

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, DECEMBER 6, 2017, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:01 a.m.

PRESENT: Supervisors Dianne Jacob, Chairwoman; Greg Cox; Ron Roberts; Bill Horn; also, Andrew Potter, Assistant Clerk of the Board of Supervisors.

ABSENT: Supervisor Kristin Gaspar, Vice-Chairwoman.

- B. Closed Session Report

- C. Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

- D. Approval of the Statement of Proceedings/Minutes for the meeting of November 15, 2017.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor Roberts, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of November 15, 2017.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

- E. Formation of Consent Calendar

- F. Discussion Items

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|----------|--|
| 1. | NOTICED PUBLIC HEARING:
ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO
VACATE EXCESS RIGHT-OF-WAY FOR PORTIONS OF JAMACHA
BOULEVARD (SR-54), POINTE PARKWAY, AND JAMACHA
BOULEVARD SOUTH, SPRING VALLEY AREA, VACATION NO.
2014-0204 (11/15/17 SET HEARING TO VACATE; 12/6/17 HOLD
HEARING)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |
| 2. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (11/15/17 - ADOPT
RECOMMENDATIONS; 12/6/17 - SECOND READING OF AN
ORDINANCE) |
| 3. | NOTICED PUBLIC HEARING:
SWEETWATER PLACE; GENERAL PLAN AMENDMENT, ZONE
RECLASSIFICATION, TENTATIVE MAP, SITE PLAN, AND
MITIGATED NEGATIVE DECLARATION; SPRING VALLEY
COMMUNITY PLAN AREA |
| 4. | NOTICED PUBLIC HEARING:
SWEETWATER VISTAS GENERAL PLAN AMENDMENT, SPECIFIC
PLAN AMENDMENT, ZONE RECLASSIFICATION, TENTATIVE
MAP, MAJOR USE PERMIT MODIFICATION, AND SITE PLAN,
LOCATED IN THE SPRING VALLEY COMMUNITY PLAN AREA |
| 5. | STREAMLINING THE FINAL MAP APPROVAL PROCESS |
| 6. | SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES AND
COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO
THE LAND USE AND ENVIRONMENT GROUP

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. 1) |
| 7. | ADOPT BOARD POLICY FOR HONORARY BRIDGE NAMING |
| 8. | GILLESPIE FIELD - AVIATION LEASE WITH VELOCITY CEA SD LLC
[FUNDING SOURCE: ONE-TIME EQUITY PAYMENT FROM
LESSEE UNDER THE TERMS OF THE NEW LEASE]
(4 VOTES) |

9. ESTABLISH APPROPRIATIONS FOR THE SWEETWATER
COMMUNITY GARDEN PROJECT
[FUNDING SOURCES: GENERAL FUND FUND BALANCE
COMPONENT DECREASE - PARK EXPANSION & IMPROVEMENT
COMMITMENT AND PARK LANDS DEDICATION ORDINANCE
AREA 15 SWEETWATER]
(4 VOTES)
10. COUNTY OF SAN DIEGO TRACT NO. 5184-1: APPROVAL OF
FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS AND
APPROVAL OF AGREEMENTS FOR PUBLIC AND PRIVATE
IMPROVEMENTS FOR SUKUP TENTATIVE MAP LOCATED IN
THE VALLEY CENTER COMMUNITY PLAN AREA
11. ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT
FUNDING FROM THE CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION FOR THE TIJUANA RIVER VALLEY
REGIONAL PARK
12. CLOSED SESSION (CARRYOVER FROM 12/05/17 AGENDA NO. 33)
13. PUBLIC COMMUNICATION

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1. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO
VACATE EXCESS RIGHT-OF-WAY FOR PORTIONS OF JAMACHA
BOULEVARD (SR-54), POINTE PARKWAY, AND JAMACHA
BOULEVARD SOUTH, SPRING VALLEY AREA, VACATION NO.
2014-0204 (11/15/17 SET HEARING TO VACATE; 12/6/17 HOLD
HEARING) (DISTRICT: 2)**

OVERVIEW

On November 15, 2017 (4), the Board set a Hearing for December 6, 2017.

The Department of General Services, Real Estate Services Division is processing a request made by the owner (applicant) of Lots 56, 60, 62 and 63, Map No. 12924 (APN: 505-672-03, 07, 09 and 10) to vacate portions of Jamacha Boulevard, Pointe Parkway, and Jamacha Boulevard South, in the County of San Diego.

