

December 11, 2019

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, DECEMBER 11, 2019, 9:00 AM

PLEASE NOTE CHANGE IN MEETING LOCATION:
COUNTY OPERATIONS CENTER
CAMPUS CENTER CHAMBERS
5520 OVERLAND AVENUE
SAN DIEGO, CALIFORNIA 92123

Order of Business

A. REGULAR SESSION: Meeting was called to order at 9:04 a.m.

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

ABSENT: Supervisor Kristin Gaspar

B. Closed Session Report

C. Public Communication: No Speakers

D. Approval of the Statement of Proceedings/Minutes for the meeting of November 20, 2019.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of November 20, 2019.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

E. Formation of Consent Calendar

F. Discussion Items

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|--|
| 1. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COLE GRADE ROAD IMPROVEMENT PROJECT: FINAL ENVIRONMENTAL IMPACT REPORT, NEGOTIATION AND ACQUISITION OF RIGHT-OF-WAY, AND FORMATION OF UNDERGROUND UTILITY DISTRICT (11/20/19 - FIRST READING; 12/11/19 - SECOND READING AND ADOPTION)
[FUNDING SOURCE: LOCAL SALES TAX FROM TRANSNET] |
| 2. | NOTICED PUBLIC HEARING:
ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO CONDITIONALLY VACATE PORTIONS OF LA GRANADA AND LA FLECHA IN THE SAN DIEGUITO AREA - VACATION NO. 2019-0104 (11/20/2019 SET HEARING TO VACATE; 12/11/2019 HOLD HEARING
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |
| 3. | NOTICED PUBLIC HEARING:
GENERAL SERVICES - HOLD HEARING - ACQUISITION OF APPROXIMATELY 29 ACRES FROM CALTRANS FOR SHERIFF AND DEPARTMENT OF PUBLIC WORKS OPERATIONS
[FUNDING SOURCE: EXISTING APPROPRIATIONS IN THE ROAD FUND, SERVICES & SUPPLIES, AVAILABLE PRIOR YEAR FUND BALANCE IN THE INACTIVE WASTE SITE MANAGEMENT FUND, AVAILABLE PRIOR YEAR FUND BALANCE IN THE PROPOSITION 172 SPECIAL REVENUE FUND, AND AVAILABLE PRIOR YEAR FUND BALANCE IN THE SAN DIEGO COUNTY SANITATION DISTRICT FUND]
(4 VOTES)

(RELATES TO SANITATION DISTRICT AGENDA NO. SA1) |
| 4. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (11/20/2019 - ADOPT RECOMMENDATIONS; 12/11/2019 - SECOND READING OF AN ORDINANCE) |
| 5. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP |

6. SET A HEARING FOR 01/15/2020:
GENERAL SERVICES - SAN LUIS REY RIVER VALLEY - APPROVE ACQUISITION OF APPROXIMATELY 37 ACRES OF OPEN SPACE PRESERVE LAND (NORTH AMERICAN RESORT PROPERTIES, INC.) (12/11/2019 - SET HEARING; 1/15/2020 HOLD HEARING)
[FUNDING SOURCE: GENERAL PURPOSE REVENUE; DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE]
7. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE LAKESIDE EQUESTRIAN FACILITY AND ADOPT A RESOLUTION TO ESTABLISH AN ALL-WAY STOP AT WILLOW ROAD AND MORENO AVENUE
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE; GENERAL PURPOSE REVENUE AND ANTICIPATED REVENUE FROM FACILITY RENTAL FEES]
8. ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20
[FUNDING SOURCE: SB 1, SDG&E FRANCHISE FEES, TRANSNET, AVAILABLE PRIOR YEAR ROAD FUND BALANCE, AND PRD ZONES' AVAILABLE PRIOR YEAR FUND BALANCE, BENEFIT ASSESSMENTS AND SPECIAL TAXES FROM PROPERTY OWNERS]
9. AUTHORIZE THE ADVERTISEMENT AND AWARD OF A CONSTRUCTION CONTRACT FOR LINCOLN ACRES PARK EXPANSION
[FUNDING SOURCE: GENERAL FUND FUND BALANCE COMPONENT DECREASE – PARKS EXPANSION AND IMPROVEMENT COMMITMENT, PARK LAND DEDICATION ORDINANCE AREA 4 LINCOLN ACRES FUND AVAILABLE PRIOR YEAR FUND BALANCE AND GENERAL-PURPOSE REVENUE BUDGETED IN THE CAPITAL OUTLAY FUND FOR CAPITAL PROJECT 1022612, LINCOLN ACRES PARK EXPANSION]
10. APPROVE AND RATIFY FISCAL YEAR 2019-20 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM
[FUNDING SOURCE: REVENUE AGREEMENT WITH STATE WATER RESOURCES CONTROL BOARD, WHICH IS A FULL COST RECOVERY AGREEMENT]
11. NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND ADMINISTRATIVE CODE XXVI - FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS (12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND READING OF AN ORDINANCE)

12. NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND SAN DIEGO COUNTY CODE
OF REGULATORY ORDINANCES - TITLE 7 HIGHWAYS AND
TRAFFIC (12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 -
SECOND READING OF AN ORDINANCE)
13. ADOPT A RESOLUTION AUTHORIZING THE GENERAL FUND TO
FORGIVE THE SCHEDULED REIMBURSEMENT FROM THE ROAD FUND
(4 VOTES)
14. RECEIVE INTERSECTION IMPROVEMENT FEE PROGRAM
(BOARD POLICY J-25) FISCAL YEAR 2018-19 COMPREHENSIVE
ANNUAL AND FIVE-YEAR MITIGATION REPORT
15. RECEIVE TRANSPORTATION IMPACT FEE AND REGIONAL
TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM
FISCAL YEAR 2018-19 COMPREHENSIVE ANNUAL AND
FIVE-YEAR MITIGATION FEES REPORT
16. HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET
(4 VOTES)

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COLE GRADE ROAD IMPROVEMENT PROJECT: FINAL
ENVIRONMENTAL IMPACT REPORT, NEGOTIATION AND
ACQUISITION OF RIGHT-OF-WAY, AND FORMATION OF
UNDERGROUND UTILITY DISTRICT (11/20/19 - FIRST READING;
12/11/19 - SECOND READING AND ADOPTION) (DISTRICT: 5)**

OVERVIEW

On November 20, 2019 (8), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on December 11, 2019.

Cole Grade Road is a 7.88 mile, heavily traveled road in Valley Center between Valley Center Road and State Route 76. The majority of the road currently exists as a two-lane road with narrow road shoulders. In many locations, traffic flow is impeded during peak hours because vehicles must slow down for other motorists making left-turns into cross streets or driveways. The Cole Grade Road Improvement Project (Project) will construct improvements to 2.83 miles of road between Fruitvale Road and Pauma Heights Road, which will improve traffic flow and increase safety by adding a center two-way left turn lane. The Project will add bicycle lanes in both directions and a trail along the west side of the road. The Project also proposes replacement and improvements to the existing stormwater crossings traversing Cole Grade Road and installation of “Green Street” drainage features, incorporating vegetation to cleanse stormwater runoff, adjacent to the existing road.

