

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, APRIL 27, 2016, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

- A. Roll Call
- B. Closed Session
- C. Approval of Statement of Proceedings/Minutes for meeting of April 13, 2016.
- 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.
- E. Formation of the 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.

Supporting documentation and attachments for items listed on this agenda can be viewed online at <http://www.sdcountry.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:
 AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING
 ORDINANCE TO AMEND THE WHOLESALE LIMITED, BOUTIQUE AND
 SMALL WINERIES REGULATIONS; POD 14-005
- 2. NOTICED PUBLIC HEARING:
 AN ORDINANCE EXTENDING A MORATORIUM ON THE ESTABLISHMENT
 OF MEDICAL MARIJUANA COLLECTIVE FACILITIES
 (4 VOTES)
- 3. REDUCING THE AUTHORIZED MEMBERSHIP OF THE CAMPO / LAKE
 MORENA COMMUNITY PLANNING GROUP
- 4. EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS
 BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS

5. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR CULVERT REPAIR AND REPLACEMENT
[FUNDING SOURCE: HIGHWAY USER TAX ACCOUNT (GAS TAX)]

6. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE RELATED TO
WATER CONSERVATION IN LANDSCAPING; POD 15-003

7. DECREASING THE AUTHORIZED MEMBERSHIP OF THE COUNTY
SERVICE AREA NO. 26 RANCHO SAN DIEGO LOCAL PARK DISTRICT
CITIZEN ADVISORY BOARD

1. **SUBJECT: NOTICED PUBLIC HEARING:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY
ZONING ORDINANCE TO AMEND THE WHOLESALE
LIMITED, BOUTIQUE AND SMALL WINERIES
REGULATIONS; POD 14-005 (DISTRICTS: ALL)**

OVERVIEW:

This is a request for the Board of Supervisors (Board) to evaluate a proposed amendment to the Zoning Ordinance (Amendment) related to Wholesale Limited, Boutique and Small Wineries. The proposed amendment is to clarify the intent and resolve discrepancies in the Ordinance within the limitations of the previously certified Final Environmental Impact Report (EIR).

Since its adoption, a number of issues have arisen that affect the adequate implementation of the Zoning Ordinance (Ordinance). The clarifications include permitting of wine production facility structures and uses within the structures, importation of wine from outside sources, tasting/retail sales area size and definition, defining events and adding an allowance for fruit grown on a non-contiguous property to be considered in the percentage of fruit grown “on the premises” when it is owned or leased by the winery owner.

Today’s recommendation includes two Ordinance versions for the Board’s consideration, one from the Planning Commission and one from Planning & Development Services. The recommended Ordinances are consistent on a majority of the changes. The only area of difference is related to the importation of wine from outside the county at Boutique Wineries. The current Ordinance allows a winery to import a limited amount of fruit from outside the county. The Planning Commission recommends adoption of an Ordinance (Attachment C-1) which includes an allowance for a Boutique Winery to import a limited amount of fruit, juice and wine from outside the county. Planning & Development Services recommends adoption of an Ordinance (Attachment C-2) which includes an allowance for a Boutique Winery to import a limited amount of fruit and juice, but not wine, from outside the county.

FISCAL IMPACT:

There is no fiscal impact associated with today’s requested actions for Ordinance amendments. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
PLANNING COMMISSION**

The Planning Commission considered and made modifications to Planning & Development Services (PDS) recommendations to allow the importation of wine, in addition to fruit and juice, from outside the county at a Boutique Winery and requests that the Board:

1. Find that the Environmental Impact Report (EIR) dated July 14, 2010, on file with the Department of Planning & Development Services (PDS) as Environmental Review Number 08-00-004 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum thereto dated February 11, 2016, on file with PDS as Environmental Review Number 08-00-004A before approving the project; and that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated July 14, 2010, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated February 11, 2016.

2. Adopt the attached Form of Ordinance (Attachment C-1: Planning Commission Recommended Ordinance):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES REGULATIONS.

PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission's recommendation with the exception of allowing only the limited importation of fruit and juice, not wine, at a Boutique Winery. PDS recommends and requests that the Board:

1. Find that the Environmental Impact Report (EIR) dated July 14, 2010, on file with the Department of Planning & Development Services (PDS) as Environmental Review Number 08-00-004 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum thereto dated February 11, 2016, on file with PDS as Environmental Review Number 08-00-004A before approving the project; and that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated July 14, 2010, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated February 11, 2016.