The applicant is requesting this partial road vacation for the purpose of removing unnecessary encumbrances on portions of Lots 59 and 61 of Map No. 12924 which has been determined to be excess right-of-way by the Department of Public Works.

These portions of Jamacha Boulevard, Pointe Parkway, and Jamacha Boulevard South, were dedicated on Map No. 12924, and accepted by the Board of Supervisors, subject to improvement. A portion of Jamacha Boulevard (SR-54) was formally accepted by the County of San Diego by the document recorded April 6, 2011 as no. 2011-0178732, of Official Records. The approximate limits of the proposed vacation of Jamacha Boulevard and Pointe Parkway are those portions lying northwesterly of a line parallel with and 80 feet northwesterly of the centerline of Jamacha Boulevard and lying Southeasterly of the intersection of Jamacha Boulevard and Pointe Parkway as shown on said Map No. 12924. The approximate limits of the proposed vacation of Jamacha Boulevard South are those portions lying Easterly of Pointe Parkway/Golf Pointe Drive and lying Westerly of Sweetwater Springs Boulevard, within the boundary of said Lot 61.

Today's request requires two steps. On November 15, 2017, it is requested that the Board set a hearing for December 6, 2017, and provide public notice of the hearing. If the Board takes the actions recommended on November 15, 2017, then on December 6, 2017, the Board is requested to approve the partial road vacations.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that The Pointe Specific Plan Environmental Impact Report (EIR) dated August 1, 1990 (SCH 88030915) on file with Planning & Development Services (PDS) was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines An Addendum dated July 7, 2017 has been prepared and is on file with PDS as Environmental Review Number PDS2015-ER-89-19-015I.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO VACATE PORTIONS OF JAMACHA BOULEVARD, POINTE PARKWAY, AND JAMACHA BOULEVARD SOUTH, SPRING VALLEY AREA (VACATION 2014-0204).

3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2014-0204 pursuant to Streets and Highways Code Section 8325.
4. Require the applicant's manager, Douglas Wilson Companies, to enter an agreement to defend and indemnify the County (Attachment D) and authorize the Director of the Department of General Services to execute the agreement.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2017-18 Operational Plan in the Department of General Services. If approved, this request would result in costs and revenue of \$2,085 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor Roberts, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 17-182, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO VACATE PORTIONS OF JAMACHA BOULEVARD, POINTE PARKWAY, AND JAMACHA BOULEVARD SOUTH, SPRING VALLEY AREA (VACATION 2014 0204).

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

2. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (11/15/17 - ADOPT
RECOMMENDATIONS; 12/6/17 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: 2 & 5)**

OVERVIEW

On November 15, 2017 (3), the Board introduced the Ordinance for further Board consideration and adoption on December 6, 2017.

The Traffic Advisory Committee (TAC) meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices on County-maintained roads. The Committee recommends the Board of Supervisors act on three items from the September 8, 2017, meeting agenda.

Item 2-A would recertify speed limits on Via Viejas/Via Belota/Via Diegueños from South Grade Road to Via Palo Verde Lago for radar enforcement. This item will establish a tool for speed enforcement that increases road safety and retains mobility. Properly posted speed limits provide feedback to safe and reasonable drivers to improve traffic safety and reduce the number and severity of collisions and allow for fair enforcement.

Item 5-A would recertify speed limits on Harmony Grove Road from Kauana Loa Drive to a point 250 feet west of Mile Post 6.5 for radar enforcement. This item will establish a tool for

speed enforcement that increases roadway safety and retains mobility. Properly posted speed limits provide feedback to safe and reasonable drivers to improve traffic safety and reduce the number and severity of collisions and allow for fair enforcement.

Item 5-B would decrease the existing 45 MPH speed limit on Harmony Grove Road from a point 250 feet west of Mile Post 6.5 to Elfin Forest Road to 40 MPH and certify it for radar enforcement. This item will establish a tool for speed enforcement that increases roadway safety and retains mobility. Properly posted speed limits provide feedback to safe and reasonable drivers to improve traffic safety and reduce the number and severity of collisions and allow for fair enforcement.

