

**December 14, 2022**

**STATEMENT OF PROCEEDINGS**

***The Minutes of the***

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

**COUNTY OF SAN DIEGO**

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, DECEMBER 14, 2022, 9:00 AM**  
COUNTY ADMINISTRATION CENTER, ROOM 310  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

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

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

ABSENT: Supervisor Jim Desmond

- 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 16, 2022.

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of November 16, 2022.

AYES: Vargas, Anderson, Fletcher

ABSENT: Desmond

NOT PRESENT: Lawson-Remer

- E. Consent Calendar
- F. Discussion Items

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

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

- | <b>Agenda #</b> | <b>Subject</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.              | ADMINISTRATIVE ITEM:<br>SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION<br>(11/16/2022 - ADOPT RECOMMENDATIONS; 12/14/2022 - SECOND READING OF AN ORDINANCE)<br>[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT]                                                                                                                                                                                                                                                    |
| 2.              | SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, PROVISIONS OF THE COUNTY ADMINISTRATIVE CODE AND REGULATORY CODE ASSIGNED TO THE LAND USE AND ENVIRONMENT GROUP                                                                                                                                                                                                                                                                                                           |
| 3.              | ADOPT THE MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LOS COCHES LOW FLOW URBAN RUNOFF DIVERSION TO SEWER PROJECT<br>[FUNDING SOURCE: EXISTING GENERAL FUND FUND BALANCE FROM THE WATERSHED PROTECTION PROGRAM BUDGET]                                                                                                                                                                                                                                             |
| 4.              | GILLESPIE FIELD - ESTABLISH APPROPRIATIONS IN THE AIRPORT ENTERPRISE FUND AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE GILLESPIE FIELD 09L-27R RUNWAY REHABILITATION PROJECT AND RELATED CEQA EXEMPTION<br>[FUNDING SOURCE: FEDERAL AVIATION ADMINISTRATION; AVAILABLE PRIOR YEAR AEF FUND BALANCE]<br>(4 VOTES)                                                                                                                                                                                                |
| 5.              | ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR IMPROVEMENTS AT HERITAGE PARK BUILDING PROJECT AND CEQA ADDENDUM TO A NEGATIVE DECLARATION<br>[FUNDING SOURCE: ONE-TIME GENERAL PURPOSE REVENUE AND CALIFORNIA DEPARTMENT OF STATE PARKS AND RECREATION PER CAPITA PROGRAM GRANT; REVENUE GENERATED FROM FACILITY OPERATIONS]                                                                                                                                                                       |
| 6.              | ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2022-23 AND APPROVE REIMBURSEMENT AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF VISTA FOR ROAD RESURFACING AND RELATED CEQA EXEMPTION<br>[FUNDING SOURCE: SB-1, TRANSNET, CITY OF VISTA REVENUE AGREEMENT, COMMITTED ROAD FUND, PRD ZONES' AVAILABLE PRIOR YEAR FUND BALANCE, BENEFIT ASSESSMENTS AND SPECIAL TAXES FROM PROPERTY OWNERS]<br>(4 VOTES) |

7. SET A HEARING FOR JANUARY 11, 2023:  
COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856):  
APPROVAL OF OPEN SPACE VACATION PDS2022-VAC-22-002 (12/14/22 - SET  
HEARING; 01/11/23 - HOLD HEARING), DRAINAGE EASEMENT VACATION  
NO. 2022-0044; ADOPTION OF ADDENDUM TO PREVIOUS EIR; FOR BONSALL  
OAKS - MAP 13856 - LOCATED IN THE BONSALL COMMUNITY PLAN AREA
8. INCREASING REGIONAL RECREATIONAL OPPORTUNITIES: DECLARE THE  
TIJUANA RIVER VALLEY REGIONAL PARK ACTIVE RECREATION AND  
COMMUNITY PARK EXEMPT SURPLUS LAND AND AUTHORIZE THE  
ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE OPERATION AND  
DEVELOPMENT OF THE SITE  
(4 VOTES)
9. NOTICED PUBLIC HEARING:  
SAN LUIS REY RIVER PARK – APPROVE ACQUISITION OF APPROXIMATELY  
49 ACRES FOR INCLUSION IN THE RIVER PARK AND ADOPTION OF  
RESOLUTION (CALIFORNIA DEPARTMENT OF TRANSPORTATION)  
(11/16/2022 – SET HEARING; 12/14/2022 – HOLD HEARING)  
[FUNDING SOURCE: GENERAL FUND FUND BALANCE]
10. NOTICED PUBLIC HEARING:  
RESOLUTION TO RESCIND THE HARMONY GROVE VILLAGE SOUTH  
GENERAL PLAN AMENDMENT, SPECIFIC PLAN, REZONE, VESTING  
TENTATIVE MAP, MAJOR USE PERMIT, SITE PLAN AND ENVIRONMENTAL  
IMPACT REPORT, LOCATED IN THE SAN DIEGUITO COMMUNITY PLAN  
AREA
11. DEVELOPING THE SAN DIEGO COUNTY NATIVE LANDSCAPE PROGRAM  
[FUNDING SOURCE: AVAILABLE COUNTY LIBRARY FUND FUND  
BALANCE]
12. PUBLIC COMMUNICATION

1. **SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:  
TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA  
EXEMPTION (11/16/2022 - ADOPT RECOMMENDATIONS;  
12/14/2022 - SECOND READING OF AN ORDINANCE)  
(DISTRICTS: 1 & 5)**

**OVERVIEW**

On November 16, 2022 (07), the Board of Supervisors took action to further consider and adopt the Ordinance on December 14, 2022.

The Traffic Advisory Committee (TAC) is part of the Department of Public Works (DPW) traffic engineering program. TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the county. To be effective, TAC proposes policies that will enhance safety, reduce congestion and be legally enforceable so that the majority of motorists will comply. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County of San Diego (County) maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item, including engineering and traffic condition studies. TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on five items from the July 22, 2022, TAC meeting agenda:

<b>Items from the 07/22/2022 TAC Meeting</b>			
<b>District</b>	<b>Item</b>	<b>Location</b>	<b>Action</b>
1	1-A	Kempton Street & San Carlos Street/Akard Street, La Presa	Establish an all-way stop intersection.
5	5-A	Discovery Street & La Sombra Drive, Lake San Marcos	Establish an all-way stop intersection.
5	5-B	Miller Road & Miller Way, Valley Center	Establish an all-way stop intersection.
5	5-C	Mac Tan Road & Fruitvale Road, Valley Center	Establish an all-way stop intersection.
5	5-D*	Cool Valley Road, Valley Center	Establish a 45 MPH speed limit and certify
* Indicates second reading of ordinance is required.			

Approval of Items 1-A on Kempton Street & San Carlos Street/Akard Street in La Presa (District 1), 5-A on Discovery Street & La Sombra Drive in Lake San Marcos (District 5), 5-B on Miller Road & Miller Way in Valley Center (District 5), and 5-C on Mac Tan Road & Fruitvale Road in Valley Center would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at three intersections. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

Approval of Item 5-D on Cool Valley Road (District 5) would support speed enforcement which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

The Board's actions on Item 1-A on Kempton Street & San Carlos Street/Akard Street in La Presa (District 1), Item 5-A on Discovery Street & La Sombra Drive in Lake San Marcos (District 5), Item 5-B on Miller Road & Miller Way in Valley Center (District 5), and Item 5-C on Mac Tan Road & Fruitvale Road in Valley Center do not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore do not require a second reading of an ordinance. Board direction on November 16, 2022, would allow implementation of these four items by DPW.

The Board's action on Item 5-D on Cool Valley Road (District 5) would introduce an ordinance to amend a speed limit zone. This action would revise County Code and require two steps. On November 16, 2022, the Board would consider the TAC items. If the Board takes action as recommended on Item 5-D on November 16, then on December 14, 2022, a second reading and adoption of an ordinance amending County Code would be necessary to implement the Board's direction.

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

**District 1:**

Item 1-A. Kempton Street & San Carlos Street/Akard Street in La Presa - Establish an all-way stop intersection.

**District 5:**

Item 5-A. Discovery Street & La Sombra Drive in Lake San Marcos - Establish an all-way stop intersection.

Item 5-B. Miller Road & Miller Way in Valley Center - Establish an all-way stop intersection.

Item 5-C. Mac Tan Road & Fruitvale Road in Valley Center - Establish an all-way stop intersection.

Item 5-D. Cool Valley Road from Cole Grade Road to the end of County maintenance (near Villa Sierra Road) in Valley Center - Establish a 45 MPH speed limit and certify the speed limit for radar enforcement.

**CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the following Ordinance: ORDINANCE ADDING SECTION 72.161.35.9. TO THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 5-D)



## **EQUITY IMPACT STATEMENT**

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

DPW's Local Road Safety Program reviews correctible collisions along road segments within the unincorporated areas of the county and utilizes the Healthy Places Index and CalEnviroScreen 4.0 to ensure underserved populations are prioritized. The Traffic Advisory Committee relies on the Local Road Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of the majority of drivers, the Traffic Advisory Committee also relies on various community engagement methods such as the Tell Us Now! mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

## **SUSTAINABILITY IMPACT STATEMENT**

The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a monthly public forum to find timely, reasonable, and cost-effective in-road traffic solutions that reduce costly traffic delays, mitigate vehicle idling to reduce emissions, improve fire response times and regional readiness, and ensure justice in enforcement of traffic regulations.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan for the Department of Public Works Road Fund. If approved, this request will result in current year costs and revenues of \$10,120 for staff time and materials and supplies. The funding source is State Highway User Tax Account. There will be no change in net General Fund and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10820 (N.S.), entitled: ORDINANCE ADDING SECTION 72.161.35.9. TO THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

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

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

**OVERVIEW**

On November 16, 2022 (08), the Board of Supervisors took action to further consider and adopt the Ordinances on December 14, 2022.

