COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, FEBRUARY 28, 2024, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. Roll Call

B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.

C. Closed Session Report

D. 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.

E. Approval of the Statement of Proceedings/Minutes for the meeting of February 7, 2024.

F. Consent Calendar

G. 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. To access the meeting virtually and offer public comment via a call-in option, please go to: www.sandiegocounty.gov/telecomments for instructions.

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.

LEVINE ACT NOTICE: DISCLOSURES REQUIRED ON SPECIFIED ITEMS (GOVERNMENT CODE § 84308)
The Levine Act states that parties to any proceeding involving a license, permit or other entitlement for use pending before the Board must disclose on the record of the proceeding any campaign contributions of more than $250 (aggregated) made by the parties or their agents to Board Members within the preceding 12 months. Participants with financial interests, and agents of either parties or participants, are requested to disclose such contributions also. The disclosure must include the name of the party or participant and any other person making the contribution; the name of the recipient; the amount of the contribution; and the date the contribution was made. This disclosure can be made orally during the proceeding or in writing on a request to speak.

Board of Supervisors' Agenda Items

CONSENT CALENDAR
All agenda items listed under this section are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the Board of Supervisors or the Chief Administrative Officer so requests, in which event, the item will be considered separately in its normal sequence.

Agenda #	Subject
1.	LOAN REQUEST AND ESTABLISH APPROPRIATIONS FOR PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 105 - ALTA LOMA DRIVE IN JAMUL AND ZONE NO. 105A - ALTA LOMA DRIVE, ZONE A IN JAMUL AND RELATED CEQA EXEMPTION [FUNDING SOURCE: SPECIAL ASSESSMENT REVENUE, LOAN REVENUE FROM THE PRD ZONE INTERNAL SERVICE FUND AND AVAILABLE PRIOR YEAR PRD ZONE 105 FUND BALANCE RELATED TO RECOMMENDATION. THE FUNDING SOURCES; ARE SPECIAL ASSESSMENT REVENUE, LOAN REVENUE FROM THE PRD ZONE INTERNAL SERVICE FUND AND AVAILABLE PRIOR YEAR PRD ZONE 105A FUND] (4 VOTES)
2.	GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PORTION OF AVOCADO BOULEVARD IN THE VALLE DE ORO COMMUNITY PLAN AREA, DECLARE THE PORTION AS SURPLUS LAND, AND APPROVE NOTICE OF EXEMPTION (VAC. NO. 2021-0200) [FUNDING SOURCE: HIGHWAY USERS TAX ACCOUNT (GAS TAX) FROM THE DEPARTMENT OF PUBLIC WORKS]

3. SET A HEARING FOR APRIL 10, 2024:
HILLSIDE MEADOWS OPEN SPACE VACATION AND AN ADDENDUM TO PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT; LAKESIDE COMMUNITY PLAN AREA (2/28/2024 - SET HEARING; 4/10/2024 - HOLD HEARING)
[FUNDING SOURCE: GLEICH PROPERTIES, LLC C/O RANDY LANG (THE APPLICANT)]

4. ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
PALOMAR AIRPORT ADVISORY COMMITTEE: AN ORDINANCE AMENDING SECTIONS 731 AND 732, ARTICLE XL, OF THE ADMINISTRATIVE CODE REGARDING MEMBERSHIP AND SELECTION OF THE SAN DIEGO COUNTY PALOMAR AIRPORT ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (2/7/2024 - FIRST READING; 2/28/2024 - SECOND READING

5. ALL COUNTY OF SAN DIEGO AIRPORTS - LEASE AMENDMENT TO ALL AVIATION LEASES LOCATED AT ALL COUNTY OF SAN DIEGO AIRPORTS TO ADD 5 YEARS TO EACH CURRENT TERM, NOT TO EXCEED A TERM OF 50 YEARS TO ADDRESS COVID RELATED IMPACTS AND RELATED CEQA EXEMPTION
[FUNDING SOURCE: AIRPORT ENTERPRISE FUND FUND BALANCE]
(4 VOTES)

6. AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS AND TO NEGOTIATE AND AWARD A CONTRACT FOR WATER QUALITY MONITORING AND REPORTING SERVICES AND RELATED CEQA EXEMPTION

7. APPROVE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO REGIONAL STORMWATER COPERMITTEES AND RELATED CEQA EXEMPTION
[FUNDING SOURCE: COPERMITTEE REVENUE AND DPW'S GENERAL PURPOSE REVENUE]

8. APPROVE COOPERATIVE AGREEMENT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AND AUTHORIZE CONTRACTS TO IMPLEMENT PROJECTS AND RELATED CEQA EXEMPTION

9. ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION MANAGER AT RISK CONTRACT FOR HERITAGE PARK BUILDING IMPROVEMENTS PROJECT, A CONSTRUCTION CONTRACT FOR HERITAGE PARK LANDSCAPE IMPROVEMENTS, AND CEQA ENVIRONMENTAL REVIEW UPDATE CHECKLIST
[FUNDING SOURCES: GENERAL PURPOSE REVENUE FUNDS FOR THE BUILDING RENOVATIONS AND GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF STATE PARKS AND RECREATION PER CAPITA PROGRAM; REVENUE GENERATED FROM FACILITY OPERATIONS.]

10.	AUTHORITY TO ADVERTISE AND AWARD CONTRACTS FOR THE COMPREHENSIVE TREE PROGRAM AND CEQA EXEMPTION [FUNDING SOURCE: EXISTING ONE-TIME GENERAL-PURPOSE REVENUE]
11.	IMPROVING CERTAINTY AND APPLICANT CONFIDENCE IN THE PERMITTING PROCESS FOR RESIDENTIAL PROJECTS PROPOSING UP TO 11 UNITS

DISCUSSION ITEMS

Agenda #	**Subject**
12.	NOTICED PUBLIC HEARING: ORDINANCE AMENDMENTS TO THE GRADING, CLEARING AND WATERCOURSES ORDINANCE TO ALLOW BY-RIGHT MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING PROJECTS UNDER STATE LAW AND CEQA ADDENDUM [FUNDING SOURCE: EXISTING ONE-TIME GENERAL PURPOSE REVENUE (GPR)]
13.	NOTICED PUBLIC HEARING: FEASIBILITY ANALYSIS ON TIERED WINERY EXPANSION AND ASSOCIATED EXEMPTION TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. SUBJECT: LOAN REQUEST AND ESTABLISH APPROPRIATIONS FOR PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 105 - ALTA LOMA DRIVE IN JAMUL AND ZONE NO. 105A - ALTA LOMA DRIVE, ZONE A IN JAMUL AND RELATED CEQA EXEMPTION (DISTRICT: 2)

OVERVIEW

Special districts are created to provide new or enhanced local services and infrastructure to specific communities. Permanent Road Division (PRD) Zones are a type of special district that provides private road maintenance services and are governed under Streets and Highways Code Section 1160, et seq. The County of San Diego's (County) PRD Program is administered by the Department of Public Works (DPW) and provides maintenance services to approximately 100 miles of private roads in multiple unincorporated communities. DPW uses Pavement Condition Index (PCI), a numerical index between 0 and 100, to quantify the quality of the roads, with 100 being a road in the best condition. Roads with a PCI between 25 and 50 are considered to be in poor condition. Road maintenance services are primarily funded by property owner paid assessments that are collected through the annual tax roll, reducing administrative costs from billing and payment collection. Regular road maintenance helps keep overall repair costs down, protects residents' investments in their properties, and enhances road safety by providing maintained access to homes and the community.

PRD Zone 105 - Alta Loma Drive (PRD Zone 105), located in the unincorporated community of Jamul, was formed in 1981 to provide maintenance services for three culverts and 0.54 miles of Alta Loma Drive. This section of Alta Loma Drive has a PCI of 35 and requires road resurfacing. PRD Zone 105A - Alta Loma Drive, Zone A (PRD Zone 105A), located in the unincorporated community of Jamul, was formed in 1981 to provide maintenance services for two culverts and 0.52 miles of Alta Loma Drive. This section of Alta Loma Drive has a PCI of 36 and requires road resurfacing.

DPW staff have coordinated with property owners in both PRD Zones to finalize road work plans which are estimated to cost $154,900 for PRD Zone 105 and $135,973 for PRD Zone 105A. To fully fund the road work projects, property owners within PRD Zone 105 and 105A approved borrowing money through loans from the County's PRD Internal Service Fund. The road work in PRD Zone 105 will be funded by $96,900 from PRD Zone 105's fund balance and a loan of $58,000. Road work in PRD Zone 105A will be funded by $103,473 from PRD Zone 105's fund balance and a loan of $32,500.

This is a request for the Board to adopt resolutions authorizing the loan and transfer of $58,000 from the PRD Internal Service Fund to the PRD Zone 105 Fund and $32,500 from the PRD Internal Service Fund to the PRD Zone 105A Fund. The loan, principal and interest, will be repaid over five years beginning in FY 2024-25. The interest rate will be 4.57% as determined by the Treasurer-Tax Controller. This is also a request to establish additional appropriations in the current Fiscal Year 2023-24 of $6,900 from PRD Zone 105 fund balance and to establish additional appropriations in the current Fiscal Year 2023-24 of $8,473 from PRD Zone 105A fund balance. DPW anticipates beginning the road work in Spring 2024 and it will take approximately one week to complete.

RECOMMENDATION(S)
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 State CEQA Guidelines because the activity involves approval of a funding mechanism for the purpose of repairing existing roads, involving negligible or no expansion of existing or former use.

2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING TRANSFER OF MONEY TO SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 105 - ALTA LOMA DRIVE AND SCHEDULE FOR REPAYMENT TO THE COUNTY.

3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING TRANSFER OF MONEY TO SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 105A - ALTA LOMA DRIVE, ZONE A AND SCHEDULE FOR REPAYMENT TO THE COUNTY.

4. Establish appropriations of $64,900 in PRD Zone 105, Service & Supplies, for road repairs, based on a loan of $58,000 from the Permanent Road Division Internal Service Fund and $6,900 based on available prior year PRD Zone 105 Fund fund balance.
   (4 VOTES)

5. Establish appropriations of $40,973 in PRD Zone 105A, Service & Supplies, for road repairs based on a loan of $32,500 from the Permanent Road Division Internal Service Fund and $8,473 based on available prior year PRD Zone 105A Fund fund balance.
   (4 VOTES)

EQUITY IMPACT STATEMENT
Today's action continues the County's commitment to providing programs and services that enhance the health and safety of our local communities. The loan authorized in today's action will help fund a road work project that will improve the condition of Alta Loma Drive ensuring residents have safe access to and from their properties. Good condition roads will also improve delivery services and ensure timely emergency response for property owners.