The addition of the center two-way left turn lane, bicycle lanes, and trail will require widening Cole Grade Road within the project limits and acquisition of right-of-way easements will be needed from 62 properties. The Project proposes moving the existing overhead power poles and utility lines underground to improve the appearance of the community by reducing visual impacts, and to improve reliability through fewer power outages. The undergrounding will also increase safety by eliminating a potential source of wildfire ignition and reducing obstructions in the right-of-way. The undergrounding of utilities will be accomplished by the formation of a County of San Diego (County) Underground Utility District (UUD).

The Department of Public Works (DPW) completed a Draft Environmental Impact Report (EIR) for this Project which was circulated for public review from January 19, 2018 to March 5, 2018. Although the Project’s current design minimizes impacts to oak trees as much as possible, it was determined that the Project will result in a significant impact as a result of the removal of 177 mature oak trees that are greater than five inches in diameter. In order to mitigate this impact, the County has developed a planting plan to replace each oak tree with two trees that will vary in size and be native to the Valley Center area. A landscape architect and arborist will provide guidance on tree location and design for planting success. Because the replacement oak trees will be smaller and it will take several years for the trees to grow to maturity, it was determined that the Project will result in significant unmitigable effects to visual character and scenic vistas. In order for the project to proceed, the Board of Supervisors (Board) will need to adopt a Statement of Overriding Considerations that the benefits to improved traffic safety and flow, improved access for bicyclists, pedestrians, and equestrians, and improved drainage outweigh the near to mid-term impacts to visual character and scenic vistas. The certification of the Final EIR, adoption of the related California Environmental Quality Act findings for mitigation of significant impacts, and adoption of a

Statement of Overriding Considerations for the impact that cannot be mitigated, will conclude the environmental phase.

This is a request to certify the Final EIR, adopt the related California Environmental Quality Act findings for mitigation of significant impacts, adopt a Statement of Overriding Considerations for the impact to both visual character and scenic vistas, authorize negotiation and acquisition of right-of-way required for construction of this Project, and to adopt a resolution declaring a portion of County-owned property along the Project as public highway. This is also a request to form a UUD, which will require two hearings. If the Board takes action on November 20, 2019 to adopt a Resolution of Intention, then on December 11, 2019, a second reading of the Ordinance will be needed to establish the UUD.

Design, right-of way acquisition, and where necessary eminent domain processes are anticipated to take approximately two years. If these actions are approved, DPW will return to the Board of Supervisors after right-of way acquisition is complete to request approval to advertise and award a construction contract for the Project. The roadwork on Cole Grade is estimated at \$23 million, the utility undergrounding is estimated at \$16 million, for a total construction contract estimated at \$39 million.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Adopt the following Ordinance (second reading):

AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON COLE GRADE ROAD UNDERGROUND UTILITY DISTRICT NO. 116.

(Attachment K)

FISCAL IMPACT

Funds for the request to acquire right-of-way are included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, right-of-way acquisition costs and revenue for the Cole Grade Road Improvement Project are estimated at \$750,000 for all easements required from 62 properties. The funding source is local sales tax from TransNet. There will be no change in net General Fund cost and no additional staff years.

The utility undergrounding project costs for the Cole Grade Road Improvement Project fall within the scope of California Public Utilities Commission (CPUC) Rule 20A and therefore are not paid from County of San Diego funds. Because utility undergrounding will occur during construction, the County plans to fund all construction costs upfront and be fully reimbursed by the utility companies based on actual costs when the Project is complete. The County will not award a construction contract until after the reimbursement agreement is finalized. SDG&E will use the 20A funds for electric-related costs and the telephone and cable companies will use funds from their capital budgets. The total added cost to construction for all utility undergrounding on Cole Grade Road is estimated at \$16.0 million, with no cost to property owners.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10640 (N.S.), entitled: AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON COLE GRADE ROAD UNDERGROUND UTILITY DISTRICT NO. 116.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

2. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO
CONDITIONALLY VACATE PORTIONS OF LA GRANADA AND LA
FLECHA IN THE SAN DIEGUITO AREA - VACATION NO. 2019-0104
(11/20/2019 SET HEARING TO VACATE; 12/11/2019 HOLD HEARING
(DISTRICT: 5)**

OVERVIEW

On November 20, 2019 (7), the Board of Supervisors set a Hearing for December 11, 2019.

The Department of General Services, Real Estate Services Division is processing a request to conditionally vacate portions of La Granada and La Flecha. The two roads are in the unincorporated Rancho Santa Fe area of the County and are within the San Dieguito Community Plan Area. A vacation of public roads may be requested by the public if the road is found to be excess right of way not required for road purposes. In this case the road easement vacation is a public benefit through improved use of the land made available by the vacation.

Today’s request requires two steps. On November 20, 2019, the Board of Supervisors (Board) is requested to set a hearing for December 11, 2019 and direct the Clerk of the Board to publish public notice of the hearing. If the Board takes the actions recommended on November 20, 2019, then on December 11, 2019, the Board is requested to approve the partial road vacations.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO CONDITIONALLY VACATE PORTIONS OF LA GRANADA AND LA FLECHA IN THE SAN DIEGUITO AREA (VACATION NO. 2019-0104).
2. Direct the Clerk of the Board to record the Resolution for Vacation No. 2019-0104 pursuant to Streets and Highways Code Section 8325 upon satisfaction of the conditions set forth in the Resolution.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,500 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 Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 19-190, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO CONDITIONALLY VACATE PORTIONS OF LA GRANADA AND LA FLECHA IN THE SAN DIEGUITO AREA (VACATION NO. 2019-0104).

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

3. **SUBJECT: NOTICED PUBLIC HEARING:
GENERAL SERVICES - HOLD HEARING - ACQUISITION OF
APPROXIMATELY 29 ACRES FROM CALTRANS FOR SHERIFF
AND DEPARTMENT OF PUBLIC WORKS OPERATIONS
(DISTRICT: 2)**

OVERVIEW

The California Department of Transportation (Caltrans) plans to dispose of approximately 29 acres of land in the unincorporated community of Rancho San Diego (Property). The Property is located south and west of Campo Road, and north of Singer Lane. Presently, the Department of Public Works - Roads Division (DPW) and the Sheriff's Bomb/Arson Unit (Sheriff) use portions of the Property under permits with Caltrans.

Caltrans has offered to sell the Property to the County of San Diego (County) prior to making it available in the open market. On October 30, 2019 (5), the Board of Supervisors (Board) set a hearing for December 11, 2019 to consider acquiring the Property. If the Board approves the proposed acquisition, the existing DPW and Sheriff operations on-site would remain, and other parts of the Property would be apportioned to the closed Jamacha Landfill overseen by DPW and the San Diego County Sanitation District. If the Property is not acquired, the potential loss of DPW and Sheriff operations on the Property could have a negative impact on public safety in the county.