In accordance with Board of Supervisors (Board) Policy A-76, Sunset Review Process, the LandUse and Environment Group (LUEG) 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, that obsolete policies and Code provisions are removed, and that policy language is revised for clarity.

Today's proposed actions include Board of Supervisors approval of amendments and sunset date extensions to December 31, 2029 for 11 Board Policies, of which two of them have no recommended changes (A-100) and (F-45):

- a) A-8: Services to Newly Incorporated Cities
- b) A-100: Flood Control District Advisory Commission
- c) A-115: Expediting Permit Processing for Residential Drug and Alcohol Treatment/Recovery Facilities
- d) F-45: Pesticide Use Reduction
- e) I-17: Right-of-Way Dedication and Public Improvement Requirements in Connection with Zone Reclassifications
- f) I-18: Right-of-Way Dedication and Public Improvement Requirements in Connection with Major and Minor Use Permits
- g) I-38: Agricultural Preserves
- h) I-122: Use of the County's 5 Percent Allowable Loss of Coastal Sage Scrub by other Jurisdictions
- i) I-136: Comprehensive Goals and Policies for Community Facilities Districts
- j) J-37: Landscape Maintenance Districts
- k) J-38: Complete Streets Policy

Today's proposed actions also request Board of Directors of the San Diego County Sanitation District approval of amendments and sunset date extensions to December 31, 2029, for one Board Policy:

- a) F-16: Cleaning and Repair of Sewer Laterals

Today's proposed actions also include approval of amendments and sunset date extensions to December 31, 2029 for three Administrative Code sections (Article XV-AA, Article XV-A, and Article LIV), and two County Regulatory Code sections (Title 2, Division 1, Chapter 5, and Title 4). If approved, these actions require two steps. The first is to approve the first reading of the ordinance(s) on November 11, 2022. The request on December 14, 2022 would be to adopt the amendments to the County Administrative Code and County Regulatory Code.



Additionally, the proposed actions include approval of sunset date extensions to December 31, 2029, for the Board Policies and County Administrative Code and County Regulatory Code sections reviewed by this letter that do not have staff recommended changes.

**RECOMMENDATION(S):**

**CHIEF ADMINISTRATIVE OFFICER**

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

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO COUNTY EYE GNAT ABATEMENT APPEALS BOARD, THE SAN DIEGO COUNTY ENVIRONMENTAL HEALTH AND QUALITY ADVISORY BOARD, AND THE SAN DIEGO COUNTY SOLID WASTE HEARING PANEL

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO SOLICITATIONS

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO COUNTY DEPARTMENT OF PARKS AND RECREATION

2. Approve the new sunset review date of December 31, 2029 for the amended San Diego County Administrative Code and Regulatory Code.

**EQUITY IMPACT STATEMENT**

County departments are guided by several Regulatory Codes, Administrative Codes, and Board policies in order to serve the region and customers consistently and equitably. The periodic review of County codes and policies ensures that departments keep documents up to date, provide clarifying language and continue to guide departmental practices. Additionally, this practice allows the language within these codes and policies to align with current efforts and be revised for inclusivity.

Today's recommendations will contribute to providing equitable, inclusive, and consistent service to the community and customers. The revisions proposed in this Board Letter enable the County of San Diego to provide residents the opportunity to review the updates that are made for consistency, clarity, and accuracy.

**SUSTAINABILITY IMPACT STATEMENT**

This action to review and amend County Administrative Codes, Regulatory Codes and Board policies aligns with the goal to promote opportunities for community engagement in the process. Updates proposed in today's action are meant to ensure that codes and policies are up to date, reflect current processes and are needed to continue services and responsibilities to the region. Some examples of these are parks operations and care of park locations, consumer protections, and standards for farmers markets.

**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 Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting the following Ordinances: Ordinance No. 10821 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO COUNTY EYE GNAT ABATEMENT APPEALS BOARD, THE SAN DIEGO COUNTY ENVIRONMENTAL HEALTH AND QUALITY ADVISORY BOARD, AND THE SAN DIEGO COUNTY SOLID WASTE HEARING PANEL; AND

Ordinance No. 10822 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO SOLICITATIONS; AND

Ordinance No. 10823 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO COUNTY DEPARTMENT OF PARKS AND RECREATION.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher

ABSENT: Desmond

3. **SUBJECT: ADOPT THE MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LOS COCHES LOW FLOW URBAN RUNOFF DIVERSION TO SEWER PROJECT (DISTRICT: 2)**

### **OVERVIEW**

The Department of Public Works (DPW) has a green infrastructure capital program that implements projects that are designed to improve local water quality. Los Coches Low Flow Urban Runoff Diversion to Sewer Project (Project) is one of the green infrastructure capital projects that consists of improving stormwater quality through the implementation of Best Management Practices (BMPs) and infrastructure improvements within Los Coches Creek in the unincorporated community of Lakeside. The Project is located within the San Diego River Watershed and is designed to improve the quality of urban runoff at Los Coches Road and Via Diego before it enters the San Diego River, and ultimately the Pacific Ocean. BMPs are temporary or permanent control measures or solutions, for controlling the quality and quantity of water that runs off the land, both during wet and dry weather.

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

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

To address requirements of the 2013 Permit and the Trash Amendments, the Project will divert low flows of up to five gallons per minute from runoff collected from Los Coches Road through a trash capture device to remove trash, sediment, and debris, and then divert the flows to the sanitary sewer instead of discharging to Los Coches Creek. The project will also include restriping of the intersection and a new pedestrian refuge island with raised curbs that meet requirements of the Americans with Disabilities Act and provide a safer experience for pedestrians when crossing Via Diego. Once the project is complete it will contribute to the County's water quality improvement goals. Additionally, beginning in 2025, a portion of the County's wastewater flow will be directed to the East County Advanced Water Purification Project, which is a potable water reuse project that will use advanced treatment technologies to treat the flows to drinking water standards. As such, the Project will help to increase local water supplies by capturing dry weather flows and sending them to an advanced treatment system for future reuse.

This is a request to adopt the Mitigated Negative Declaration and related environmental documents and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Los Coches Low Flow Urban Runoff Diversion to Sewer Project. If approved, construction is scheduled to begin in spring 2023 and be completed in summer 2023. The total Project cost including design, environmental review, and construction, including 15% contingency, is estimated at \$1,385,000. The funding source is the existing General Fund fund balance from the Watershed Protection Program budget.

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

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

1. Find, based on the whole record, that there is no substantial evidence that the project will have a significant effect on the environment. Consider the Mitigated Negative Declaration, on file with the Department of Public Works dated December 14, 2022, State Clearinghouse #2022080030 (Attachment B) together with comments received during public review (Attachment C), and adopt it, finding that it reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Public Resources Code section 21081.6 and authorize the Director of the Department of Public Works to ensure compliance with the Mitigation Monitoring and Reporting Program (Attachment D).

3. Find that the Los Coches Low Flow Urban Runoff Diversion to Sewer Project is consistent with the Multiple Species Conservation Program, the County Subarea Plan (South County Plan) and the Biological Mitigation Ordinance (County Code, section 86.501 et. Seq.), as explained in the Findings of Conformance with the Multiple Species Conservation Program (Attachment E).
4. Adopt the Statement of Location and Custodian of Record (Attachment F).
5. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and to take any other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for Los Coches Low Flow Urban Runoff Diversion to Sewer Project.
6. Designate the Director of the Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

### **EQUITY IMPACT STATEMENT**

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

The area within which the proposed Los Coches Low Flow Urban Runoff Diversion to Sewer Project (Project) is located has an HPI percentile rank of 54.3% that indicates 45.7% of other California census tracts have healthier community conditions. The area directly downstream of the Project area has an HPI percentile rank of 24.2% which indicates 75.8% of other California census tracts have healthier community conditions than this tract.

### **SUSTAINABILITY IMPACT STATEMENT**

Throughout the unincorporated area, multi-benefit planning efforts are underway to evaluate opportunities for stormwater capture and reuse to help achieve water quality goals and sustainable resource management. Low Flow Urban Runoff Diversion to Sewer Project (Project) aligns with the County of San Diego's (County) sustainability goals of protecting and promoting natural resources, diverse habitats, and sensitive species. This Project showcases the feasibility of green infrastructure projects that provide water quality benefits to an area that is highly impacted by bacteria and high volumes of trash, which ultimately limits recreational opportunities and poses risks to human health and wildlife. The Project will divert low flows of up to five gallons per minute from runoff collected from Los Coches Road through a trash capture device to remove trash, sediment, and debris, and then divert the flows to the sanitary sewer. The Project also provides pedestrian safety enhancements for residents, visitors, and future generations to enjoy which supports active transportation.



## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, total costs for the Los Coches Low Flow Urban Runoff Diversion to Sewer Project are estimated at \$1,385,000, including 15% contingencies. The funding source is the existing General Fund fund balance from the Watershed Protection Program budget. There will be no change in net General Fund and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

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

## **ACTION:**

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher

ABSENT: Desmond

4. **SUBJECT: GILLESPIE FIELD - ESTABLISH APPROPRIATIONS IN THE AIRPORT ENTERPRISE FUND AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE GILLESPIE FIELD 09L-27R RUNWAY REHABILITATION PROJECT AND RELATED CEQA EXEMPTION (DISTRICT: 2)**

## **OVERVIEW**

Gillespie Field is a general aviation airport, owned by the County of San Diego (County) and operated by the County Department of Public Works. The airport began as a Marine Corps parachutist facility in 1942 and ownership of the airport was transferred to the County in 1952. Although the County owns and operates Gillespie Field, it is located within the municipal limits of the City of El Cajon and the City of Santee. It is a federally funded public-use airport and a part of the national air transportation system. The airport is an important gateway to and from San Diego's east county, providing aviation infrastructure, aircraft storage, maintenance, and services to corporate and general aviation users, including private and civil air transport operations and hangar rentals, aircraft tie-downs, parts, supplies and repairs, and flight training. Gillespie Field's location and services provide a strategic base for law enforcement, fire/disaster response, and medical transport services. The Sheriff Department's Aerial Support to Regional Enforcement Agencies and San Diego Gas & Electric's firefighting aerial tanker (available for dispatch by CAL FIRE year-round) are based at Gillespie Field. The airport also supports medical evacuation and air ambulance services, including Mercy Air and other healthcare providers. The airport's central location in east county facilitates the coordinated response of these essential public safety services throughout the region.