SUSTAINABILITY IMPACT STATEMENT
Today's action to authorize loans and establish appropriations for PRD Zone No. 105 - Alta Loma Drive (PRD Zone 105) and PRD Zone No. 105A - Alta Loma Drive, Zone A (PRD Zone 105A) supports the County's Sustainability Goals to protect the environment, and health and well-being of residents. Performing road work in a timely manner prevents more costly repairs in the future, supporting both economic and environmental sustainability. Well-maintained roads also reduce costly vehicle maintenance and operation resources, supporting social sustainability. The proposed loan will help fund a road work project to improve Alta Loma Drive to good condition. Roads in good condition protect property owners' investments in their properties and provide economic benefits to the community.

FISCAL IMPACT
Funds for this request are partially included in the Fiscal Year (FY) 2023-24 Operational Plan in the DPW PRD Zone 105 and PRD Zone 105A. If approved, this request will result in current year costs and revenue of $154,900 for road repairs for PRD Zone 105. The funding sources are special assessment revenue ($90,000), loan revenue from the PRD Zone Internal Service Fund ($58,000), and available prior year PRD Zone 105 fund balance ($6,900) related to recommendation 4. If approved, this request will result in current year costs and revenue of $135,973 for road repairs for PRD Zone 105A. The funding sources are special assessment revenue ($95,000), loan revenue from the PRD Zone Internal Service Fund ($32,500) and available prior year PRD Zone 105A fund balance ($8,473) related to recommendation 5. The loan amounts $58,000 for PRD Zone 105 and $32,500 for PRD Zone 105A will be repaid in five years beginning in FY 2024-25 at a fixed simple interest rate of 4.57% percent, which is the current rate per annum received on similar types of investments by the County as determined by the County Treasurer-Tax Collector. Repayment of the loans will be funded through future annual benefit assessments collected on the tax rolls within PRD Zone 105 and PRD Zone 105A, and annual payments are estimated at $20,581.51. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

2. SUBJECT: GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PORTION OF AVOCADO BOULEVARD IN THE VALLE DE ORO COMMUNITY PLAN AREA, DECLARE THE PORTION AS SURPLUS LAND, AND APPROVE NOTICE OF EXEMPTION (VAC. NO. 2021-0200) (DISTRICT: 4)

OVERVIEW
The Asset Management Division of the Department of General Services (DGS) is processing a request from the Transportation Division of the County of San Diego (County) Department of Public Works (DPW) to summarily vacate a portion of Avocado Boulevard formerly leased by Caltrans for use as a Park-and-Ride facility. A summary vacation is a streamlined process by which a public road, or a public service easement is abandoned. A summary vacation may be requested if the right-of-way of a street or a highway is found to be excess to County needs and is not required for the purposes for which it was obtained. In this instance, the public will benefit from the proposed road vacation because it would improve the use of the approximately 0.67-acres of land that would be released, subject to a surplus land declaration and a subsequent conveyance of the property.

The property is located within the Valle de Oro Community Plan Area in the unincorporated community of Valle do Oro. DPW has determined that the former Park-and-Ride facility is excess and no longer needed for present or future public use. The area to be vacated is not required for Avocado Boulevard right-of-way. The vacation of the excess right-of-way will remove an encumbrance that would allow for alternate uses and disposition of the remaining underlying County-owned property.

Today's requests are for the Board of Supervisors to adopt a Resolution to summarily vacate a portion of Avocado Boulevard that is excess right-of-way not required for street or highway purposes and declare the excess right-of-way identified as County Parcel No. 2021-0200 surplus to County needs. If the Board of Supervisors approves the recommended actions, DGS will issue a Notice of Availability to non-County entities including local agencies and affordable housing sponsors pursuant to Surplus Land Act ("SLA") requirements. Should one or more entities respond with interest in affordable housing development on the property, DGS will enter into good faith negotiations with them as required by SLA. If negotiations are not successful or if no interest is received, DGS will return to the Board of Supervisors to adopt a Resolution to sell the property and notice inviting bids in accordance with California Government Code Section 25520 et seq.

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 a portion of a public highway 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. Find the surplus real property declaration categorically exempt from environmental review pursuant to Section 15312 of the California Environmental Quality Act (CEQA) Guidelines as the action involves the first step in the sale of surplus government property that is not located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4) of the State CEQA Guidelines.

3. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A PORTION OF AVOCADO BOULEVARD IN THE VALLE DE ORO COMMUNITY PLAN AREA (VAC. NO. 2021-0200) (Attachment C, on file with the Clerk of the Board).

4. Direct the Clerk of the Board to record the Resolution to Summarily Vacate a Portion of Avocado Boulevard in the Valle De Oro Community Plan Area (VAC. NO. 2021-0200) pursuant to State of California Streets and Highways Code Section 8336.

5. Declare County Parcel No. 2021-0200 surplus and not necessary for County of San Diego's use.

EQUITY IMPACT STATEMENT

The resolution to remove an encumbrance from publicly owned land that is no longer needed for public purposes will provide an overall public benefit and would allow for improved use of the land. The proposed summary vacation is in a general commercial zoned area, will allow the County to dispose of the property, and will not preclude future development.

SUSTAINABILITY IMPACT STATEMENT
The proposed action to summarily vacate a portion of Avocado Boulevard contributes to the County of San Diego Sustainability Goal No. 1 to engage the community to partner and participate in decisions that impact their lives and communities and Goal No. 2 to provide just and equitable access to develop or dispose of their land. This action removes an unneeded encumbrance from the use of land and will allow for its sale so that it can be put to a more productive use by the community.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year 2023-24 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of $5,000 to process the proposed vacation, and estimated costs of $8,000 to process the proposed Notice of Availability as required by the Surplus Land Act. The funding source is Highway Users Tax Account (gas tax) from the Department of Public Works. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

3. SUBJECT: SET A HEARING FOR APRIL 10, 2024: HILLSIDE MEADOWS OPEN SPACE VACATION AND AN ADDENDUM TO PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT; LAKESIDE COMMUNITY PLAN AREA (2/28/2024 - SET HEARING; 4/10/2024 - HOLD HEARING) (DISTRICT: 2)

OVERVIEW
Planning & Development Services (PDS) is processing a request from Gleich Properties, LLC C/O Randy Lang (Applicant) for an Open Space Easement Vacation (Vacation) (see Attachment B, open space area to be vacated on Final Map 16556) for the Hillside Meadows project that is located on privately owned parcels (see Attachment E, ownership disclosure form) in the Lakeside Community Plan Area (see Attachment A, vicinity map).

The Vacation is proposed on nine individual lots located northeast of the extension of Mast Boulevard, west of Pinery Grove, and east of Ranchitos Place in the Lakeside Community Planning Area, within unincorporated San Diego County (APN 379-024-23). The parcel is privately owned by Lakeside Investment Company, L.P. and the property owner has authorized Gleich Properties, LLC C/O Randy Lang, the Applicant, to process the requested vacation. The Hillside Meadows project (Project) is located within an Infill Area under the County's Transportation Study Guide (TSG) for Vehicle Miles Traveled (VMT). The Project is a major subdivision that subdivides 37 acres into 142 single family lots, 2 industrial lots, a public park, and 20-foot trail easement.

The temporary easement for open space was granted as part of Final Map 16556 (see Attachment B). The Project proposes to vacate a temporary easement for open space on nine individual lots, initially dedicated based on a project condition that nine lots remain in open space until an agreement is reached with the neighbor (Hilliker Egg Ranch) to fund the construction of concrete floors at the existing egg ranch. This open space easement was not implemented as a mitigation measure. The condition also noted that the overall cost should not exceed $100,000. An agreement has been reached between the property owners and the vacation can proceed (Attachment H), allowing the open space easement to be vacated and nine lots to be developed with single family residences. This Vacation is required for the future development of single family homes on lots 92, 135-141, and 143, identified in sheet 7 of Attachment B.

If the Vacation is approved, construction of all the homes within the project can proceed, which includes up to 142 single family homes. If the Vacation is not approved, the Project could still move forward, including construction of up to 133 homes, but nine of the lots would not be able to be developed with single family homes.

Today's request requires two steps: February 28, 2024, it is requested that the County of San Diego Board of Supervisors (Board) set a date for a public hearing on April 10, 2024, and provide public notice of that hearing, which includes posting at the project site. If the Board takes action recommended on February 28, 2024, then on April 10, 2024, it is requested that the Board consider and adopt a resolution to vacate a portion of the referenced open space easement and record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING THE OPEN SPACE EASEMENT.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
On February 28, 2024, take the following actions:

1. Set a public hearing on April 10, 2024, at 9:00 a.m. to consider vacating the temporary easement for open space on nine individual lots (lots 92, 135-141, and 143). (Attachment B).

2. Direct the Clerk of the Board of Supervisors (Clerk) to provide notice of the hearing via publication and posting as required by law.

If on February 28, 2024, the Board takes action recommended in items 1-2, then on April 10, 2024:

1. Adopt the environmental findings, which include findings in accordance with Section 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines. Confirm that there are no substantial changes in the Vacation or in the circumstances under which the Vacation is undertaken that involve significant new environmental impacts which were not considered in the Upper San Diego River Improvement Project Final Programmatic Environmental Impact Report (EIR), Log No. 98-10-014, State Clearinghouse (SCH) Number 98041146, completed in August 2000 (see Attachment C, environmental documentation) and An Addendum to the Previously Adopted Environmental Impact Report for the Upper San Diego River Improvement Project (USDRIP) for Purposes of Consideration of Hillside Meadows, TM 5203RPL1, Log No. 00-14-016 (Addendum), SCH Number 2002119034, completed in September 2002

(Attachment C). Confirm that the EIR and Addendum analyzed the impacts of all 142 residential units, 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 and Addendum were adopted (Attachment C).

2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING THE OPEN SPACE EASEMENT PDS2023-VAC-23-003 (Attachment D).

3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325.

EQUITY IMPACT STATEMENT
The approval of this Vacation is a step towards fostering increased housing development in the community. By removing the open space easement, this Vacation supports the goal of expanding residential opportunities and reflects a commitment to accommodating community growth and housing needs in the unincorporated area.