The Board of Supervisors (Board) action on Item 5-B will revise the San Diego County Code of Regulatory Ordinances (County Code) and requires two steps. On November 15, 2017, the Board will consider the TAC items. If the Board takes action on November 15, 2017, then on December 6, 2017, a second reading of an Ordinance amending Section 72.161.45 of the County Code would be necessary to implement the Board's direction for Item 5-B.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2

Item 2-A. Via Viejas/Via Belota/Via Diegueños from South Grade Road to Via Palo Verde Lago in Alpine (58th Edition Thomas Guide Page 1254-D1) - Recertify the existing 35 MPH speed limit for continued radar speed enforcement.

District 5

Item 5-A. Harmony Grove Road from Kauana Loa Drive to a point 250 feet west of Mile Post 6.5 in Elfin Forest (58th Edition Thomas Guide Page 1129-C6) - Recertify the existing 40 MPH speed limit for continued radar speed enforcement.

Item 5-B. Harmony Grove Road from a point 250 feet west of Mile Post 6.5 to Elfin Forest Road in Elfin Forest (58th Edition Thomas Guide Page 1148-J1) - Decrease the existing 45 MPH speed limit to 40 MPH and certify for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the Ordinance entitled:

AN ORDINANCE AMENDING SECTION 72.161.45. OF THE SAN DIEGO
COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED
ROADS IN SAN DIEGO COUNTY (Item 5-B).

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10512 (N.S.), entitled: AN ORDINANCE AMENDING SECTION 72.161.45. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 5 B).

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

3. **SUBJECT: NOTICED PUBLIC HEARING:
SWEETWATER PLACE; GENERAL PLAN AMENDMENT, ZONE
RECLASSIFICATION, TENTATIVE MAP, SITE PLAN, AND
MITIGATED NEGATIVE DECLARATION; SPRING VALLEY
COMMUNITY PLAN AREA (DISTRICT: 2)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to evaluate and consider the proposed General Plan Amendment, Zone Reclassification, Tentative Map, Site Plan and adopt the Mitigated Negative Declaration for the Sweetwater Place project.

The Sweetwater Place project is located on 18 acres and consists of 122 detached residential units and a new two-acre public park located on a vacant 18-acre site. The General Plan Amendment will change the current General Plan Land Use Designation of Public/Semi-Public (P/SP) to Village Residential (VR-7.3). The Zoning Reclassification will change the current zoning from Holding Area (S90) to Variable Residential (RV). The Tentative Map will subdivide the property into two lots: one for detached homes in the condominium development and one for the park. The proposed Site Plan is in conformance with the Spring Valley Design Guidelines and the Special Study section in the Spring Valley Community Plan, and will establish exterior setbacks. The project site is located north of Jamacha Boulevard at Sweetwater Springs Boulevard, within the Spring Valley Community Plan area (57th Edition Thomas Guide Page 1271, F-7 and 1291, F-1).

**RECOMMENDATION(S)
PLANNING COMMISSION**

On July 15, 2016, the Planning Commission considered the project and made the following recommendations to the Board:

1. Adopt the Environmental Findings, which includes the required California Environmental Quality Act (CEQA) findings that are required to adopt the Mitigated Negative Declaration (Attachment A).
2. Adopt a Resolution entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS adopting general plan amendment (GPA) PDS2014-GPA-14-003 for the reasons stated therein and discussed in this report (Attachment B).
3. Adopt the Ordinance entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE SPRING VALLEY COMMUNITY PLAN AREA, REF: PDS2014-REZ-14-003 (Attachment C).

4. Adopt a Resolution entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING TENTATIVE MAP NO. PDS2014-TM-5588, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the County of San Diego Subdivision Ordinance and State Law (Attachment D).
5. Grant the Site Plan STP-14-015 for the reasons stated therein and discussed in this report (Attachment E).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the Planning Commission's recommendations and makes the following additional recommendation to the Board of Supervisors (Board): Require the applicant enter into a Defense and Indemnification Agreement (Agreement) with the County in accordance with County Code Section 86.201, et seq., and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require SAM-Sweetwater LLC, Mastercraft Homes to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel, within 10 days of litigation being filed (Attachment F).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board of Supervisors closed the Hearing and took action as recommended by the Planning Commission and the Department of Planning & Development Services, directing that a condition be added that the proposed architectural designs of the homes be locked in to the site plan process, and adopting the following:

Resolution No. 17-183, entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) PDS2014-GPA-14-003;

Ordinance No. 10513 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE SPRING VALLEY COMMUNITY PLAN AREA, REF: PDS2014-REZ-14-003; and