One of the largest investments in airport safety is the runway, taxiway, and service road pavement. This is recognized by the Federal Aviation Administration (FAA) in the grant assurances connected to the County's acceptance of federal funds associated with their Airport Improvement Program. To remain eligible for FAA funding through this program, it is required that Gillespie Field update its Airport Pavement Management Program (APMP) every three years in accordance with FAA standards. County Airports Operations staff regularly inspects and addresses ongoing maintenance of the airport pavement, including sweeping and crack seals. The APMP was recently updated in spring 2022, which contained an inventory of pavement conditions and recommendations, including the type of pavement maintenance and timeframes to address the deficiencies. The APMP is used to identify pavement management needs and supports programming decisions for federal grant aid and County funding.

Gillespie Field runway 09L/27R is the airport's primary runway and is the busiest runway in the County airport system with over 150,000 operations in 2021. Runway rehabilitation is critical maintenance that addresses pavement deterioration and preserves the runway structure in an acceptable condition. The most recent runway rehabilitation on runway 09L/27R was in 2005, and now requires maintenance in accordance with the current Gillespie Field APMP. Between major maintenance projects, the airport pavement is regularly inspected, swept to remove debris, small cracks are filled and sealed, and irregularities are spot repaired. Based on the age of the pavement since previous treatment, recent APMP structural evaluation, and a geotechnical investigation, this project meets FAA criteria for pavement rehabilitation.

The project is eligible for FAA grant funding, of which the FAA typically funds 90% of the total project cost. The remaining local match would be funded by the Airport Enterprise Fund (AEF). The AEF was established by the Board of Supervisors (Board) as a funding source for all operations, maintenance, and capital costs for County airports. The AEF revenues are generated from airport ground leases and user fees, and they are used to operate, maintain, and improve the County's eight airports at no cost to the General Fund. This project's estimated costs consist of development costs (\$2,900,000) and construction costs (\$5,500,000). The total project cost is estimated at \$8,400,000, which includes environmental review and design engineering development costs (\$2,900,000) and construction costs (\$5,500,000). The total project cost also includes a 15% contingency for unforeseen conditions. The funding sources are the FAA and the available fund balance from the prior year AEF. Previous Board action on March 15, 2022 (23), appropriated \$500,000 in the AEF for the preparation of the project design and environmental processing.

This is a request to establish appropriations in the AEF current year spending plan of \$7,900,000 and approve the advertisement and award of a construction contract for the project. This will not impact the other projects in the spending plan. This project is full cost recovery in accordance with Board Policy B-29, Grants and Revenue Contracts.

Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award, to the lowest responsive and responsible bidder, a construction contract for the project. The construction contract award and the project schedule are contingent on the timing of FAA grant funding; however, construction is anticipated to begin in summer 2023, and be completed by fall 2023.



## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project is categorically exempt from CEQA review because it involves the repair and maintenance of an existing public facility involving negligible or no expansion of existing or former use. Find in accordance with Section 15302 of the CEQA Guidelines that the proposed project is categorically exempt from CEQA review because it involves the replacement of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
2. Establish appropriations of \$7,900,000 in the Airport Enterprise Fund (AEF) to provide funds for the Gillespie Field 09L-27R Runway Rehabilitation Project based on unanticipated revenue from the Federal Aviation Administration (FAA) (\$7,110,000) and available prior year AEF fund balance (\$790,000). **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

### **EQUITY IMPACT STATEMENT**

Gillespie Field is one of eight airports owned and operated by the County of San Diego (County) that provide vital air transportation hubs, emergency response facilities, and economic engines to the region. The County pursues delivery of these services in a fair and equitable manner and actively works to remove barriers by providing information in multiple languages, encourage participation, and provide competitive opportunities for small businesses that traditionally have less working capital and business owners and managers that may be socially and economically underserved. The County construction contracts are competitively and publicly advertised and bid, and help stimulate the local economy, primarily by creating construction related job opportunities.

### **SUSTAINABILITY IMPACT STATEMENT**

Maintaining the quality of existing runways is one of the most important components of the County airports and ensures the safe and efficient movement of people and goods and supports sustainability in the local economy. Rehabilitation of the existing runway pavement extends the useful life of the runway structure, is significantly more cost-efficient than reconstruction, and saves a significant amount of resources over full reconstruction, thereby supporting sustainability of resources. Recycled asphalt pavement is used in rehabilitation activities and is derived from sourced materials in old, deteriorated pavement. The recycled pavement material is removed, processed, and reused, ultimately saving tens of thousands of tons of aggregate from the landfill each year. Using recycled content reduces pollution,

greenhouse gases, and vehicles miles traveled in the manufacture, transport, and installation of virgin materials. Well-maintained runways improve the mobility of airport vehicles and subsequently decrease vehicle maintenance and operation costs.

The preventative maintenance of the existing runway by rehabilitating the top few inches of pavement prolongs the life of the entire runway structure. Implementation of sustainable construction methods, including the use of recycled content, aligns with the County's initiatives to incorporate sustainability practices in construction projects. Planning, coordinating, and implementing effective sustainability objectives and measures are crucial to reducing the County's impact and ensuring safe and healthy communities.

### **FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2022-23 Operational Plan in the Airport Enterprise Fund (AEF). The total project cost for the Gillespie Field 09L-27R Runway Rehabilitation Project is estimated at \$8,400,000. The funding sources are the Federal Aviation Administration (\$7,110,000) and available prior year AEF fund balance (\$1,290,000). Today's requested action will establish appropriations of \$7,900,000 in the AEF for the project. The total project cost is estimated at \$8,400,000, which includes environmental review and design engineering development costs (\$2,900,000) and construction costs (\$5,500,000). The total project cost also includes a 15% contingency for unforeseen conditions. Previous Board action on March 15, 2022 (23), appropriated \$500,000 in the AEF for preparation of the project design and environmental processing. If approved, this request will result in additional costs and revenue of \$7,900,000 for the construction contract. This project is full cost recovery in accordance with Board Policy B-29, Grants and Revenue Contracts. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

When approved by the Board of Supervisors for advertising and award, County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy. All workers employed on public works projects must be paid the higher of either (a) prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project, or (b) Davis-Bacon Act locally prevailing wage rates for federally funded contracts determined by the U.S. Department of Labor.

### **ACTION:**

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

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

**5. SUBJECT: ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR IMPROVEMENTS AT HERITAGE PARK BUILDING PROJECT AND CEQA ADDENDUM TO A NEGATIVE DECLARATION (DISTRICT: 4)**

**OVERVIEW**

In 1970, Heritage County Park was acquired in the heart of Old Town in the City of San Diego at the intersection of Juan Street and Heritage Park Row. In 1971, the Board of Supervisors approved a Development and Operating Plan for Heritage County Park. The park was originally planned as a Victorian-period village of shops and restaurants. Between 1971 and 1981, the County relocated seven Victorian-era structures to Heritage County Park in order to preserve the structures. Old Town is home to numerous attractions including the Old Town San Diego Historic State Park, one of the most visited parks in California, along with retail shops, art galleries, restaurants and museums, bringing in approximately 3.75 million visitors each year. Heritage County Park offers a prime location for Old Town visitors, while also providing local park recreation amenities to nearby residents.

Within Heritage County Park, the Sherman-Gilbert, Bushyhead, Christian, McConaughy, and Burton homes along with Temple Beth Israel and the Senlis Cottage have been operated as offices and museum spaces as well as bed and breakfast guest rooms in the past. Currently, a tea house is run by a private operator at the McConaughy House. A visitor center in Senlis Cottage and Temple Beth Israel are both open to the public and operated by the Department of Parks and Recreation (DPR). The Sherman-Gilbert, Bushyhead, Christian, and Burton homes are not currently open to the public. In addition to the existing buildings, the park offers open lawn spaces for recreation and event opportunities. DPR currently hosts public events such as outdoor movies and historic tours in addition to rental opportunities for weddings and other private and public special events.

In July 2020, DPR hired a consultant to complete a feasibility study. The purpose of this study was to assess the current condition of the buildings and provide guidance on the level of effort needed to complete the renovations that would allow for overnight accommodations. The study determined that DPR could successfully renovate the facility to provide the necessary infrastructure to support overnight accommodations. DPR proposes to renovate five of these Victorian-era structures to meet current building code requirements and update outdoor spaces so that the public may enjoy them. The proposed project will renovate the structures into overnight accommodations with a total of up to 23 guest rooms, a lobby or check-in space, community rooms, and public restrooms. The guest rooms vary in size, however all rooms will have beds, wardrobes, and private bathrooms. The outdoor park areas will also be updated to include improved landscaping, walking paths, interpretive signs, an outdoor classroom and conference center, and associated improvements. These amenities would activate the park by expanding recreation opportunities and increasing access for all park visitors. Staff will determine the best approach to operate the site and will return to the Board in the future as necessary.