2. Adopt the attached Form of Ordinance (Attachment C-2: Planning & Development Services Recommended Ordinance):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES REGULATIONS.

2. **SUBJECT: NOTICED PUBLIC HEARING:
AN ORDINANCE EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES (DISTRICTS: ALL)**

OVERVIEW:

On March 16, 2016 (3), the Board of Supervisors (Board) adopted an interim urgency ordinance enacting a moratorium on the establishment of medical marijuana collective facilities. The Board also directed staff to return at a future date with various ordinance options to address the siting and enforcement of these facilities. The interim urgency ordinance was adopted to allow County staff the time needed to research, analyze and develop possible actions based on the Board's direction. The interim urgency ordinance prohibits the establishment of new medical marijuana collective facilities to the extent allowed by law.

Pursuant to Section 65858 of the California Government Code, such an interim urgency ordinance is initially effective for a period of 45 days. Section 65858 permits an extension of the 45 day period, following public notice and public hearing, for an additional 10 months and 15 days. This action will extend the moratorium for 10 months and 15 days.

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. Based on the March 16, 2016 (3) Board direction, staff does not anticipate the need for additional funding to complete this action at this time. However, due to the evolving and uncertain nature of marijuana use, both medical and recreational, as a result of state legislation and a potential November 2016 ballot measure, the complexity of the proposed ordinance and enforcement options may increase. This may require staff to request additional funding at a future date.

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 of the State CEQA Guidelines because it is not a project as defined under the CEQA Guidelines.

2. Adopt the attached Form of Ordinance:
AN ORDINANCE EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY. (4 VOTES)
3. Provide any additional direction regarding this matter.

3. SUBJECT: REDUCING THE AUTHORIZED MEMBERSHIP OF THE CAMPO / LAKE MORENA COMMUNITY PLANNING GROUP (DISTRICT: 2)

OVERVIEW:

The Campo/Lake Morena Community Planning Group has had difficulty maintaining a full and active membership, and as a result, reaching a quorum has been challenging at times. This action reduces the authorized membership from 9 to 7.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

VICE-CHAIRWOMAN DIANNE JACOB

1. Determine that the authorized membership of the Campo/Lake Morena Community Planning Group shall be reduced to a total of 7 authorized members, by eliminating seats 6 and 7 (currently vacant), effective upon adoption of this item. Existing seats 8 and 9 should then be respectively renumbered to seats 6 and 7.
2. Direct the Chief Administrative Officer to revise the roster of the Campo/Lake Morena Community Planning Group, and to modify the seat numbers of sitting members for this change, and to have this change effective on the November 2016 ballot.

4. 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 bringing items forward for consideration individually.

This is a request to approve the extension of performance completion dates for seven bonded subdivision agreements to April 27, 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 3734-2: Sycamore Ranch, located in Fallbrook area. This project has 56 approved lots and the overall acreage is 173.65 acres.
- TM 4351-1: Mimulus Road, located in San Dieguito area. This project has eight approved lots and the overall acreage is 16.99 acres.
- TM 5060-1: Pauma Heights North, located in the Valley Center area. This project has 16 approved residential lots and the overall area is 41.75 acres.
- TM 5069-4: The Lakes, located in San Dieguito area. This project has 124 residential lots, nine private street lots and four open space lots and the overall acreage is 358.51 acres.
- TM 5093-1: CWV Cielo 41, located in San Dieguito area. This project has 96 approved residential lots, four open space lots, ten street lots, and the overall acreage is 245 acres.
- TM 5195-1: Shadow Ridge, located in Fallbrook area. This project has 40 residential lots, six open space lots, and the overall acreage is 69.98 acres.
- TM 5195-2: Shadow Ridge, located in Fallbrook area. This project has 61 residential lots, four open space lots, and the overall acreage is 35.53 acres.

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

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. Extend, to April 27, 2018, the performance completion dates in subdivision agreements for developments referenced by Tentative Map Nos. 3734-2, 4351-1, 5060-1, 5069-4, 5093-1, 5195-1, and 5195-2.

5. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR CULVERT REPAIR AND REPLACEMENT (DISTRICTS: 1, 2, 3 & 5)

OVERVIEW:

The Department of Public Works has identified various locations for repair and replacement of drainage culverts in communities throughout the county. The culvert work in this project restores the structural integrity of the culvert and protects the associated public road from potential failure.

This is a request to approve advertisement and subsequent construction contract award to the lowest responsive and responsible bidder for this project. The estimated cost for the project is \$1,800,000, including contingency. Project construction is scheduled to begin in the summer of 2016 and be completed by early 2017.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-16 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction costs for culvert repair and replacement will be \$1,800,000, including contingency. The funding source is Highway User Tax Account (gas tax). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

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

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because it involves the operation, repair, and maintenance of existing public roadway involving no or negligible expansion of existing use.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for subject public works project.
3. 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.

**6. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF
ORDINANCE: ORDINANCE AMENDING THE SAN DIEGO
COUNTY CODE RELATED TO WATER CONSERVATION
IN LANDSCAPING; POD 15-003 (DISTRICTS: ALL)**

OVERVIEW:

On April 13, 2016 (1), the Board introduced the Ordinance for further consideration and adoption on April 27, 2016.

On April 1, 2015, the Governor issued Executive Order B-29-15 in response to the severe drought conditions across the State. The Executive Order directed the California Department of Water Resources (DWR) to update the Model Water Efficient Landscape Ordinance (MWELo). The MWELo establishes a regulatory framework to increase water efficiency standards for new and modified landscapes. The updated MWELo was approved by the California Water Commission on July 15, 2015. The MWELo requires all California counties and cities to either adopt the State's updated MWELo or adopt a local ordinance that is as effective.

Today's action proposes amendments to the existing County Water Conservation in Landscaping Ordinance, San Diego County Code of Regulatory Ordinances § 86.701 et seq. (Ordinance) to address the recent update to the State's MWELo. The amendments would assure that the County's Ordinance is as effective as the MWELo while increasing water conservation efforts in conjunction with new and modified development landscapes.

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. As part of the Board's 2009 adoption of the Water Conservation in Landscape Ordinance, a \$50 flat fee was established to recover Building division staff review time of the landscape application packet required by the Ordinance. No new fees are required for this action. The existing \$50 flat fee will continue to be sufficient for review of submittal documents under the amended Ordinance.

BUSINESS IMPACT STATEMENT:

The new Ordinance applicability requirements as required by the State's updated MWELo, will now require more development projects to submit landscape application packets to the County. The County has created a Prescriptive Compliance Checklist to assist in streamlining this process. The County's review fee of \$50 will remain and no increase is needed. However, due to the State mandated requirement, this action could increase costs to additional applicants as part of the development process as a result of applicants now having to submit a landscape application when compared to the existing Ordinance.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the Ordinance:

AN ORDINANCE AMENDING TITLE 8, DIVISION 6,
CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF
REGULATORY ORDINANCES RELATING TO WATER
CONSERVATION IN LANDSCAPING.

- 7.** **SUBJECT: DECREASING THE AUTHORIZED MEMBERSHIP OF THE COUNTY SERVICE AREA NO. 26 RANCHO SAN DIEGO LOCAL PARK DISTRICT CITIZEN ADVISORY BOARD (DISTRICT: 2)**

OVERVIEW:

County Service Area (CSA) No. 26 (Rancho San Diego) was formed in 1970 to provide a funding source for planning activities associated with the community of Rancho San Diego. In 1991, the Board of Supervisors approved a Resolution establishing the Rancho San Diego Local Park District CSA-26 Advisory Board.

Today’s action would adopt a Resolution that would provide for a reduction in the membership of the Advisory Board to a minimum of 3 members and a maximum of 9 members (the current maximum under the 1991 Resolution) for an interim basis. At the end of 2016, the Advisory Board size would change to a minimum of 5 members and a maximum of 9 members. The Resolution would also redefine a quorum to be a majority of currently appointed members.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:
VICE-CHAIRWOMAN DIANNE JACOB

Adopt a Resolution entitled:

“A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS TO AMEND THE AUTHORIZED MEMBERSHIP OF THE COUNTY SERVICE AREA NO. 26 RANCHO SAN DIEGO LOCAL PARK DISTRICT CITIZEN ADVISORY BOARD AND TO REDEFINE A QUORUM TO BE A MAJORITY OF CURRENTLY APPOINTED MEMBERS”.