

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JANUARY 06, 2016, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

- A. Roll Call
- B. Closed Session Report
- C. Approval of Statement of Proceedings/Minutes for meeting of December 16, 2015.
- D. 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.

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.

Supporting documentation and attachments for items listed on this agenda can be viewed online at <http://www.sdcounty.ca.gov/cob/bosa/> or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101.

Board of Supervisors' Agenda Items

Agenda # Subject

- 1. NOTICED PUBLIC HEARING:
 AUTHORIZATION FOR THE COUNTY OF SAN DIEGO TO BECOME A
 GROUNDWATER SUSTAINABILITY AGENCY OVER BORREGO VALLEY
 GROUNDWATER BASIN

- 2. ESTABLISHMENT OF APPROPRIATIONS AND APPROVAL OF THE
 SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE
 FALLBROOK SPORTS ASSOCIATION AND THE COUNTY OF SAN DIEGO
 FOR THE CONVERSION OF A ROLLER HOCKEY ARENA TO AN
 ARTIFICIAL TURF SOCCER ARENA
 [FUNDING SOURCE: PLDO AREA 35 FALLBROOK FUND, PRIOR YEAR
 AVAILABLE FUND BALANCE]
 (4 VOTES)

3. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE MOUNTAIN EMPIRE COMMUNITY CENTER PLAYGROUND SHADE STRUCTURES PROJECT
[FUNDING SOURCE: COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS]
(4 VOTES)
4. COUNTY OF SAN DIEGO TRACT NO. 5574-1: APPROVAL OF FINAL MAP FOR OAK TREE RANCH TENTATIVE MAP, A CONDOMINIUM CONVERSION PROJECT, LOCATED IN THE RAMONA COMMUNITY PLAN AREA
5. COUNTY OF SAN DIEGO TRACT NO. 5110-1 (FINAL MAP NO. 14997): APPROVAL OF SECOND AMENDMENT TO JOINT AGREEMENT TO IMPROVE SUBDIVISION (SUBSTITUTION OF PARTIES, SUBSTITUTION OF SECURITY AND EXTENSION OF TIME) FOR PUBLIC AND PRIVATE IMPROVEMENTS LOCATED IN VALLEY CENTER COMMUNITY PLAN AREA
6. COUNTY OF SAN DIEGO TRACT NO. 5339-1: APPROVAL OF FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS AND APPROVAL OF THE SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR DOUGHERTY GROVE TENTATIVE MAP LOCATED IN THE FALLBROOK COMMUNITY PLAN AREA.
7. COUNTY OF SAN DIEGO TRACT NO. 5246-1: APPROVAL OF FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS, AND APPROVAL OF SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR WINTER GARDENS TENTATIVE MAP LOCATED IN THE LAKESIDE COMMUNITY PLAN AREA
8. MCCLELLAN-PALOMAR AIRPORT – NEW 5-YEAR LEASES WITH THE HERTZ CORPORATION AND AVIS BUDGET CAR RENTAL, LLC
(4 VOTES)
9. EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS
10. APPLICATION AND ACCEPTANCE OF STATE FUNDING FOR FISCAL YEAR 2015-16 LOCAL GOVERNMENT RUBBERIZED PAVEMENT GRANT PROGRAM
11. NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATING TO WATERSHED PROTECTION (1/6/16 – FIRST READING ORDINANCE; 1/27/16 – ADOPT ORDINANCE)

12. TRAFFIC ADVISORY COMMITTEE

13. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: IMPACT FEE DEFERRAL PROGRAM EXTENSION (12/16/2015 – FIRST READING; 1/6/2016 – SECOND READING)

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL1 AND SANITATION DISTRICT AGENDA NO. SA1)

14. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, ADMINISTRATIVE CODE, AND COUNTY CODE PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP

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1. **SUBJECT: NOTICED PUBLIC HEARING:
AUTHORIZATION FOR THE COUNTY OF SAN DIEGO TO
BECOME A GROUNDWATER SUSTAINABILITY AGENCY
OVER BORREGO VALLEY GROUNDWATER BASIN
(DISTRICTS: 2 AND 5)**

OVERVIEW:

This item is a request for the Board of Supervisors (Board) to consider a resolution to establish a Groundwater Sustainability Agency (GSA) in the Borrego Valley Groundwater Basin (BVGB) in accordance with the Sustainable Groundwater Management Act (SGMA). The primary purpose of a GSA under SGMA is to develop a Groundwater Sustainability Plan (GSP) to achieve long-term groundwater sustainability.