SUSTAINABILITY IMPACT STATEMENT
The proposed action to vacate an existing open space easement facilitates a residential development aligned with the elements of the San Diego County General Plan, and the Upper San Diego River Improvement Project Specific Plan, demonstrating a commitment to organized and planned growth. The Vacation also aligns with the Lakeside Community Plan, specifically the policy and recommendation to confine higher density residential development to the areas that have all necessary public facilities; are within the existing sewer districts; and are adjacent to major roads and commercial areas. The proposed project is also within an Infill Area under the County's Transportation Study Guide (TSG) for Vehicle Miles Traveled (VMT). The development will also provide a public park and an equestrian trail. The proposed action will support development with a sustainability-conscious approach by ensuring reliance on existing infrastructure, reducing the need for extensive new infrastructure, and enhancing accessibility to green spaces and recreational opportunities.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year 2023-24 Operational Plan in Planning & Development Services. If approved, this request will result in estimated costs and revenue of $10,699 for the Open Space Vacation and will cover the staff time involved with preparing the resolution, public notice, Board letter, and public hearing documents. The funding source for this project is provided by Gleich Properties, LLC C/O Randy Lang (The Applicant). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

4. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: PALOMAR AIRPORT ADVISORY COMMITTEE: AN ORDINANCE AMENDING SECTIONS 731 AND 732, ARTICLE XL, OF THE ADMINISTRATIVE CODE REGARDING MEMBERSHIP AND SELECTION OF THE SAN DIEGO COUNTY PALOMAR AIRPORT ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (2/7/2024 - FIRST READING; 2/28/2024 - SECOND READING (DISTRICTS: 3 AND 5)

OVERVIEW
On February 7, 2024 (3), the Board of Supervisors took action to further consider and adopt the Ordinance on February 28, 2024.

McClellan-Palomar Airport is located in the City of Carlsbad and is one of eight airports owned by the County of San Diego (County) and operated by the Department of Public Works (DPW). Palomar Airport was constructed on County-owned property, and when it opened in 1959, the surrounding area consisted mainly of agricultural uses and a landfill. Today, the airport serves the region as a vital air transportation hub, an emergency services facility, and an economic engine that supports 2,590 local jobs. Additionally, it generates $72 million in tax revenues and $461 million in economic activity annually.

On January 5, 1988 (43), the Board of Supervisors (Board) added Article XL to the San Diego County Code of Administrative Ordinances (Administrative Code) to formalize the duties, responsibilities, membership, and selection of the Palomar Airport Advisory Committee (PAAC). The PAAC was originally established to develop a noise control plan for the airport; however, its duties have expanded to advising the Board and the Chief Administrative Officer on airport land use, development, master planning, and operational issues. The PAAC has also grown to provide a forum for neighboring communities to speak on matters involving the airport.

The criteria for PAAC membership, including the nomination and appointment process, are defined in Article XL of the Administrative Code. The PAAC is currently comprised of nine members who have a general interest in aviation, aviation leasing or business and understanding of the surrounding communities. During the formation of the PAAC in 1988, Palomar Airport was within the boundaries of the Third Supervisorial District and was bordering the Fifth Supervisorial District. At that time, PAAC membership stood at eleven members nominated by both districts, with four from the Third Supervisorial District and seven from the Fifth Supervisorial District. Following a subsequent supervisorial boundary redistricting approved by the Board on July 31, 2001(18), Palomar Airport was located entirely within the boundaries of the Fifth Supervisorial District. As a result, the Board amended Article XL of the Administrative Code to reduce the membership to nine and to have the Fifth Supervisorial District nominate all nine members. Discussions with Carlsbad, prompted by the development of the Palomar Airport Master Plan during 2018, eventually led to the amendment of Article XL on January 9, 2019 (04) to enable the cities of Carlsbad, Vista, San Marcos, and Oceanside to recommend PAAC seats to the Board for consideration through the Fifth Supervisorial District. The remaining five seats are also currently nominated by the Fifth Supervisorial District.

On January 15, 2022, the County Independent Redistricting Commission completed redistricting of the supervisorial districts. As a result of redistricting, the footprint of Palomar Airport now resides entirely within the Third Supervisorial District and aircraft operations impact surrounding communities in both the Third and Fifth Supervisorial Districts.

On November 7, 2023 (15) to better align PAAC membership with recent redistricting, the Board approved a resolution to direct an amendment of Section 731 - Membership and Selection of Administrative Code Article XL. The Board directed staff to return with an amendment to Article XL to formalize PAAC membership and nomination changes as described below.

The recommended changes to the PAAC Ordinance are to:

1) Divide eight of the nine PAAC seats evenly among District 3 and District 5, with four nominations assigned to each respective district;

2) Require that of the four Third District nominations, two be for persons residing in the City of Carlsbad and two for persons residing within the Third District;

3) Require that of the four Fifth District nominations, three be for a person residing in one of each of the three cities of Oceanside, San Marcos, and Vista and one for a person residing in the Fifth District;

4) Require the ninth member of the PAAC be nominated by the County's Chief Administrative Officer, and be an industry representative with expertise and experience at Palomar Airport in aviation and/or aeronautical airport business operations within fields such as, but not limited to a pilot, mechanic, airplane owner, airport property business owner who is a lessee or sub-lessee, or other related fields and have a demonstrated interest in the economic viability of the airport;

Each of the eight members nominated by a Supervisor would continue to serve terms that run concurrent with the appointing Supervisor, with the CAO appointment's term running concurrent with the District 3 Supervisor.

Today's action would amend the Administrative Code to more closely align PAAC membership and selection with the new supervisorial districts and to allow the committee to continue to provide its expertise and guidance. The ordinance will be introduced on Feb 7, 2024. If approved, it will be scheduled for adoption on Feb 28, 2024.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
Adopt the Ordinance entitled: AN ORDINANCE AMENDING SECTIONS 731 AND 732, ARTICLE XL, OF THE ADMINISTRATIVE CODE REGARDING MEMBERSHIP AND SELECTION OF THE SAN DIEGO COUNTY PALOMAR AIRPORT ADVISORY COMMITTEE.

EQUITY IMPACT STATEMENT
San Diego County's eight airports provide vital air transportation hubs, emergency response facilities, and economic engines. In alignment with County policy and with federal obligations, County Airports pursues delivery of these services in a fair and equitable manner and actively works to remove barriers, encourage participation, and provide competitive opportunities for Disadvantaged Business Enterprises. As part of the National Plan of Integrated Airport Systems, County Airports connect rural, suburban, and urban communities, business, and people by facilitating over 518,000 commercial, corporate, government, and private aircraft operations annually. As bases for CalFire, US Forest Service, Sheriff ASTREA (Aerial Support to Regional Enforcement Agencies), and Mercy Air, County Airports ensure the readiness and rapid response of emergency services for residents throughout the county, including underserved communities. If the Board approves today's resolutions, it will allow the PAAC to continue to provide its expertise and guidance to County Airports in regard to Palomar Airport, while also enabling the County to continue to ensure its membership reflects the communities around the airport.

SUSTAINABILITY IMPACT STATEMENT
The PAAC plays an important role in community access and engagement in the operation and development of Palomar Airport and today's action is consistent with the County's sustainability goal of providing just and equitable access to County services and resources in support of sustainable communities. County Airports is currently underway with the creation of a Sustainability Management Plan (SMP) which will guide Palomar Airport, as well as all County Airports, to the path of environmentally sustainable projects and initiatives. The PAAC will be a stakeholder in the creation of the SMP.

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

BUSINESS IMPACT STATEMENT
Maintaining the resiliency of existing airport facilities is one of the most important components of County Airports and ensures the safe and efficient movement of people and goods and supports sustainability in the local economy.

5. SUBJECT: ALL COUNTY OF SAN DIEGO AIRPORTS - LEASE AMENDMENT TO ALL AVIATION LEASES LOCATED AT ALL COUNTY OF SAN DIEGO AIRPORTS TO ADD 5 YEARS TO EACH CURRENT TERM, NOT TO EXCEED A TERM OF 50 YEARS TO ADDRESS COVID RELATED IMPACTS AND RELATED CEQA EXEMPTION (DISTRICTS: 2, 3 AND 5)

OVERVIEW
There are eight airports owned by the County of San Diego (County) and operated by the County Department of Public Works (DPW). They are Gillespie Field, McClellan-Palomar Airport, Fallbrook Airpark, Ramona Airport, Borrego Valley Airport, Jacumba Airport, Ocotillo Airport, and Agua Caliente Airport. The County Airports' system is operated, maintained, and improved using lease revenues and federal and State grant funding. County Airports' infrastructure and

facilities include runways, taxiways, air traffic control towers, communications, and related equipment. Services available to corporate and general aviation users include hangar and tie-down rentals, aviation fuel sales, aircraft repair, maintenance, parts, pilot supplies, flight training, and out-of-state flights. County airports serve the public by housing aviation facilities and equipment used by local law enforcement agencies, aerial firefighting, and other emergency services providers, and provides flights to the general public. County airports include industrial-zoned land that allows for other airport-compatible uses of the property such as manufacturing, storage, and other commercial uses as those in our Gillespie Field and McClellan-Palomar Airport industrial parks. Leasing airport land generates revenue for the Airport Enterprise Fund (AEF), which DPW uses to ensure that all County airports are properly maintained and safe for users and surrounding communities.

County of San Diego Airport Lessees were greatly impacted by the COVID-19 pandemic. On February 14, 2020, the San Diego County Public Health Officer issued a Declaration of Local Health Emergency, pursuant to California Health and Safety Code Section 101080. Additionally, on that day, pursuant to California Government Code 8630, the Chief Administrative Officer, serving as the County of San Diego (County) Director of Emergency Services and as the Coordinator of the Unified San Diego County Emergency Services Organization, issued a Proclamation of Local Emergency.

On April 7, 2020, (4) the Board approved renters of County-owned residential and commercial property located in incorporated and unincorporated areas impacted by the COVID-19 emergency to be entitled to rent deferral and a moratorium on eviction, in accordance with the resolution adopted on March 24, 2020 (19). Gillespie Field lessees accepted the County's rent deferral method and applied it to their leases to alleviate some of the economic hardship the lessees encountered since the onset of the COVID-19 pandemic. The Gillespie Field Development Council, an advisory committee, requested that aviation leases located at all eight County Airports, be given an optional five-year term extension of their current term to help restore revenue lost from the effects of COVID-19. County Airports agrees this is an equitable opportunity to provide the extension to all aviation leases at all eight County Airports. This is a request to approve the amendments to aviation leases, located at all eight County airports, if they are currently in compliance with their lease language. This request will add up to five years to aviation leases that will not pass a cumulative 50-year lease term with this additional extension.

