projects include sidewalk and ADA-compliant access improvements at locations in the following unincorporated communities:

Community	Project Site Location
Lincoln Acres	Corner of Wilma St and Granger Ave
Ramona	North side of D St between 11 th St and 12 th St
Spring Valley	North side of Birch St from Sweetwater Ln to an existing sidewalk 275 feet east of Sweetwater Ln in the vicinity of La Presa Middle School and Sweetwater Lane Community Park
Lakeside	North side of Lakeshore Dr from Channel Rd to Laurel Street
Fallbrook	South side Ammunition Road between Alturas Road and Mission Road
Fallbrook	North side of West Aviation Rd between South Mission Rd and South Main Ave
Fallbrook	North side of West Alvarado Rd from North Mission Rd to Main Ave

This is a request to establish appropriations, advertise and subsequently award multiple construction contracts to the lowest responsive and responsible bidder. Construction is scheduled to begin spring 2021 and to be completed summer 2021. The construction cost is estimated at \$1,984,500, including contingencies and the funding source is CDBG funds.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the 2020 Community Development Block Grant (CDBG) Pedestrian Facility Improvement Projects are independently and collectively exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because they involve the minor alteration of existing public roadways and pedestrian facilities involving negligible or no expansion of existing or former use.
2. Establish appropriations of \$1,984,500 in the Department of Public Works Road Fund Fiscal Year 2020-2021 Detailed Work Program for the CDBG Pedestrian Facility Improvement Projects based on revenue from the Community Development Block Grant.
(4 VOTES)
3. Authorize the Director of Purchasing and Contracting to advertise and award multiple construction contracts and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the CDBG Pedestrian Facility Improvement Projects.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, construction project costs are estimated at \$1,984,500 including contingency. The funding source is federal funding from the Community Development Block Grant (\$1,984,500). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

13. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2020-21 AND APPROVE REIMBURSEMENT AGREEMENT BETWEEN SAN DIEGO GAS AND ELECTRIC COMPANY AND THE COUNTY OF SAN DIEGO FOR ROAD RESTORATION IN DESCANSO (DISTRICTS: 1, 2, 3, & 5)**

OVERVIEW

On April 28, 2017, Governor Brown approved Senate Bill 1 (SB-1) to address the statewide funding gap for road maintenance. SB-1 is estimated to generate \$54 billion in revenue statewide over a ten-year period to fund transportation infrastructure needs across California. The California State Association of Counties projected that the County of San Diego (County) would receive approximately \$538 million of SB-1 revenues during the 10-year period after SB-1 was approved. On May 2, 2017 (11), the Board of Supervisors (Board) approved the use of SB-1 funding to achieve an average Pavement Condition Index of 70 within the entire County road network. In order to be eligible to receive SB-1 revenue, the Board must adopt a resolution each year approving a list of proposed projects, or road resurfacing locations, and submit the resolution and proposed list to the California Transportation Commission (CTC).

On April 22, 2020 (10), the Board adopted the annual resolution and proposed list of roads to be resurfaced during Fiscal Year (FY) 2020-21 using SB-1 revenue, and on April 29, 2020 the resolution and proposed list of roads was submitted to the CTC. Following submission of the proposed list, the Department of Public Works (DPW) performed a thorough review of the roads and evaluated projected SB-1 funding levels. This allowed DPW to confirm initial design assumptions, coordinate planned activities with stakeholders and adjust the amount of road resurfacing work in FY 2020-21 based on anticipated SB-1 funding levels. The reviews and budget evaluation resulted in changes to the proposed list of roads, including the addition of several roads in Descanso to coordinate with a San Diego Gas and Electric (SDG&E) fire hardening project. SDG&E is implementing a project in Descanso to underground their electric lines in County-maintained roads to reduce fire risk in the area. The coordination efforts will allow SDG&E to complete their fire hardening project prior to the planned County road resurfacing work. SDG&E has agreed to pay the County for additional costs for the road resurfacing work totaling \$137,400 as a result of the coordination, which will restore the road to like new condition. On November 20, 2019 (03), the Board approved a revenue agreement with SDG&E to restore Sunrise Highway in Mount Laguna following SDG&E's Cleveland National Forest (CNF) Power Line Replacement Project. This project included undergrounding approximately ten miles of existing overhead electrical distribution lines and subsequently restoring the impacted portions of Sunrise Highway. SDG&E has completed their undergrounding activities on Sunrise Highway and paid the County \$3.9 million for the required road restoration activities in accordance with the revenue agreement. DPW has included this work in the Fiscal Year 2020-21 road resurfacing program.