Today's request will authorize the Director of the Department of Purchasing and Contracting to advertise and award a construction contract for the Heritage Park Building project for an estimated \$11,500,000, including contingency, and to take any action authorized by Section 401 et seq. of the Administrative Code. The remaining funds of \$1,500,000 will be used for design, environmental review, and project-related expenses including inspections, permitting, construction management, and project administration. The total project cost for the Heritage Park Building project of \$13,000,000 was included in the Fiscal Year 2021-2022 Operational Plan based on one-time General Purpose Revenue (\$8,000,000) and California Department of State Parks and Recreation Per Capita program grant (\$5,000,000). If approved, project construction will begin in spring 2023 with completion anticipated in winter/spring 2024.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Negative Declaration (ND) for the Heritage Park Master Plan Improvements Project (State Clearinghouse No. 2008101145), on file with the Department of Parks and Recreation, 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 therein prior to approving the project, and that reflects the independent judgement and analysis of the Board of Supervisors; and

Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously adopted ND dated January 12, 2009, 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 ND was adopted as explained in the Environmental Review Update Checklist Form (November 2022).

2. Adopt the "Statement of Location and Custodian of Record of Proceedings" in Attachment C.
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a single construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the construction of Heritage Park Building project.
4. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of the Heritage Park Building project in accordance with Section 430.44 of the County Code of Administrative Ordinances and Board Policy F-41, Public Works Construction Projects.

### **EQUITY IMPACT STATEMENT**

The project will add improvements and new recreation opportunities at an existing County facility. As a result, the project will have a positive health impact on all demographics in the region. The project is located within a half mile of a severely disadvantaged community, according to the State of California, Department of Parks and Recreation, Office of Grants and Local Services Per Capita program criteria. The improved outdoor spaces will provide new recreation opportunities to the community.



## **SUSTAINABILITY IMPACT STATEMENT**

The proposed project will result in sustainability enhancements within the region by contributing to the following County Sustainability Goals: provide just and equitable access; protect health and wellbeing; and protect water. The project will provide just and equitable access through the extension of access to the existing recreation facilities, and the community will find health benefits through the proposed recreation opportunities. All proposed construction materials are consistent with California Building Code and associated standards for water and energy efficiency. Renovating the historic structures with modern standards will help with energy efficient use of the project once completed and open to the public.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year (FY) 2022-2023 Operational Plan for the Capital Outlay Fund and will result in a total cost of \$13,000,000 for Capital Project 1023725 Heritage Park Building. Construction costs are estimated at \$11,500,000 including contingency and construction management. The remaining funds of \$1,500,000 will be used for design, environmental review, and project-related expenses including inspections, permitting, and project administration. The funding source is one-time General Purpose Revenue (\$8,000,000) and California Department of State Parks and Recreation Per Capita program grant (\$5,000,000).

Staff will determine the best approach to operate the site. If it is determined that DPR is the most suitable operator, ongoing operations are estimated at \$1,500,000 annually, which include utility costs, maintenance supplies and services, and new staff including one Chief, one Program Coordinator, one Public Outreach Specialist, two Office Assistants, one Building Maintenance Engineer, one Building Maintenance Engineer Assistant, four Healthcare Agency Housekeepers, and one Park Attendant. These costs are anticipated to be fully offset by the revenue generated by the operations. The park is projected to open in FY 2023-24, and any costs and revenue will be included in future Operational Plans. The funding source will be revenue generated from facility operations. DPR anticipates to operate at cost or a deficit in year one through three, and will absorb any costs within its current operating budget. Full cost recovery is expected in year four. Estimated operating costs and revenues are below.

	<b>YEAR ONE</b>	<b>YEAR TWO</b>	<b>YEAR THREE</b>	<b>YEAR FOUR</b>
<b>Estimated Annual Operating Costs</b>	\$1,358,988	\$1,399,449	\$1,441,436	\$1,484,649
<b>Estimated Gross Revenue</b>	\$1,270,341	\$1,360,727	\$1,436,991	\$1,509,059
<b>Estimated Net Revenue</b>	\$(88,347)	\$(38,722)	\$(4,445)	\$24,410

At this time, there is no impact to net General Fund costs, and there will be no additional staff years.

## **BUSINESS IMPACT STATEMENT**

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

### **ACTION:**

Noting for the record that an Errata was submitted; ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent.

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

6. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2022-23 AND APPROVE REIMBURSEMENT AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF VISTA FOR ROAD RESURFACING AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

### **OVERVIEW**

The County of San Diego (County) Department of Public Works (DPW) maintains nearly 2,000 centerline miles of roads in unincorporated San Diego county. Centerline miles represent the total length of the roads regardless of the number of lanes or overall roadway width. The County's average Pavement Condition Index (PCI), an industry standard rating system used to rate the condition of roads, dropped from 70 in 2012 to 60 in 2016. The change in the PCI occurred because of reduced road maintenance work caused by rising construction costs and diminishing revenue from the gas tax funding system due to the growth of increasingly fuel-efficient vehicles. The decrease in fuel sales from more fuel-efficient vehicles has led to a decrease in the gas tax that funds road maintenance. To address the decrease in gas tax, the State of California made additional funds available to local agencies beginning in 2017 and as a result, the condition of County-maintained roads has improved significantly due to the past five years of resurfacing projects. The current PCI is 67, and the County's goal is to reach a PCI of 70 by 2025.

On April 28, 2017, Senate Bill 1 (SB-1) was approved to address the statewide funding gap for road maintenance, and on May 2, 2017 (11), the Board of Supervisors (Board) approved the use of SB-1 funding to improve the condition of road surfaces throughout the County-maintained road network. In Fiscal Year (FY) 2021-22, DPW received \$47.9 million of SB-1 revenue and is projecting to receive \$51 million in FY 2022-23.



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 May 25, 2022 (01), the Board adopted the annual resolution and proposed a list of roads to be resurfaced during FY 2022-23 using SB-1 revenue. On June 7, 2022, the resolution and proposed list of roads were submitted and approved by the CTC. Following the submission of the proposed list, DPW performed a thorough engineering design review of the roads and evaluated projected SB-1 funding levels. This allowed DPW to confirm the initial designs, coordinate planned activities with stakeholders, and adjust the amount of road resurfacing work in FY 2022-23 based on anticipated SB-1 funding levels. The reviews and budget evaluation resulted in changes to the proposed list of roads and coordination with neighboring cities are referenced in Attachment A.

Coordinating resurfacing activities with neighboring cities for roads that cross County/city boundaries, which are largely invisible to the public, can allow the complete resurfacing of those roads. Roads that are ideal for resurfacing coordination generally include small segments of city roads that are attached to longer segments of County roads. DPW has identified one County-maintained road that crosses into the City of Vista where resurfacing coordination will be mutually beneficial and better serve residents by increasing efficiency and reducing impacts to the public. An agreement has been developed between the County and the City of Vista, which will allow DPW to be reimbursed for the actual costs associated with resurfacing the city portion of Catalina Avenue in DPW's FY 2022-23 Road Resurfacing Program.

DPW's updated road resurfacing list includes approximately 158.02 centerline miles of County-maintained roads to be resurfaced with available road resurfacing funding that is included in the FY 2022-23 Operational Plan and the City of Vista Revenue Agreement. Over 65% of the roads on the resurfacing list are located within underserved communities as defined in the most recent version of CalEnviroScreen (4.0) and the Healthy Places Index GIS layer and will provide significant benefits to residents, including enhancements to the Americans with Disabilities Act pedestrian ramps and drainage improvements.

DPW also provides road maintenance services for almost 100 miles of private roads through the Permanent Road Division (PRD) Program. The PRD Program is a special district program that includes 68 PRD Zones across the unincorporated area that finance private road maintenance services primarily through property owner assessments and special taxes. DPW has identified up to 3.79 centerline miles of road resurfacing in ten PRD Zones in FY 2022-23 based on funds available. Road work was identified through field reviews and coordinated with road committees in each PRD Zone.

This is a request to authorize the Clerk of the Board to implement, upon receipt, a reimbursement agreement with the City of Vista for payment of costs to the County to complete road resurfacing work and for the Board to establish appropriations and approve the advertisement and subsequent award of multiple construction contracts to the lowest bidders for asphalt concrete overlay and slurry seal treatments on County-maintained and select portions of city-maintained roads. The estimated project cost for County- and city-maintained roads for FY 2022-23 is \$61,014,667, including an 8% contingency for unforeseen conditions that may arise during construction. The estimated construction cost for the PRD Zone roads is

\$904,000, including a 20% contingency for unforeseen conditions. Contingencies are incorporated into estimated costs as unplanned or unforeseen conditions may arise during construction. The funding sources for County-maintained roads are SB-1, TransNet, and Committed Road Fund. The funding source for the city-maintained road is a revenue agreement with the City of Vista. The funding sources for the PRD Zone roads are special district revenues from each PRD Zone. Advertisement and award of the construction contracts is scheduled for spring 2023. Construction is scheduled to begin in summer 2023 and be completed by spring 2024.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15301(c) 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 \$110,667 in the Department of Public Works Road Fund, Services & Supplies, for the AC Overlay 2223 A (North), AC Overlay 2223 B (South), and AC Overlay 2223 C (East) projects based on the City of Vista Agreement.  
**(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, city-maintained and PRD Zone roads.
4. Authorize the Clerk of the Board to execute, upon receipt, the revenue agreement with the City of Vista for road resurfacing in accordance with Attachment A.
5. Designate the Director, Department of Public Works, as the County Officer responsible for administering the agreement with the city of Vista and the construction contracts in accordance with Board Policy F-41, Public Works Construction Projects.

## **EQUITY IMPACT STATEMENT**

The Department of Public Works (DPW) utilizes best management practices when preserving the County-maintained road network that includes the application of slurry seals and asphalt overlays that prevent more costly resurfacing treatments in the future such as reconstruction. This includes the use of pavement management software that models and predicts the rate of deterioration of roads. To supplement this data, DPW staff performs routine inspections of roads in need of repair that are identified by the pavement management software or the community through a variety of sources such as the Tell Us Now! mobile app and toll-free hotlines.