This request comes forth on behalf of the aviation lessees request based on economic need following the COVID-19 pandemic and its continued effects on individuals, families, and small businesses located at the eight County airports and in the surrounding community. With the proposed action, the lessees' current monthly rent will not be increased along with this proposed action; however, affected lessees will continue to pay their current monthly rent and will continue to be subject to all other terms of the lease language, including language that may increase their rent during this five-year extension such as, scheduled rent adjustments, and annual CPI increases. If a lease that will be extended with this action is scheduled for a rent adjustment or any action that increases the monthly rent is due at the time of the lease extension, the increase of rent will be applied as scheduled pursuant to the language of the lease. The historical and customary equity payment to the County, and the capital improvement requirement that accompanies the extension of lease term, will not be applied to these leases when extending the term up to five years.

If approved, the amendments will be effective on the day after each lease original termination date and end on the new termination date that falls on the anniversary of the begin date. The amendment would add up to an optional five-year extension to the lease term, which may be exercised if specified conditions are met. Lessees are expected to be compliant with the terms of the lease prior to a lease extension applied to the lease. Thereafter, lease term extension requests will be completed as normal, following all County of San Diego requirements for County Airports, and applying the customary practices for such leases. As such, the per acre per month value that is applied to aviation-related leases will be reviewed and newly calculated during, or at the end of the same five-year timeframe. The new per acre per month will be applied to all aviation leases at all eight County airports during the next rent adjustment period, lease term extension, or any change or update to the lease language.

Today's action involves amending the leases to add an optional one to five-year extension of the lease term. Since the proposed amendment is intended to help address the economic impact of the COVID-19 pandemic on aviation leases at all County Airport Leases, a waiver of the application of the Working Families Ordinance to the lease amendments is sought pursuant to Section 73.12 of the County Code. The impact to the Airport Enterprise Fund in the amount of $126,000 as a result of taking this action is expected to be recuperated over the life of the leases and at the next term extension request. The waiving of the fees will contribute to the recovery of financial hardship experienced as a result of the pandemic. Our stakeholders will be able to take advantage of the longer terms to seek more favorable rates from lenders and to help amortize current loans for previous and future capital improvements of their assets.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

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

2. Approve and authorize the Director of Airports to execute, upon receipt, amendments in substantially the same form as Attachment C, and take any other actions necessary to administer the lease. **(4 VOTES)**

3. In accordance with Section 73.12 of the County Code, waive the application of the Working Families Ordinance to the proposed 5-year lease extensions which are proposed to address the negative impacts of the COVID-19 pandemic for aviation lessees at all County Airport Leases.

4. Waive the application of Board Policy B-29, full cost recovery, to the proposed lease extensions, which are proposed to address the negative impacts of the COVID-19 pandemic for aviation lessees at all County Airport Leases.

EQUITY IMPACT STATEMENT
The County of San Diego (County) has eight airports that are owned and operated by the County which provide vital air transportation hubs, emergency response facilities, and economic engines. The County pursues delivery of these services in a fair and equitable manner and actively works to remove barriers by providing airport guests with general airport information in the County's threshold languages, encouraging participation, and providing competitive opportunities for small businesses and businesses that traditionally have less working capital and business owners and managers who may be socially and economically underserved.

SUSTAINABILITY IMPACT STATEMENT
This request will add an optional one to five-year extension to all aviation leases that will not pass a cumulative 50-year lease term with this extension. The base monthly rent from these leases help support economic and social sustainability by providing services for the region. The revenue that aviation businesses at the eight County airports will be able to earn because of this lease extension will help operate, maintain, and improve the County airports system consistent with the County sustainability goal of providing just and equitable access to County services and resources in support of sustainable communities.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year 2023-24 Operational Plan in the Airport Enterprise Fund. If approved, today's recommendation will extend aviation lease agreements by five years. County Airports, authorized under Section 85.422 of the County Code of Regulatory Ordinances, charges a lease processing fee that will be waived. The fee waiver will result in a loss of revenue of approximately $126,000. The funding source is available Airport Enterprise Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
Leases at airports benefit the local business community by creating jobs, increasing economic activity, providing business opportunities, and supporting infrastructure development. They attract visitors, generate revenue, and help small businesses grow, thus stimulating the local economy and improving the quality of life for residents. Airports connect individuals to jobs and local communities to the world. Revenue derived from airport leases allows DPW to operate and maintain the eight County airports, airstrips, and airpark safely, efficiently, and cost-effectively. Today's action of implementing a five-year extension of term to all aviation leases promotes self-sufficiency by helping businesses to remain open and enhances the economic viability of the County airport system since impacted by COVID-19.

On September 20, 2023, The Gillespie Field Development Council recommended, by a vote of 4 in favor, 0 against, 0 abstained, with 1 member absent and 0 vacant seats, that the Board approve the proposed amendment to all aviation leases located at all eight County Airports extending the term of the leases up to five years.

On February 5, 2024, The Fallbrook Airpark Advisory Committee recommended, by a vote of 5 in favor, 0 against, 0 abstained, with 0 absent and 0 vacant seats, that the Board approve the proposed amendment to all aviation leases located at all eight County Airports extending the term of the leases up to five years.

On January 18, 2023, the Palomar Airport Advisory Committee was presented with this motion as an informational item, and it was received favorably; the committee will vote on this item in their next regularly scheduled meeting on March 21, 2024

The subject has been briefed to the East County Economic Development Council (ECEDC) on February 13, 2024, as well as an Airport Director's quarterly stakeholder outreach meeting with Gillespie Field stakeholders on February 9, 2024.

6. SUBJECT: AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS AND TO NEGOTIATE AND AWARD A CONTRACT FOR WATER QUALITY MONITORING AND REPORTING SERVICES AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

Federal law mandates that entities discharging pollutants into surface waters (e.g., streams, rivers, and bays) must obtain a permit under the Clean Water Act's National Pollutant Discharge Elimination System program. One such permit applies to stormwater and other runoff discharged through the Municipal Separate Storm Sewer System (MS4). The County of San Diego (County), along with additional public agencies in the County, southern Orange County and Riverside Counties are responsible for addressing pollution in municipal stormwater discharges per the State MS4 Permit issued by the San Diego Regional Water Quality Control Board (Regional Board).

To comply with the MS4 Permit, the County and other named agencies, collectively referred to as the Copermittees, are required, among other efforts, to implement a water quality monitoring and reporting program consisting of water quality sampling, data analysis, and regulatory reporting. The County is responsible for these mandated activities within the unincorporated area. As the lead agency in 2 of the region's 11 watersheds (San Diego River and San Luis Rey River), the County also leads water quality monitoring and reporting activities on behalf of other jurisdictions.

The County contracts with environmental consultants to carry out the required monitoring and reporting programs. Copermittees provide fair-share financial contributions to offset County costs as defined by the San Diego Regional Stormwater Copermittees Memorandum of Understanding (MOU). Based on the County's recent experience administering water quality monitoring contracts, it is estimated that about 30% of the County's total cost will be reimbursed by other Copermittees. The County's existing monitoring and reporting contract will expire on June 30, 2025. It is anticipated that water quality monitoring and reporting programs will continue to be required when a new MS4 Permit is issued (estimated in late 2024 or 2025); therefore, a new contract will be necessary to comply with that permit.

Today's proposed action is to authorize the issuance of a Request for Proposals and to negotiate and award a consultant contract to conduct water quality monitoring and associated data analysis and reporting services to ensure compliance with MS4 Permit requirements. The estimated total value of the contract to be awarded is $2,500,000 per year for a period of five years, with a total five-year amount not to exceed $12,500,000.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15306 of the state CEQA Guidelines because the action involves data collection and research for water quality purposes, which do not result in a serious or major disturbance to an environmental resource.

2. In accordance with Section 401, Article XXIII of the County Administrative Code authorize the Director, Department of Purchasing and Contracting to issue a Request for Proposals for a consultant contract to conduct water quality monitoring and reporting services to ensure compliance with the Municipal Separate Sewer System Permit, and upon successful negotiations and determination of a fair and reasonable price, award a single contract for a period of one year, with four option years and up to an additional six months if needed, and to amend the contracts as needed to reflect changes to services and funding.

EQUITY IMPACT STATEMENT
Today's action continues the County's commitment to providing programs and services that enhance the health and safety of our local communities. Actions taken by the County and other jurisdictions to achieve compliance with the State-issued regional Municipal Separate Storm Sewer System (MS4) Permit help to improve water quality and reduce pollution to our local waterways. In particular, the County is committed to improving water quality in underserved communities in the unincorporated area, which have disproportionally experienced greater impacts from environmental stressors. Ensuring the health of our streams and beaches is essential for providing diverse recreational opportunities for citizens throughout all regions of San Diego County.

SUSTAINABILITY IMPACT STATEMENT
Today's action to authorize the procurement of a new contract for water quality monitoring and reporting services aligns with the County's Sustainability Goals. These goals aim to safeguard the environment, promote the health and well-being of residents, and ensure the protection of water in all its forms. The monitoring and reporting programs, implemented by the County and other Copermittees, enable ongoing investment, implementation, and adaptive management of regional stormwater quality initiatives. These programs, including collaborative efforts and projects, address regulatory limits known as Total Maximum Daily Loads (TMDLs) for pollutants such as bacteria, nitrogen, and phosphorus. Additional programs are designed to specifically target the most critical pollutants in 11 watersheds within the San Diego region. The primary focus is on safeguarding human and environmental health, as well as preserving recreational benefits for the community.

FISCAL IMPACT
Funds for this request are not included in the Fiscal Year (FY) 2023-24 Operational Plan for the Department of Public Works (DPW), General Fund (GF). There is no current year fiscal impact to today's recommendations. Today's proposed action is to authorize issuance of the Request for Proposals and to negotiate and award a consultant contract to conduct water quality monitoring and associated data analysis and reporting services to ensure compliance with MS4 Permit requirements. There will be fiscal impact in subsequent years; if approved, this request will

result in estimated contract costs and revenue of $2,500,000 per year for a period of five-years, with a total five-year amount not to exceed $12,500,000. If approved, the funding source will be identified and included in future years Operational Plans for the Department of Public Works, General Fund, Watershed Protection Program, beginning in Fiscal Year 2025-26. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

7. SUBJECT: APPROVE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO REGIONAL STORMWATER COPERMITTEES AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW
Federal law mandates that entities discharging pollutants into surface waters (e.g., streams, rivers, and bays) must obtain a permit under the Clean Water Act's National Pollutant Discharge Elimination System program. One such permit applies to stormwater and other runoff discharged through the Municipal Separate Storm Sewer System (MS4). The County of San Diego (County), along with additional public agencies in the County, southern Orange County and Riverside County are responsible for addressing pollution in municipal stormwater discharges per the State MS4 Permit issued by the San Diego Regional Water Quality Control Board (Regional Board).

