

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, SEPTEMBER 15, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. Roll Call
- B. Closed Session Report
- C. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of September 1, 2021.
- 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 www.sandiegocob.com 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.

ASSISTANCE FOR PERSONS WITH DISABILITIES:

Agendas and records are available in alternative formats upon request. Contact the Clerk of the Board of Supervisors office at 619-531-5434 with questions or to request a disability-related accommodation. Individuals requiring sign language interpreters should contact the Countywide ADA Title II Coordinator at (619) 531-4908. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.

LANGUAGE TRANSLATION ASSISTANCE:

Language translation services for public speakers are available upon request to the Clerk of the Board of Supervisors at least 72 hours prior to the meeting (refer to Board Policy A-139 for additional information). Please contact the Clerk of the Board's office at (619) 531-5434 or via e-mail at publiccomment@sdcounty.ca.gov.

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|--|
| 1. | NOTICED PUBLIC HEARING:
CONSIDER RESCINDING THE TRANSPORTATION STUDY GUIDE
IMPLEMENTING VEHICLE MILES TRAVELED ANALYSIS IN THE
UNINCORPORATED REGION |
| 2. | AUTHORIZING MICROENTERPRISE HOME KITCHEN OPERATIONS IN SAN
DIEGO COUNTY |
| 3. | ADVERTISE AND AWARD A CONSTRUCTION CONTRACT AND ESTABLISH
APPROPRIATIONS FOR THE BONSALL COMMUNITY PARK PROJECT
[FUNDING SOURCE: GENERAL FUND FUND BALANCE, GENERAL
PURPOSE REVENUE AND PARK LAND DEDICATION ORDINANCE 36] |
| 4. | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE
BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE
EASEMENT, AND REQUEST AUTHORIZATION TO QUITCLAIM A SEWER
EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]

(RELATES TO SANITATION DISTRICT AGENDA NO. 1) |
| 5. | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE AN
IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA
CREEK - DEER SPRINGS ROAD (SA 1414 - SF 1414) IN THE TWIN OAKS
VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |

**1. SUBJECT: NOTICED PUBLIC HEARING:
CONSIDER RESCINDING THE TRANSPORTATION STUDY GUIDE
IMPLEMENTING VEHICLE MILES TRAVELED ANALYSIS IN THE
UNINCORPORATED REGION (DISTRICTS: ALL)**

OVERVIEW

In 2013, the State of California passed Senate Bill 743 (SB 743), which changed how jurisdictions, including the County of San Diego (County), analyze transportation impacts from privately and publicly initiated projects under the California Environmental Quality Act (CEQA). The CEQA analysis can no longer use level of service (LOS) when analyzing transportation impacts. LOS focuses on road congestion by measuring average amount of delay experienced by vehicle drivers during the most congested time of day. SB 743 noted that while automobile delay explains how projects will affect drivers, it does not consider how projects and plans will change the number and length of driving trips and the corresponding effects on the environment.

Therefore, instead of using LOS, SB 743 identified Vehicle Miles Traveled (VMT) as the standard to evaluate a project's environmental impacts. VMT measures the amount and distance people drive to destinations, and the number of trips specific types of land uses will generate. The intent behind SB 743 was to balance the needs of congestion management (traffic) with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation.

On June 24, 2020 (6), the Board of Supervisors (Board) adopted the Transportation Study Guide (TSG), a technical guide for analyzing transportation impacts using VMT. The TSG describes the process and procedures for project applicants to use when preparing transportation analyses beginning July 1, 2020. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for a LOS D (stable flow of traffic with an acceptable level of delay) or better and ensure the safe operations of the roadways for all users.

In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and Sierra Club filed suit, alleging adoption of the TSG violated CEQA and SB 743. The case was most recently on the Closed Session agenda on September 1, 2021 (Item 21H). The case is pending and no decision has been issued.

On May 19, 2021 (1), the Board received an overview of options as part of the County's implementation of SB 743 and adoption of its TSG for VMT. The Board directed staff to explore 13 subject matter areas or items, and to track guidance from the California Governor's Office of Planning and Research related to VMT (Attachment B – May 19, 2021 Board of Supervisors Minute Order).

