

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JUNE 3, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY ROOM 310,
SAN DIEGO, CALIFORNIA

Order of Business

- A. Roll Call
- 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 May 20, 2020.
- 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.

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: RECOMMENDATION FOR COUNTY OF SAN DIEGO PARTICIPATION IN GROUNDWATER MANAGEMENT OF THE BORREGO VALLEY GROUNDWATER BASIN |
| 2. | NOTICED PUBLIC HEARING: AMENDMENT TO OTAY RANCH VILLAGE 14 AND PLANNING AREAS 16/19, SPECIFIC PLAN AMENDMENT, REVISED VESTING TENTATIVE MAP AND SITE PLAN, AND AMENDMENT TO THE MULTIPLE SPECIES CONSERVATION PROGRAM, LOCATED IN THE JAMUL/DULZURA SUBREGIONAL PLAN AREA |

3. AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO WATER CONSERVATION IN LANDSCAPING (POD-20-002) (6/3/2020 - 1ST READING; 6/24/2020 - 2ND READING)

**1. SUBJECT: NOTICED PUBLIC HEARING:
RECOMMENDATION FOR COUNTY OF SAN DIEGO PARTICIPATION
IN GROUNDWATER MANAGEMENT OF THE BORREGO VALLEY
GROUNDWATER BASIN (DISTRICT: 5)**

OVERVIEW

On October 19, 2016 (1), the Board of Supervisors (Board) entered into a Memorandum of Understanding with the Borrego Water District to establish a Groundwater Sustainability Agency (GSA) over the Borrego Valley Groundwater Basin (Basin) (Attachment A) as required by the State of California's Sustainable Groundwater Management Act (SGMA). The purpose of a GSA under SGMA is to develop a Groundwater Sustainability Plan (Sustainability Plan) to achieve long-term groundwater sustainability in a basin.

To facilitate and support the Water Rights Holders Stipulated Agreement (Stipulated Agreement) process that was being undertaken in the Basin, on October 16, 2019 (10), the Board authorized the County of San Diego's (County) withdrawal from being a GSA without adopting the Sustainability Plan. The Stipulated Agreement is an alternative to the adoption and implementation of a Sustainability Plan by a GSA and allows water rights holders in the Basin to utilize the Sustainability Plan and work together collectively to determine their water rights and manage the Basin through a court-approved process.

Representatives from agriculture, golf courses, and municipal (Borrego Water District) groundwater pumpers in the Basin negotiated terms in a Stipulated Agreement, which was filed by the Borrego Water District with the Superior Court of California (Court) on January 31, 2020. Once a judgement is approved by the Court, the Stipulated Agreement will allow groundwater pumpers to be involved in managing their own groundwater resources and provide a comprehensive determination of groundwater rights in the Basin. The Stipulated Agreement includes the establishment of a Watermaster, governed by a Watermaster Board that is tasked with ensuring that water is allocated according to the established water rights as determined by the Court. The Watermaster Board will function similarly to the role of the GSA that the Board recently rescinded for the County in the Basin.

The Watermaster Board will also collect fees, impose reductions on groundwater use, and keep the long-term reduction schedule. The stipulating parties have requested the County's participation on the Watermaster Board along with a representative from the agricultural sector, golf courses, the municipal sector, and the Borrego Springs community.

Staff recommends that the County attend the Watermaster Board meetings as a community participant, and also recommends technical staff with subject matter expertise sit on the Technical Advisory Committee (Advisory Committee). Participation at this level will ensure the integration of groundwater sustainability measures with the County's existing land use and well-permitting responsibilities. Since the County is not a water manager or supplier in the Basin, staff is not recommending the County participate as a formal member of the Watermaster Board.

This item is a request for the Board to authorize staff to notify the stipulating parties of the County's intent not to serve on the Watermaster Board for the Basin, but reiterate the County's commitment to the participation in the program overall, through regular staff level attendance at Watermaster Board meetings and participation on the Advisory Committee.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Determine that the proposed action is not subject to the California Environmental Quality Act (CEQA), according to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Authorize the Director of the Department of Planning & Development Services to notify the Borrego Water District, any court with jurisdiction over the Stipulated Agreement, or any other relevant public or private parties of the County of San Diego's intent to participate on the Advisory Committee and attend public Watermaster Board meetings, but not serve as a formal member of the Watermaster Board for the Borrego Valley Groundwater Basin.

FISCAL IMPACT

There is no fiscal impact associated with the recommended Board action. Funds for staff attendance at Watermaster Board and Technical Advisory Committee meetings are included in the Fiscal Year 2019-20 Operational Plan for the Department of Planning & Development Services. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

2. **SUBJECT: NOTICED PUBLIC HEARING:
AMENDMENT TO OTAY RANCH VILLAGE 14 AND PLANNING
AREAS 16/19, SPECIFIC PLAN AMENDMENT, REVISED VESTING
TENTATIVE MAP AND SITE PLAN, AND AMENDMENT TO THE
MULTIPLE SPECIES CONSERVATION PROGRAM, LOCATED IN THE
JAMUL/DULZURA SUBREGIONAL PLAN AREA
(DISTRICTS: 1 AND 2)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider an amendment to Otay Ranch Village 14 and Planning Areas 16/19 (Project Amendment) that includes a Specific Plan Amendment, Revised Vesting Tentative Map and Site Plan, amendment to the Multiple Species Conservation Program (MSCP), and environmental findings prepared in accordance with the California Environmental Quality Act.