The Regional Board issued the first MS4 Permit for the San Diego region in 1990, and the MS4 Permit has been updated several times to incorporate increasingly rigorous control measures and requirements. Subsequent amendments also brought additional public agencies in southern Orange and Riverside Counties under this permit in February and November 2015, respectively. The MS4 Permit requires the County and other named agencies (collectively known as Copermittees) to work together to improve storm water management within watersheds, among other efforts. For the Copermittees regulated under the MS4 Permit, this is manifested in a formal agreement defining respective roles, responsibilities, and fiscal obligations. The Copermittees initially adopted a Stormwater Permit Implementation Agreement in July 1991. This agreement was replaced by a January 2002 Memorandum of Understanding (MOU), which was amended in July 2007. The current MOU went into effect in January 2008, and there have been four amendments to this MOU. Named agencies in Orange and Riverside Counties were addressed in separate agreements and are not part of this MOU.

This request is for approval of the Fifth Amendment to the MOU, entitled National Pollution Discharge Elimination System San Diego Regional Copermittees Memorandum of Understanding, to be operative upon approval of all Copermittees. The amendment includes a new five-year shared cost budget for FY 2024-25 through FY 2028-29 to fund continued regional stormwater programs and implementation of the Permit-required Water Quality Improvement Plans (WQIP) for the westward draining watersheds in San Diego County. The regional costs will result in up to 5-year total impact of $27,135,807. This is partially offset to the County by Copermittee revenue of $13,990,128, resulting in a net County impact of up to $13,145,679. Once approved by all Copermittees, all Copermittees will participate in the implementation of the amendment.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because it is not a project as defined in Section 15378(b)(4) and (b)(5) of the State CEQA Guidelines and because it can be seen with certainty that there is no possibility that the proposed Memorandum of Understanding would have a significant effect on the environment.

2. Approve a Memorandum of Understanding entitled National Pollution Discharge Elimination System San Diego Regional Copermittees Memorandum of Understanding to be operative upon approval of all Copermittees, and authorize the Director, Department of Public Works, to execute the Memorandum of Understanding and any extensions, amendments, and revisions thereof that do not materially impact or alter the program or funding level.

EQUITY IMPACT STATEMENT

Today's action continues the County's commitment to providing programs and services that enhance the health and safety of our local communities. Actions taken by the County and other jurisdictions to achieve compliance with the State-issued regional Municipal Separate Storm Sewer System (MS4) Permit help to improve water quality and reduce pollution to our local waterways. In particular, the County is committed to improving water quality in underserved communities in the unincorporated area, which have disproportionally experienced greater impacts from environmental stressors. Ensuring the health of our streams and beaches is essential for providing diverse recreational opportunities for community members throughout the entire region.

SUSTAINABILITY IMPACT STATEMENT

Today's action to approve an Amendment to the Memorandum of Understanding (MOU) between agencies named in the State-issued Municipal Separate Storm Sewer System (MS4) Permit supports the County's Sustainability Goals to protect the environment and health and well-being of residents, and to protect water in all forms. This MOU Amendment allows for continued investment, implementation, and adaptive management of regional stormwater quality programs, including collaborative programs and projects to address regulatory limits, known as Total Maximum Daily Loads (TMDLs), on pollutants such as bacteria, nitrogen, and phosphorus. Programs under this MOU address pollutants of highest concern for 11 watersheds in the San Diego region and are focused on the protection of human and environmental health and recreational benefits to the community.

FISCAL IMPACT
There is no fiscal impact in the current Fiscal Year (FY) 2023-24 with today's recommendation but there will be in subsequent fiscal years. Funds for this request will be included in the FY 2024-25 and subsequent Operational Plans for the Department of Public Works (DPW). If approved, this request will result in annual expenditure of up to $4,471,566 in FY 2024-25, $6,480,089 in FY 2025-26, $5,365,644 in FY 2026-27, $4,641,341 in FY 2027-28, and $6,177,167 in FY 2028-29. The total expenditure will be up to but not exceeding $27,135,807 starting in FY 2024-25 through FY 2028-29. The funding source is Copermittee revenue ($13,990,128) and DPW's General Purpose Revenue ($13,145,679). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

8. SUBJECT: APPROVE COOPERATIVE AGREEMENT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AND AUTHORIZE CONTRACTS TO IMPLEMENT PROJECTS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW
Federal law mandates that entities discharging pollutants into surface waters (e.g., streams, rivers, and bays) must obtain a permit under the Clean Water Act's National Pollutant Discharge Elimination System program. One such permit applies to stormwater and other runoff discharged through the Municipal Separate Storm Sewer System (MS4). The County of San Diego (County), along with additional public agencies in the County, southern Orange County and Riverside County are responsible for addressing pollution in municipal stormwater discharges per the State MS4 Permit issued by the San Diego Regional Water Quality Control Board (Regional Board).

To comply with the MS4 Permit, the County and other named agencies are required to participate in the Southern California Stormwater Monitoring Coalition's (Coalition's) regional receiving waters monitoring program. The Coalition is a partnership facilitated by the Southern California Coastal Water Research Project (SCCWRP), a joint powers authority, that assists stormwater regulators and regulated agencies in meeting MS4 Permit requirements The Coalition implements research and monitoring projects that enhance water quality and inform regulatory changes. The current five-year Coalition agreement with SCCWRP was approved by the Board of Supervisors on May 1, 2019 (15) and will expire on June 30, 2024.

The new five-year Coalition agreement provides continuity of services and designates SCCWRP as the entity responsible for implementing water quality projects identified by the Coalition. SCCWRP has specialized knowledge and experience conducting regional monitoring studies in Southern California. Projects under the new agreement will continue and build upon scientific research and projects that have already been implemented through SCCWRP, thereby offering efficiencies that other providers cannot. Coalition member agencies, including the County, collectively fund projects outlined in an annual work plan through contracts with SCCWRP.

Additionally, the agreement permits member agencies to conduct extra studies via research implementation agreements. These research implementation agreements, established between any Coalition member agencies, fund studies tailored to their specific needs. This allows for collaboration under the agreement to leverage SCCWRP's scientific resources for local issues.

Today's actions are to approve the five-year Coalition agreement, authorize negotiation and award of contracts with SCCWRP to implement projects in the Coalition annual work plans, and authorize separate research implementation agreements for Coalition-approved projects. Under the proposed agreement, the County's contribution would not exceed $750,000 over five years.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15306 of the state CEQA Guidelines because the cooperative funding agreements would be used for monitoring, research, and data collection purposes, which do not result in a serious or major disturbance to an environmental resource.

2. Authorize the Director, Department of Public Works, or the Director's designees to negotiate and enter into a Cooperative Agreement with Southern California Coastal Water Research Project and other government agencies to remain a member of the Southern California Stormwater Monitoring Coalition and to take all action necessary to fulfill the County's obligations under the agreement.

3. Authorize the Director, Department of Purchasing and Contracting, to negotiate and award contracts to the Southern California Coastal Water Research Project pursuant to Board Policy B-66 to implement projects identified in Southern California Stormwater Monitoring Coalition annual work plans and separate research implementation agreements with member agencies, subject to approval of the Director, Department of Public Works, or the Director's designee.

EQUITY IMPACT STATEMENT

Today's action continues the County's commitment to providing programs and services that enhance the health and safety of our local communities. Actions taken by the County and other jurisdictions to achieve compliance with the State-issued regional Municipal Separate Storm Sewer System (MS4) Permit help to improve water quality and reduce pollution to our local waterways. In particular, the County is committed to improving water quality in underserved communities in the unincorporated area, which have disproportionally experienced greater impacts from environmental stressors. Ensuring the health of our streams and beaches is essential for providing diverse recreational opportunities for community members throughout the region.

SUSTAINABILITY IMPACT STATEMENT

Today's action to authorize an agreement with the Southern California Coastal Water Research Project and other public agencies for continued County participation in the Stormwater Monitoring Coalition (Coalition) aligns with the County's Sustainability Goals. These goals aim to safeguard the environment, promote the health and well-being of residents, and ensure the protection of water in all its forms. Participation in the Coalition enables ongoing investment, implementation, and adaptive management of regional stormwater quality initiatives. Studies and research implemented through the Coalition, including collaborative efforts and projects, address regulatory limits known as Total Maximum Daily Loads (TMDLs) for pollutants such as bacteria, nitrogen, and phosphorus. These studies are designed to specifically target the most critical pollutants in 11 watersheds within the San Diego region. The primary focus is on safeguarding human and environmental health, as well as preserving recreational benefits for the community.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2023-24 Operational Plan for the Department of Public Works (DPW), Watershed Protection Program. There is no current year fiscal impact to today's recommendations. If approved, this request will result in an annual cost of $150,000 per year from FY 2024-25 to FY 2028-29, for a total of $750,000. This request will be included, and funding source will be identified in future years' Operational Plans for the DPW, Watershed Protection Program beginning in FY 2024-25. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

9. SUBJECT: ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION MANAGER AT RISK CONTRACT FOR HERITAGE PARK BUILDING IMPROVEMENTS PROJECT, A CONSTRUCTION CONTRACT FOR HERITAGE PARK LANDSCAPE IMPROVEMENTS, AND CEQA ENVIRONMENTAL REVIEW UPDATE CHECKLIST (DISTRICT: 4)

OVERVIEW

In 1970, Heritage County Park was acquired in the heart of Old Town in the City of San Diego at the intersection of Juan Street and Heritage Park Row. Old Town is home to numerous attractions, including the Old Town San Diego Historic State Park-one of the most visited State parks in California-along with retail shops, art galleries, restaurants, and museums, attracting about 3.75 million visitors each year. Heritage County Park offers a prime location for Old Town visitors while also providing local park recreation amenities to nearby residents. In 1971, the County of San Diego (County) Board of Supervisors (Board) approved a Development and Operating Plan for Heritage County Park. The park was initially planned as a Victorian-period village of shops and restaurants. Between 1971 and 1981, the County relocated seven Victorian-era structures to Heritage County Park to preserve the structures.

Within Heritage County Park, the Sherman-Gilbert, Bushyhead, Christian, McConaughy, and Burton homes, along with Temple Beth Israel and the Senlis Cottage, have been operated as offices and museum spaces as well as bed and breakfast guest rooms in the past. Currently, a tea house is run by a private operator at the McConaughy House. A visitor center in Senlis Cottage and Temple Beth Israel are both open to the public and operated by the Department of Parks and Recreation (DPR). The Sherman-Gilbert, Bushyhead, Christian, and Burton homes are not currently open to the public. In addition to the existing buildings, the park offers open lawn spaces for recreation and event opportunities. DPR currently hosts public events such as outdoor movies and historic tours in addition to rental opportunities for weddings and other private and public special events. In the last two years, Heritage Park attracted about 42,000 visitors.