Resolution No. 17-184, entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING TENTATIVE MAP NO. PDS2014-TM-5588.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

**4. SUBJECT: NOTICED PUBLIC HEARING:
SWEETWATER VISTAS GENERAL PLAN AMENDMENT, SPECIFIC
PLAN AMENDMENT, ZONE RECLASSIFICATION, TENTATIVE
MAP, MAJOR USE PERMIT MODIFICATION, AND SITE PLAN,
LOCATED IN THE SPRING VALLEY COMMUNITY PLAN AREA
(DISTRICT: 2)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to evaluate and consider a proposed General Plan Amendment, Specific Plan Amendment, Zone Reclassification, Tentative Map, Major Use Permit Modification, Site Plan, and adopt the Environmental Findings for the Sweetwater Vistas project.

The Sweetwater Vistas project consists of 218 residential condominium units, 27.9 acres of biological open space, and a total of 0.5 acres of private recreational area. The 52-acre site is currently located within the Pointe Specific Plan and is designated for a 710-room resort and commercial development. The proposed General Plan Amendment and Specific Plan Amendment will remove the site from the Pointe Specific Plan and change the General Plan Land Use designation from Specific Plan to Village Residential. The Tentative Map will subdivide the site into three residential lots and four open space lots, as well as 218 condominium units. The project site is located on Jamacha Boulevard, between Pointe Parkway and Sweetwater Springs Boulevard, in the Spring Valley Community Plan Area (57th Edition Thomas Guide Page 1291, E-1/F-1).

In a separate but related matter managed by the Department of General Services, the applicant is concurrently requesting a partial road vacation of Jamacha Boulevard, Pointe Parkway, and Jamacha Boulevard South for the purpose of removing unnecessary right-of-way on portions of Lots 59 and 61 of Map 12924. On November 15, 2017, the Board set a hearing to consider the road vacation request on December 6, 2017.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On October 6, 2017, the Planning Commission considered the project and made the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings, which includes a finding that the proposed project meets the conditions for the application of the California Environmental Quality Act (CEQA) Guidelines Section 15164 (Attachment A).
2. Adopt the General Plan Amendment Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT PDS2015-GPA-15-006 (Attachment B).
3. Adopt the Specific Plan Amendment Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN AMENDMENT PDS2015-SPA-15-002 (Attachment C).
4. Adopt the Ordinance entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN SPRING VALLEY, REF: PDS2015-REZ-15-008 (Attachment D).

5. Adopt the Resolution entitled: RESOLUTION OF APPROVAL FOR TENTATIVE MAP PDS2015-TM-5608, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego regulations (Attachment E).
6. Grant the Major Use Permit Modification Decision PDS2015-MUP-89-015W4, to modify the MUP boundary and the conditions set forth in the Form of Decision (Attachment F).
7. Grant the Site Plan Decision PDS2015-STP-15-016, which includes the requirements and conditions set forth in the Form of Decision (Attachment G).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the Planning Commission's recommendations and makes the following additional recommendation to the Board of Supervisors (Board): Require the applicant to enter into a standard Defense and Indemnification Agreement with the County of San Diego in accordance to County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require Douglas Wilson Companies to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel, or cash, within 10 days of litigation being filed (Attachment H).

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

Noting for the record that an Errata sheet was submitted; ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors closed the Hearing and took action as recommended by the Planning Commission and the Department of Planning & Development Services, adopting the following:

Resolution No. 17-185, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT PDS2015-GPA-15-006;

Resolution No. 17-186, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN AMENDMENT PDS2015-SPA-15-002;

Ordinance No. 10514 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN SPRING VALLEY, REF: PDS2015-REZ-15-008; and

Resolution No. 17-187, entitled: RESOLUTION OF APPROVAL FOR TENTATIVE MAP PDS2015-TM-5608.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

5. **SUBJECT: STREAMLINING THE FINAL MAP APPROVAL PROCESS
(DISTRICTS: ALL)**

OVERVIEW

Housing affordability is a major concern for the region, and the County continuously seeks methods to simplify its permitting and approval processes to streamline housing production and to reduce costs to builders and ultimately homeowners.

This is a request for the Chief Administrative Officer to examine the final map approval process for opportunities to reduce processing time and cost. Specifically, delegating approval authority to Planning & Development Services or the appropriate departmental authority for final maps could reduce final map approval process by months and save thousands of dollars for applicants, a savings that could pass to future homeowners.