On October 20, 2015, the Borrego Water District (BWD) held a public hearing and approved a resolution to elect to become a GSA over its portion of the BVGB, as shown on the Borrego Valley Groundwater Basin Map [Attachment A]. The California Department of Water Resources (DWR) posted the BWD notice on October 27, 2015 which, per SGMA, started a 90-day window within which the County of San Diego (County) must determine whether to become a GSA within the BWD portion of the BVGB. Under SGMA, counties are the default GSA if no local agencies elect to become a GSA for a basin. If multiple agencies elect to become a GSA over the same basin area, SGMA requires the agencies reach an agreement regarding how multiple GSAs will administer a single GSP or coordinated GSPs for the basin.

Today's request is for the Board to 1) approve a Resolution for the County to become a GSA over the entire BVGB; 2) authorize the Director, Department of Planning & Development Services to enter into negotiations to develop an agreement with BWD to become a GSA; 3) authorize the Director, Department of Planning & Development Services to apply for and accept grant funds to support implementation of SGMA.

FISCAL IMPACT:

There is no fiscal impact associated with the approval of the Resolutions. Funds for the development of the governance structure and legal agreement with Borrego Water District are included in the Fiscal Year 2015-2016 Operational Plan for the Department of Planning & Development Services. Staff will return to the Board for consideration of an agreement and request for funding for the development of the Groundwater Sustainability Plan. There will be no change in net General fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY OVER BORREGO VALLEY GROUNDWATER BASIN (Attachment B).
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO APPLY FOR AND ACCEPT GRANT FUNDING TO SUPPORT SUSTAINABLE GROUNDWATER MANAGEMENT (Attachment C).
4. Authorize the Director, Department of Planning & Development Services, as agent of the County, to conduct all negotiations and submit all documents including Groundwater Sustainability Agency formation notifications; and draft inter-agency agreements, including amendments thereof, which do not materially impact or alter the program funding level.
5. Authorize the Director, Department of Planning & Development Services to apply for and accept grant funds and negotiate contracts to support implementation of the Sustainable Groundwater Management Act through Fiscal Year 2021-22.

2. **SUBJECT: ESTABLISHMENT OF APPROPRIATIONS AND APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE FALLBROOK SPORTS ASSOCIATION AND THE COUNTY OF SAN DIEGO FOR THE CONVERSION OF A ROLLER HOCKEY ARENA TO AN ARTIFICIAL TURF SOCCER ARENA (DISTRICT: 5)**

OVERVIEW:

The Fallbrook Sports Association (FSA) manages the Fallbrook Sports Park in the unincorporated community of Fallbrook (57th Edition Thomas Brothers Guide page 1027, G-7). The County and the FSA have an Agreement for operations, maintenance, and improvements at the Fallbrook Sports Park. The FSA has requested Park Lands Dedication Ordinance (PLDO) funds to convert the roller hockey arena into an artificial turf soccer arena. The conversion to artificial turf will benefit the Fallbrook community by providing a new park amenity and increased play time. The Department of Parks and Recreation concurs with the proposal and has determined that the funding request is an eligible and reasonable use of PLDO funds.

The requested action will authorize the Director, Department of Parks and Recreation to execute the Second Amendment to the existing Agreement with the FSA and establish appropriations of \$125,000 in Park Land Dedication Ordinance Area 35 Fallbrook fund based on previous year available fund balance to convert a roller hockey arena to an artificial turf soccer arena.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2015-16 Operational Plan for the Park Lands Dedication Ordinance (PLDO) Area 35 Fallbrook fund. If approved, this request will result in current year costs and revenue of \$125,000. The funding source is PLDO Area 35 Fallbrook fund, prior year available fund balance. There will be no change in net General Fund cost and no additional staff years.

Upon completion, annual operations and maintenance of the artificial turf soccer arena will be the responsibility of the Fallbrook Sports Association.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Sections 15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines that the transfer of funds to implement the proposed Fallbrook Sports Park soccer arena conversion is exempt from CEQA because the project consists of converting an existing roller hockey arena for use as a soccer area and the conversion of a small portion of the existing arena spectator area to accommodate Americans with Disabilities Act access and seating within an existing park facility that involves no expansion of the park.
2. Establish appropriations of \$125,000 in the Park Land Dedication Ordinance Area 35 Fallbrook fund, to provide funds to convert the roller hockey arena to an artificial turf soccer arena, based on prior year available fund balance.
(4 VOTES)
3. Authorize the Director, Department of Parks and Recreation to execute the Second Amendment to the Agreement between the County of San Diego and the Fallbrook Sports Association to increase funding in the amount of \$125,000 to convert the roller hockey arena to an artificial turf soccer arena at the Fallbrook Sports Park.

3. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE MOUNTAIN EMPIRE COMMUNITY CENTER PLAYGROUND SHADE STRUCTURES PROJECT (DISTRICT: 2)**

OVERVIEW:

The United States Department of Housing and Urban Development provides annual grants for housing and community development projects through its Community Development Block Grant (CDBG) Program. On April 7, 2015 (8), the County's Department of Housing and Community Development received Board of Supervisors approval of the Fiscal Year 2015-16 Annual Funding Plan which included CDBG project funding of \$110,000 for the Mountain Empire Community Center Playground Shade Structures project in Campo (57th Edition Thomas Guide Page 1298, B-7).

This project will add metal shade structures over the existing playground at the Mountain Empire Community Center. This improvement will enhance children's ability to use the play structure throughout the year and during the warmest times of the day. If approved, construction is scheduled to begin in winter 2016 with completion expected in spring 2016.

This is a request to establish appropriations of \$110,000 in Capital Project 1020104, Mountain Empire Community Playground Shade Structures based on CDBG grant funds. The requested action will also authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract to the lowest responsive and responsible bidder for the Mountain Empire Community Center Playground Shade Structures project for an estimated cost of \$97,000 including contingency. Remaining project funds of \$13,000 will be used for related project costs including design, inspection services, construction management, and project administration for a total project cost of \$110,000.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2015-16 Operational Plan for the Capital Outlay Fund. If approved, this request will result in current year costs and revenue of \$110,000 for Capital Project 1020104, Mountain Empire Community Center Playground Shade Structures. The funding source is Community Development Block Grant funds in the amount of \$110,000. Construction costs for the proposed improvements are estimated at \$97,000 including contingency. Remaining project funds of \$13,000 will be used for design and related project costs including inspection services, construction management and project administration.

Upon project completion, annual operations and maintenance of improvements will be performed by Mountain Health and Community Services, Inc. pursuant to an existing lease agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, because the project involves minor alterations to existing public facilities with no expansion of the facilities.
2. Establish appropriations of \$110,000 in Capital Project 1020104, Mountain Empire Community Center Playground Shade Structures project, based on a grant award from the Community Development Block Grant Program. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Mountain Empire Community Center Playground Shade Structures project.

4. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5574-1: APPROVAL OF FINAL MAP FOR OAK TREE RANCH TENTATIVE MAP, A CONDOMINIUM CONVERSION PROJECT, LOCATED IN THE RAMONA COMMUNITY PLAN AREA (DISTRICT: 2)**

OVERVIEW:

This item is a request for the Board of Supervisors (Board) to review and approve the Final Map for County of San Diego Tract No. 5574-1. This project, known as Oak Tree Ranch Tentative Map (TM), is a condominium conversion project containing one 43.7 acre lot with a maximum of 126-Dwelling Units. The Final Map is located in the community of Ramona on the easterly side of Black Mountain Road and southerly of Stokes Road (2009 Thomas Guide, Page 1153, A-1).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Final Map 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.
2. Approve the Final Map for County of San Diego Tract No. 5574-1.

5. **SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5110-1 (FINAL MAP NO. 14997): APPROVAL OF SECOND AMENDMENT TO JOINT AGREEMENT TO IMPROVE SUBDIVISION (SUBSTITUTION OF PARTIES, SUBSTITUTION OF SECURITY AND EXTENSION OF TIME) FOR PUBLIC AND PRIVATE IMPROVEMENTS LOCATED IN VALLEY CENTER COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW:

This is a request to approve a second amendment to a Joint Subdivision Improvement Agreement to substitute parties, security and extend for a period of two years, the performance completion date of the secured improvement agreement for County of San Diego Tract No. 5110-1 (Map 14997).

This project is a subdivision consisting of 14 single-family residential lots on a total of 34.83 acres. It is located in the Valley Center area on the north side of Pauma Heights Road, east of Cole Grade Road (2015 Edition Thomas Guide, Page 1070- J1).