On December 14, 2022 (5), the Board authorized the Department of Purchasing and Contracting (DPC) to advertise and award a traditional construction contract for the Heritage Park Building Project, including buildings and landscape renovation and designated the Director of DPR responsible for administering the construction contract. The proposed project would renovate four of these Victorian-era structures into overnight accommodations with a total of up to 23 guest rooms, a lobby or check-in space, community rooms, and public restrooms.

DPR has identified the Construction Manager At Risk (CMAR) contract as the most efficient and cost-effective approach to the building renovations. It will both lock in a Guaranteed Maximum Price and ensure collaboration with the construction manager in the design phase to integrate best practices into the building renovation project. Today's request will authorize the Director of DPC to advertise and award a CMAR contract for the Heritage Park Building Renovation project using $11,320,000 project funds for construction manager contract, design, environmental review, and project-related expenses including inspections, permitting, project administration, and construction. If approved, the building renovation project will begin construction in Summer 2025 with completion anticipated by Winter 2026.

In addition to the General Purpose Revenue funds for the Building Renovations, the project has obtained $2,167,140 in grant funding from the California Department of State Parks and Recreation Per Capita program. The Per Capita program grant can only be used for landscape design and construction, therefore the landscape portion of the project will be constructed separately. In 2023, DPR hired a design consultant to complete the design for the landscape improvements, including walking paths, interpretive signs, an outdoor classroom, a new wedding gazebo, lighting, and upgraded Americans with Disabilities Act (ADA) accessible pathways. These amenities will activate the park by expanding recreation opportunities and increasing access to all park visitors. Today's request will authorize the Director of DPC to advertise and award a traditional construction contract using $2,167,140 Per Capita program grant money to complete the landscape improvements while the design of the building renovations proceeds. If approved, the landscape improvement project will begin construction in Spring 2024, with expected completion by Summer 2025.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the Negative Declaration (ND) for the Heritage Park Master Plan Improvements Project (State Clearinghouse No. 2008101145), on file with the Department of Parks and Recreation, has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, and that the Board of Supervisors has reviewed and considered the information contained therein prior to approving the project, and that it reflects the independent judgment and analysis of the Board of Supervisors, and:

Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously adopted Negative Declaration (ND), dated January 12, 2009, or subsequent Addendum, dated December 14, 2022, 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 ND or subsequent Addendum were adopted as explained in the Environmental Review Update Checklist Form (February 2, 2024) (Attachment B).

2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a Construction Manager At Risk (CMAR) contract and to take any action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the construction of Heritage Park Building Renovation project.

3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any action authorized by Section 401 et seq., of the Administrative code with respect to contracting for the construction of the Heritage Park Landscape Improvements project.

4. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the CMAR and design contracts for the design and construction of the Heritage Park Building Renovation and the contracts for the construction of the Heritage Park Landscape Improvement project in accordance with Section 430.44 of the County Code of Administrative Ordinances and Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The project will add improvements and new recreation opportunities at an existing County facility. As a result, the project will have a positive health impact on all demographics in the region. The project is located within a half mile of a severely disadvantaged community, according to the State of California, Department of Parks and Recreation, Office of Grants and Local Services Per Capita program criteria. The improved outdoor spaces will provide new recreation opportunities to the community.

SUSTAINABILITY IMPACT STATEMENT

The proposed redevelopment of the existing Heritage Park buildings will contribute to County of San Diego Sustainability Goal No. 3 to transition to a green, carbon-free economy by minimizing waste through the reuse and enhancement of existing facilities. All proposed construction materials are consistent with California Building Code and associated standards for water and energy efficiency. Renovating the historic structures with modern standards will help with energy efficient use of the project once completed and open to the public.

Additionally, as mentioned in the Equity Impact Statement above, the project will expand opportunities for access to outdoor recreation for a disadvantaged community, contributing to County of San Diego Sustainability Goal No. 4. The project will provide just and equitable access through the extension of access to the existing recreation facilities, and the community will find health benefits through the proposed recreation opportunities.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Capital Outlay Fund for Capital Project 1023725 Heritage Park Building. If approved, this request will result in costs and revenue of $13,487,140 in FY 2023-24. The funding sources are General Purpose Revenue funds for the Building Renovations ($11,320,000) and grant funding from the California Department of State Parks and Recreation Per Capita program ($2,167,140). This grant ($2,167,140) will be used for the landscape improvements (currently designed and projected to begin construction in Spring 2024), and the remaining $11,320,000 will be used for the building renovation project. Construction costs, including contingency and construction management, are estimated at $10,000,000, and the remaining funds of $1,320,000 will be used for design, environmental review, and project-related expenses including inspections, permitting, and project administration.

The County released a Request for Proposals (RFP) in August 2023 to potentially enter into a lease and operations agreement with an organization to operate and maintain the facility. If a proposal is selected for award of a lease and operations agreement, it is anticipated that negotiations with the selected operator would commence in early 2024, prior to project completion to allow for the onboarding process. DPR will use its plan for running operations at the site to compare against the proposals received from potential third-party operators.

If DPR is determined to be the most suitable operator and a proposal to the RFP is not selected for award of a lease and operations agreement, ongoing operations are estimated at $1,500,000 annually, which include utility costs, maintenance supplies and services, and new staff including one Chief, one Program Coordinator, one Public Outreach Specialist, two Office Assistants, one Building Maintenance Engineer, one Building Maintenance Engineer Assistant, four Healthcare Agency Housekeepers, and one Park Attendant. These costs are anticipated to be fully offset by the revenue generated by the operations. The overnight accommodations are projected to open in FY 2026-27, and any costs and revenue will be included in future Operational Plans. The funding source will be revenue generated from facility operations. DPR anticipates operating at cost or a deficit in year one through three and will absorb any costs within its current operating budget. Full cost recovery is expected in year four. Estimated operating costs and revenues are below.

	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR
Estimated Annual Operating Costs	$1,358,988	$1,399,449	$1,441,436	$1,484,649
Estimated Gross Revenue	$1,270,341	$1,360,727	$1,441,436	$1,509,059
Estimated Net Revenue	$(88,347)	$(38,722)	$0	$24,410

At this time, there is no impact to net General Fund costs and there will be no additional staff years.

BUSINESS IMPACT STATEMENT
Construction Manager At Risk construction contracts are competitively and publicly bid. These construction contracts help stimulate the local economy by creating primarily construction related employment opportunities. All workers employed on public works projects must be paid the prevailing wages as determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements. Additionally, all contractors working on County construction projects for which work is performed by a combination of multiple trades over $1 million, or over $25,000 when all work is performed by an apprentice occupation, must adhere to Board Policy F-41. This is the Working Family Ordinance which requires contractors to pay prevailing wages, use a skilled and trained workforce, and provide paid sick leave.

10. SUBJECT: AUTHORITY TO ADVERTISE AND AWARD CONTRACTS FOR THE COMPREHENSIVE TREE PROGRAM AND CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW
The Department of Parks and Recreation (DPR) manages 157 facilities across 57,000 acres of land, and over 380 miles of trails. A valuable part of each park is the natural shade offered by trees for the benefit of park users and the environment. Trees are valuable assets to the park system as they increase the usability of parks, contribute to biodiversity, and serve as important climate buffers that moderate temperature and moisture and make parks more desirable for the public.

DPR is a regional leader in the planting of trees and has planted trees throughout San Diego County, through the County Park system, to improve the overall tree canopy. In the past 9 years, DPR has planted at least 3,500 trees per year, and over 35,000 total. As part of DPR's Comprehensive Tree Program, DPR installs temporary watering systems to enhance the trees' natural ability to absorb oxygen, water, and nutrients and strengthens fire resilience by providing services to remove and replace dead and diseased trees.

As part of the direction on the Advancement of Sustainability Initiatives for County Facilities and Operations and the Unincorporated Area in Support of the Regional Decarbonization Framework (RDF) and Climate Action Plan (CAP) Update, on August 31, 2022, (5) the Board of Supervisors approved the development of an Equity-Driven Tree Planting Program, which will identify priority sites for tree planting in unincorporated communities with a focus on underserved areas, to reduce urban heat island effect, increase resiliency, and reduce greenhouse gas emissions. This program is led by the Department of Planning & Development Services (PDS) and is supported by DPR's Comprehensive Tree Program. DPR began tracking newly planted trees through the TreePlotter Inventory Software in 2021 and has plotted 13,954 trees to date. The inventory system allows for efficient tracking of tree plantings and maintenance during the establishment period.

DPR is coordinating with PDS to consider options to expand the existing tree program after completing a tree canopy evaluation, with a focus on prioritizing new tree plantings in underserved and environmental justice communities. DPR is partnering with the Sheriff's Department to increase the reforestation of County Parks by collecting native seeds in DPR parks and having them raised in the greenhouse at East Mesa Reentry Facility (EMRF). This greenhouse will be expanded and improved through DPR's Comprehensive Tree Program to increase the number of native trees the facility can produce. This improved facility will be used to raise 2,000 trees annually to be planted in DPR parks by the Sheriffs Community Involved Inmate Crew Services (CIVICS) and community volunteer groups. CIVICS provides inmates at EMRF training in landscaping, horticulture, trail maintenance and environmental rehabilitation. The partnership represents an excellent example of using intergovernmental collaboration to address important public safety and resource management issues to benefit society.

Today's proposed actions will authorize the Director of the Department of Purchasing and Contracting to advertise and award contracts estimated at $2,000,000, including contingency, for the purchase of about 4,000 trees through multiple vendors, the installation of watering systems, removal of dead and diseased trees, and the purchase of need equipment for the program. Funds for this request are included in the Fiscal Year 2023-24 Operational Plan in DPR. If approved, the trees purchased through this action will be planted between spring 2024 and winter 2024.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15304.

2. Authorize the Director of Department of Purchasing and Contracting to advertise and award contracts and take any action authorized by Section 401 et seq. of the Administrative Code, with respect to contracting for the Comprehensive Tree Program

3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer responsible for administering the contracts, in accordance with Board Policy.