In its 2018 guidance, the Governor's Office of Planning and Research (OPR) recommended that, for projects in unincorporated county areas, the lead agency compare a project's VMT to "the region's" average VMT. However, the OPR Technical Advisory did not define a region and did not make any specific recommendations on the boundary that should be established for unincorporated areas to analyze VMT. On June 29, 2021, OPR clarified those unincorporated areas of counties should use a threshold based on the regional average VMT, which includes the entire San Diego county region.

In light of the clarification from OPR that unincorporated areas should use a threshold based on the regional average VMT for the entire San Diego county region, today's request is for the Board to adopt a resolution to rescind the current TSG, which had relied on an unincorporated area average for VMT.

The Board can receive the report and take no action today, which would leave the currently adopted TSG in place, or adopt the recommended actions to rescind the current TSG.

Today's action also includes direction for staff to return to the Board in January 2022 with additional information on the 13 items the Board directed staff to analyze related to VMT on May 19, 2021, including more opportunities for infill development, creation of transit accessible areas, opportunities for affordable housing, and VMT mitigation programs, and consider preparation of a revised TSG.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find and determine that the recommended action is not subject to the California Environmental Quality Act (CEQA) because it is an administrative activity of a local government that will not result in direct or indirect changes to the environment pursuant to CEQA Guidelines sections 15060(c)(2) and 15378(b)(5).
2. Adopt the Resolution titled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING THE TRANSPORTATION STUDY GUIDE INCLUDING THE TRANSPORTATION CEQA THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED.
3. Direct staff to return to the Board in January 2022 with additional information on the 13 items related to VMT that the Board directed staff to analyze on May 19, 2021.

EQUITY IMPACT STATEMENT

An analysis of transportation impacts as measured by Vehicle Miles Traveled will reduce environmental and health impacts associated with traffic, including noise, air pollution and safety, and help accomplish the goals of Senate Bill 743 to balance the needs of congestion management with goals related to infill development, promotion of public health, and reduction of greenhouse gas emissions.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years. Vehicle miles traveled analysis will continue to be conducted for publicly or privately initiated projects. Private development costs will be paid for by the private sector through the entitlement process. Public project costs will be identified during project development and funded in future Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

2. SUBJECT: AUTHORIZING MICROENTERPRISE HOME KITCHEN OPERATIONS IN SAN DIEGO COUNTY (DISTRICTS: ALL)

OVERVIEW

Microenterprise Home Kitchen Operations (MEHKOs) were created via Assembly Bill (AB) 626 which was passed unanimously by the State Assembly and Senate and signed into law by Governor Brown on September 18, 2018. AB 377 (AB 626 clean-up bill) was signed into law by Governor Newsom on October 7, 2019.

This legislation permits counties to authorize individuals to use their home kitchens to prepare, sell and serve up to 30 meals per day, or 60 meals per week, and collect a maximum annual revenue of \$50,000. Family members can be employed to help operate MEHKOs, along with a maximum of one paid non-family employee. Menus are restricted to items that can be prepared and sold the same day. Risky food preparation techniques are prohibited, therefore MEHKOs may not produce, serve, or use raw milk, or serve raw oysters or any other food requiring a Hazard Analysis Critical Control Point Plan (a written plan specifying procedures for maintaining food control throughout the entire food preparation, distribution, and storage process). Meals can be served in the home, picked up by the customer, or delivered by the MEHKO operator.

California Department of Health authorized online intermediaries, such as Foodnome, provide the mechanism to place an order with a MEHKO. They also provide a way to promote MEHKOs while collecting required taxes on behalf of the MEKHKO operators. MEHKOs require a valid health permit through the Department of Environmental Health and Quality, an initial inspection and annual inspections thereafter. MEHKO owners are required to obtain a Food Manager certificate and employees are required to obtain a Food Handler card.

Since the state established MEKHOs, over 140 MEHKOs have been authorized by the following seven jurisdictions: Alameda County, the City of Berkeley, Imperial County, Lake County, Riverside County, Santa Barbara County, and Solano County. Additionally, two counties, San Bernardino and San Mateo have authorized a MEKHKO pilot program.