Today's request is for the Board to: (1) make the necessary environmental findings, (2) authorize and approve the purchase of the Property, identified as Caltrans Director's Deed 17550-01-01, for the appraised value of \$2,265,000, for a total project cost of \$2,347,000, (3) establish sufficient appropriations, including San Diego County Sanitation District funds, to purchase the Property, and (4) authorize the transfer of a portion of the Property to the District.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors:

1. Find that in accordance with the Sections 15738(b)(4) and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed action to purchase the Caltrans Property known as Director's Deed 17550-01-01 (DD-17550-01-01) is exempt from CEQA review because it is an administrative transfer of interest in land and does not involve changes to the existing use of the property that may cause a significant impact on the environment.
2. Authorize the Director, Department of General Services, to execute a Purchase and Sale Agreement for the purchase of the Property (DD-17550-01-01) for the appraised value of \$2,265,000.
3. Authorize the Director, Department of General Services to execute all escrow documents and other related documents necessary to complete the transaction.
4. Authorize the Director, Department of General Services, to convey a portion of DD-17550-01-01 to the San Diego County Sanitation District.
5. Transfer existing appropriations of \$347,000 within the Road Fund from Services & Supplies to Operating Transfers Out for acquisition of property from Caltrans. **(4 VOTES)**
6. Establish appropriations of \$405,000 in the Inactive Waste Site Management Fund, Operating Transfers Out, for acquisition of property from Caltrans, based on available prior year fund balance in the Inactive Waste Site Management Fund. **(4 VOTES)**
7. Establish appropriations of \$940,000 in Proposition 172 Special Revenue Fund, Operating Transfers Out, for acquisition of property from Caltrans, based on available prior year fund balance in the Proposition 172 Special Revenue Fund. **(4 VOTES)**
8. Establish appropriations of \$1,692,000 in the Justice Facility Construction Fund for Capital Project 1021134, Bomb Arson Land Acquisition, based on Operating Transfers In from the Road Fund (\$347,000), Inactive Waste Site Management Fund (\$405,000), and Proposition 172 Special Revenue Fund (\$940,000). **(4 VOTES)**

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

1. Establish appropriations of \$155,000 in the San Diego County Sanitation District Fund for acquisition of property from Caltrans, based on available prior year fund balance in the San Diego County Sanitation District Fund. **(4 VOTES)**
2. Authorize the Director, Department of General Services, to accept a portion of the 29-acre property identified as DD-17550-01-01 on the District's behalf, and to take other action as necessary.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund for Capital Project 1021134, Bomb Arson Land Acquisition (\$500,000) and in the Department of Public Works Road Fund Services & Supplies (\$347,000). If approved, this request will result in costs and revenue of \$1,847,000 associated with the acquisition of property from Caltrans. The funding sources are existing appropriations in the Road Fund, Services & Supplies (\$347,000), available prior year fund balance in the Inactive Waste Site Management Fund (\$405,000), available prior year fund balance in the Proposition 172 Special Revenue Fund (\$940,000), and available prior year fund balance in the San Diego County Sanitation District Fund (\$155,000).

The total costs associated with the land acquisition from Caltrans is \$2,347,000. This includes a total project cost of \$2,192,000 for Capital Project 1021134, Bomb Arson Land Acquisition and additional costs of \$155,000 for property acquisition from the San Diego County Sanitation District. Costs associated with the acquisition of property from Caltrans are itemized as follows: \$2,265,000 for property acquisition; \$72,150 for staff time and an appraisal to complete the transaction; \$4,900 for closing and title costs; and \$4,950 for due diligence costs. All ongoing operations and maintenance costs will be supported by each department's or district's budget and will be included in future Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO SANITATION DISTRICT AGENDA NO. SA1)

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors closed the hearing and took action as recommended, on Consent.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

4. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OR ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (11/20/2019 - ADOPT
RECOMMENDATIONS; 12/11/2019 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: 2, 3, & 5)**

OVERVIEW

On November 20, 2019 (12), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on December 11, 2019.

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide the communities in the unincorporated region with a safe and efficient road system. To accomplish this, it is necessary that traffic policies be established and used to provide persons using the road

system with consistent and uniform regulations that are effective and can be legally enforced. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County-maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering studies and studies of traffic conditions.

The TAC recommends the Board act on six items from the September 13, 2019, meeting agenda and three items from the October 25, 2019, meeting agenda:

TRAFFIC ADVISORY COMMITTEE 09-13-19 MEETING

- Item 5-A is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Olive Hill Road from Mission Road to White Horse Lane (private road) in Fallbrook. Although the current speed limit ordinance is for 45 MPH, the roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 42.5 MPH. Road operating conditions and measured speeds allow for a speed reduction to a 40 MPH posted speed limit along with the use of radar for enforcement.
- Item 5-B is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Olive Hill Road from White Horse Lane (private road) to Morro Hills Road in Fallbrook. The roadway is currently posted with a 50 MPH speed limit and measured speeds averaged 51.4 MPH. Road operating conditions including collision experience, roadway geometry, and measured speeds that allow for a speed reduction to a 45 MPH posted speed limit along with the use of radar for enforcement.
- Item 5-C is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Olive Hill Road from Morro Hills Road to State Route 76 in Fallbrook/Bonsall. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 47.0 MPH. Measured speeds support the existing 45 MPH posted speed limit along with the use of radar for enforcement.
- Item 5-D is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will certify the use of radar for speed enforcement on Reche Road from Stage Coach Lane to Gird Road in Fallbrook, revising the eastern limit from Live Oak Park Road to Gird Road. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 43.8 MPH. Road operating conditions including similar roadway characteristics, and measured speeds that allow for a speed reduction to a 40 MPH posted speed limit along with the use of radar for enforcement as well as a revision of the western limit.

- Item 5-E is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will combine the segment portion of Reche Road from Live Oak Park Road to Gird Road with the segment of Reche Road from Stage Coach Lane to Live Oak Park Road (Item 5-D) and the segment portion of Reche Road from Gird Road to Via Vista with the segment of Reche Road from Via Vista Road to Old Highway 395 (Item 5-F). The roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 39.5 MPH. Road operating conditions including roadway geometry, and measured speeds support combining the two portions of this segment with the segments of Items 5-D and 5-F.
- Item 5-F is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will certify the use of radar for speed enforcement on Reche Road from Gird Road to Old Highway 395 in Fallbrook, revising the western limit from Via Vista to Gird Road. The 700 foot long portion of Reche Road from Gird Road to Via Vista that currently has a 40 MPH speed limit serves as a transition from the traffic signal at Gird road to the straighter portions of eastern Reche Road and will fall within the 45 MPH segment. As this short segment already has curve advisory speeds, the increase in speed limit on this short segment will not negatively affect traffic operations and the segment will benefit from a logical speed limit transition at the Gird Road traffic signal. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 48.7 MPH. Road operating conditions including roadway geometry, and measured speeds support the existing 45 MPH posted speed limit along with the use of radar for enforcement as well as a revision of the western limit.

TRAFFIC ADVISORY COMMITTEE 10-25-19 MEETING

- Item 2-A is a review to establish an all-way stop at the intersection of Wieghorst Way & Calle Simpson in Rancho San Diego at the request of area residents. The intersection of Wieghorst Way & Calle Simpson meets the California Manual on Uniform Traffic Control Devices (CA MUTCD) criteria for all-way stop based on limited sight distance at the intersection of the two roadways. Approval of this item would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at the intersection. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring that reasonable drivers enter the intersections at a low speed and have more time to take heed of the traffic situation.
- Item 3-A is a review requested by an area resident to assess the current speed limit posting on Elfin Forest Road from the San Marcos City Limits to Harmony Grove Road in Elfin Forest. The roadway is currently posted with a 50 MPH speed limit and measured speeds averaged 49.5 MPH. These measured speeds allow for a speed reduction to a 45 MPH posted speed limit along with the use of radar for enforcement. Approval of this item would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and support law enforcement officers in court.