**RECOMMENDATION(S)
SUPERVISOR BILL HORN**

1. Direct the Chief Administrative Officer to investigate the feasibility of streamlining the Final Map approval process by delegating approval authority to Planning & Development Services or the appropriate departmental authority for final maps and associated actions in accordance with State law.
2. Direct the Chief Administrative Officer to return to the Board within 120 days with code changes required to implement a more efficient process, if it is determined to be feasible.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, and directed the Chief Administrative Officer to review the minor deviation process in order to clearly define it, on Consent.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

6. **SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES AND
COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO
THE LAND USE AND ENVIRONMENT GROUP (DISTRICTS: ALL)**

OVERVIEW

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

The proposed actions include approval of amendments to two sections of the County Regulatory Code (Titles 5 and 6), a determination that no changes are needed to one Board Policy (I-44), approval of amendments for eight Board Policies (G-6, I-34, I-49, I-53, I-70, I-73, I-118, and I-121), and the repeal of two Board Policies (I-45 and I-68). The proposed action also includes approval of a new sunset review date for the policies and ordinances reviewed by this letter. There are no sections of the County Administrative Code assigned to the Land Use and Environment Group for sunset review this year.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting on behalf of the Board of Supervisors:

1. In accordance with State CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.
2. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance, and approve the sunset review date of 12-31-2024 for the following County Regulatory Code:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES SEC. 52.106. CONSTRUCTION PERMITS AND OPERATING PERMITS, AND SEC. 52.210. MANDATORY CONDITIONS.
3. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the ordinance, and approve the sunset review date of 12-31-2024 for the following County Regulatory Code:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES SEC. 68.601.1. DEFINITIONS, SEC. 68.601.2. DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE PROHIBITION ON SEWAGE HAULING AND DISPOSAL BY UNREGISTERED PERSONS, SEC. 68.602. EXAMINATION FEE, SEC. 68.604. REGISTRATION REQUIRED; FEES, SEC. 68.607. FEES DEPOSITED IN TREASURY, SEC. 68.608. INSPECTION OF EQUIPMENT, SEC. 68.609. REPORTS TO DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, SEC. 68.611. PENALTY CLAUSE.
4. Determine no change is necessary and approve the sunset review date of 12-31-2024 for the following Board Policy:
 - a. I-44: Procedure for Designing New County-owned Community/Local Parks, and
5. Approve amendments to and establish the sunset review date of 12-31-2024 for the following Board Policies:
 - a. G-6: User Fees County Parks and Recreation Facilities,
 - b. I-49: Distribution of Notification of Land Use Hearings,
 - c. I-53: Cost Responsibility for the Construction of Flood Control and Drainage Facilities Within Road Rights of Way,
 - d. I-70: Reporting Complaint and/or Violations History for Planning Actions Brought Before Hearing Boards,
 - e. I-73: Hillside Development Policy,
 - f. I-118: Refund and Relief Policy When Permits and Projects are Issued in Error,
 - g. I-121: Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications,

- h. I-134: Role of County Counsel In Land Use Matters, and
- 6. Repeal the following Board Policies:
 - a. I-45: Definition of Watercourses in the County of San Diego Subject to Flood Control
 - b. I-68: Map Revisions for Proposed Projects in Flood Plains of Floodways,

Acting as the Board of Directors for the San Diego County Flood Control District:
Approve amendments to and establish the sunset review date of 12-31-2024 for the following Board Policies:

- a. I-53: Cost Responsibility for the Construction of Flood Control and Drainage Facilities Within Road Rights of Way

If on December 6, 2017, the Board takes action as requested in Recommendations 1 through 6 above, then on January 10, 2018:

- 1. Consider and adopt the Ordinance amending Section 56.106 and 56.210 relating to regulation of buildings, Mobile and Special Occupancy Parks and Trailer Coaches (second reading).
- 2. Consider and adopt the Ordinance amending Sections 68.601.1., 68.601.2., SEC. 68.602., SEC. 68.604., SEC. 68.607., SEC. 68.608., SEC. 68.609., SEC. 68.611. relating to sewer and hauler regulations (second reading).

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. 1)

ACTION:

Noting for the record that an Errata sheet was submitted; ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinances for further Board consideration and adoption on January 10, 2018.