Program changes are allowed by the CTC and will be included in DPW's annual SB-1 program reporting. DPW's updated road resurfacing list includes approximately 98 centerline miles of County-maintained roads to be resurfaced with available road resurfacing funding that is included in the FY 2020-21 Operational Plan and the two SDG&E revenue agreements. The current road list is now ready for advertisement. The actual number of miles resurfaced will be dependent on bid prices received for the planned work.

This is a request to authorize the Clerk of the Board to implement, upon receipt, a reimbursement agreement with SDG&E for payment of costs to the County to complete surface restoration work necessitated by SDG&E's fire hardening project and for the Board to establish appropriations and approve the advertisement and subsequent award of multiple construction contracts to the lowest responsive and responsible bidders for asphalt concrete overlay and slurry seal treatments on County-maintained roads. The estimated construction cost including contingency is \$33,609,900. The funding sources are SB-1, TransNet, 2019 revenue agreement with SDG&E, and the proposed revenue agreement with SDG&E. Construction is scheduled to begin in spring 2021 and be completed by the end of 2021.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) that the proposed project is categorically exempt from CEQA review because it involves the maintenance of existing public roads involving no or negligible expansion of existing use.
2. Establish appropriations of \$4,037,400 in the Department of Public Works Road Fund Fiscal Year 2020-21 Detailed Work Program for the AC Overlay 2021A project based on 2019 San Diego, Gas and Electric Company (SDG&E) Revenue Agreement (\$3,900,000) and proposed SDG&E Revenue Agreement (\$137,400). **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award multiple construction contracts and to take other actions authorized by Section 401 et seq. of the Administrative Code with respect to contracting for asphalt concrete overlay and slurry seal treatment projects on county-maintained roads.
4. Authorize the Clerk of the Board to execute, upon receipt, the revenue agreement with SDG&E for road restoration following their fire hardening project.
5. Designate the Director, Department of Public Works, as the County Officer responsible for administering the agreement with SDG&E and the construction contracts in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works Road Fund Detailed Work Program in the amount of \$29,572,500. If approved, construction costs are estimated to be \$33,609,900 including contingency. The funding sources are SB-1 (\$25,489,500), TransNet (\$4,083,000), 2019 SDG&E revenue agreement (\$3,900,000), and a proposed revenue agreement with SDG&E (\$137,400). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

If approved, expenditures for road maintenance and repair work should create private sector jobs and economic opportunities in the San Diego region.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

14. SUBJECT: REQUEST TO ISSUE A COMPETITIVE SOLICITATION FOR GAS RELATED SERVICES AT COUNTY CLOSED LANDFILLS (DISTRICTS: 1, 2, 3 & 5)

OVERVIEW

The County of San Diego (County) is required by federal, state, and local regulations to monitor and control landfill gas emissions at closed landfill sites. The Department of Public Works maintains landfill gas control systems at 10 closed landfill sites. Services are performed by a consultant and the existing contract term ends on June 30, 2021. Landfill Gas services include:

- Routine operation and maintenance services such as regulatory compliance monitoring, adjusting system to optimize performance, and maintaining flare equipment.
- Non-routine services such as repairing and replacing equipment; installing additional gas wells with associated fittings, per regulation; providing scheduled and emergency repairs; and other related services.
- Special projects, as required by regulatory agencies or the County, such as upgrading systems to improve efficiency and to comply with new regulations as they develop and designing and installing additional landfill gas control systems.