- Item 5-A is to establish a traffic control signal at Old Highway 395 & Rainbow Glen Road in the community of Rainbow. Two of the nine warrants used to determine the need for signalization, as per the CA MUTCD, requires a review of traffic conditions during the peak hour of traffic. The analysis indicated there is a significant volume of traffic entering the intersection from the minor approach during any four hours a day and an undue delay on Rainbow Glen Road when entering or crossing Old Highway 395 during the peak traffic hour. A traffic control signal will provide better allocation of right of way and benefit the intersection's existing operating conditions. Properly posted traffic control signals at intersections reduce the frequency and severity of certain types of crashes, especially right-angle collisions, by providing for the orderly movement of traffic and interrupting heavy traffic at intervals to permit other traffic to cross.

Approval of Items 5-A through 5-F from the September 13, 2019, meeting and Item 3-A from the October 25, 2019, meeting would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

Approval of Item 2-A from the October 25, 2019, meeting would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at the intersection. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring that reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

Approval of Item 5-A from the October 25, 2019, meeting would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning right of way to the various traffic movements at the intersection. Properly posted traffic control signals at intersections reduce the number and severity of collisions by assuring providing for the orderly movement of traffic and interrupting heavy traffic at intervals to permit other traffic to cross. The Board's action on Item 5-C from the September 13, 2019, meeting and Items 2-A and 5-A from the October 25, 2019, meeting does not require a second hearing and Board direction on November 20, 2019, would allow implementation by DPW. The Board's action on Items 5-A, 5-B, 5-D, 5-E, & 5-F from the September 13, 2019, meeting and Item 3-A from the October 25, 2019, meeting would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On November 20, 2019, the Board would consider the TAC items. If the Board takes action on November 20, 2019, then on December 11, 2019, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

TRAFFIC ADVISORY COMMITTEE (09-13-19)

District 5:

Item 5-A. Olive Hill Road from Mission Road to White Horse Lane (private road) in Fallbrook - Reduce the 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

Item 5-B. Olive Hill Road from White Horse Lane (private road) to Morro Hills Road in Fallbrook - Reduce the 50 MPH speed limit to 45 MPH and certify the 45 MPH speed limit for radar enforcement.

Item 5-C. Olive Hill Road from Morro Hills Road to State Route 76 in Fallbrook/Bonsall -Recertify the existing 45 MPH speed limit for radar enforcement.

Item 5-D. Reche Road from Stage Coach Lane to Gird Road in Fallbrook - Establish a 40 MPH speed limit and certify the speed limit for radar enforcement.

Item 5-E. Reche Road from Live Oak Park Road to Via Vista in Fallbrook - Delete this speed limit segment. The portion from Live Oak Park Road to Gird Road is moved into an adjacent western segment of Reche Road with a 40 MPH speed limit (Item 5-D) and the portion from Gird Road to Via Vista is moved into an adjacent eastern segment of Reche Road with a 45 MPH speed limit (Item 5-F).

Item 5-F. Reche Road from Gird Road to Old Highway 395 in Fallbrook - Establish a 45 MPH speed limit and certify the speed limit for radar enforcement.

TRAFFIC ADVISORY COMMITTEE (10-25-19)

District 2:

Item 2-A. Wieghorst Way & Calle Simpson in Rancho San Diego - Establish an all-way stop at the intersection.

District 3:

Item 3-A. Elfin Forest Road from San Marcos City Limits to Harmony Grove Road - Reduce the 50 MPH speed limit to 45 MPH and certify the 45 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Old Highway 395 & Rainbow Glen Road in Rainbow - Place intersection on the County's Traffic Signal List for design and construction.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.45.1., 72.169.74.2., 72.169.74.3., 72.169.76., AND 72.169.77. AND DELETING SECTION 72.169.77.1 OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A, 5-B, 5-D, 5-E, and 5-F from 09-13-19 and Item 3-A from 10-25-19).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10641 (N.S.), entitled: ORDINANCE AMENDING SECTIONS 72.161.45.1., 72.169.74.2., 72.169.74.3., 72.169.76., AND 72.169.77. AND DELETING SECTION 72.169.77.1 OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

5. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
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 20, 2019 (10), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on December 11, 2019.

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 one County Regulatory Code (Title 6); approval of amendments for thirteen Board Policies (I-024, I-060, I-078, I-080, I-092, I-098, I-100, I-104, I-105, I-111, I-115, I-117). 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

Consider and adopt the Ordinance entitled (Second Reading):
ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF
REGULATORY ORDINANCES PERTAINING TO DEPARTMENT OF
ENVIRONMENTAL HEALTH PROGRAMS.

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 Jacob, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10642 (N.S.), entitled: ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES PERTAINING TO DEPARTMENT OF ENVIRONMENTAL HEALTH PROGRAMS.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

6. **SUBJECT: SET A HEARING FOR 01/15/2020:
GENERAL SERVICES - SAN LUIS REY RIVER VALLEY - APPROVE
ACQUISITION OF APPROXIMATELY 37 ACRES OF OPEN SPACE
PRESERVE LAND (NORTH AMERICAN RESORT PROPERTIES,
INC.) (12/11/2019 - SET HEARING; 1/15/2020 HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW

The Multiple Species Conservation Program (MSCP) is a regional conservation planning program initiated in 1998 to balance protection of habitat and species with recreation, development, and agricultural activities by acquiring, managing and monitoring open space lands. The MSCP is comprised of three major plan areas in the County: South County approved plan; and North and East County draft plans. Since 1998, the County of San Diego (County) has acquired more than 22,000 acres of open space land for the MSCP in three plan areas. In the MSCP Draft North County Plan, much of the planned 9-mile long San Luis Rey River Park (River Park) lies within the MSCP Pre-Approved Mitigation Area (PAMA), which consists of high-quality habitat that can support sensitive species.

The County has identified approximately 37 acres (Property) within the planned River Park boundaries that is available for purchase. The Property is in the MSCP Draft North County Plan PAMA and is located west of Interstate 15 and south of State Route 76 in the Bonsall area. The Property features high quality riparian vegetation and is situated between land owned by area water districts. In addition to preservation of open space, subject to future funding and environmental review, the Property could potentially provide a trail connection to future trails in the River Park.