FISCAL IMPACT:

There is no fiscal impact associated with today's proposed actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of agreements to complete subdivision improvements is not a project as defined in Section 15378 of the CEQA Guidelines.
2. Direct the Clerk of the Board to execute the Second Amendment to Joint Agreement to Improve Subdivision to substitute parties, extend to January 6, 2018 the performance completion date and accept substitution of security.

6. SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5339-1: APPROVAL OF FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS AND APPROVAL OF THE SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR DOUGHERTY GROVE TENTATIVE MAP LOCATED IN THE FALLBROOK COMMUNITY PLAN AREA (DISTRICT: 5)

OVERVIEW:

This item is a request for the Board of Supervisors (Board) to review and approve the Final Map, accept the related easements, and approve, authorize, and execute the Agreement to Improve Major Subdivision (Agreement) for public and private improvements for County of San Diego Tract No. 5339-1. This project, known as Dougherty Grove Tentative Map (TM), is a subdivision consisting of 28 single family residential lots, on 22.02 acres. It is located within the Fallbrook Community Plan area on the south side of Dougherty Street at Shady Lane (2009 Thomas Guide, Page 1027, E-2).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Final Map and the Agreement and associated actions is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(1) and (2) of the CEQA Guidelines.
2. Approve the Final Map for County of San Diego Tract No. 5339-1.
3. Accept on behalf of the public, subject to improvements, a portion of Dougherty Street together with the right to extend and maintain drainage facilities, excavation, and embankment slopes beyond the limit of said right of way for use as a street, as dedicated on the Final Map.
4. Accept on behalf of the public the open space easements over portions of Lot 1, Lot 8, Lots 11 through 14 inclusive, Lots 20 through 24 inclusive, and Lots 32 through 34 inclusive, all as granted on the Final Map.
5. Accept on behalf of the County the access restriction easements as granted on the Final Map.
6. Approve and authorize the Clerk of the Board of Supervisors to execute the Agreement, which includes street improvements, drainage facilities and final monumentation (Attachment B).

7. SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5246-1: APPROVAL OF FINAL MAP, ACCEPTANCE OF RELATED EASEMENTS AND APPROVAL OF SECURED AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENTS FOR WINTER GARDENS TENTATIVE MAP LOCATED IN THE LAKESIDE COMMUNITY PLAN AREA (DISTRICT: 2)

OVERVIEW:

This item is a request for the Board of Supervisors (Board) to review and approve the Final Map for San Diego Tract No. 5246-1, accept the related easements, and approve, authorize and execute the Joint Agreement to Improve Major Subdivision (Agreement) for public and private improvements. This project, known as Winter Gardens Tentative Map (TM), is a subdivision consisting of 15 single family residential lots on 4.58 acres. Winter Gardens TM is located within the Lakeside Community Plan area on the west side of Winter Gardens Boulevard and north of Pepper Drive (2009 Thomas Guide, Page 1231, J-7).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the Final Map, the Agreement 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.
2. Approve the Final Map for County of San Diego Tract No. 5246-1.
3. Accept on behalf of the public, subject to improvements, a portion of Winter Gardens Boulevard (SF 1399) for use as a street, as dedicated on the Final Map, together with the access rights from Lots 1, 2 and 3 in and to Winter Gardens Boulevard (SF 1399) except at Access Opening No. 1 as relinquished and waived on the Final Map.
4. Accept on behalf of the public the noise protection easements as granted on the Final Map.
5. Approve and authorize the Clerk of the Board of Supervisors to execute the Agreement, which includes street improvements, drainage facilities and final monumentation (Attachment B).

8. SUBJECT: MCCLELLAN-PALOMAR AIRPORT – NEW 5-YEAR LEASES WITH THE HERTZ CORPORATION AND AVIS BUDGET CAR RENTAL, LLC (DISTRICT: 5)

OVERVIEW:

McClellan-Palomar Airport, located in Carlsbad, (57th Edition Thomas Guide page 1127, D-3) is a major gateway to and from San Diego's North County. It provides facilities and services to commercial, corporate and general aviation communities and is home to 294 aircraft.

In September 2015, County Airports issued a Request for Proposals/Bids to operate rental car services at the airport. Avis Budget Car Rental, LLC and The Hertz Corporation were selected as the successful proposers.