Since the first MEHKO was authorized in May of 2019, there have been no known cases of MEHKO-related food born illness.

The following are benefits to authorizing MEHKOs:

- Creates significant economic opportunities for small-scale, home-cooking operations, which are primarily operated by women, immigrants, and people of color
- Encourages existing “informal” home food operations to become safer and legal
- Enables family members to continue providing in-home care for developmentally disabled family members and older family members while still earning much needed income
- Creates another path to supplementing family income for those hardest hit the by the COVID-19 pandemic and lockdowns
- Enables aspiring restaurateurs to try out and vet a menu while learning the basics of what it takes to run a small-scale retail food operation

- Provides additional food service options in remote locations
- MEHKOs pay state taxes and acquire business licenses
- San Diego County's Department of Health and Environmental Quality (DEHQ) has already developed a programmatic framework to implement and administer a MEHKO program.

RECOMMENDATION(S)

SUPERVISOR JOEL ANDERSON AND VICE-CHAIR NORA VARGAS

1. Direct the Chief Administrative Officer to return to the Board within 120 days with an ordinance authorizing MEHKO operations in San Diego County, consistent with state law.
2. Direct the Chief Administrative Officer to conduct community / local municipalities outreach and provide opportunities for public input during the drafting of the MEHKO program.
3. Direct the Chief Administrative Officer to implement a public education program for small volume home-based retail food operations and food safety, following the adoption of a MEHKO ordinance. This education should include suggestions and general guidance on being a good neighbor while running a small volume retail food operation, including considerations of land use, traffic, parking, noise and the importance of appropriate disposal for grease and other food-related waste.

EQUITY IMPACT STATEMENT

Experience with existing MEHKOs shows over 90 percent of them are operated by persons of color and 60 percent are operated by women. Consequently, authorizing MEHKOs in San Diego County provides an opportunity to implement public policy that will benefit communities of color, women, their families, and the community. It will also benefit those of limited income who have the entrepreneurial spirit and the desire to enrich their community through their cooking.

FISCAL IMPACT

There is no fiscal impact associated with the requested action. All costs will be covered by the MEHKO operator permit fees. There will be no change in net General Fund cost.

BUSINESS IMPACT STATEMENT

MEHKOs will create another avenue for San Diego county residents to create significant new income for their families. An in-depth Foodnome survey found that over 90 percent of MEHKOs in other counties are being operated by persons of color. Therefore, formally permitting MEHKOs to operate in San Diego County will have a positive impact on San Diego's communities of color, and women entrepreneurs. Further, legally permitted MEHKOs can serve as incubators for aspiring restaurateurs to try out and vet a menu while learning the basics of what it takes to run a small-scale retail food operation.

3. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT AND ESTABLISH APPROPRIATIONS FOR THE BONSCALL COMMUNITY PARK PROJECT (DISTRICT: 5)

OVERVIEW

Since 2008, the County of San Diego has acquired 717-acres along the San Luis Rey River between Interstate 15 and the old Olive Hill (Bonsall) Bridge in northern San Diego county, of which 545-acres are preserve land and 172 acres can be developed with active recreation. Bonsall Community Park Project is comprised of 63-acres. This site, formerly known as San Luis Rey Downs Golf Course, was acquired as one of two active recreation sites within the San Luis Rey River Park (SLRRP). This would be the first public park for the Bonsall community, offering much needed outdoor recreation. DPR hosted three public meetings to receive input from the community, which helped shape this park design. Amenities for the park include multiuse pathways, soccer fields, baseball/softball fields, basketball courts, tennis courts, restrooms, playgrounds, bike skills park, skate park, picnic areas, and a dog park. Upon completion of these projects and the opening of the park to the public, annual operations and maintenance of the park will be provided by the Department of Parks and Recreation (DPR). Due to the size of the park and number of new amenities, four additional full-time positions will be needed.

The FY 2021-22 Operational Plan included appropriations of \$24,950,000 for the entire SLRRP. The intent was \$1,000,000 would fund Bonsall Bridge Staging Area and \$23,950,000 would fund Bonsall Community Park. However, \$2,000,000 was inadvertently appropriated for Capital Project 1023730 SLRRP Bonsall Bridge Staging Area. Today's requested action will allocate the funding by establishing appropriations of \$1,000,000 based on the transfer from Capital Project 1023730 Bonsall Bridge Staging Area to Capital Project 1021895 SLR Moosa Active Recreation Node (Bonsall Community Park).