AYES: Cox, Jacob, Roberts, Horn
ABSENT: Gaspar

- 7. **SUBJECT: ADOPT BOARD POLICY FOR HONORARY BRIDGE NAMING
(DISTRICTS: ALL)**

OVERVIEW

On June 20, 2017 (28), the Board of Supervisors directed the Chief Administrative Officer to amend existing policies to define the process and to develop criteria for approval by the Board of Supervisors to name bridges in the unincorporated area of the County of San Diego and to return to the Board within 180 days. The Department of Public Works has developed a

proposed new Board Policy F-53 “Honorary Bridge Naming” based on a community-driven process consistent with how the State of California allows for the naming of bridges. The proposed policy allows communities with unique histories across the unincorporated region to honor an individual or entity by naming a bridge after them.

In order to set forth criteria and parameters to guide honorary bridge naming rights, today’s requested action is to adopt the proposed Board Policy F-53 “Honorary Bridge Naming”.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that adoption of Board of Supervisors Policy F-53, “Honorary Bridge Naming” is exempt from CEQA review because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.
2. Adopt Board of Supervisors Policy F-53, Honorary Bridge Naming.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn, the Board of Supervisors took action as recommended.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

8. SUBJECT: GILLESPIE FIELD - AVIATION LEASE WITH VELOCITY CEA SD LLC (DISTRICT: 2)

OVERVIEW

Gillespie Field is a general aviation airport owned and operated by the County of San Diego (County) and located within the municipal limits of the City of El Cajon and the City of Santee (57th Edition Thomas Guide Page 1251, D1). The airport is a gateway to and from San Diego’s east county providing aircraft storage, maintenance, and services to corporate and general aviation communities. There are also three industrial parks located on airport property. Approval of leases of airport property ensures adequate funding is provided for the use of the property and allows the Department of Public Works to use the revenue to make certain all the airports are properly maintained and safe for the users of the airports.

On February 13, 2002 (6), the Board of Supervisors approved a 20-year, 7-month aviation ground lease with El Cajon Flying Service, Inc. (ECFS). This lease was amended on February 24, 2010 (12), to modify the premises and revise rent. ECFS operates an aviation business on this leasehold and subleases space to aviation businesses and aircraft owners. ECFS has entered into an agreement to sell their remaining lease term to Velocity CEA SD LLC

(Velocity). Velocity is planning to replace and modernize the existing facilities and has requested a new 30-year Aviation Ground Lease with the County to provide time to amortize the cost of its planned improvements.

This is a request to approve the new 30-year Aviation Ground Lease with Velocity that would commence on March 1, 2018 and terminate on February 28, 2048. When a new lease is granted that postpones ownership of existing leasehold improvements, the lessee pays an equity payment to the County for the improvements. If the proposed action is adopted, the current fiscal year revenue would increase by \$365,000 due to the one-time equity payment under the terms of the new lease.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15302 of the California Environmental Quality Act (CEQA) Guidelines that the proposed new lease is categorically exempt from CEQA review as it consists of replacement or reconstruction of existing structures and facilities having substantially the same purpose and capacity.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Aviation Ground Lease with Velocity CEA SD LLC. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2017-18 Operational Plan in the Airport Enterprise Fund. If approved, this request will result in total annual revenue of \$461,742 in Fiscal Year 2017-18, an increase of \$365,000 over the budgeted amount. The funding source for the Fiscal Year 2017-18 additional revenue is a one-time equity payment from lessee under the terms of the new lease. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

9. SUBJECT: ESTABLISH APPROPRIATIONS FOR THE SWEETWATER COMMUNITY GARDEN PROJECT (DISTRICT: 1)

OVERVIEW

The Department of Parks and Recreation (DPR) is committed to expanding recreational opportunities for its residents. Community gardens are a highly desired amenity throughout the County of San Diego; they provide space for residents to work the land and cultivate their own plants. This request will fund the design and environmental analysis and appropriate funding for construction of a project at a location to be determined in Sweetwater Regional Park. This project will provide between 150 and 200 rentable garden plots to members of the

public to grow fruits, vegetables and ornamental plants. A community garden represents a new recreational opportunity for the Sweetwater community. A community garden supports the Live Well San Diego strategy of Thriving by expanding the use of civic space.