This is a request to approve five-year, non-exclusive rental car lease agreements with Avis Budget Car Rental, LLC and The Hertz Corporation. The lessees will pay set monthly rent for car rental offices, a car preparation area and parking spaces. In addition, both lessees will pay percentage rent, subject to a minimum annual guarantee. Revenues from leases on airport property are placed into the County's Airport Enterprise Fund, which is used to operate, maintain, and improve safety and security at County Airports.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2015-16 Operational Plan for the Airport Enterprise Fund. If approved, this request will result in additional lease revenue to the Airport Enterprise Fund (AEF) beginning in Fiscal Year 2015-16. The revenue source is rental payments from the lessees under the terms of the new lease agreements. Total lease revenue for the proposed leases in Fiscal Year 2015-16 will be \$25,000 plus additional percentage rent. Lease revenue in subsequent years is estimated to be between \$359,706 and \$488,152. This includes \$60,000 in set rent plus additional percentage rent with a minimum annual guarantee (MAG) between \$299,706 if there is no commercial passenger service at the airport and \$428,152 if there is commercial passenger service. Assuming commercial passenger service, the MAG for the proposed leases would represent an annual increase in revenue in AEF of \$170,552 over the car rental contracts for fiscal year 2014-15. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease is categorically exempt from CEQA review as it consists of the leasing of existing facilities involving negligible or no expansion of existing use.

2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new leases with Avis Budget Car Rental, LLC and The Hertz Corporation. (4 VOTES)

9. **SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS (DISTRICT: 5)**

OVERVIEW:

San Diego County Code of Regulatory Ordinances (County Code) Section 81.405, Extension of Time to Construct Required Improvements, identifies the requirements necessary for time extensions for completion of required improvements on major subdivisions. The Department of Public Works reviews existing subdivision agreements and their bonding requirements to determine if a recommendation for a time extension is warranted. Bringing forward a single Board letter with a recommendation to extend the performance completion dates for multiple subdivisions is more efficient than reviewing and preparing individual Board letters for each subdivision.

This is a request to approve the extension of performance completion dates for two bonded subdivision agreements to January 6, 2018. Staff has determined extensions are warranted for these agreements and all have final maps previously approved by the Board. The following are the agreements proposed to be extended two years:

District 5

- TM 4229-1, Rancho Cielo, located in San Dieguito area. This project has 55 approved lots and the overall acreage is 233.65 acres.
- TM 4229-4, Rancho Cielo, located in San Dieguito area. This project has 112 approved lots and the overall acreage is 224.85 acres.

FISCAL IMPACT:

There is no fiscal impact associated with today's proposed actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of agreements to complete subdivision improvements is not a project as defined in Section 15378 of the state CEQA Guidelines.

2. Extend, to January 6, 2018, the performance completion dates in subdivision agreements for developments referenced by Tentative Map Nos. 4229-1 and 4229-4.

10. SUBJECT: APPLICATION AND ACCEPTANCE OF STATE FUNDING FOR FISCAL YEAR 2015-16 LOCAL GOVERNMENT RUBBERIZED PAVEMENT GRANT PROGRAM (DISTRICTS: ALL)

OVERVIEW:

On November 11, 1993, the State of California banned disposal of whole tires in landfills. The State has developed programs to increase recycling of waste tires. One of these programs is the Rubberized Pavement Grant program. The Department of Resources Recycling and Recovery (CalRecycle) administers this program to divert waste tires from landfills and prevent illegal tire dumping. The program is also designed to promote markets for products made of recycled tires generated in California.

CalRecycle administers grants to public agencies that use rubberized asphalt concrete paving in their resurfacing projects. Grant applications for rubberized paving were due December 10, 2015, and the County's application was submitted before the due date. However, final consideration is contingent on submitting an approved Board Resolution no later than January 28, 2016. If the Board approves, the Resolution will be submitted to CalRecycle. Grant awards are tentatively scheduled for February 2016. The Department of Public Works will advertise and award contracts for road resurfacing with rubberized asphalt concrete throughout San Diego County with construction estimated to begin in summer 2016. If awarded, the grant would offset up to \$250,000 of project costs spent on rubberized asphalt paving at a rate of \$4 per ton.

This is a request to authorize grant application submittal and acceptance of funds up to \$250,000 for rubberized paving from CalRecycle. This authorization would be valid for up to five years.

FISCAL IMPACT:

Funds for the use of rubberized pavement are included in the Fiscal Year 2015-16 Department of Public Works Detailed Work Program. If awarded, this grant will result in unanticipated revenue of up to \$250,000 to offset costs for Fiscal Years 2015-16 and 2016-17. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of State CEQA Guidelines because it involves repair and maintenance of existing roadways.
2. Adopt a Resolution entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF APPLICATION FOR RUBBERIZED PAVEMENT GRANT, WHICH WILL AUTHORIZE SUBMITTAL AND ACCEPTANCE OF GRANTS FOR THE NEXT FIVE FISCAL YEARS.