Today's requested action will also authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Bonsall Community Park project estimated at \$23,450,000 including contingency. \$1,027,000 will be used for design and environmental review. The remaining project funding of \$500,000 will be used for project related expenses including inspections, permitting, monitoring, construction management and project administration. The total project will cost \$24,977,000. If approved, project construction will begin winter 2021 with construction completion in summer 2023. Ongoing costs, addition of 4.0 full-time staffing positions, start-up costs and funding sources will be included and identified in the FY 2022-23 Operational Plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Addendum to the Final Programmatic Environmental Impact Report (PEIR) for the San Luis Rey River Park Master Plan (State Clearinghouse No. 2006051074), on file in the Department of Public Works has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained in the FPEIR and Addendum thereto dated August 27, 2021 on file (Attachment B) prior to approving the project, and that the Addendum reflects the independent judgement and analysis of the Board of Supervisors; and

Find that there are no changes in the project, proposed project, or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously certified FPEIR dated September 24, 2008, that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the FPEIR was certified as explained in the Environmental Review Update Checklist Form dated (August 27, 2021).

2. Transfer appropriations of \$1,000,000 within the Capital Outlay Fund and related Operatin Transfer In from the General Fund to fund construction costs for Capital Project 1021895 SLRRP Moosa Active Recreation Node (Bonsall Community Park) based on a transfer from 1023730 Bonsall Bridge Staging Area.
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 and Public Contract Code section 22160-22169, with respect to contracting for the construction of the Bonsall Community Park project.
4. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of Bonsall Community Park project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation has a goal of 3-acres of parkland per 1,000 residents to provide equitable access to outdoor recreation throughout the region. Currently, Bonsall has zero acres of public parkland and no active recreation amenities. The development of Bonsall Community Park within the San Luis Rey River Park will close this critical gap for the nearly 10,000 residents of Bonsall and provide a regional park option for surrounding communities. Parks encourage sharing of cultural traditions, history, and resources within communities through events and celebrations. Community members are able to recreate together in this shared space. According to the County of San Diego Parks Master Plan, last updated in 2020, the Bonsall Community Plan Area (CPA) is projected to have an increase in Hispanic and Asian residents and a decrease in White residents by 2040. In addition, population density is also projected to increase by over 51% in the northern half of the Bonsall CPA by 2040. Providing more park space for active and passive recreation will benefit all community members and will be critical as the population density increases.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the Capital Outlay Fund. If approved this request will result in estimated construction costs of \$23,450,000 for Capital Project 1021895 SLR Moosa Acquisition and Improvement. \$1,027,000 will be used for design and environmental analysis. The remaining project funds of approximately \$500,000 will be used for project-related expenses including inspections, permitting, construction management and project administration. The total cost of the project will be \$24,977,000. The funding sources are available prior year General Fund Fund Balance (\$11,790,000), General Purpose Revenue (\$13,150,000), and Park Land Dedication Ordinance 36 (\$37,000). Today's request will result in no change in General Purpose Revenue and no additional staff years.

Upon completion of these projects and the opening of the park to the public, annual operations and maintenance of the park will be provided by DPR. The total annual ongoing cost for operations and maintenance are estimated at \$552,000 for the following: \$210,000 for services and supplies and \$342,000 for the addition of 4.0 full-time equivalent positions (1 Supervising Park Ranger, 1 Recreation Program Coordinator and 2 Park Maintenance Workers). One-time start-up costs would also be needed and are estimated at \$155,000 for park vehicles, equipment, and tools. Ongoing costs, staffing, start-up costs and funding sources will be included and identified in the FY 2022-23 Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

4. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, AND REQUEST AUTHORIZATION TO QUITCLAIM A SEWER EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153) (DISTRICT: 1)**

OVERVIEW

The Asset Management Division of the Department of General Services (DGS) is processing a request to summarily vacate easement interests dedicated to the County of San Diego (County). A summary vacation is a streamlined process by which a public road or public service easement is abandoned through one action where public noticing is not required. A summary vacation may be requested by the public if an easement interest is found to be excess to County needs and the easement is not required for the purposes for which it was obtained. The applicant has requested to vacate the unconstructed roads of Bruin Way and Colace Court, together with the right to extend drainage facilities, excavation and embankment slopes beyond the dedicated public highway, and the landscape easement, as dedicated on County of San Diego Tract 5527-1, Map No. 16450.