If approved, today's action will provide authorization to issue a Request for Proposals and to negotiate and award a consultant contract for routine and non-routine services for landfill gas systems. The total cost of the contract is estimated at \$1,800,000 per year for a period of five years, with a total amount estimated at \$9,000,000.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not subject to review under the California Environmental Quality Act (CEQA) as specified under Section 15060(c)(3) of the CEQA Guidelines because the activity is administrative in nature and is not a project as defined in Section 15378 of the State CEQA Guidelines.
2. In accordance with Section 401, Article XXIII of the County Administration Code authorize the Director, Department of Purchasing and Contracting to issue a Competitive Solicitation for landfill gas related services, and upon successful negotiations and determination of a fair and reasonable price, award a contract for a term of one year, with four option years and up to an additional six months if needed, and to amend the contracts as needed to reflect changes to services and funding.

3. Designate the Director, Department of Public Works, or his designee, as the County Officer responsible for administering and implementing the contract by, among other things, processing all payment requests, coordinating with other contract parties, and managing the contract to ensure contractor compliance with contract terms.

FISCAL IMPACT

There is no fiscal impact associated with the recommendations to issue a competitive solicitation for gas related services at County closed landfills in the current Fiscal Year 2020-21. There will be no change in net General Fund cost and no additional staff years.

Funds for this contract will be included in the Fiscal Year 2021-22 Operational Plan for the Department of Public Works, Inactive Waste Site Management Fund. If approved, this contract will result in an estimated annual expenditure of \$1,800,000 for five years starting in Fiscal Year 2021-22. The total expenditures will be approximately \$9,000,000 through Fiscal Year 2025-26. The funding source is the Environmental Trust Fund.

In November 1997, the County sold its four operating landfills to Allied Waste Industries (now called Republic Waste). The sale is often referred to as the "Solid Waste Divestiture." The Board of Supervisors set aside \$101 million of the sale proceeds to establish the Environmental Trust Fund by ordinance (Admin. Code §454.1).

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

15. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE SWEETWATER SUMMIT REGIONAL PARK CAMPGROUND EXPANSION PHASE II PROJECT (DISTRICT: 1)**

OVERVIEW

The Department of Parks and Recreation (DPR) operates Sweetwater Regional Park, an approximately 500-acre facility located in the unincorporated community of Bonita. The park offers a variety of recreational activities and amenities to the public, including 15 miles of multi-use trails, a playground, picnic facilities, a community garden, splash pad, a community building, bicycle skills course, an amphitheater, and a campground. DPR completed Phase I of the campground masterplan in 2011, which provided new camping experiences for visitors by offering improved restroom facilities, internal roadways, and new campsites with full hookups including water and power for recreational vehicles.

The Sweetwater Summit Campground continues to be one of DPR's most popular facilities, with reservations booking out six months in advance and an average occupancy of 90 percent. Weekends typically reach 100 percent capacity. The proposed project, Sweetwater Summit Regional Park Campground Expansion Phase II, will help meet the consistent demand for campsites at the park. Phase II will construct up to 34 campsites bringing the total campsites for the campground to 144. Phase II was designed at the time of Phase I and will complete the campground as designed in the masterplan. The project includes full hookup campsites, trees, day-use parking, walkways, photovoltaic carports, improved circulation throughout the campground and landscaping.

Today's proposed actions will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Sweetwater Summit Regional Park Campground Expansion Phase II project for an estimated \$3,550,000, including contingency. The remaining \$600,000 in project funding will be used for design, construction management, environmental review, and project administration. The total project cost is \$4,150,000 for the Sweetwater Summit Regional Park Campground Expansion Phase II project and is funded by General Purpose Revenue, as included in the Fiscal Year 2020-21 Operational Plan. If approved, construction will begin in spring 2021 and be completed spring 2022.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Addendum to the Final Environmental Impact Report (EIR) for the Sweetwater Regional Park Master Plan Log No. 87-18-11 on file in the Department of Planning and Development Services has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained in the EIR (including previous addenda) and Addendum thereto dated on October 2020 on file (Attachment B) prior to approving the project, and that the Addendum reflects the independent judgement and analysis of the Board of Supervisors; and

Find that there are no changes in the project, proposed project, or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously certified EIR dated (July 10, 1989), that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist Form dated (October 2020).

2. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any action authorized by Section 401, et. seq. of the Administrative Code and Public Contract Code Section 22160-22169, with respect to contracting for the Sweetwater Summit Regional Park Campground Expansion Phase II project.
3. Designate the Director, Department of Parks and Recreation, or designee, as the County of San Diego Officer responsible for administering the construction contract for the Sweetwater Summit Regional Park Campground Expansion Phase II project, in accordance with Section 430.4 of the County Code of Administrative Ordinances and Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2020-21 Operational Plan for the Capital Outlay fund. If approved, this request will result in costs of \$4,150,000 for Capital Project 1023065 Sweetwater Summit Regional Park Campground Expansion Phase II. Construction costs are estimated at \$3,550,000, including contingency. The remaining \$600,000 in project funding will be used for design, construction management, environmental review, and project administration. The funding source is General Purpose Revenue (\$4,150,000).

Upon completion, annual operations and maintenance of improvements will be provided by an estimated two new full time equivalent (FTE) positions beginning in FY 2021-22, including one new Senior Park Ranger and one new Park Ranger, at an estimated cost of \$176,674 in Salaries & Benefits. The positions are anticipated to be fully funded by revenue from customer fees for the anticipated occupancy of the additional campsites. Ongoing maintenance and operation costs, estimated at \$47,500, are anticipated to be fully funded by revenue from customer fees and savings from the decreased costs from the solar energy generation. Completion of the project also will require the purchase of a new vehicle, maintenance equipment, and IT equipment at an estimated total one-time cost of \$90,000 in FY 2021-22, based on a one-time funding source. Ongoing and one-time costs and revenue for additional staffing and equipment will be requested in the FY 2021-22 Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

16. **SUBJECT: RECEIVE THE OPTIONS TO STREAMLINE RENEWABLE ENERGY PROJECTS IN THE UNINCORPORATED AREA REPORT; PROVIDE DIRECTION ON THE OPTIONS CONTAINED IN THE REPORT (DISTRICTS: ALL)**

OVERVIEW

On October 15, 2019 (10), and October 29, 2019 (27), the Board of Supervisors (Board) adopted an ordinance to implement a Community Choice Energy (CCE) program within the unincorporated areas of San Diego county. An increase in CCE programs throughout the state will likely increase the demand for renewable energy. In the unincorporated county, the CCE's planned implementation will increase the demand for renewable energy to 90% by 2030, reduce greenhouse gas emissions, and meet State renewable energy mandates.

To ensure that the County of San Diego (County) does its part to increase renewable energy supply in the region, on April 21, 2020 (5), the Board approved the recommendations of Chairman Cox and Vice-Chairman Desmond and directed staff to return with options to streamline the environmental review process for renewable energy projects within the unincorporated area, including preparing a Programmatic Environmental Impact Report,

identifying ideal locations for renewable energy projects, and developing a design review checklist to exempt specific projects. Planning & Development Services (PDS) has developed a range of options for the Board's consideration, informed by research, statewide best practices, analysis, and stakeholder engagement.

The report (Attachment A) identifies opportunities to increase regional renewable energy supply, including Programmatic Environmental Streamlining; Renewable Energy Overlay Districts; Regulation and Code Reform; and Design and Development Guidelines changes. This is a request for the Board to accept the Options to Streamline Renewable Energy Projects report and provide direction on the options.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Options to Streamline Renewable Energy Projects report complies with the California Environmental Quality Act (CEQA) and County of San Diego CEQA Guidelines because the report is exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines.
2. Receive the Options to Streamline Renewable Energy Projects report (Attachment A) and provide direction on options.

FISCAL IMPACT

There is no fiscal impact associated with receiving and accepting the Options to Streamline Renewable Energy Projects report. There will be no change in net General Fund cost and no additional staff years in Fiscal Year (FY) 2020-21. Implementation costs vary for project options or alternatives in the Options to Streamline Renewable Energy Projects report. Depending on the options or alternatives directed by the Board of Supervisors (Board), additional costs are estimated to be up to \$2.5 million in one-time funding in FY 2020-21 and will be analyzed in detail at a future return to the Board. If approved, costs will be included in future Operational Plans.