This information is evaluated by DPW and used to develop a list of roads requiring maintenance that is proportionately distributed throughout the unincorporated area. Over 65% of the roads on the maintenance list are located within underserved communities as defined in the most recent version of CalEnviroScreen (4.0) and Healthy Places Index GIS layer and will provide significant benefits to the residents, including enhancements to the Americans with Disabilities Act pedestrian ramps and drainage improvements. Road resurfacing to improve the condition of roads facilitates transit and allows cars and buses to travel to underserved communities to bring workers to job centers. County of San Diego construction contracts are also competitively and publicly advertised and bid and help stimulate the local economy.

#### **SUSTAINABILITY IMPACT STATEMENT**

Maintaining existing roads has benefits to sustainability in terms of economy, environment, social, and health and well-being. Maintaining roads in a timely manner prevents more costly maintenance treatments in the future, thereby supporting economic sustainability. Asphalt concrete rehabilitation activities utilize 25% recycled asphalt from old, deteriorated roads, saving thousands of tons of aggregate each year and supporting the County's sustainability goal to reduce pollution and waste through recycling. Well-maintained roads allow vehicle owners to use less resources for vehicle maintenance and operation providing social sustainability benefits. Drainage improvements proposed in this action such as rehabilitating culverts, curbs, and gutters contribute to the County's sustainability goals to improve water quality and extend the useful life of facilities, by protecting County-maintained roads from costly and resource intensive repairs. The installation of Americans with Disabilities Act compliant pedestrian ramps proposed in this action supports walkability, mass transit access, and contributes to County sustainability goals to protect the health and well-being of everyone in the region, reduce greenhouse emissions, and transition to a green, carbon-free economy.

#### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in Permanent Road Divisions (PRD) and partially included in the Fiscal Year 2022-23 Operational Plan in the Department of Public Works Road Fund. If approved, project costs are estimated to be \$61,014,667, including an 8% contingency for County-maintained roads and a 20% contingency for PRD Zone roads for unforeseen conditions that may arise during construction. The funding sources are SB-1 (\$51,430,929), TransNet (\$5,700,000), City of Vista revenue agreement (\$110,667), Committed Road Fund (\$2,869,071), PRD Zones' available prior year fund balance (\$840,595), and benefit assessments and special taxes from property owners (\$63,405). There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

Road resurfacing to improve the condition of the roads facilitates the transit of goods and people in underserved communities by cars, buses, and trucks. County of San Diego construction contracts are also competitively and publicly advertised and bid and help stimulate the local economy. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project.

**ACTION:**

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher

ABSENT: Desmond

7. **SUBJECT: SET A HEARING FOR JANUARY 11, 2023:  
COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856): APPROVAL OF OPEN SPACE VACATION PDS2022-VAC-22-002 (12/14/22 - SET HEARING; 01/11/23 - HOLD HEARING), DRAINAGE EASEMENT VACATION NO. 2022-0044; ADOPTION OF ADDENDUM TO PREVIOUS EIR; FOR BONSTALL OAKS - MAP 13856 - LOCATED IN THE BONSTALL COMMUNITY PLAN AREA (DISTRICT: 5)**

**OVERVIEW**

This item is a proposal by Bonsall Oaks, LLC & 24th Avenue Investments, LLC, a Delaware limited liability company (Applicant) involving the Bonsall Oaks project (formally known as Polo Club at Valley Vista). The Project is a planned development Major Use Permit (MUP) and subdivision (Map 13856) for 165 single-family homes on 442 acres. The MUP was proposed to allow smaller lot sizes and protect onsite biological habitat, including coastal sage scrub habitat, wetlands, and steep slopes. The Board originally approved the Project on November 3, 1993. After this approval, the Board approved Final Map 13856 on September 22, 1999.

The property is located along Gopher Canyon Road just west of its intersection with Vista Valley Drive, within the Bonsall Community Plan Area in the unincorporated community of Bonsall. The property is zoned for residential and agricultural uses. It is currently vacant and in the process of being graded for the first phase of development.

Four years ago, the Project was sold to a new developer, who processed and obtained a conditional approval of a Map Modification on January 27, 2021. This conditional approval changed the design of the project by revising the lot layout, reducing biological impacts, and proposing a larger on-site biological open space easement that will cover approximately 30 additional acres in coordination with several permits the Applicant obtained from the Wildlife Agencies (California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS)). The Applicant is now processing an amending map, grading, and improvement plans to implement this Map Modification. The Applicant's request today is also required to implement the Map Modification and includes an open space vacation and a drainage easement vacation.



The open space easement vacation proposes to vacate approximately 243-acres of the existing 252-acres of existing biological open space. The project also proposes to dedicate a new 277-acre open space easement, which will result in a total of approximately 285 acres of open space. The proposed open space easement overlaps with large portions of the property that are covered by the existing easement that is being vacated. Overall, the proposed easement is approximately 30 acres larger than the existing one. The drainage easement vacation proposes to vacate a highway drainage easement that is proposed to be replaced with a new easement that will be granted over the subject property in a new location. A detailed summary of these requests is included in the background section below.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**  
**CEQA (PDS2022-ER-8-02-031A):**

1. Adopt the Environmental Findings, which includes a finding that the previously certified Environmental Impact Report (EIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines (Attachment H and I, on file with the Clerk of the Board).

**Open Space Vacation (PDS2022-VAC-22-002):**

On December 14, 2022, take the following actions:

2. Set a public hearing on January 11, 2023 at 9:00 a.m. to consider vacating the existing easement granted on Map 13856. (Attachment C, on file with the Clerk of the Board).
3. Direct the Clerk of the Board of Supervisors (Clerk) to provide notice of the hearing through publication and posting as required by law.

If on December 14, 2022 the Board takes the actions recommended in items 1-2, then on January 11, 2023:

4. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2022-VAC-22-002 AND ACCEPTING THE NEW OPEN SPACE EASEMENT (Attachment E, on file with the Clerk of the Board).
5. If item four (4) is adopted, direct DGS to record the proposed open space easement (Attachment E, Exhibit B, on file with the Clerk of the Board) and direct the Clerk of the Board to record the Resolution for PDS2022-VAC-22-002.

**Drainage Easement Vacation (NO. 2022-0044):**

6. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A HIGHWAY DRAINAGE EASEMENT ALONG GOPHER CANYON ROAD, IN THE BONSALL COMMUNITY PLAN AREA (Attachment F, on file with the Clerk of the Board).
7. If item six (6) is adopted, direct DGS to record the proposed drainage easement (Attachment G, on file with the Clerk of the Board) and direct the Clerk of the Board to record the Resolution for Vacation No. 2022-0044 pursuant to State of California Streets and Highways Code Section 8336.

### **EQUITY IMPACT STATEMENT**

Planning & Development Services (PDS) ensures that public improvements are constructed as part of new housing developments, such as roads and stormwater drainage systems. PDS also ensures that biological impacts are mitigated by ensuring biologically sensitive areas are placed within open space easements. The vacation requests will allow the Applicant to complete the required public improvements and preserve approximately 30 additional acres of open space. These actions will help provide housing for unincorporated communities.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to summarily vacate the public service easement and open space vacation contribute to the County of San Diego Sustainability Goal No. 2 to provide just and equitable access to property owners to develop their property. The Project will also be subject to the California Building Standards with County of San Diego Amendments. This includes requirements for compliance with the California Energy Code and California Green Building Standards Code (CALGreen Code). Requirements include waste management, water efficiency, and electric vehicle charging infrastructure.

### **FISCAL IMPACT**

There is no fiscal impact associated with the approval of the easement vacations as presented today. Any costs incurred for this project will be paid for at the expense of the applicant/owner/developer. There will be no change in net General Fund costs and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for January 11, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher

ABSENT: Desmond

8. **SUBJECT: INCREASING REGIONAL RECREATIONAL OPPORTUNITIES:  
DECLARE THE TIJUANA RIVER VALLEY REGIONAL PARK  
ACTIVE RECREATION AND COMMUNITY PARK EXEMPT  
SURPLUS LAND AND AUTHORIZE THE ISSUANCE OF A REQUEST  
FOR PROPOSALS FOR THE OPERATION AND DEVELOPMENT OF  
THE SITE (DISTRICT: 1)**

### **OVERVIEW**

San Diego County is blessed with having beautiful weather, hundreds of miles of shoreline, coastal canyons, rolling foothills and rugged mountains, streams, rivers, and lakes, and even a vast expanse of desert. Throughout our County, there are significant regional assets that the County of San Diego (County) Department of Parks and Recreation has developed to create gathering places for community members and visitors, from within and outside the region.



From the Waterfront Park at the County Administration Center, where individuals and families gather to cool off on a summer day, to the many County trails that provide opportunities for walkers, hikers, bicyclists, and equestrians to enjoy, these regional recreational assets are enjoyed by thousands of visitors annually and provide recreational and health benefits. Access to some of these recreational opportunities are needed in underserved, low-income communities, and older urbanized population centers so more residents can enjoy the recreational and health benefits. The National Recreation and Parks Association estimates that as many as 100 million people, or 30% of the population of the United States lack access to the benefits parks and recreation centers provide. They also cite that high-quality parks and recreation resources do not exist near them, or, if they do, are not safe, welcoming nor inclusive.

We have an opportunity to invite the creation of another regional park project that recognizes the potential of our bi-national community, integrates recreational opportunities for youth and adult sports, equestrian sport, and other recreational spaces that can provide much needed regional access to these types of facilities.

As the County, it is our responsibility to expand outdoor access for every resident in the region. Currently, residents in District 1 experience a nature gap as park-deficient, underserved and low-income communities. Nature gap refers to communities that lack investments and access to open green spaces and active recreational activities. Expanding recreational facilities in the Tijuana River Valley Regional Park (TRVRP) will bring a regional world class active recreational site and community space that is long overdue in the area.