Today's request requires two steps. On December 11, 2019 it is requested that the Board of Supervisors (Board) set a hearing for January 15, 2020 and provide public notice of the hearing. If the Board takes the actions recommended for December 11, 2019, then on January 15, 2020, after making the necessary findings, the Board is requested to approve the purchase of the Property, consisting of Assessor's Parcel Numbers (APNs) 125-090-23 and 125-090-37 from North American Resort Properties, Inc., for the total appraised value of \$1,673,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship, is \$1,784,700 based on budgeted appropriations of General-Purpose Revenue in the MSCP Acquisitions Fund.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On December 11, 2019:

1. Set a hearing for January 15, 2020, at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase Assessor Parcel Numbers (APN) 125-090-23 and 125-090-37 from North American Resort Properties, Inc. for the appraised value of \$1,673,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on December 11, 2019, the Board takes the actions recommended in Items 1-2 above, then on January 15, 2020:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15325.
2. Authorize the Director, Department of General Services, to exercise the option to purchase APNs 125-090-23 and 125-090-37 at the appraised value of \$1,673,000.
3. Authorize the Director, Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Multiple Species Conservation Program (MSCP) Acquisitions Fund. This request will result in current year costs for the Property of \$1,784,700 itemized as follows: \$1,673,000 for property acquisition, \$28,000 for staff time and appraisal reports to complete the transaction; \$3,700 for closing and title costs; and \$80,000 in one-time land protection costs, which include \$37,000 for initial stewardship to provide access control, vegetation management and boundary surveys and \$43,000 for biological and cultural inventory surveys. The funding source is General Purpose Revenue.

Total annual costs for land monitoring and adaptive management of the Property are estimated at \$33,400. Fixed charge assessments are estimated at \$1,300. If approved, total annual costs estimated at \$34,700 will be incurred beginning in Fiscal Year 2020-21 and will be included in future Operational Plans. The funding source will be Department of Parks and Recreation General Purpose Revenue. 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 Fletcher, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for January 15, 2020.

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

7. SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE LAKESIDE EQUESTRIAN FACILITY AND ADOPT A RESOLUTION TO ESTABLISH AN ALL-WAY STOP AT WILLOW ROAD AND MORENO AVENUE (DISTRICT: 2)

OVERVIEW

The unincorporated community of Lakeside, with a population of approximately 80,000 residents, is home to a broad range of equestrians. To support the recreational interests of the community, the Department of Parks & Recreation (DPR) is seeking to construct the Lakeside Equestrian Facility on an undeveloped 13.88-acre parcel that was purchased by the County in 2012 (Attachment A). Since the land acquisition, DPR staff have held public outreach meetings and collaborated with community members to develop the conceptual design of the proposed equestrian facility. The design of the proposed facility includes a covered arena, a multi-purpose building, and other amenities. The Lakeside Equestrian Facility will provide an opportunity for residents and visitors of all ages to enjoy and participate in equestrian and livestock related activities, and non-equestrian events such as wedding receptions and dog shows.

Today's proposed actions will adopt the Lakeside Equestrian Facility Mitigated Negative Declaration (MND) and the Mitigation, Monitoring, and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) for construction and operation of the Lakeside Equestrian Facility. This project will establish an all-way stop at Willow Road and Moreno Avenue. Today's proposed actions will adopt a resolution that amends a master resolution to establish the all-way crossing to support pedestrian, equestrian, and bicyclist crossing at the intersection. Further, the proposed actions will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for an estimated Phase 1 construction cost of \$3,500,000, including all-way stop and contingency. Additional project funds of \$1,000,000 will be used for related project costs including design, environmental monitoring, inspection, construction management and project administration for a total Phase 1 project cost of \$4,500,000. Phase 1 of the project is intended to focus on the construction of utilities, site development and grading, all-way stop, the covered arena, parking and day use area, while Phase 2 is anticipated to construct the remaining amenities with additional funding. The total Lakeside Equestrian Facility project is estimated to cost \$7,500,000 for all phases and construction of all amenities. The Board is also requested to designate the Director, DPR, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects. If approved, Phase 1 construction will begin in spring 2020 and be completed in spring 2021.

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 on file with the Department of Parks and Recreation (Attachment B), State Clearinghouse #2019059118, together with comments received during public review (Attachment C), and adopt it, finding that the documents reflect the independent judgement and analysis of the Board of Supervisors.

2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D) prepared pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15074(d), and authorize the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Find, in accordance with California Manual on Uniform Traffic Control Devices (CA MUTCD) that an all-way stop control at the intersection of Willow Road and Moreno Avenue in Lakeside is appropriate to support an equestrian/ pedestrian/ bicycle crossing through the intersection.
4. Adopt a Resolution entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY
5. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code and Public Contract Code Section 22160-22169, with respect to contracting for the construction of Lakeside Equestrian Facility.
6. Designate the Director, Department of Parks and Recreation, or designee, as the County of San Diego Officer responsible for administering the construction contract, 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 2019-20 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs of \$4,500,000 for Capital Project 1020367 Lakeside Equestrian Facility. Phase 1 Construction costs are estimated at \$3,500,000, including all-way stop and contingency. Additional project funds of \$1,000,000 will be used for related project costs including design, environmental monitoring, inspection, construction management, and project administration. The funding source is available prior year General Fund fund balance. The total cost of Phase 1 and Phase 2 project design, environmental analysis and construction is estimated at \$7,500,000. Additional funding will be required for the completion of Phase 2 of the project.

DPR will release a Request for Proposals to enter into a lease agreement with an organization to operate and maintain the facility. In the event DPR were to manage the property, DPR will seek funding for operation and maintenance of the facility in future Operational Plans, estimated at \$675,000 annually, and five additional staff years. The funding source would be General Purpose Revenue and anticipated revenue from facility rental fees.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

1. Found, 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 on file with the Department of Parks and Recreation (Attachment B), State Clearinghouse #2019059118, together with comments received during public review (Attachment C), and adopt it, finding that the documents reflect the independent judgement and analysis of the Board of Supervisors.
2. Adopted the Mitigation Monitoring and Reporting Program (Attachment D) prepared pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15074(d), and authorized the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Found, in accordance with California Manual on Uniform Traffic Control Devices (CA MUTCD) that an all-way stop control at the intersection of Willow Road and Moreno Avenue in Lakeside is appropriate to support an equestrian/ pedestrian/bicycle crossing through the intersection.
4. Adopted Resolution No. 19-191, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY.
5. Authorized the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Lakeside Equestrian Facility and take any other action authorized by Section 401et seq. of the Administrative Code and Public Contract Code Section 22160-22169, with respect to contracting for the construction of the Lakeside Equestrian Facility, and to authorize commencement of Phase 2 of the project once funding is available.
6. Designated the Director, Department of Parks and Recreation, or designee, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Section 430.4 of the County Code of Administrative Ordinances and Board Policy F-41, Public Works Construction Projects.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

8. SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2019-20 (DISTRICTS: 1, 2, 3, & 5)

OVERVIEW

On April 28, 2017, the Governor 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 that ten-year period. 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 March 27, 2019 (5), the Board adopted the annual resolution and proposed list of roads to be resurfaced during Fiscal Year 2019-20 using SB-1 revenue, and on April 19, 2019 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 to confirm initial design assumptions and coordinate planned activities with stakeholders. The reviews and coordination resulted in changes to the proposed CTC list. Under certain circumstances, changes are allowed by the CTC. All proposed changes will be included in DPW's annual SB 1 program reporting. DPW's current list has identified approximately 143 centerline miles of County-maintained roads to be resurfaced with available road resurfacing funding included in the Fiscal Year 2019-20 Operational Plan (Attachment A). This 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.