**11. SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND THE COUNTY OF
SAN DIEGO CODE OF REGULATORY ORDINANCES
RELATING TO WATERSHED PROTECTION (1/6/16 –
FIRST READING ORDINANCE; 1/27/16 – ADOPT
ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW:

Federal and state law require the County of San Diego (County) to obtain a permit from the San Diego Regional Water Quality Control Board (Regional Board) regulating the discharge of stormwater and non-stormwater flows into and from its Municipal Separate Storm Sewer System (MS4). The MS4 Permit was initially issued to the County and 20 other Copermitees in July 1990, and has been subsequently re-issued three times. The latest re-issuance (Order No. R9-2013-0001) was adopted by the Regional Board in May 2013, and amended in February 2015 and November 2015 to enroll jurisdictions in the southern portions of Orange and Riverside counties. The amended MS4 Permit, like all previous iterations, requires the County to establish and maintain adequate legal authority to implement all updated Permit provisions. This authority is enacted primarily through the County's Watershed Protection, Stormwater Management and Discharge Control Ordinance, San Diego County Code section 67.801, et seq. (WPO).

Today's proposed action is to amend the WPO to ensure that it is current with the minimum requirements of the recently amended MS4 Permit approved by the Regional Board on November 18, 2015. Amendments needed to bring the WPO into conformance with the current MS4 Permit include updating terminology and definitions related to land development priority development projects (PDPs), removal of outdated sections, minor updates to discharge prohibitions, and the incorporation of an optional program to allow development projects to satisfy some of its stormwater compliance obligations at off-site locations.

If the WPO amendment is approved for introduction on January 6, 2016, the ordinance will be brought to the Board of Supervisors for adoption on January 27, 2016. The amended WPO will go into effect 30 days after its adoption.

FISCAL IMPACT:

There is no fiscal impact associated with today’s proposed actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

Amendment of this ordinance to comply with the amended MS4 Permit will in some cases require land development projects and property owners to implement additional measures to eliminate or reduce the discharge of non-stormwater and pollutants in water. Costs to project proponents, for both public and private projects, and business owners will vary depending on the nature of the project and business, but may be substantial in some instances.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

On January 6, 2016:

1. Find that the proposed action is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(1) of the State CEQA Guidelines, and that if the action were a project it would be exempt from CEQA review pursuant to Public Resources Code section 21080.5 and Sections 15301, 15307 and 15308 of the State CEQA Guidelines.
2. Read the title, waive further reading, and introduce for further consideration and adoption on January 27, 2016:

AN ORDINANCE TO AMEND SECTION 67.801 ET SEQ. OF
THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES RELATING TO WATERSHED PROTECTION.

If, on January 6, 2016, the Board takes action on Recommendations 1 and 2, then on January 27, 2016:

Adopt the Ordinance.

12. SUBJECT: TRAFFIC ADVISORY COMMITTEE (DISTRICTS: 1, 2 & 5)

OVERVIEW:

The Traffic Advisory Committee (TAC) meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. Ten items were on the Committee’s October 23, 2015, meeting agenda. The TAC recommends your action on all ten items.

The Board of Supervisors’ (Board) actions on Items 5-B, 5-C and 5-D would revise the County Code of Regulatory Ordinances and requires two steps. On January 6, 2016, the Board will consider the TAC items. If the Board takes action on January 6, 2016, then on January 27, 2016, a second reading of Ordinances repealing Sections 72.161.24.1. and 72.161.24.11. and adding Sections 72.161.24.12. and 72.169.55.4. to the San Diego County Code of Regulatory Ordinances would be necessary to implement the Board’s direction for Items 5-B, 5-C and 5-D.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-2016 Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

TRAFFIC ADVISORY COMMITTEE

District 1

1-A. Bonita Road from the Chula Vista City Limit (near Bonita Christian Center Drive) easterly to Sweetwater Road, (58th Edition Thomas Guide Page 1310-J2) Bonita – Recertify the existing 45 MPH speed limit for continued radar speed enforcement.

1-B. Sweetwater Road from Plaza Bonita Center Way easterly to Central Avenue, (58th Edition Thomas Guide Page 1310-E3) Bonita – Recertify the existing 45 MPH speed limit for continued radar speed enforcement.