EQUITY IMPACT STATEMENT

The planting of trees positively impacts all demographics in the region by removing carbon dioxide from the atmosphere, reducing erosion, and lowering the temperature of the air and ground under trees on hot days. Healthy tree canopies in parks ensure that parks have available and accessible shaded areas that can be enjoyed by the public during the hottest times of the year and reduce ultraviolet light exposure. The Department of Parks and Recreation (DPR) uses the California Healthy Places Index provided through the Public Health Alliance of Southern California to identify parks in underserved communities that are also lacking access to tree canopies. Databases like the California Healthy Places Index and CalEnviroScreen help identify County-maintained parks in underserved communities that are also lacking access to tree canopies. This includes parks with tree canopy scores in the lowest percentile, such as Sweetwater Lane, Tijuana River Valley, Kumeyaay Valley, and Ramona Grasslands. DPR organizes volunteer tree plantings to connect people to their parks and improve environmental education. When you plant a tree, it can provide a lifetime connection to that tree and park.

SUSTAINABILITY IMPACT STATEMENT
The Comprehensive Tree Program contributes to many of the County of San Diego's Sustainability Goals: engage the community; transition to a green, carbon-free economy; protect health and well-being; and protect ecosystems, habitats, and biodiversity. The planting of native and environmentally compatible trees in park projects is part of public meeting discussions. Working with service organizations, volunteer groups, and the public to plant trees leads to strong connections between people and parks. A healthy tree canopy is vital in removing greenhouse gases from our environment and reducing the temperature. Trees provide shade that lowers the nearby temperature and gives people a place to relax and escape the heat. These benefits come at low cost for the benefit of park visitors of all ages, abilities, and financial resources.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Department of Parks and Recreation (DPR). If approved, this request will result in costs and revenue of $2,000,000 in FY 2023-24. The funding source is existing one-time General-Purpose Revenue. Upon completion, annual maintenance of trees planted through the Comprehensive Tree Program will be provided by existing DPR staff. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

11. SUBJECT: IMPROVING CERTAINTY AND APPLICANT CONFIDENCE IN THE PERMITTING PROCESS FOR RESIDENTIAL PROJECTS PROPOSING UP TO 11 UNITS (DISTRICTS: ALL)

OVERVIEW
When it comes to housing production in the County of San Diego (County), overcomplication and overregulation continue to skew the balance against the homebuilding process. A lot of the challenge stems from having to implement California state law; although certain County-specific regulations get in the way as well, such as our Transportation Study Guidelines (Guidelines) for implementing Vehicle Miles Traveled (VMT). However, the focus of today's item is aimed at overcomplication during discretionary review of a housing project. For example, the *process* developers must go through to design a housing project, submit it for review and recommendation by Planning & Development Services (PDS), and ultimately present it before a decision-maker such as the Planning Commission and/or the Board of Supervisors (Board) is incredibly cumbersome and complicated. Enough so, to the point where predictability and confidence in project review times and costs is difficult to maintain. This is problematic because maintaining review times and costs are critical for applicants to plan and secure financing for housing projects. The uncertainty in our review process may give rise to a chilling "blank check" effect where applicants - particularly the smaller mom-and-pop applicants - have no idea what the overall cost will be to process a permit application before making a formal submittal with PDS. Not only is this challenging for those who end up submitting a project for review, but it may even discourage would-be applicants from coming forward with a housing project in the first place. This is an issue we should address, and we can start by looking internally at our own practices.

Currently, applicants submitting a residential subdivision project larger than two lots must establish and maintain a positive deposit account balance (aka trust account) with PDS. Staff from across the County then charge to this account by six-minute increments and recover costs by hourly rates (whereas a two-lot project is processed via payment of a one-time fee). For deposit-based housing projects, there are no limits to the costs. Applicants are required to continuously make deposits, each in the thousands of dollars, to keep their trust account funded throughout the entirety of the review process which typically extends for years. Although staff will inform applicants ahead of time, if a trust account runs out of money, all work must stop on the project until the applicant replenishes the account. This is unpredictable at best, and for smaller projects in particular - project-killing at worst. What's more, a recent study out of the University of California, Los Angeles titled "*Building Small: Assessing Feasibility of 5-to-10 Unit Projects in California"* identified that the review and approval process for smaller housing projects is among the primary barriers to housing production. Additionally, it found that most small housing projects did not even pencil without capping permit fees or without receiving a direct subsidy. As a County, we should rethink how we process and recover costs for smaller housing projects. Not only would this help homebuilders better plan and budget for the permitting process, but projects proposing up to 11 units - coincidentally - also align with the County's adopted VMT Guidelines. Notably, under the County's screening criteria for VMT, projects up to 11 units in size are exempt from having to conduct an analysis entirely since they are known to generate a comparatively low amount of new vehicle trips (110 average daily trips (ADTs) or less).

To achieve the goal of simplifying and adding more certainty to the discretionary review process for new discretionary housing projects, today's action would direct the Interim Chief Administrative Officer (CAO) to add an additional short-term action to the County's "Removing Barriers to Housing" item approved by the Board of Supervisors on May 24, 2023 (12) to explore and develop options for implementing fee-based applications for discretionary residential development projects proposing up to 11 units. Examples of project types may include but are not limited to Site Plans, Tentative Maps (TMs) and Tentative Parcel Maps (TPMs). At a minimum, options should consider an appropriate fee and/or fee schedule for various project sizes and complexities, payment options and guaranteed review times for discretionary residential development projects up to 11 units. In addition, staff should review other jurisdictions' application processes and conduct stakeholder input to help determine the appropriate fee(s) and timeline(s).

RECOMMENDATION(S)
SUPERVISOR JIM DESMOND

1. Find that the proposed actions are not a project pursuant to the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines.

2. Direct the Interim Chief Administrative Officer (CAO) to add an additional short-term action as part of the County's "Removing Barriers to Housing" item approved by the Board of Supervisors on May 24, 2023 (12), titled: "IMPROVING CERTAINTY AND APPLICANT CONFIDENCE IN THE PERMITTING PROCESS FOR RESIDENTIAL PROJECTS PROPOSING UP TO 11 UNITS." This action would direct staff to explore and develop options for implementing fee-based applications for discretionary residential development projects proposing up to 11 units, such as but not limited to Site Plans,

Tentative Maps (TMs) and Tentative Parcel Maps (TPMs). At a minimum, options should consider an appropriate fee and/or a fee schedule, payment options and guaranteed review times for discretionary residential development projects up to 11 units. In addition, staff should review other jurisdictions' application processes and conduct stakeholder input to help determine the appropriate fee(s) and timeline(s).

3. Direct the Interim CAO to determine the funds necessary to develop options as detailed in recommendation 2 (above) and identify all potential funding sources.

4. Direct the Interim CAO to report back to the Board within 180 days, once funding is appropriated, with options to implement as detailed in recommendation 2 (above).

EQUITY IMPACT STATEMENT
Both low and middle-income families, as well as other vulnerable communities such as those currently experiencing homelessness, by far bear the brunt of the negative impacts associated with the lack of housing and severely inflated home prices. By adjusting our process for reviewing discretionary housing projects in Planning & Development Services, we have an opportunity to reduce development barriers and streamline housing production for the unincorporated communities.

SUSTAINABILITY IMPACT STATEMENT
The County's commitment to sustainability requires us to consider the long-term consequences of our actions on the environment, economy, and social well-being of our communities. Currently, our communities are suffering from a severe lack of housing and skyrocketing home prices. It is the County's responsibility to ensure our residents are thriving in all aspects of life, which must include access to available and affordable housing.

FISCAL IMPACT
Funds for this request are not included in the Fiscal Year (FY) 2023-24 Operational Plan in the Land Use & Environmental Group (LUEG). If approved, this request will result in estimated costs and revenue of up to $50,000. Funding for developing options will need to be identified by the appropriate County departments and the project will proceed once funding is identified. At this time, there is no impact to net General Fund costs, and there will be no additional staff years.

BUSINESS IMPACT STATEMENT
Today's action supports the local economy and those engaged in the homebuilding enterprise by streamlining the discretionary review process for residential housing projects. Improving certainty in the review process for these types of projects would benefit both current and would-be applicants proposing housing projects in the unincorporated areas. This will lead to more housing projects being submitted, more housing projects being approved, and local job growth related to construction of new homes.

12. SUBJECT: NOTICED PUBLIC HEARING: ORDINANCE AMENDMENTS TO THE GRADING, CLEARING AND WATERCOURSES ORDINANCE TO ALLOW BY-RIGHT MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING PROJECTS UNDER STATE LAW AND CEQA ADDENDUM (DISTRICTS: ALL)

OVERVIEW

On May 24, 2023 (12), as part of the Options for Removing Barriers to Housing and Facilitating the County's Status as a Pro-housing Jurisdiction, the Board of Supervisors (Board) directed staff to update the Grading, Clearing and Watercourses Ordinance (Ordinance) to allow by-right ministerial grading permits for by-right housing projects authorized by State law. In an effort to address the housing shortage, the Board directed a wide range of actions to assist development in unincorporated communities, from modernizing regulations and streamlining permitting processes to waiving fees for certain types of housing, establishing a regional funding source and creating a Housing Blueprint to explore everything that the County of San Diego (County) can do to facilitate the production and provision of housing to all people at all income levels. Development that qualifies as by-right must conform to zoning and building codes and does not require discretionary approval.

The Ordinance contains regulations for development involving grading, clearing, and watercourses. It is comprised of nine chapters containing information related to permit requirements, regulations, and design standards for applicable development and contains related definitions. This Ordinance ensures public safety by preventing slope failure, foundation failure, expansive soil damage, and erosion and drainage problems. Developers or property owners for projects, such as commercial centers, wineries, or single-family homes, are required to obtain grading permits for the movement of soil. The Ordinance can prompt additional discretionary review of projects, meaning environmental analysis under the California Environmental Quality Act (CEQA) based on any potential impacts that could occur from grading. While the Ordinance helps protect resources, such as sensitive habitats and cultural resources, the Ordinance may also impact a housing project's processing time and cost. In response to Board direction, staff reviewed other jurisdictions' practices, legal requirements, and stakeholder comments to help remove barriers and streamline additional housing developments. This amendment will clarify that environmental review is not needed for ministerial grading projects and will reduce processing time and cost if the development proposal is deemed by-right.

Today's action implements Short-Term Action 13: Grading Ordinance Amendment directed by the Board as part of the effort to amend the Ordinance to make grading permits ministerial for by-right housing developments under State law. This Ordinance amendment revises Section 87.202(h) to clarify that grading projects that are exempt from the CEQA under State law, including ministerial permits, are exempt from having to obtain a grading permit.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the Program Environmental Impact Report (EIR) for the General Plan Update dated August 3, 2011, on file with the County of San Diego (Environmental Review Number 02 -ZA- 001, State Clearing House Number 2002111067), 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 EIR and Addendum thereto dated November 6, 2023, (Attachment C) before approving the project, and that the Addendum reflects the independent judgment and analysis of the Board of Supervisors; and find that there are no changes in the project, or in the circumstances under which the project is undertaken, that involve significant new impacts which were not considered in the previously certified EIR dated August 3, 2011. Furthermore, find 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 EIR was certified, as explained in the Environmental Review Update Checklist Form (Attachment C).