DPW also provides road maintenance services for 67 Permanent Road Division Zones (PRD Zones). PRD's are separate districts which provide property owners a mechanism to pay for private road maintenance within a specific area. Road maintenance activities for PRD Zones are managed by DPW and funded by property owners through benefit assessments and special taxes.

DPW has identified up to 31.4 centerline miles of PRD Zone roads for maintenance in Fiscal Year 2019-20 (Attachment B). The PRD Zone roads were also selected based on priorities identified through field reviews and community input and will improve the overall condition of the roads by protecting the roads from deterioration and future costly repairs.

This is a request for the Board to 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 and PRD Zone roads. The estimated construction cost for the County-maintained roads is \$46,300,000 and the estimated cost for the PRD Zone roads is \$3,276,500, for a total estimated construction cost, including contingency, of \$49,576,500. The funding sources for the County-maintained roads are SB 1, SDG&E Franchise Fees, TransNet, and available prior year Road Fund balance. The funding sources for the PRD Zone roads are assessment and special tax levies from property owners

within PRD Zones. Costs associated with PRD Zone roads will be tracked and managed separately. Construction is scheduled to begin in spring 2020 and be completed by the end of 2020.

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. Authorize the Director, Department of Purchasing and Contracting, to advertise and award multiple construction contracts and to take any 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 and PRD Zone roads.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contracts in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program and the Permanent Road Divisions Program. If approved, construction costs are estimated to be \$49,576,500, including contingency. The funding sources are SB 1 (\$28,705,000), SDG&E Franchise Fees (\$4,035,000), TransNet (\$5,700,000), available prior year Road Fund balance (\$7,860,000), and PRD Zones' available prior year fund balance, benefit assessments and special taxes from property owners (\$3,276,500). 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 San Diego County.

ACTION:

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

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

9. SUBJECT: AUTHORIZE THE ADVERTISEMENT AND AWARD OF A CONSTRUCTION CONTRACT FOR LINCOLN ACRES PARK EXPANSION (DISTRICT: 1)

OVERVIEW

Lincoln Acres is a 227-acre unincorporated community surrounded by the City of National City in south county. The Lincoln Acres Park, Community Center and Library have been a vital gathering spot for the community throughout its history. On January 9, 2019 (03), the Board of Supervisors authorized the purchase of a 0.74-acre parcel directly east of the existing park and established appropriations of \$700,000 in Capital Project 1022612 Lincoln Acres Park Expansion based on \$655,000 from the General Fund Commitment for Parks Expansion and Improvement and \$45,000 of available prior year fund balance in the Park Land Dedication Ordinance Area 4 Lincoln Acres Fund. These appropriations were unspent in Fiscal Year (FY) 2018-19 and carried forward in the FY 2019-20 Operational Plan.

The Department of Parks and Recreation (DPR) seeks to develop this parcel as an expansion of the existing park, which will provide increased recreational and gathering opportunities for the community of Lincoln Acres. The proposed project provides additional recreation amenities including an open grass area, a perimeter walking path, shaded picnic areas, and a restroom building. Additional funds for the park expansion were included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund for Capital Project 1022612 Lincoln Acres Park Expansion in the amount of \$2,100,000 based on General Purpose Revenue for a total project cost of \$2,800,000.

Today's proposed actions will find that the previously adopted Mitigated Negative Declaration (MND), dated November 18, 2008 for the Lincoln Acres Library and Community Center project is adequate without modification. Findings prepared in 2019 for the proposed expansion within the newly acquired property demonstrate that there are no new significant impacts or a substantial increase in the severity of impacts identified in the previous MND. The proposed action will also authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Lincoln Acres Park Expansion project for an estimated cost of \$2,000,000, including contingency. Remaining project funds of \$800,000 will be used for land acquisition and project related costs including design, environmental documentation, construction management, and project administration for a total project cost of \$2,800,000. Today's proposed action will designate the Director, DPR, as the County of San Diego Officer responsible for administering the construction contract. If approved, construction will begin in spring 2020 and be completed in winter 2020-21.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Mitigated Negative Declaration on file in the Department of General Services for the Lincoln Acres Library and Community Center, dated November 18, 2008, State Clearinghouse #2008102015, was completed in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained therein before approving the project, and that the Mitigated Negative Declaration reflects the independent judgement and analysis of the Board of Supervisors (Attachment B).

2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously adopted Mitigated Negative Declaration (MND), dated November 18, 2008, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said MND was adopted as explained in the Environmental Review Update Checklist Form, dated October 15, 2019 (Attachment D).
3. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of Lincoln Acres Park Expansion 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, in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2019-20 Operational Plan in the Capital Outlay Fund. If approved, this request will result in costs of \$2,800,000 for Capital Project 1022612, Lincoln Acres Park Expansion. Construction costs are estimated at \$2,000,000, including contingency. Remaining funds of \$800,000 will be used for land acquisition and project related costs including design, environmental documentation, construction management, and project administration. The funding sources are General Fund fund balance component decrease - Parks Expansion and Improvement Commitment (\$655,000), Park Land Dedication Ordinance Area 4 Lincoln Acres Fund available prior year fund balance (\$45,000) and General-Purpose Revenue (\$2,100,000) budgeted in the Capital Outlay Fund for Capital Project 1022612, Lincoln Acres Park Expansion. There will be no change in net General Fund cost and no additional staff years in the current fiscal year.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

- 10. SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2019-20 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM (DISTRICTS: ALL)**

OVERVIEW

The Department of Environmental Health (DEH) has been the local agency responsible for oversight of the investigation and cleanup of petroleum leaks from underground storage tanks

throughout the San Diego region since 1984 through its Local Oversight Program (LOP). When a petroleum tank leaks, the surrounding soils and groundwater can become contaminated. Early detection and cleanup of this contamination is important to prevent potential environmental and human health impacts from the contaminated soil and groundwater.

The LOP has been funded through a series of revenue agreements with the State Water Resources Control Board (SWRCB) since 1988. The most recent agreement was ratified by the Board of Supervisors (Board) on January 30, 2019 (5), authorizing DEH to execute a revenue agreement with the SWRCB for the period of July 1, 2018 through June 30, 2019.

Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, states that services cannot begin until the Board or Chief Administrative Officer and the contracting agency have approved the revenue agreement. The County of San Diego received a final revenue agreement for Fiscal Year 2019-20 from the SWRCB on September 24, 2019. Because this agreement was not received from the SWRCB until after the July 1, 2019 start date, this request is to waive Board Policy B-29, ratify the acceptance of the revenue agreement and authorize the DEH Director, or their designee, to execute a SWRCB Revenue Agreement, in the amount of \$995,984 for the period of July 1, 2019 through June 30, 2020, to fund the LOP, and adopt a Resolution authorizing DEH to receive funds.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment and that it is therefore exempt from CEQA.
2. Waive Board Policy B-29, ratify acceptance and authorize the Director, Department of Environmental Health, or their designee, to execute a revenue agreement with the State Water Resources Control Board in the amount of \$995,984 for the period of July 1, 2019 through June 30, 2020 to fund the Local Oversight Program.
3. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM FOR FISCAL YEAR 2019-20.
4. Authorize the Director, Department of Environmental Health, or their designee, to execute any extensions, amendments, and or revisions thereof that do not materially impact or alter either the program or funding level.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Environmental Health. If approved, this request will result in current year costs and revenue of \$995,984. The funding source is a revenue agreement with State Water Resources Control Board, which is a full cost recovery agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

This program benefits local business and the community at large by ensuring that site cleanups related to petroleum leaks from underground storage tanks meet state standards. Additionally, this program incentivizes petroleum tank owners or operators to seek reimbursement for investigation and cleanup costs through the State Water Resources Control Board's Underground Storage Tank Cleanup Fund.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-192, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE LOCAL OVERSIGHT PROGRAM FOR FISCAL YEAR 2019-20.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

11. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND ADMINISTRATIVE CODE
XXVI - FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS
(12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND
READING OF AN ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

In accordance with Board Policy A-76, Sunset Review Process, County of San Diego (County) departments periodically review Board of Supervisors (Board) policies and provisions of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted, and remaining requirements reflect current Board standards and practices.