Associated actions include quitclaiming a sewer easement dedicated to the San Diego County Sanitation District (District) on Map No. 16450. Quitclaiming is a process to give up all right, title, and interest granted to the County or District for public sewer purposes and removes the easement encumbrance from a property. Quitclaiming a sewer easement may be requested by the public if the rights are found to no longer be required for District purposes. In many cases a vacation and quitclaim can be a public benefit through improved use of the land made available by the vacation and quitclaim.

All of the easement interests that are the subject of this request are located in the unincorporated East Otay Mesa Community Plan Area. The public highway and public service easements are no longer needed because these items have been determined to be excess by the County and District, and there are no other public facilities within the easements that would be affected by this vacation.

Today's request is for the Board to adopt a resolution to summarily vacate the public highway together with the right to extend drainage facilities, excavation and embankment slopes beyond the offered public highway, and the landscape easement. The easement interests are described and depicted in Attachment C.

If authorized by the Board, acting as the Board of Directors of the District, the Director of the Department of General Services or an authorized designee will execute and record a deed to quitclaim the District's interest in the sewer easement described above and depicted in Attachment B.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as Board of Supervisors:

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of public right-of-way and landscaping easements that are not needed for public road or public service purposes, and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2021-0152-A pursuant to State of California Streets and Highways Code Section 8336.

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

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would only result in the quitclaiming of a public service sewer easement and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Find that the sewer easement is no longer required for District purposes.
3. Approve and authorize the Director, Department of General Services, or authorized designee, to execute and record a quitclaim deed for the sewer easement depicted in Attachment B.

EQUITY IMPACT STATEMENT

This resolution will provide public benefit through improved use of the land made available by the vacation and quitclaim. The process of vacating public easements takes equity into account and is in the public interest because it would eliminate an encumbrance on private lands no longer needed by the public.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,000 to process the summary vacation and proposed quitclaim. 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

(RELATES TO SANITATION DISTRICT AGENDA NO. 1)

5. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK - DEER SPRINGS ROAD (SA 1414 - SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108) (DISTRICT: 5)**

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request to summarily vacate an Irrevocable Offer of Dedication for Public Highway (IOD) dedicated to the County of San Diego (County). A summary vacation is a streamlined process by which a public road or public service easement is abandoned through one action where public noticing is not required. These may be requested by the public if the easement interests are found to be excess to County needs and are not required for the purposes for which they were obtained.

The applicants have requested to vacate all of the IOD recorded in the Office of the County Recorder of San Diego County, California, on July 30, 1980, as File No. 1980-0240579. The properties subject to the IOD are located within the Twin Oaks Valley subregional area of the North County Metro Community Plan Area in the unincorporated community of Twin Oaks. The IOD is for a portion of the unimproved

Buena Creek - Deer Springs Road, also known as Select Federal 1414 and Select Arterial 1414 (SF/SA 1414). This portion of the road has not been constructed, does not provide connectivity to other public roads, is not County maintained, and is not a General Plan Mobility Element (ME) roadway.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate an IOD for a portion of SF/SA 1414, together with the incidental rights to extend drainage facilities, excavation and embankment slopes beyond the IOD, that is excess right-of-way not required for street or highway purposes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of an offer of dedication for a public right-of-way easement that is not needed for public road purposes, and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK - DEER SPRINGS ROAD (SA 1414 - SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108).

3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2021-0108 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

This resolution will provide public benefit through improved use of the land made available by the vacation. The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of encumbrances from private lands that are no longer needed for public road purposes. The existing surrounding road system will continue to provide adequate access for all properties located near the proposed IOD vacation and the summary vacation would not preclude future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of General Services. If approved, this request will result in estimated expenses of \$3,500 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