District 2

2-A. Vista Ramona Road from Old Julian Highway to a point 1,000 feet north of Rutherford Road, (58th Edition Thomas Guide Page 1153-C7) Ramona – Recertify the existing 50 MPH speed limit for continued radar speed enforcement.

2-B. Grand Avenue from Jamacha Road southerly to San Carlos Street, (58th Edition Thomas Guide Page 1291-B3) Spring Valley – Certify the existing 35 MPH speed limit for radar speed enforcement.

2-C. Kempton Street at San Francisco Street/Orville Street, (58th Edition Thomas Guide Page 1291-B3) Spring Valley – Establish an All-Way Stop Control.

District 5

5-A. Vesper Road from Valley Center Road easterly 3,500 feet, (58th Edition Thomas Guide Page 1190 H1) Valley Center – Recertify the existing 50 MPH speed limit for continued radar speed enforcement.

5-B. Old Castle Road from Champagne Boulevard easterly 3,400 feet, (58th Edition Thomas Guide Page 1069 B6) Escondido – Decrease existing 50 MPH speed limit to 45 MPH, and combine with adjacent 0.6 mile segment (Item 5-C). Certify for radar speed enforcement.

5-C. Old Castle Road from a point 3,400 feet east of Champagne Boulevard easterly to a point 550 feet east of Mile Post 6, (58th Edition Thomas Guide Page 1069 B6) Escondido – Recertify the existing 45 MPH speed limit for continued radar speed enforcement and combine with the adjacent 0.64 mile

segment (Item 5-B).

- 5-D. Flowerwood Lane from Pala Road/SR-76 northerly to Knottwood Drive (58th Edition Thomas Guide Page 1048 C3) Fallbrook – Establish a 25 MPH speed limit and certify for radar speed enforcement.
- 5-E. Flowerwood Lane (58th Edition Thomas Guide Page 1048 C3) Fallbrook – Establish stop controls at Staghorn Court, Limber Pine Road, Brushwood Lane and Mendenaro Court.

CHIEF ADMINISTRATIVE OFFICER

- 1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alteration of existing public facilities relating to regulatory traffic control issues on County-maintained roads, resulting in negligible or no expansion of use beyond that existing at the time of the Board action.
- 2. Adopt the Traffic Advisory Committee’s recommendations.
- 3. Adopt the following Resolutions:
 - A RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 2-C); and
 - A RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 5-E).
- 4. Approve the introduction, read title and waive further reading of the following Ordinances:
 - AN ORDINANCE REPEALING SECTIONS 72.161.24.1. AND 72.161.24.11. OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-B);
 - AN ORDINANCE ADDING SECTION 72.161.24.12. TO THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-C); and
 - AN ORDINANCE ADDING SECTION 72.169.55.4. TO THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-D).

If, on January 6, 2016, the Board takes action as recommended in the Chief Administrative Officer's above Recommendation 4 related to Items 5-B, 5-C and 5-D, on January 27, 2016:

Consider and adopt:

AN ORDINANCE REPEALING SECTIONS 72.161.24.1. AND 72.161.24.11. OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-B) (Second reading);

AN ORDINANCE ADDING SECTION 72.161.24.12. TO THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-C) (Second reading); and

AN ORDINANCE ADDING SECTION 72.169.55.4. TO THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN SAN DIEGO COUNTY (Item 5-D) (Second Reading).

- 13. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF
ORDINANCE: IMPACT FEE DEFERRAL PROGRAM
EXTENSION (12/16/2015 – FIRST READING; 1/6/2016 –
SECOND READING) (DISTRICTS: ALL)**

OVERVIEW:

On December 16, 2015 (1), the Board introduced the Ordinance for further consideration and adoption on January 6, 2016.

In 2008, the State of California approved Assembly Bill 2604 which allows local governments to defer impact fees for land development projects as opposed to collecting the fees when the building permit is issued. The intent of the legislation was to promote economic stimulus by deferring the payment and collection of impact fees.

On December 10, 2008 (14), the Board of Supervisors (Board) directed the Chief Administrative Officer to draft ordinance amendments to defer impact fees for residential tracts and commercial building permits until final inspection or certificate of occupancy. The Board directed that the impact fee deferrals include Transportation Impact Fee (TIF), Park Lands Dedication Ordinance (PLDO) Fee, drainage fees, sanitation district fees, sewer fees, as well as a sunset date for the deferral program. On March 4, 2009 (2), the Board adopted the Impact Fee Deferral Program which included ordinance amendments to authorize a two-year deferral of certain impact fees in accordance with Assembly Bill 2604. On July 13, 2011 (7), and again on December 4, 2013 (4), the Board authorized two

separate two-year extensions of the Impact Fee Deferral Program, sun-setting December 31, 2015.