The TRVRP is located near the border of the Tijuana River Valley and Nestor communities in the City of San Diego on land owned by the County. The 64-acre site, in the northeast corner of the approximately 1,800-acre TRVRP, and the Southwest Little League baseball fields are adjacent to a neighborhood of family residences to the north and private ranch and equestrian facilities to the south. This project location has an opportunity for a regional binational landmark to bring more sports opportunities to youth and the community in South County.

Today's actions will ensure the expansion of recreational opportunities in the Tijuana River Valley area by declaring the site exempt surplus land under the Surplus Land Act and authorizing staff to issue a Request for Proposals (RFP) to evaluate the conceptual plans and financial capability of potential operator/developers for the TRVRP Active Recreation and Community Park and award a lease.

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

##### **VICE-CHAIR NORA VARGAS**

1. Find the proposed action 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 will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.

2. Find that the property is exempt surplus land under Government Code section 54221(f) (1)(G) of the Surplus Land Act because the property is encumbered by a Deed Restriction, which restricts the use of the property to public outdoor recreation use.
3. Pursuant to Government Code section 25536, authorize the Director, Department of General Services, in consultation with the Department of Parks and Recreation, to issue a Request for Proposals for the development and operation of the Tijuana River Valley Regional Park Active Recreation and Community Park and, upon successful negotiations, award a lease for the proposal determined to be most advantageous in accordance with the Board's adopted plan. **(4 VOTES)**

### **EQUITY IMPACT STATEMENT**

As the County, it is our responsibility to expand outdoor access for every resident. Many South County residents in underserved, low-income communities lack park opportunities and access to open green spaces and active recreational activities.

The creative reuse and transformation of these current underutilized parcels in the TRVRP into a highly anticipated, and long overdue, recreation center and green space for the community is essential for the health and well-being of local residents. The site presents a unique opportunity to develop recreation amenities, which would benefit the local community, such as soccer and baseball/softball fields, multi-use fields, sports courts, playgrounds, a concession and hospitality buildings, restrooms, multi-use paths, an equestrian center, picnic areas, and parking. The adjacent community of Nestor has a deficiency in active recreation facilities including play amenities, sports fields and passive recreation. Today's proposed actions will ensure recreational opportunities and address environmental injustices that have left low-income communities of color with limited outdoor and park spaces. County residents deserve opportunities to first in class recreational amenities available in other parts of the County and to experience the health and wellness benefits of connecting with the outdoors.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action aligns with the County of San Diego's sustainability goals of protecting and promoting natural resources and diverse habitats, while enhancing the natural environment for residents, visitors, and future generations to enjoy. This action will contribute to the health and well-being of South County, an underserved community, that has limited access to recreational activities and green amenities.

### **FISCAL IMPACT**

Future costs to build and operate the park will be determined during the Request for Proposal (RFP) process and would be the financial responsibility of the potential operator/developer. Future lease revenues will be determined when the lease is awarded and is unknown at this time. 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 Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher

ABSENT: Desmond

9. **SUBJECT: NOTICED PUBLIC HEARING:  
SAN LUIS REY RIVER PARK - APPROVE ACQUISITION OF  
APPROXIMATELY 49 ACRES FOR INCLUSION IN THE RIVER ARK  
AND ADOPTION OF RESOLUTION (CALIFORNIA DEPARTMENT  
OF TRANSPORTATION) (11/16/2022 - SET HEARING; 12/14/2022 –  
HOLD HEARING) (DISTRICT: 5)**

**OVERVIEW**

On November 16, 2022 (02), the Board of Supervisors set a Hearing for December 14, 2022.

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego County by providing recreational opportunities for the community. A core aspect of DPR's mission is to build opportunities for better health for individuals and families, enhance safety in communities, and preserve the environment so people can enjoy clean air, clean water, rich biodiversity, and access to open space. The San Luis Rey River Park brings DPR's mission to life by envisioning a dynamic open space legacy balancing recreation and preservation, restoration, and interpretation of the San Luis Rey River's outstanding biological and cultural resources.

On September 24, 2008 (10), the Board of Supervisors (Board) approved the San Luis Rey River Park (SLRRP) Master Plan (Master Plan). This proposed regional park stretches approximately nine miles, parallel to State Route 76, along the San Luis Rey River from the Old Bonsall Bridge to Interstate 15. As originally envisioned and approved by the Board in 2008, the SLRRP helps preserve the San Luis Rey River and surrounding sensitive habitat, expand community access to active and passive recreation opportunities, and create a network of multi-use trails that stitch the park together internally while linking it to surrounding communities. Advancing the San Luis Rey River Park vision and acquiring additional parkland align with the current Board's priorities around sustainability, equity, and community by protecting our natural riparian resources, ensuring equal opportunity to access the natural environment and active recreation opportunities to enhance community wellbeing, and providing public engagement opportunities during the development of the projects within the SLRRP. To date, the County of San Diego (County) has invested over \$27.7 million to acquire a total of 717 acres, 45% of the planned SLRRP, and continually searches for opportunities to expand parkland and open space within the river corridor.

The California Department of Transportation (Caltrans) owns an approximately 49-acre property identified as Assessor Parcel Number 125-080-27 (Property), located directly off State Route 76, adjacent to existing SLRRP parcels. Caltrans has declared the Property surplus and is in the process of putting it out to auction for sale for an appraised value of

\$2,937,000 (\$60,000/acre). DPR has identified the Property as a key site to provide enhanced access to SLRRP's network of planned trails, open space, and active recreation nodes. The Property is directly adjacent to the existing County-owned 68-acre Rio Prado Park site in the Fallbrook community. Upon acquisition, the two properties will be combined to improve direct access to Rio Prado Park via State Route 76 and expand the range of recreational amenities offered within SLRRP. The proposed active park component on the Property is pending future public engagement, design, and environmental analyses.

Initial surveys conducted for Rio Prado Park in 2019 demonstrated that the community is interested in multi-use sports fields, an equestrian staging area, and a dog park. Although DPR is prioritizing the development of Bonsall Community Park as the first active recreation node within the SLRRP, DPR continues to communicate about the forthcoming development of Rio Prado Park the Fallbrook and Bonsall Community Planning Groups, County Service Area No. 81 - Fallbrook Local Parks Advisory Committee, residents, and stakeholders including representatives of the equestrian community. The addition of the Property to the Rio Prado Park will enable the County to strategically site more active amenities further away from existing residential areas and provide a diversity of experiences for park visitors of all ages, interests, and abilities. The design for the expanded Rio Prado Park will be informed by community input in alignment with the SLRRP Master Plan. To date, initial concepts have been developed to assess feasibility, but the addition of this Property will prompt a holistic re-envisioning and redesign of the expanded Rio Prado Park with the community's input.

On August 31, 2022, the County entered into an Option to Purchase Agreement (Option Agreement) with Caltrans. As part of the Option Agreement, the County paid Caltrans a \$25,000 non-refundable Purchase Deposit which will be credited toward the purchase price of \$2,937,000 if the County acquires the Property. As a DPR acquisition, the Property will be protected under the California Park Preservation Act, as public parkland in perpetuity. As the seller, Caltrans also requires as part of their disposition process that a 15-year deed restriction be placed over the Property, limiting the use of the Property to a public purpose from the date of acquisition.

Today's request is for the Board of Supervisors (Board) to set a hearing for December 14, 2022, to consider exercising the County's right to purchase the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request on December 14, 2022, after making the necessary findings, the Board will be requested to authorize the Director, Department of General Services to exercise the County's right to purchase the Property for the appraised value of \$2,937,000, less the \$25,000 non-refundable Purchase Deposit already paid, and to adopt a resolution declaring that the Property will be used for a public purpose for a period of fifteen (15) years. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$3,162,000. Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in Project 1025567 SLRRP Rio Prado Acquisition and Improvement. The annual costs to manage the Property are \$91,750, including ongoing stewardship and supervision of the park. These ongoing costs will be included in the future Operational Plans.



## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Sections 15301, 15304 and 15316.
2. Authorize the Director, Department of General Services, or designee to exercise the Option and execute a Purchase and Sale Agreement for the purchase APN 125-080-27 for the appraised value of \$2,937,000, less the \$25,000 non-refundable Purchase Deposit already paid, and to execute all escrow and related documents necessary to complete the purchase.
3. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THAT THE LAND IDENTIFIED IN DIRECTORS DEED DD 34796-01-02 WILL BE USED FOR A PUBLIC PURPOSE AS A FUTURE PARK LAND.

### **EQUITY IMPACT STATEMENT**

The DPR Program for acquisition of properties with recreational opportunity is anticipated to result in positive public health impacts by providing recreational outdoor opportunities for the surrounding community and region.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed acquisition supports multiple County Sustainability Goals. In alignment with County of San Diego Sustainability Goal No. 1, the redesign of the expanded Rio Prado Park will be guided by extensive public engagement including virtual public meetings, online surveys, and focused outreach with stakeholder groups to involve the community in the development process. Acquisition of the 49-acre property supports County Sustainability Goal No. 3 and the County's Climate Action Plan by contributing to greenhouse gas reductions by 42 metric tons of carbon dioxide equivalents per year through preservation of native riparian habitat within the San Luis Rey River. Additionally, future development of the acquired site as a park will further reduce the need for residents to travel outside their community to access parkland and active recreation opportunities. This has potential to reduce greenhouse gas emissions associated with vehicle trips to areas outside of the local community, thus further supporting County Sustainability Goal No. 3. The proposed acquisition site supports County Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature and County Sustainability Goal No. 6 by expanding open space adjacent to native ecosystems and habitats.

### **FISCAL IMPACT**

Funds for this request are included in the FY 2022-23 Operational Plan. This request will result in total one-time project costs for the Property of \$3,162,000 in FY 2022-23 for Project 1025567 San Luis Rey River Park (SLRRP) Rio Prado Acquisition and Improvement, itemized as follows: \$2,937,000 for property acquisition, \$50,100 for staff time and appraisal reports to complete the transaction; \$7,900 for closing and title costs; \$167,000 in one-time land improvement costs, including debris and vegetation management, fence and gates repair, signage, equipment inspection, erosion control, and grounds maintenance. The funding source is available prior year General Fund fund balance.