2. Approve the introduction of the Ordinance (first reading), read the titles, and waive further readings of the Ordinance, titled:
   AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO ALLOW BY-RIGHT MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING PROJECTS**,** DATED FEBRUARY 28, 2024 (Clean Copy) (Attachment A).

If, on February 28, 2024, the Board of Supervisors takes action as recommended, then on March 13, 2024:

3. Consider and adopt the Ordinance (second reading) titled:
   AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO ALLOW BY-RIGHT MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING PROJECTS**,** DATED FEBRUARY 28, 2024 (Clean Copy) (Attachment A).

EQUITY IMPACT STATEMENT
Planning & Development Services (PDS) is guided by several Regulatory Codes, Administrative Codes, and Board Policies to serve the region and customers consistently and equitably. The recommendation to amend the Ordinance will provide clarifying language and continue to guide departmental project processing practices. Improved clarity will result in a greater understanding of the regulations by the public, more efficient administration by staff, and the potential for reduced project review cycles, which saves costs and time for applicants. Amending the Ordinance supports the local economy by working with the public, the agricultural industry, and environmental stakeholders to clarify and improve permit processing and regulations.

SUSTAINABILITY IMPACT STATEMENT
This amendment is aligned with Sustainability Goal #2, assisting in providing just and equitable access to housing. This action will also promote the development of new housing in VMT Efficient Areas, which will result in lower carbon emissions, in alignment with Sustainability Goal #3, facilitating the transition to a green, carbon-free economy.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in Planning & Development Services (PDS). The funding source is existing one-time General Purpose Revenue (GPR). Approximately $150,000 was allocated for project management, meetings, stakeholder engagement and outreach, research, analysis, including staff recommendation for the Ordinance Update. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

**13. SUBJECT: NOTICED PUBLIC HEARING:
FEASIBILITY ANALYSIS ON TIERED WINERY EXPANSION AND ASSOCIATED EXEMPTION TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (DISTRICTS: ALL)**

OVERVIEW
To promote agricultural opportunities, the San Diego County Board of Supervisors (Board) initiated a series of changes and updates to the County of San Diego zoning regulations related to wineries, aiming to bolster the local wine industry. Winery operators expressed a desire to expand the opportunities to allow wineries by-right, reduce the overall costs, and simplify the discretionary process. Therefore, the Board directed staff on July 14, 2021 (4) to explore the feasibility of expanding tiered winery regulations and classifications into additional zones.

The existing Tiered Winery Ordinance identifies four winery operation types that consist of Boutique, Wholesale Limited, Small Winery, and Winery allowed within agricultural zones. To explore the feasibility of expanding winery types into other zones, including Rural Residential, Residential Commercial, Industrial, and Specific Plan zones, staff has prepared a Tiered Winery Expansion Feasibility Analysis (Feasibility Analysis) (Attachment A). The Feasibility Analysis provides an overview of the local and regional wine industry landscape, market potential for expansion, and a review of regulatory and environmental considerations. The analysis also examines current zoning and geographic characteristics to highlight areas suitable for wineries. Lastly, the report identifies implementation strategies and options to expand opportunities for new and existing wineries in the unincorporated area.

The 2023 San Diego County Economic Impact of Wineries, partially funded by the San Diego County Vintners Association, reveals insights based on data from the California Department of Alcoholic Beverage Control. As of March 2023, the region boasts 166 active and planned wineries, marking a 4% year-over-year increase from 2022's count of 160 wineries. In terms of revenue, San Diego County wineries saw significant growth, with gross sales reaching $49.1 million in 2022, an 11% surge from 2021's $44.1 million, setting a record high. Comparatively, San Diego County distilleries generated an estimated $25.1 million in revenue in 2022. The report also highlights job growth within the winery sector, which reached approximately 709.5 jobs in 2022, reflecting a 6% increase from 2021's total of 669 jobs, although still slightly below the 2020 levels of 719.7 jobs.

There are several opportunities for regulatory changes, including expanding the allowed locations for wineries, introducing additional winery types in designated Rural Residential areas, streamlining winery permitting processes, reducing barriers to new winery establishments, and promoting rural agricultural tourism for economic development. Potential time and cost savings for applicants resulting from the implementation of one of the options below are dependent on site-specific circumstances and compatibility factors, such as zoning, parcel size, utilities, building permits and potential for environmental considerations. There may be site-specific issues, such as fire safety and adequate infrastructure (e.g., septic or sewer facilities), for both existing and proposed wineries of varying sizes and types. These issues will need to be considered when developing effective regulatory changes and addressed on a case-by-case basis during the application submission and review processes.

Aspiring and existing winery operators provided valuable input throughout the process of developing and analyzing options to meet stakeholder preferences. Wine industry stakeholders expressed a desire to allow more wineries in more locations, expand economic opportunities, and reduce the time and costs of permitting processes. To meet stakeholder needs and initiate regulatory changes, the Board has multiple options to consider, each with varying levels of time and cost implications:

Option 1: This option allows Wholesale Limited, Boutique, and Small winery expansion into Rural Residential (RR) Zones and is the least time-intensive and most cost-effective route for new winery permit applicants. It may require an Addendum to the Agriculture Promotional Program Environmental Impact Report (EIR) and could take 14 to 16 months, with an estimated cost of $700,000. Option 1 offers several advantages, including providing the quickest way to expand wineries to areas most similar to Agriculture Zones. A conservative estimate of between 33,000 to 62,000 acres could potentially benefit from this option. Parcels with slopes exceeding 25% were excluded due to steep slopes, erosion, and equipment constraints. Acreages east of the County Water Authority line, and parcels located within military installations, ranges, and training areas (MIRTA) were also excluded. The lower limit of this estimate encompasses parcels located near concentrations of existing wineries, while the upper limit includes additional parcels west of the San Diego County Water Authority boundary. This option creates a path for small existing and new growers to expand operations and allows for a streamlined review and approval process. However, challenges such as requiring wineries to prepare environmental documents remain and wineries may need outside technical assistance with design and engineering. Lastly, proximity to residential uses could raise neighbor concerns.

Option 2: This option incorporates Option 1 expansion into Rural Residential and adds to it by also expanding allowable winery uses into Residential Commercial, Industrial, and Specific Plan zones. Option 2 could take 16 to 20 months, with an estimated cost of $1.25 million and requires a Supplemental EIR. Option 2 offers several advantages by establishing winery tiers in non-agricultural areas such as Residential Commercial, Industrial, and Specific Plan zones. This broadens winery placement, enhancing accessibility and diversifying opportunities. This option facilitates the expansion of wineries within the following zones: Rural Residential, 62,000 acres; Residential Commercial, 22 acres; Industrial, 1,500 acres; and Specific Plan, 17,000 acres. With the combined acreages, a conservative estimate between 33,000 to 81,000 acres could potentially benefit from this option. Parcels with slopes exceeding 25% were excluded due to steep slopes, erosion, and equipment constraints. Acreages east of the County Water Authority line and parcels located within MIRTA were also excluded. The lower limit of this estimate encompasses parcels located near concentrations of existing wineries while the upper limit includes additional parcels west of the San Diego County Water Authority boundary. Option 2 provides opportunities for multiple off-site tasting rooms and offers the potential to share facilities or resources among wineries, such as tasting rooms, parking, and storage. However, some existing challenges remain. There will be a requirement for wineries to prepare environmental documents. Additionally, winery owners under this option may need outside technical help with design and engineering. Lastly, ordinance development under Option 2 will require a higher level of environmental review, prolonging the process and increasing costs.

Option 3: The most comprehensive option establishes Winery District Overlay Zones, requiring a new Programmatic EIR analysis that could span 20 to 26 months, with an estimated cost of $1.75 million. There is no predetermined acreage range with the overlay option. This is dependent upon how large or small the proposed geographic areas are once analyzed in Phase II, if directed. This approach aims to promote the siting of wineries in similar zones and creates a concentration of wineries, encouraging multiple visits to more than one destination within the same area. Option 3 provides the potential to reduce environmental impacts and will require less environmental review for individual winery businesses, translating to reduced costs and time. However, challenges with this option remain including winery owners needing to prepare some level of environmental documents and may need professional assistance with design and engineering. This ensures compliance with standards and addresses site-specific considerations.

Today, we respectfully request the Board receive the Feasibility Analysis and consider the options presented to expand and streamline winery operations. This action does not amend the existing Tiered Winery Ordinance at this time.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt because it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

2. Receive the information provided in this Board Letter and the Tiered Winery Expansion Feasibility Analysis Report and consider the following options to expand and streamline winery operations:
    a. *Option 1:* Direct staff to expand allowances for wineries into Rural Residential (RR) Zones.
    b. *Option 2:* Direct staff to expand wineries into RR, RC, M50, M52, M54, M56, M58 & S88 Zoning Categories.
    c. *Option 3:* Direct staff to establish Winery District Overlay Zones.

EQUITY IMPACT STATEMENT

The Tiered Winery Expansion Feasibility Analysis (Feasibility Analysis) examined the potential for a tiered winery expansion in San Diego County, focusing on market potential, consumer demands, regulatory and environmental considerations, and financial feasibility. It provides the Board of Supervisors with options for expanding and streamlining the Tiered Winery Ordinance to help contribute to the local wine industry's growth and sustainability.

This analysis does not change the existing Tiered Winery Ordinance or permitting process for applicants. However, future actions may have impacts on winery owners, employees, and the local community. To address potential equity impacts of future actions from this analysis, staff has taken into consideration how the potential expansion may affect these stakeholders and their access to resources and opportunities. Staff has involved stakeholders in the decision-making process to help ensure the Feasibility Analysis is equitable and beneficial for involved parties. If directed, future phases of the project will incorporate further input from stakeholders.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2023-24 Operational Plan for Planning & Development Services (PDS). If approved, this request will result in one-time estimated implementation costs of up to $1,750,000 depending on the option selected by the Board. Funding for implementation costs, including sources and potential impacts, will need to be identified prior to program implementation. The Board can also direct staff to evaluate additional opportunities to combine the preparation of one of these options with a related ordinance or environmental review effort to reduce staff time and cost. The impact to net General Fund costs will depend on Board direction. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

N/A