Today's proposed action will establish appropriations of \$615,000 in Capital Project 1021596, Sweetwater Community Garden, through the commitment within the General Fund for Parks Expansion and Improvement and the Park Land Dedication Ordinance Area 15 Sweetwater fund. Project funds will be used for design, environmental analysis and, if the project is approved by the Board, construction of the new garden. Once a site has been selected, a design prepared and a CEQA analysis prepared, DPR will return to the Board for project approval and authorization to advertise and award a construction contract.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project approval subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15004(a) and 15352.
2. Authorize the Auditor & Controller to reduce the Fund Balance Commitment for Park Expansion & Improvement by \$385,000 to provide funding for Capital Project 1021596, Sweetwater Regional Park Community Garden. **(4 VOTES)**
3. Establish appropriations of \$385,000 in the Contributions to Capital Outlay Fund, Operating Transfer Out, for Capital Project 1021596, Sweetwater Community Garden, based on General Fund fund balance component decrease - Park Expansion & Improvement Commitment. **(4 VOTES)**
4. Establish appropriations of \$385,000 in the Capital Outlay Fund for Capital Project 1021596, Sweetwater Community Garden, based on an Operating Transfer In from the General Fund. **(4 VOTES)**
5. Establish appropriations of \$230,000 in the Park Lands Dedication Ordinance Area 15 Sweetwater, to provide funding for Capital Project 1021596, Sweetwater Community Garden, based on available prior year fund balance. **(4 VOTES)**
6. Establish appropriations of \$230,000 in the Capital Outlay Fund for Capital Project 1021596, Sweetwater Community Garden, based on an Operating Transfer In from the Park Land Dedication Ordinance Area 15 Sweetwater fund. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2017-18 Operational Plan in the Capital Outlay Fund. If approved, costs for Capital Project 1021596, Sweetwater Community Garden, will be \$615,000 for design, environmental analysis and, if the project is approved by the Board, construction of the new garden. Construction costs are estimated at \$515,000, including contingency. Remaining project funds of approximately \$100,000 will be used for related project expenses including design, environmental analysis, construction management and project administration. The funding sources are General Fund fund balance component decrease - Park Expansion & Improvement Commitment (\$385,000) and Park Lands Dedication Ordinance Area 15 Sweetwater (\$230,000).

There will be no change in net General Fund cost and no additional staff years in Fiscal Year 2017-18.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

- 10. SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5184-1: APPROVAL OF FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS AND APPROVAL OF AGREEMENTS FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR SUKUP TENTATIVE MAP LOCATED IN THE VALLEY CENTER COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW

This item is a request for the Board of Supervisors to review and approve the Final Map for County of San Diego Tract No. 5184-1; accept related easements; and approve, authorize, and execute the Joint Agreement to Improve Major Subdivision (Joint Agreement for Improvements) for public and private improvements. This project, known as Sukup Tentative Map 5184RPL3 (TM 5184RPL3), is a subdivision consisting of nine single-family lots on 24.61 acres. It is located south of Covey Lane off West Lilac Road on the east side of Rodriguez Road in the Valley Center Community Plan Area within the unincorporated county (2009 Thomas Guide, Page 1069, D-2).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Final Map, the Joint Agreement to Improve Major Subdivision (Joint Agreement for Improvements) and associated actions is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(1) and (2) of the CEQA Guidelines because it does not involve the exercise of discretionary powers by a public entity, and the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Approve the Final Map for County of San Diego (County) Tract No. 5184-1.
3. Accept, on behalf of the County, an access restriction easement over Lots 7, 8, and 9; and an access restriction easement over portions of Lots 1 and 6 (Access Opening No. 1), as granted on the Final Map.
4. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Joint Agreement for Improvements which includes street improvements, drainage facilities, water facilities, and final monumentation (Attachment B).

5. Authorize the Clerk to forward the Final Map to the County Recorder for recordation.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

- 11. SUBJECT: ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE TIJUANA RIVER VALLEY REGIONAL PARK (DISTRICT: 1)**

OVERVIEW

In June 1988, voters approved California Proposition 70, the Wildlife, Coastal and Park Land Conservation Act of 1988. This bond act provided \$9,850,000 to the County of San Diego for the acquisition of natural lands in the Tijuana River Valley. The Department of Parks and Recreation (DPR) used all of the Proposition 70 funding to acquire approximately 430 acres of land for the Tijuana River Valley Regional Park. Subsequently, the Federal Government used eminent domain to acquire 127.6 acres of the 430 acres obtained with Proposition 70 funds for construction of the existing border fence. The County received a settlement of \$2,090,000 from the Federal Government for the acreage they acquired. Because the land was originally bought using California bond act funding, the entire bond, including the settlement is being administered through the State of California Department of Parks and Recreation.