Future fiscal impacts include annual ongoing costs for assessments, monitoring, and operations and management of the Property estimated at \$91,750. This funding will be used for managing and monitoring the newly acquired site. Future costs associated with the construction and maintenance of the proposed active recreation park component will be identified at a later date. The Department of Parks and Recreation will monitor its budget and return to the Board to incorporate future budgets as funding becomes available.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 22-168, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THAT THE LAND IDENTIFIED IN DIRECTORS DEED DD34796-01-02 WILL BE USED FOR A PUBLIC PURPOSE AS FUTURE PARK LAND.

AYES: Vargas, Anderson, Fletcher

ABSENT: Desmond

NOT PRESENT: Lawson-Remer

10. **SUBJECT: NOTICED PUBLIC HEARING:  
RESOLUTION TO RESCIND THE HARMONY GROVE VILLAGE  
SOUTH GENERAL PLAN AMENDMENT, SPECIFIC PLAN, REZONE,  
VESTING TENTATIVE MAP, MAJOR USE PERMIT, SITE PLAN AND  
ENVIRONMENTAL IMPACT REPORT, LOCATED IN THE SAN  
DIEGUITO COMMUNITY PLAN AREA (DISTRICT: 3)**

#### **OVERVIEW**

On July 25, 2018 (1), the Board of Supervisors (Board) approved the Harmony Grove Village South (HGVS) project (Project), consisting of a General Plan Amendment, Zone Reclassification (Rezone), Vesting Tentative Map/Site Plan and a Major Use Permit, and certification of an Environmental Impact Report (EIR). The Project site is located directly south of and adjacent to the Harmony Grove Village community, two miles west of Interstate 15 and 2.25 miles south of State Route 78, in the San Dieguito Community Planning Area. The Project consists of 111 acres and includes 453 single-family and multi-family homes, 5,000 square feet of commercial/civic uses, four acres of private and public parks, approximately two miles of public multi-use trails and pathways and approximately 35 acres of biological open space.

State law allows each mandatory element of a general plan to be amended up to four times during a calendar year. Subject to that limitation, an amendment may be made at any time, and each amendment may include more than one change to the General Plan. The Project was the second proposed amendment to the County's General Plan Land Use Element in 2018 and was included in a General Plan Amendment batch of three privately initiated projects: Harmony Grove Village South, Valiano, and Otay 250.



In August 2018, the Sierra Club, Elfin Forest Harmony Grove Town Council, Endangered Habitats League, and the Cleveland National Forest Foundation (Plaintiffs) filed suit, alleging approval of the Project violated the California Environmental Quality Act (CEQA).

The Plaintiffs challenged that the Project approval violated CEQA regarding greenhouse gas (GHG) emissions, fire safety and evacuation, and the approval did not comply with the General Plan requirements to limit growth outside of Village areas, require affordable housing and limit sewer service.

On February 20, 2020, the trial court ruled that the Project's EIR violated CEQA based on inadequate GHG mitigation measures, failure to address fire safety and evacuation issues, insufficient analysis of air quality impacts, and found the Project was inconsistent with the San Diego Association of Governments (SANDAG) Regional Plan and the County's General Plan related to a policy to provide affordable housing and a community plan policy requiring septic instead of sewer. The Applicant appealed the trial court's ruling.

On October 14, 2021, the Court of Appeal affirmed the trial court's ruling related to the GHG mitigation measures and General Plan policy to provide affordable housing. The Court of Appeal reversed the trial court's ruling related to the other concerns, including fire safety and evacuation, inconsistency with the SANDAG Regional Plan, and the community plan policy related to septic. The Court of Appeal sent the case back to the trial court for a new writ of mandate. On October 19, 2022, the trial court issued a revised order requiring the County to rescind the Project approvals within 60 days.

Today's request is for the Board to adopt a resolution to rescind the HGVS project approvals to comply with the court ruling.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Adopt proposed Resolution titled: RESOLUTION TO RESCIND THE HARMONY GROVE VILLAGE SOUTH GENERAL PLAN AMENDMENT, SPECIFIC PLAN, REZONE, VESTING TENTATIVE MAP, MAJOR USE PERMIT, SITE PLAN AND ENVIRONMENTAL IMPACT REPORT, LOCATED IN THE SAN DIEGUITO COMMUNITY PLAN AREA to affect all of the following:
  - a. Rescind and vacate the required CEQA findings, which included the certification and findings regarding significant effects of the project, the mitigation and monitoring program, the Statement of Overriding Considerations, and certification of an Environmental Impact Report (EIR), which were adopted on July 25, 2018.
  - b. Rescind and vacate the Resolution entitled: Resolution of the San Diego County Board of Supervisors Adopting General Plan Amendment (GPA) 18-003, as it applies to Sub Item A (Harmony Grove Village South), which was adopted on July 25, 2018.
  - c. Rescind and vacate the Resolution entitled: Resolution of the San Diego County Board of Supervisors Approving Specific Plan SP-15-002, which was adopted on July 25, 2018.

- d. Rescind and vacate AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE ELFIN FOREST-HARMONY GROVE SUBAREA AND THE SAN DIEGUITO COMMUNITY PLAN, REF: PDS2015-REZ-15-003, which was adopted on July 25, 2018.
- e. Rescind and vacate the Resolution entitled: Resolution of the San Diego County Board of Supervisors Approving Conditions for Vesting Tentative Map PDS2018-TM-5626, which was adopted on July 25, 2018.
- f. Rescind and vacate Site Plan STP-18-011, which was adopted on July 25, 2018.
- g. Rescind and vacate Major Use Permit PDS2015-MUP-15-008, which was adopted on July 25, 2018.

**EQUITY IMPACT STATEMENT**

N/A

**SUSTAINABILITY IMPACT STATEMENT**

N/A

**FISCAL IMPACT**

There is no fiscal impact associated with this rescission as presented today. Any costs incurred to continue this project, at such time the owner wishes to move forward, will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 22-169, entitled: RESOLUTION TO RESCIND THE HARMONY GROVE VILLAGE SOUTH GENERAL PLAN AMENDMENT, SPECIFIC PLAN, REZONE, VESTING TENTATIVE MAP, MAJOR USE PERMIT, SITE PLAN AND ENVIRONMENTAL IMPACT REPORT, LOCATED IN THE SAN DIEGUITO COMMUNITY PLAN AREA.

AYES: Vargas, Anderson, Fletcher

ABSENT: Desmond

NOT PRESENT: Lawson-Remer

**11. SUBJECT: DEVELOPING THE SAN DIEGO COUNTY NATIVE LANDSCAPE PROGRAM (DISTRICTS: ALL)**

**OVERVIEW**

The San Diego region is recognized as one of the most biologically diverse counties in the United States but in recent decades increased threats from new and existing development, wildfire, and the effects of climate change, such as drought and extreme heat, have begun to threaten critical habitat. Native plants, such as those found across the region's micro-climates like the coastal sage scrub, oak woodlands, native grasslands, conifer forests, and desert species, play a critical role in buffering these threats from local wildlife by supporting the health of our region's natural systems, including waterways, air, and soil. Even as the County of San Diego (County) has attempted to balance the need for housing and preservation of open space, the region's development patterns have encroached into open spaces and wildlife corridors over the past several decades, resulting in the loss or fragmentation of native plant habitats near urban and suburban development. Increasing the use of native plants in publicly- and privately-managed landscaping offers an opportunity to preserve and expand these important ecosystems, and protect against further threats from habitat loss, invasive plants and pests, and the effects of climate change, which endanger the viability of the region's native ecosystems and local wildlife.

On May 5, 2021 (7), the Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to collaborate with the San Diego Regional Biodiversity Working Group (Working Group) to "develop a comprehensive Native Plant Landscaping Policy for both public and private property in the unincorporated area, including guidelines, reasonable requirements for County facilities and new developments with accommodations for recreational and other socially desirable uses, incentives for retrofits, and equity-based resources and training to ensure diverse participation among landscaping professionals and residents." The CAO was also directed to engage with a diverse range of interested stakeholders and the public in the development of options and return to the Board by the end of 2021 with options for a new San Diego County Native Plant Landscaping Policy.

The Working Group is a consortium of regional experts in landscape ecology and design, habitat conservation, and San Diego native plants, and includes members from the San Diego Canyonlands, California Native Plant Society, the San Diego Botanic Garden, and more. Staff coordination with the Working Group began in June 2021 as they began development of their recommendations for increasing native plants in landscaping across the region. The Working Group met multiple times and coordinated with staff on recommendations, and in May 2022, staff provided a memorandum to the Board with an update on program development, the approach to outreach and coordination with the Working Group, and an updated timeline for staff's return to the Board. In June 2022, the Working Group delivered its final recommendations to provide a vision and scientific support for increasing the use of native plants in landscaping. Through a collaborative process with the Working Group, internal County departments, and external stakeholders, the County of San Diego Planning & Development Services (PDS) has developed a framework for a program that will achieve the objectives outlined in the Board direction while allowing for flexibility in how the program could be implemented over time.

The development of a comprehensive San Diego County Native Landscape Program (Program) would encourage the use of native plants in public and private landscaped areas across the region and result in a range of benefits that include biodiversity and habitat preservation, increased drought tolerance and climate resiliency, soil stabilization, air and water purification, and increased buffering of wildlife corridors which reduces habitat fragmentation. In addition, the Program would support the market for locally produced native plants and technical expertise from landscape architects, designers, and contractors experienced in native plant propagation, installation, and maintenance.