On June 26, 2019 (7), the Board considered and approved the Otay Ranch Village 14 and Planning Areas 16/19 project (Approved Project) and authorized County of San Diego (County) Counsel to sign a Dispute Resolution Agreement (DRA) between the County, the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service and GDCI Proctor Valley, L.P. (Applicant) in order to resolve the Wildlife Agencies' concerns about the project. The DRA was prepared to resolve concerns related to an incidental take permit that was required for three areas, Proctor Valley (PV) 1, 2, and 3, located within the Approved Project. The DRA included three steps: a land exchange between the Applicant and CDFW to be approved by the State's Wildlife Conservation Board; an amendment to the County's MSCP Subarea Plan to receive incidental take authorization for PV 2 and a small portion of PV 3; and changes to the Approved Project's configuration and footprint through a Project Amendment. The Project Amendment is before the Board today as a revised project to approve, approve with

modifications, or deny. If the Board denies the Project Amendment, the Approved Project will remain valid and the Applicant will still have to seek incidental take authorization from the Wildlife Agencies. If the Board modifies the Project Amendment, staff will update documentation, revise the Specific Plan Amendment, and return to the Board at a future date for consideration.

The Project Amendment includes revisions to the Approved Project to decrease the size of the development area by approximately 230 acres (from 809 acres to 579 acres), increase the amount of open space by approximately 311.8 acres (from 649.9 acres to 961.7 acres), and increase the number of residential units by 147 homes for a total of 1,266 residential units. Due to the increase in residential units, the Project Amendment also proposes to increase the size of the school site by 0.2 acres (from 2.5 to 2.7 acres) and increase the mixed-use site by one acre (from 1.7 to 2.7 acres). The Project Amendment maintains the 2.3-acre joint use site for a fire station and sheriff storefront and 17.2 miles of multi-use community trails and pathways. The Project Amendment includes 21.8 acres of public and private parks eligible for the Parkland Dedication Ordinance (PLDO), exceeding PLDO requirements by 1.8 acres, but representing a reduction of 1.5 acres in public and private parks acres proposed compared to the Approved Project. The site is located east of State Route 125 (SR-125) and west of State Route 94 (SR-94), approximately 0.25-mile northeast of the City of Chula Vista and 0.5 mile southwest of the community of Jamul within the Otay Subregional Plan Area and Jamul/Dulzura Subregional Plan Area.

RECOMMENDATION(S)
PLANNING COMMISSION

On April 3, 2020 the Planning Commission considered an amendment to Otay Ranch Village 14 and Planning Areas 16/19 (Project Amendment) and made the following recommendations to the Board of Supervisors:

1. Find that the Otay Ranch Village 14 and Planning Areas 16/19 Project Environmental Impact Report (EIR) dated May 2019, on file with the Department of Planning and Development Services as Environmental Review Number ER-16-19-006, was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County of San Diego (County) CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information as well as the Addendum dated March 2020, on file with PDS, before approving the Project Amendment (Attachment A, on file with the Clerk of the Board).
2. Find that there are no changes in the project or in the circumstances under which the Project Amendment is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated May 2019, 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 March 2020 (Attachment A, on file with the Clerk of the Board).
3. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN AMENDMENT SPA 19-001 for the reasons stated in it and discussed in this report (Attachment B, on file with the Clerk of the Board).

4. Adopt the Resolution entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING REVISED VESTING TENTATIVE MAP NO. PDS2019-VTM-5616R. This Resolution makes the required findings and imposes the requirements and conditions of approval necessary to ensure that the project is implemented in a manner consistent with State law and County regulations (Attachment C, on file with the Clerk of the Board).
5. Grant the Vesting Site Plan PDS2019-STP-19-029, which includes the requirements and conditions detailed in the Form of Decision (Attachment D, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with all the Planning Commission's recommendations and makes the following additional recommendations to the Board:

1. Adopt the Resolution entitled: AMENDMENT TO THE County's Multiple Species Conservation Program (MSCP) SUBAREA PLAN (Attachment E, on file with the Clerk of the Board).
2. Adopt the Biological Mitigation Ordinance Findings for Proctor Valley (PV) 2 and a portion of PV 3 Located in Otay Ranch Village 14 (Attachment F, on file with the Clerk of the Board).
3. Require the applicant to enter into an amendment to the Defense and Indemnification Agreement that it entered into with the County of San Diego (County) on June 24, 2019 in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Amendment. The Amendment would include the Project Amendment, and if litigation is filed challenging the Board's action on the Project Amendment, the existing security provided by the applicant in the amount of \$1,000,000 would cover litigation expenses for both the Approved Project and the Project Amendment (Attachment G).
4. Adopt a new condition of approval to REVISED VESTING TENTATIVE MAP NO. PDS2019-VTM-5616R requiring the Applicant to return to the Board of Supervisors on the location of carbon offsets for the additional 147 units in the Project Amendment and their associated increase of 51,244 metric tons of greenhouse gas emissions.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