County Administrative Code XXVI - Functions of the Department of Public Works, has been reviewed by County staff and staff recommend approval of a sunset review date of December 31, 2026 as well as some revisions. The recommended changes are to clarify roles and functions within the department, remove duplicative information, or remove information that is no longer relevant. Since the recommended changes include the deletion of entire sections within the administrative code and has a larger quantity of changes than a typical sunset review item, this item was reviewed outside of the general sunset review process.

The Board's action on these items would revise the San Diego County Administrative Code and would require two steps. On December 11, 2019, the Board would consider the items. If the Board takes action on December 11, 2019, then on January 15, 2020, a second reading of an ordinance amending Administrative Code XXVI would be necessary to implement the Board's direction.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that amending portions of the County Administrative Code is not a "project" as defined in Section 15378 of the state CEQA Guidelines.

2. Approve the introduction, read title, and waive further reading of the following Ordinance: ORDINANCE AMENDING PORTIONS OF ADMINISTRATIVE CODE SECTIONS 451-467 REGARDING THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS.

If, on December 11, 2019, the Board takes action as recommended, then, on January 15, 2020: Consider and adopt the following Ordinance:

ORDINANCE AMENDING PORTIONS OF ADMINISTRATIVE CODE SECTIONS 451-467 REGARDING THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS.

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 Jacob, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on January 15, 2020.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

12. **SUBJECT: NOTICED PUBLIC HEARING: ADOPT AN ORDINANCE TO AMEND SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES - TITLE 7 HIGHWAYS AND TRAFFIC (12/11/2019 - ADOPT RECOMMENDATIONS; 1/15/2020 - SECOND READING OF AN ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

In accordance with Board Policy A-76, Sunset Review Process, County of San Diego (County) departments periodically review Board of Supervisors (Board) policies and provisions of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board standards and practices.

The San Diego County Code of Regulatory Ordinances is a compilation and codification of regulatory ordinances of the County of San Diego. Title 7 of this code entitled "Highways and Traffic" includes regulatory provisions including, but not limited to, protection of highways, traffic enforcement codes, and the regulation of the use of streets and highways. Title 7 has been reviewed by County staff and staff recommend approval of a sunset review date of December 31, 2026 as well as some revisions. The recommended changes are to amend language to be consistent with the California Manual on Uniform Traffic Control Devices, delete traffic ordinances from communities that have been incorporated, remove references to the County Marshall, delete the rule to collect a punitive tripling of abatement costs for

abandoned vehicles. Since the recommended changes include the deletion of entire sections within the regulatory code and has a larger quantity of changes than a typical sunset review item, this item was reviewed outside of the general sunset review process.

The Board's action on these items would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On December 11, 2019, the Board would consider the items. If the Board takes action on December 11, 2019, then on January 15, 2020, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that amending various sections in Title 7 of the San Diego County Code of Regulatory Ordinances is not a "project" as defined in Section 15378 of the state CEQA Guidelines.
2. Approve the introduction, read title, and waive further reading of the following Ordinance: **ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 7 REGARDING HIGHWAYS AND TRAFFIC IN THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES.**

If, on December 11, 2019, the Board takes action as recommended, then, on January 15, 2020: Consider and adopt the following Ordinance:

ORDINANCE AMENDING VARIOUS SECTIONS IN TITLE 7 REGARDING HIGHWAYS AND TRAFFIC IN THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES.

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 Jacob, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on January 15, 2020.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

13. SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE GENERAL FUND TO FORGIVE THE SCHEDULED REIMBURSEMENT FROM THE ROAD FUND (DISTRICTS: ALL)

OVERVIEW

The Department of Public Works (DPW) is engaged in ongoing efforts to improve the County of San Diego's (County) average Pavement Condition Index (PCI) score, an industry standard rating system for the quality of roads. On June 21, 2017 (14) the Board authorized the General Fund to provide an advance (loan) of \$28.0 million to improve the County's PCI. This loan required future annual repayments to the General Fund from the Road Fund commencing in Fiscal Year (FY) 2022-23, using revenues anticipated from the State of California Road Repair & Accountability Act of 2017.

On October 15, 2019 (7) the Board of Supervisors (Board) directed that the planned repayment of \$28.0 million from the Road Fund to the General Fund be forgiven. In response to that action, today's recommendations request the Board's adoption of a Resolution authorizing the General Fund to forgive the scheduled reimbursement from the Road Fund of \$28.0 million for road resurfacing and rehabilitation costs, as previously directed by the Board. Adoption of this resolution is an administrative action that will forgive the repayment, thereby ensuring funding is used in future Operational Plans for needed roadway major maintenance and safety projects including road resurfacing, drainage and sidewalks facilities, intersection enhancements, and new traffic signals.

Further, these recommendations would authorize the necessary fiscal actions to implement the Board's direction, by establishing appropriations to support the operating transfers needed to properly account for and report the non-repayment from the Road Fund to the General Fund.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to forgive the scheduled reimbursement from the Road Fund of \$28.0 million for road resurfacing and rehabilitation costs do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Adopt a resolution entitled **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE GENERAL FUND TO FORGIVE THE SCHEDULED REIMBURSEMENT FROM THE ROAD FUND OF \$28,000,000 FOR ROAD RESURFACING AND REHABILITATION COSTS.**
3. Establish appropriations of \$28.0 million in Countywide General Miscellaneous Expense, Operating Transfer Out, based on available prior year General Fund fund balance to forgive the General Fund advance to the Road Fund (**4 VOTES**)
4. Establish appropriations of \$28.0 million in Department of Public Works, Road Fund, Other Charges (Internal Loan Redemption) based on an Operating Transfer In from the General Fund to forgive the General Fund advance to the Road Fund (**4 VOTES**)

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan. If approved, these recommendations would result in costs of \$28.0 million in the General Fund, and associated revenue of \$28.0 million in the Road Fund, based on prior year available unassigned General Fund fund balance, to forgive the planned repayment of \$28.0 million from the Road Fund. If approved these recommendations would result in a reduction in General Fund Nonspendable fund balance component that had been associated with the liability in the Road Fund. There will be no change in staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-193, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE GENERAL FUND TO FORGIVE THE SCHEDULED REIMBURSEMENT FROM THE ROAD FUND OF \$28,000,000 FOR ROAD RESURFACING AND REHABILITATION COSTS.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

14. **SUBJECT: RECEIVE INTERSECTION IMPROVEMENT FEE PROGRAM (BOARD POLICY J-25) FISCAL YEAR 2018-19 COMPREHENSIVE ANNUAL AND FIVE-YEAR MITIGATION REPORT (DISTRICTS: ALL)**

OVERVIEW

On June 19, 1973 (94), the Board of Supervisors (Board) adopted Board Policy J-25, Participation by Individuals, Organizations, Private Developers, or other Jurisdictions in the Implementation of Intersection Betterments. The policy created a program to collect and allocate funds for intersection improvements, including traffic signals, roundabouts, additional traffic lanes and turn lanes. Fees imposed in accordance with Board Policy J-25 pay for improvements needed to mitigate project-related traffic impacts. The County of San Diego (County) distributes funds to transportation agencies that are impacted by development in the unincorporated region, including Caltrans and cities, when impacts are outside of the County's jurisdiction.