This is a request to adopt a resolution authorizing DPR to apply for and accept \$2,090,000 from the State of California Department of Parks and Recreation to conduct studies and develop a campground in the Tijuana River Valley. This request will also authorize the Director of Parks and Recreation to conduct all negotiations and to execute and submit all documents necessary to apply for and accept grant funds, if awarded. In addition, this request will authorize the Director of Parks and Recreation to conduct all negotiations and to execute all documents necessary to enter into an agreement with Regional Water Quality Control Board or another government agency, to provide up to \$500,000 to prepare a study focused on the improvement and protection of natural lands, including the main river channel in the Tijuana River Valley.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions is not a project approval subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15004(a) and 15352.

2. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE APPLICATION FOR SPECIFIED GRANT FUNDS.
3. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to apply for and accept grant funds including, but not limited to, applications, grant contracts, payment requests and, if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.
4. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to enter an agreement with another government agency including any extensions or amendments thereof, to provide up to \$500,000 of this grant funding to prepare a study focused on the improvement and protection of natural lands, including the main river channel, in the Tijuana River Valley.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendations. If approved, this request will authorize DPR to apply for and accept grant funds in the amount of \$2,090,000 for the Tijuana River Valley. When these grants are awarded, DPR will return to the Board to request appropriation of the grant funds. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor Roberts, the Board of Supervisors took action as recommended, adopting Resolution No. 17-188, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE APPLICATION FOR SPECIFIED GRANT FUNDS.

AYES: Cox, Jacob, Roberts, Horn

ABSENT: Gaspar

12. **SUBJECT: CLOSED SESSION (CARRYOVER FROM 12/05/17 AGENDA NO. 33)
(DISTRICTS: ALL)**

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

D.W., a minor, et al. v. County of San Diego, et al.; United States District Court, Southern District of California, Div. One, No. 17-CV-1459-WQH

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
S.A.C., a minor, et al. v. County of San Diego, et al.; United States District Court,
Southern District of California, Div. One, No. 17-CV-1893-L
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Olivia Magana v. County of San Diego, et al.; San Diego County Superior Court No.
37-2017-00037829-CU-PO-CTL
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Christian Marriott v. County of San Diego/ Meryl Willis v. County of San Diego
(Consolidated Cases); San Diego County Superior Court No.
37-2017-00016791-CU-PA-CTL
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
County of San Diego/In Re LIBOR-Based Financial Instruments Antitrust Litigation,
MDL No. 2262 (S.D.N.Y.), No. 11-md-002262
- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Government Code
section 54956.9: (Number of Cases - 1)
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club v. County of San Diego/Golden Door LLC v. County of San Diego
(consolidated appeal); Fourth District Court of Appeal No. D072406
- H. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Rancho Santa Fe Traffic Safety Coalition v. County of San Diego, et al.; San Diego
County Superior Court No. 37-2016-00040523-CU-WM-NC

ACTION:

The Board of Supervisors met in Closed Session starting at 12:02 p.m. on December 5, 2017 and adjourning at 12:35 p.m.; the Board reconvened in Closed Session starting at 11:35 a.m. on December 6, 2017 and concluded at 12:05 p.m. Supervisor Gaspar was present for the December 5, 2017 portion of Closed Session, and absent on December 6, 2017. The Board took the following reportable action:

Item 33E: County of San Diego/In re LIBOR-Based Financial Instruments Antitrust Litigation, by a vote of all Board members present and voting “Aye”, with Supervisor Gaspar absent, authorized County Counsel to file a Proof of Claim to accept the Barclays Settlement and release all claims against Barclays.

13. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Reginald Tisdale spoke to the Board regarding the HIV Planning Group.

Martha Welch spoke to the Board regarding taxes.

Karen Ensall and Janis Shackelford spoke to the Board regarding General Plan Clean-Up LS 302.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:05 p.m. in memory of Fred Miller, Ben Dillingham, Carol Casares, James Grier, Jr., G. Sidney Fox, and Gladys and George Novinger.

DAVID HALL
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller

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.