3. SUBJECT: AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO WATER CONSERVATION IN LANDSCAPING (POD-20-002) (6/3/2020 - 1ST READING; 6/24/2020 - 2ND READING) (DISTRICTS: ALL)

OVERVIEW

On February 14, 2018 (1), the County of San Diego (County) Board of Supervisors (Board) adopted the Climate Action Plan (CAP) to reduce the County’s community-wide and government operations greenhouse gas (GHG) emissions.

The CAP includes measures W-1.2 “Reduce Outdoor Water Use” and A-2.1 “Increase Residential Tree Planting.” To implement these measures, amendments to the County Water Conservation in Landscaping Ordinance (Landscaping Ordinance), within the San Diego County Code of Regulatory Ordinances § 86.701 et seq. are required. Measure W-1.2 requires a 40% reduction from 2014 outdoor water use budgets for landscaping in new and existing residential and non-residential development. The County’s Landscaping Ordinance and outdoor water use budgets were last updated in 2016, and therefore a full 40% reduction from current water use budgets is not required to achieve the Measure W-1.2 requirements. The amendment to the Landscaping Ordinance would require a 24% reduction in outdoor water use for residential landscapes and a 7% reduction in non-residential landscapes from current water use budgets. Water conservation reduces GHG emissions in the unincorporated area by decreasing emissions produced during treatment and distribution of water used for landscape irrigation. Measure A-2.1 requires that two trees are planted for every new single-family residential dwelling unit constructed. Tree planting results in GHG emissions reductions by sequestering carbon in plant material and soil as they mature.

CAP Measures W-1.2 and A-2.1 are currently being implemented through the CAP Consistency Review Checklist during the discretionary review process for new development projects. The CAP Consistency Review Checklist is the mechanism by which discretionary review projects can demonstrate consistency with the CAP and qualify for a streamlined California Environmental Quality Act (CEQA) review process. The amendment to the Landscaping Ordinance will not change or expand the criteria under which projects must comply with the Landscaping Ordinance. It will codify CAP measures that are currently being implemented through the CAP Consistency Review Checklist.

This is a request for the Board to consider and adopt amendments to the Landscaping Ordinance to implement the County’s CAP. Adoption of the ordinance requires two actions. On June 3, 2020, it is requested that the Board approve introduction of the amendment to the Landscaping Ordinance. If the Board takes action on June 3, 2020, then on June 24, 2020, the Board may adopt the amendment to the Landscaping Ordinance.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On April 3, 2020, the San Diego County Planning Commission considered staff recommendations to amend the Landscaping Ordinance, as well as the information contained in the Final Supplemental Environmental Impact Report (Final SEIR), Addendum, and Environmental Review Update Checklist. The Planning Commission made the following recommendations to the Board of Supervisors (Board):

1. Find that it has reviewed and considered the Final SEIR dated February 14, 2018 on file with the Department of Planning and Development Services as Environmental Review Number PDS2016-ER-16-00-003 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines prior to making its recommendations. (Attachment E, on file with the Clerk of the Board);
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified Final SEIR dated February 14, 2018, 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 March 17, 2020. (Attachment E, on file with the Clerk of the Board); and
3. Adopt the attached Form of Ordinance entitled: AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO WATER CONSERVATION IN LANDSCAPING (POD-20-002) (Attachment B - Clean & Attachment C - Strikeout, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

On June 3, 2020, take the following actions:

1. Find that the Final Supplemental Environmental Impact Report (Final SEIR) dated February 14, 2018 on file with the Department of Planning and Development Services as Environmental Review Number PDS2016-ER-16-00-003 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County of San Diego’s CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum thereto dated March 17, 2020 on file with PDS before approving the project;
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified Final SEIR dated February 14, 2018, 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 March 17, 2020; and
3. Approve the introduction of the ordinance amendment (first reading), read title and waive further reading of the following ordinance:
AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO WATER CONSERVATION IN LANDSCAPING (POD-20-002) (Attachments B and C, on file with the Clerk of the Board).

If the Board takes the recommended actions on June 3, 2020, take the following action on June 24, 2020:

1. Submit the ordinance amendment for further Board consideration and adoption (second reading).
AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO WATER CONSERVATION IN LANDSCAPING (POD-20-002) (Attachments B and C, on file with the Clerk of the Board).
2. Direct that the operative date of the ordinance be July 24, 2020.

FISCAL IMPACT

There is no fiscal impact associated with the recommendations to adopt the amendment to the Landscaping Ordinance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

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