The Program would support existing County plans, programs, initiatives, and policies that champion habitat and water conservation and encourage the use of native plants in landscaped areas, such as the 2018 Climate Action Plan and County Tree Planting Program, Regional Decarbonization Framework, Water Conservation in Landscaping Ordinance, Multiple Species Conservation Program, and Waterscape Rebate Program. The Program also supports recent County initiatives including the Drought and Water Reliability initiative, introduced by District 1 and approved by the Board on September 14, 2022 (6), and the County of San Diego Biodiversity Resolution, introduced by District 3 and approved by the Board on November 16, 2022 (6). These County efforts are highlighted in the Background section and discussed in more detail in Attachment A.

Development of the Program framework included research on best practices in native plant landscaping regulations, incentive programs, educational resources, outreach and engagement with internal County departments and external stakeholders, and coordination with the Working Group. The proposed Program framework, outlined below, reflects the input of the Working Group and other stakeholders and includes Program objectives, ten recommended County-initiated actions to achieve these objectives, and an implementation timeline.

Program objectives describe the anticipated outcomes from Program implementation and include:

- a. Expansion of adaptive and resilient landscapes to buffer natural areas
- b. Support for the County's Landscaping Ordinance outdoor water use reduction goals through the use of native plant landscaping
- c. Support of native wildlife and pollinators through landscaping plant selection, design, and placement
- d. Support of the local nursery economy and landscaping industry by developing educational materials and strengthening local demand for native plant products and services
- e. Support equity-oriented outreach and Tribal Ecological Knowledge to strengthen personal connections with the local environment
- f. Development of resources that are easily accessible and widely shared across agencies and stakeholders that support the use of native plants in landscaping throughout the entire region

If approved, Program implementation will be separated into three phases to provide opportunities to incorporate knowledge and feedback acquired through previous steps: scoping (Phase I), development (Phase II), and full program rollout (Phase III). During Phase I, the Program's foundational resources (e.g., Native Plant Landscaping Design Manual,



Program website and educational materials, and demonstration gardens and requirements for County facilities) will be developed to lay the foundation for future work. Phase II will continue Phase I activities, and also advance initiatives to develop native plant demonstration gardens and educational materials at schools and pilot projects to incentivize native plant landscaping in underserved communities. Phase III marks the beginning of full Program rollout and will focus on incentivizing native plant landscaping throughout the unincorporated area including development of a landscaping professional certification program, an incentive program for the use of native plants in private development, and landscape design templates for residents. Program phasing allows flexibility in how the options can be fiscally and programmatically developed and built upon each other in the future. The timelines and costs for Phase II and III actions will be estimated as the Program is developed.

The below table summarizes the ten recommended County-initiated actions that implement the proposed Program. Shading indicates the timeframe for when an action will be developed and implemented.

Recommended Program Action	Implementation Timeline					
	Phase I			Phase II		Phase III
	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
1 Develop Native Plant Landscaping Design Manual						
2 Amend Board Policy G-15						
3 Develop Program website						
4 Develop educational materials and resources for residents and professionals						
5 Install school demonstration gardens and develop educational materials						
6 Develop a landscaping professional certification program						
7 Install demonstration gardens at County facilities						
8 Implement landscape retrofit pilot projects						
9 Develop Incentive Program						
10 Develop landscape design templates						

This is a request for the Board to provide direction to develop the San Diego County Native Landscape Program and input on the Program's objectives, ten County-initiated actions, and implementation framework.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Sections 15061(b)(3), 15301(h), and 15304(b) that the proposed actions to develop the San Diego Native Plant Landscape Program are exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines because it can be seen with certainty that there is no possibility that receiving the options and providing direction on the proposed actions may have a significant effect on the environment, and because CEQA does not apply to minor alterations of existing public or private facilities including the maintenance of existing landscaping, or to minor public or private alterations in the condition of land or vegetation such as new gardening or landscaping, which could result from the installation of native plant demonstration gardens and native plant landscaping at County facilities and private property. Subsequent actions would be reviewed pursuant to CEQA and presented to the Board for consideration if they have an environmental impact prior to implementation.
2. Direct the CAO to develop the San Diego County Native Landscape Program that includes Program objectives, the following ten County-initiated actions, and an implementation framework.
  1. Develop Native Plant Landscaping Design Manual
  2. Amend Board Policy G-15
  3. Develop Program website
  4. Develop educational materials and resources for residents and professionals
  5. Install school demonstration gardens and develop educational materials
  6. Develop a landscaping professional certification program
  7. Install demonstration gardens at County facilities
  8. Implement landscape retrofit pilot projects
  9. Develop Incentive Program
  10. Develop landscape design templates
3. Direct the CAO to implement Phase I actions.
4. Direct the CAO to return to the Board of Supervisors after Phase I with options for implementation of future phases.

## **EQUITY IMPACT STATEMENT**

Activities identified within this Board Letter will support County efforts to conserve habitat and protect vulnerable species across the unincorporated area. The San Diego County Native Landscape Program will result in educational resources and incentive programming that are equitable and accessible by ensuring underserved communities are engaged in Program development and implementation, thereby aligning with the Board's Equity Strategic Initiative to reduce disparities and ensure access for all. Throughout implementation, the Program will continue to be informed by community input centered on equity.

Stakeholder outreach in developing the proposed Program actions has focused on transparent and accessible public communication and will continue during Program development and implementation. This includes notices translated into County threshold languages, Spanish simultaneous-interpretation services being available for attendees at County-led workshops, and interpretative services in other languages such as Somali, Arabic, Chinese (Mandarin), Korean, Persian (including Farsi, Dari), Tagalog (including Filipino) and Vietnamese, provided upon request, and translation services for online documents provided by Google Translate.

## **SUSTAINABILITY IMPACT STATEMENT**

The San Diego County Native Landscape Program will increase environmental sustainability by resulting in practices that improve the preservation of biodiversity, drought tolerance, and climate resiliency, expand the buffer of wildlife corridors, and reduce habitat fragmentation. The Program will be developed with extensive engagement with communities in the unincorporated area most impacted by habitat loss, including within urban and rural underserved communities, wildland urban interface corridors, and high fire-prone areas, to ensure sustainability in equity, economy, and health/wellbeing. Increasing the use of native plants in landscaped areas will contribute to the County of San Diego's Sustainability Goal Six, which is to develop natural and organic land management policies and practices that protect ecosystems, habitats, biodiversity, and soil health throughout the county by protecting native habitats and expanding protected areas.

## **FISCAL IMPACT**

### **Planning & Development Services**

There is no direct fiscal impact as a result of today's requested action to provide direction to develop the San Diego County Native Landscape Program and input on the Program's objectives, ten County-initiated actions, and implementation framework. Proposed Phase I actions will result in estimated costs of \$202,000 from FY2023-24 through FY2024-25, as indicated in the below table. Funding for the costs will need to be identified as part of the annual budget process and will proceed once identified. Planning & Development Services (PDS) will monitor its budget and revenue sources and return to the Board with mid-year action in FY23-24 and FY24-25 to adjust the budget if necessary and/or incorporate in future budgets as funding becomes available. At this time, there is no change in net General Fund cost and no additional staff years.

The timelines and costs for Phase II and III actions will be determined as the Program is developed, and work on these phases will begin once funding is identified. PDS will continue to monitor its budget and return to the Board in future Operational Plans beginning FY 2025-26 as funding becomes available.

**San Diego County Library**

There is no direct fiscal impact as a result of today's requested action. If approved, the development of the proposed Phase I action to install demonstration gardens at County branch libraries will result in estimated costs of \$95,000 for the San Diego County Library (SDCL) and will be funded within their existing budget in FY 2022-23. The funding source is available County Library Fund fund balance. At this time, there is no change in net General Fund cost and no additional staff years.

**Department of General Services**

The maintenance of native plant demonstration gardens at County facilities will likely result in additional operational costs, which the Department of General Services (DGS) will determine and maintain through existing landscape contracts.

The annual estimated fiscal impact for the Program implementation for Phase I implementation is as follows:

Phase Total:	Phase I			Phase II		Phase III
	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
	SDCL:	PDS:	PDS:	To be determined	To be determined	To be determined
	\$95,000	\$100,000	\$102,000			
\$297,000						

**BUSINESS IMPACT STATEMENT**

The San Diego County Native Landscape Program supports the local economy through actions that will increase the awareness of and demand for native plants in landscaping across the region. This demand will support existing San Diego regional markets for locally produced nursery stock and technical expertise in native plant propagation, installation, and maintenance from landscape architects, designers, and contractors in the landscaping industry.

**ACTION:**

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher

ABSENT: Desmond

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

Summer Light spoke to the Board regarding reclaimed asphalt at Elfin Forest.

Katheryn Rhodes spoke to the Board regarding Supervisor Fletcher running for mayor and governor.

Consuelo spoke to the Board regarding public engagement.



Audra spoke to the Board regarding how disruptions are handled at Board meetings by Sheriff Deputies.

Ann Riddle spoke to the Board regarding the use of Narcan.

Barbara Gordon spoke to the Board regarding illegal drug activity in multi-unit housing.

Suzanne Hume spoke to the Board regarding the harmful effects of lead in aviation fuel.

John Bottorff spoke to the Board regarding the harmful effects of lead in aviation fuel.

Diane Grace spoke to the Board regarding concerns about high potency marijuana products.

Mark Wilcox spoke to the Board regarding concerns about negative impacts of marijuana use.

Becky Rapp spoke to the Board regarding concerns of gun violence and mental health.

Truth spoke to the Board regarding Board of Supervisors past actions.

Kathleen Lippitt spoke to the Board regarding public health policies.

Paul Henkin spoke to the Board regarding overcrowding in apartments.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 1:55 p.m.

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

Consent: Vizcarra


Discussion: Zurita

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, January 11, 2023.

  
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NORA VARGAS  
Chair

Attest:

  
\_\_\_\_\_  
ANDREW POTTER  
Clerk of the Board

01/11/2023