BUSINESS IMPACT STATEMENT

The Options to Streamline Renewable Energy Projects report includes actions that support the local economy by working with the public, agencies, other jurisdictions, developers, and other related professionals to improve permit processing and regulations for increasing the supply of renewable energy in the unincorporated area.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors continued this item to January 27, 2021 at the request of the Chief Administrative Officer, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

17. SUBJECT: SAN DIEGO COUNTY REVITALIZATION AND ASSISTANCE PROGRAM GRANTS TO PROVIDE SUPPORT TO BUSINESSES IN THE UNINCORPORATED AREA AS THEY RECOVER FROM THE COVID-19 HEALTH EMERGENCY (DISTRICTS: ALL)

OVERVIEW

To provide economic support to businesses in the unincorporated area and assist with their recovery from economic impacts associated with the COVID-19 public health emergency, the Board of Supervisors (Board) approved Vice-Chairman Desmond's and Supervisor Gaspar's recommendation on May 5, 2020 (16) to establish a revitalization and assistance program. The Board provided \$250,000 of available General Fund fund balance to the Department of Planning & Development Services (PDS) to develop and implement a grant program for businesses and commercial property owners to make permanent improvements to the front exterior of their existing businesses.

Since that time, a program has been developed to provide grants for permanent upgrades such as painting, minor landscaping, lighting, signage, and the addition of outdoor dining or workspace up to \$8,000, while registered historic properties are eligible for grants up to \$12,000. Grant funds will be provided as a reimbursement after work is verified to be completed and the applicant has satisfied the conditions in the grant funding agreement. The application acceptance period for this grant program was between October 1-15, 2020 and 87 applications were received during the time period.

Today's action is to request the Board approve the 42 applications recommended by PDS for grant funding and authorize the Director of PDS execute grant funding agreements. If the 42 applications are approved, a total of \$250,000 will be awarded in financial assistance to businesses in the unincorporated area recovering from COVID-19.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action of awarding the applicants identified in Attachment A reimbursement grants is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) of the State CEQA Guidelines that it can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment because the grants would fund construction that would consist of repair, maintenance or minor alterations of existing facilities, which are categorically exempt projects under Section 15301, and that it is therefore exempt from CEQA review.
2. Award San Diego County Business Revitalization and Assistance Program grants to organizations in amounts and for the purpose identified in the Schedule of Proposed Grant Recipients attached hereto as Attachment A.
3. Authorize the Director of Planning & Development Services to execute grant agreements with the individuals awarded the San Diego County Business Revitalization and Assistance Grant Program funds.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2020-21 Operational Plan in Planning & Development Services (\$250,000). If approved, this request will result in costs of \$250,000 in FY 2020-21. The funding source is available General Fund fund balance. There will be no additional staff years. The goal of the program is to provide assistance to businesses in order to revitalize the exterior of these businesses, which has the potential to draw in more customers and increase sales, which in turn may lead to increased sales tax revenues for the County of San Diego. The impact of these grants is unknown, and any potential impacts to sales tax revenues cannot be quantified.

BUSINESS IMPACT STATEMENT

These actions will have a direct positive impact to businesses by creating a new business assistance program with the goal of adding value to the local economy and enhancing the community experience by creating a positive visual impact and increasing customer traffic to community-based businesses in the unincorporated county.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

18. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**OVERVIEW**

David Flores spoke to the Board regarding appreciation of Supervisor Cox.

Kathleen Lippitt spoke to the Board regarding marijuana.

Terri-Ann Skelly spoke to the Board regarding appreciation of Supervisor Gaspar.

Judy Strang spoke to the Board regarding appreciation of Supervisors Jacob and Gaspar.

Due to the COVID-19 emergency, public comments on non-agenda items were received electronically and read into the record. The following individuals submitted comments:

Jennifer Dunaway provided comment to the Board regarding COVID-19.

Laura Meggison provided comment to the Board regarding the homeless community.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 2:12 p.m. in memory of Julius Zolezzi.

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, January 13, 2021.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

12/09/2020