The Mitigation Fee Act requires the agency collecting the fee to annually review and make available to the public a report accounting for the development fees held by the agency. The Mitigation Fee Act also requires that the agency find that fees collected more than five years ago are still needed for the improvements for which the fees were collected. The annual report and five-year findings are required to be included in a single report.

Today's request is for the Board to receive the Intersection Improvement Fee Program (Board Policy J-25) Fiscal Year 2018-19 Comprehensive Annual and Five-Year Mitigation Report which contains the Mitigation Fee Act annual report and five-year findings.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the receipt of this report is exempt from the California Environmental Quality Act (CEQA), as specified under 15061(b)(3) of the CEQA guidelines.
2. Receive the Intersection Improvement Fee Program (Board Policy J-25) Fiscal Year 2018-19 Comprehensive Annual and Five-Year Mitigation Fees Report and adopt the findings included therein.

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

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

15. **SUBJECT: RECEIVE TRANSPORTATION IMPACT FEE AND REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM FISCAL YEAR 2018-19 COMPREHENSIVE ANNUAL AND FIVE-YEAR MITIGATION FEES REPORT (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's Transportation Impact Fees (TIF) program allows developers to mitigate cumulative traffic impacts in accordance with the California Environmental Quality Act guidelines. Developers of large and small development projects can mitigate cumulative traffic impacts by paying into the TIF program instead of constructing physical road improvements. The TIF program includes the collection of the Regional Transportation Congestion Improvement Program (RTCIP) fee to ensure future development contributes its proportional share of funding needed for RTCIP roads as required under the TransNet Extension Ordinance, administered by the San Diego Association of Governments. TIF funds are collected on a regional and community basis to ensure road improvements will serve the development project for which fees are paid and the funds can only be used in unincorporated communities based on an approved list of roads.

The State Mitigation Fee Act requires the agency collecting the fee to annually review and make available to the public a report accounting for the development fees held by the agency. The Mitigation Fee Act also requires that the agency find that fees that were collected more than five years ago are still needed for the improvements for which the fees were collected. The annual report and five-year findings are combined into a single report.

Today's request is for the Board of Supervisors to receive the Transportation Impact Fee and Regional Transportation Congestion Improvement Program Fiscal Year 2018-19 Comprehensive Annual and Five-Year Mitigation Fees Report, which contains the Mitigation Fee Act annual report and five-year findings.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the receipt of this report is exempt from the California Environmental Quality Act (CEQA), as specified under Section 15061(b)(3) of the CEQA guidelines.
2. Receive the Transportation Impact Fee (TIF) and Regional Transportation Congestion Improvement Program (RTCIP) Fiscal Year 2018-19 Comprehensive Annual and Five-Year Mitigation Fees Report and adopt the findings included therein.

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

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

16. SUBJECT: HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET (DISTRICTS: ALL)

OVERVIEW

A Boil Water Advisory (BWA) went into effect on November 30th in the City of Poway, causing 190 food processing facilities, such as restaurants, markets and other kitchens in licensed health care facilities and schools to immediately cease operations. If potable water cannot be provided, the food facility cannot safely prepare food, wash produce, properly clean and sanitize utensils, and food handlers cannot wash their hands, putting the facility at risk to spread foodborne or waterborne illness and requiring closure of the facility. Abruptly closing their doors has been crippling for restaurant owners and employees.

The Department of Environmental Health (DEH) has been working with locally impacted restaurants to find temporary revised ways to safely prepare and serve food, in compliance with the California Retail Food Code (CRFC). If certain food safety operational conditions can be met, DEH is able to authorize a temporary modified health permit, which allows food facilities to restore their operations under restricted conditions such as limiting the menu provided to foods that required minimal or no food preparation, utilizing produce that is sold pre-sliced and washed, using only bottled water for food preparation and food employee handwashing, serving only bottled beverages, using single-use disposable utensils, using boiled or bottled water for utensil washing, and purchasing hand washing set ups that allowed for washing of hands with bottled water under a continuous flow of water.

As of December 5th, 21 of the 190 impacted restaurants have already obtained a modified health permit to operate and serve food to the public. The modified health permit is helpful to establishments that want to quickly open their doors, but the \$459 processing fee is a financial hit when they are already losing thousands of dollars. In an effort to assist restaurant owners whose operations have been impacted by the Poway BWA, this Board action would allow a waiver of the \$459 fee for a DEH modified health permit.

RECOMMENDATION(S)

CHAIRWOMAN DIANNE JACOB

1. Find that this fee waiver is exempt from CEQA pursuant to section 15061(b)(3) of the CEQA guidelines because it can be seen with certainty that affected food facilities will not have a significant effect on the environment, individually or cumulatively.
2. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate Department of Environmental Health's fees for a modified health permit for restaurants within the City of Poway who had to close due to the Boil Water Advisory.
3. Reimburse the costs for restaurants in the City of Poway who already received a modified health permit.
4. Adopt an urgency ordinance adding the San Diego County Administrative Code section 360.1, relating to Fee Waivers to read as follows: SEC 360.1 FEE WAIVERS the Board of Supervisors may by resolution waive any fee adopted by ordinance and contained in the San Diego County Code of Administrative Ordinances or the San Diego County Code of Regulatory Ordinances. **(4 VOTES)**
5. Adopt a resolution entitled: "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES".

FISCAL IMPACT

If approved, the waiver of the modified health permit fees associated with restaurants within the City of Poway impacted by the November 30, 2019 issued Boil Water Advisory will reduce revenues. To date, 21 restaurants have been approved for a modified health permit at the cost of \$459. Another 15 restaurants are in process of being considered for a modified health permit. To date, estimated costs associated with this fee waiver would be \$16,524. Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Environmental Health (DEH). If approved, this request will result in reduced revenues of up to \$25,000 for these fee waivers based on existing appropriations in the DEH, Salaries and Benefits funded by General Purpose Revenue. There will be no increase in staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-194, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES; and, adopting Ordinance No. 10643 (N.S.) entitled: AN URGENCY ORDINANCE ADDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE SECTION 360.1, RELATING TO FEE WAIVERS.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

There being no further business, the Board adjourned at 9:20 a.m. in memory of Richard Juarez and Bradley J. Fikes.

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 15, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

12/11/19