Today's request is that the Board authorize an additional two-year extension of the Impact Fee Deferral Program.

FISCAL IMPACT:

If approved, the Ordinances will result in the continued deferral of applicant payment and County collection of the TIF, PLDO Fee, drainage fees, sewer, and sanitation district fees. This deferral will result in a loss of revenue that would otherwise be generated by interest on the fees if they were collected earlier in the process. The previously adopted administration fee of \$170 ensures full cost recovery for additional staff time to administer the program, will remain unchanged. This administration fee will be charged for each commercial permit issued and for each grouped phase of homes for tract developments. Administration of the program will be accomplished with existing staff. Based on data from April 2009 – September 2015, customers were able to defer approximately \$5.5 million in impact fees, with an average deferral period of 136 days.

BUSINESS IMPACT STATEMENT:

Under Assembly Bill 2604, the proposed Impact Fee Deferral Program is designed to provide an economic stimulus for the region through the deferral of payment and collection of impact fees. The Building Industry Association (BIA) supports the extension of the impact fee deferral concept as a means to continue to stimulate development, job growth and the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Acting as the San Diego County Board of Supervisors:

Consider and adopt the Ordinance (second reading):

AN ORDINANCE AMENDING THE COUNTY CODE AND THE UNIFORM SEWER ORDINANCE RELATED TO THE DEFERRAL OF DEVELOPMENT IMPACT FEES.

Acting as Board of Directors of the San Diego County Flood Control District:

Consider and adopt the Ordinance (second reading):

AN ORDINANCE AMENDING FLOOD CONTROL DISTRICT ORDINANCE NUMBERS 6 AND 7 TO DEFER THE PAYMENT OF SPECIAL DRAINAGE AREA FEES.

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

Consider and adopt the Ordinance (second reading):

AN ORDINANCE AMENDING THE UNIFORM SEWER ORDINANCE RELATED TO THE DEFERRAL OF DEVELOPMENT IMPACT FEES.

(Relates to Flood Control District Agenda No. FL1 and Sanitation District Agenda No. SA1)

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

OVERVIEW:

On December 16, 2015 (8), the Board introduced the Ordinance for further consideration and adoption on January 6, 2016.

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

The proposed action includes approval of a new sunset review date for policies and ordinances revised by this letter. This action includes: revisions to County Administrative Code Article LIV, San Diego County Solid Waste Hearing Panel; Articles LVII, XV-A, San Diego County Environmental Health Advisory Board; and Article XV-AA, San Diego County Eye Gnat Abatement Appeals Board, Department of Environmental Health (DEH); rescission of Article XII-E of the County Administrative Code, Department of Agriculture, Weights and Measures (AWM); no changes are proposed to County Administrative Code Article XVI-E, Landscape Maintenance District No. 2 – Julian Advisory Committee, Department of Parks & Recreation (DPR); revisions to County Regulatory Code Title 2, Licenses, Business Regulations and Business Taxes; Title 4, Public Property; and Title 6, Health and Sanitation; rescission of Title 2, Pleasure Riding Trail Tax; revisions to Board Policies: A-115, F-016, F-045, I-038, and I-136; no revisions to Board Policies: A-008, A-100, I-017, I-018, I-22, and J-037; and rescission of Board Policy I-120. If the Board takes action on December 16, 2015 as recommended, the two proposed ordinance revisions will require adoption by a second reading on January 6, 2016.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations to amend certain Board of Supervisors Policies, Administrative Code, and County Code provisions and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

Adopt the Ordinances:

AN ORDINANCE REPEALING ARTICLE XII-E AND AMENDING ARTICLES XV-A, XV-AA, LIV, AND LVII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE PERTAINING TO THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES AND THE DEPARTMENT OF ENVIRONMENTAL HEALTH;

and

AN ORDINANCE REPEALING A PORTION OF TITLE 2 AND AMENDING PORTIONS OF TITLE 2, TITLE 4, AND TITLE 6, OF THE COUNTY REGULATORY CODE RELATING TO THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES, DEPARTMENT OF ENVIRONMENTAL HEALTH, AND DEPARTMENT OF PARKS AND RECREATION.

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