

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JULY 17, 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 June 26, 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:

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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. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION
(06/26/2024 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN
ORDINANCE; 7/17/2024 - SECOND READING OF AN ORDINANCE, UNLESS
ORDINANCE IS MODIFIED ON SECOND READING)
[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT] |
| 2. | ADOPT RESOLUTIONS DESIGNATING OFFICIAL SIGNATORIES FOR
FEDERAL EMERGENCY MANAGEMENT AGENCY FLOODPLAIN
MANAGEMENT AND GRANT PROGRAMS AND RELATED CEQA
EXEMPTION

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL02) |
| 3. | AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION
CONTRACT FOR SUNSET AVENUE RETAINING WALL PROJECT AND
RELATED CEQA DOCUMENT
[FUNDING SOURCE: AVAILABLE PRIOR YEAR ROAD FUND FUND
BALANCE] |

4. GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PORTION OF ENGINEERS ROAD, IN THE CUYAMACA COMMUNITY OF THE CENTRAL MOUNTAIN SUBREGIONAL PLAN AREA AND CEQA EXEMPTION (VAC 2022-0160)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]
5. AUTHORIZATION TO PROCURE SPECIFICALLY-NAMED PROPRIETARY MOSQUITO LARVICIDE PRODUCTS THROUGH SINGLE SOURCE EXCEPTION UNDER BOARD POLICY A-87 AND RELATED CEQA EXEMPTION
[FUNDING SOURCE: VECTOR CONTROL BENEFIT ASSESSMENT, PAID ANNUALLY BY PROPERTY OWNERS THROUGHOUT THE REGION]
6. LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION
7. APPROVAL OF LEASE AGREEMENT FOR THE DEPARTMENT OF PARKS AND RECREATION FOR THE REHABILITATION, OPERATION AND MAINTENANCE OF THE MIRA MESA EPICENTRE, AND RELATED CEQA EXEMPTION
[FUNDING SOURCES: GENERAL FUND FUND BALANCE (GFFB); GENERAL PURPOSE REVENUE (GPR) AND PARK USER FEE REVENUE]
8. ESTABLISHING DEVELOPMENT STANDARDS FOR SITING BATTERY ENERGY STORAGE SYSTEM PROJECTS IN THE UNINCORPORATED COUNTY
[FUNDING SOURCE: ONE-TIME GENERAL PURPOSE REVENUE]

DISCUSSION ITEMS

Agenda#	Subject
9.	NOTICED PUBLIC HEARING: PUBLIC HEARING TO CONFIRM FISCAL YEAR 2024-25 LEVIES FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ZONES, AND STORMWATER MAINTENANCE ZONES [FUNDING SOURCE: ASSESSMENT LEVIES ON PROPERTY OWNERS WITHIN THE IDENTIFIED DISTRICTS] (RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL04 AND SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. FP01)
10.	NOTICED PUBLIC HEARING: OTAY MAJESTIC PROJECT, SPECIFIC PLAN AMENDMENT, VESTING TENTATIVE MAP, SITE PLAN, AND ENVIRONMENTAL DOCUMENT (ADDENDUM)

11. NOTICED PUBLIC HEARING:
RESOLUTION TO SET ASIDE THE BOARD'S MAY 5, 2021 DECISION
GRANTING THE APPEAL IN NORTH COUNTY ENVIRONMENTAL
RESOURCES PROJECT AND AFFIRM THE FEBRUARY 5, 2021 DECISION OF
THE PLANNING COMMISSION APPROVING THE PROJECT AND CEQA
EXEMPTION

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA
EXEMPTION (06/26/2024 - ADOPT RECOMMENDATIONS
INCLUDING INTRODUCING AN ORDINANCE; 7/17/2024 - SECOND
READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED
ON SECOND READING) (DISTRICTS: 2 & 5)**

OVERVIEW

On June 26, 2024 (10), the Board of Supervisors took action to further consider and adopt the Ordinance on July 17, 2024

The Traffic Advisory Committee (TAC) supports the Department of Public Works (DPW) traffic engineering program. The TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the region. To be effective, the TAC proposes policies that will enhance safety, reduce congestion, and be legally enforceable. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County of San Diego (County) maintained roads. Upon receipt of a request or recommendation for the implementation of a traffic safety measure in unincorporated areas, the TAC reviews and investigates the requested item, including engineering and traffic condition studies. The TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on five items from the February 2, 2024, TAC meeting agenda:

Items from the 02/02/2024 the TAC Meeting			
District	Item	Location	Action
2	2-A	Sao Paulo Way, 440' west of Daza Drive to cul-de-sac	Amend the time-specific no parking zone period from "8:00 AM to 4:00 PM" to "7:00 AM to 4:00 PM"
2	2-B*	First Street from El Cajon City limit (near Sumner Avenue) to Pepper Drive	Reduce the 35 MPH speed limit to 30 MPH and certify.
2	2-C*	Bradley Avenue from Graves Avenue to First Street	Amend west endpoint, reduce the 40 MPH speed limit to 35 MPH, and certify.
2	2-D*	Felicita Road from Escondido City limit (north of Miller Avenue) to Via Rancho Parkway	Amend north endpoint and certify a 45 MPH speed limit.
5	5-A*	Buena Vista Drive from Vista City limit (south of Keys Place) to Mar Vista Drive	Amend both endpoints, reduce the 30 MPH speed limit to 25 MPH, and certify.
* Indicates second reading of the ordinance is required. These items are not in the vicinity of tribal lands.			

Approval of Item 2-A on Sao Paulo Way in San Diego Country Estates (District 2) will provide enhance safety and roadway operation for pedestrians, bicyclists, and all other roadway users by eliminating the potential traffic hazards associated with parked vehicles. This item was requested by the Principal at James Duke Elementary School.

Approval of Item 2-B First Street in El Cajon (District 2), Item 2-C on Bradley Avenue in El Cajon (District 2), Item 2-D on Felicita Road in Homeland Acres (District 2), and Item 5-A on Buena Vista Drive in Vista (District 5) would support speed enforcement which enhances roadway safety. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for enforcement.

Item 2-A on Sao Paulo Way in San Diego Country Estates (District 2) does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second reading of an ordinance. Board direction on July 17, 2024, the second hearing, would allow for implementation by DPW.

The Board's action on Item 2-B First Street in El Cajon (District 2), Item 2-C on Bradley Avenue in El Cajon (District 2), Item 2-D on Felicita Road in Homeland Acres (District 2), and Item 5-A on Buena Vista Drive in Vista (District 5) would introduce an ordinance to amend speed limit zones. This action would revise County Code and require two steps. On June 26, 2024, the Board would consider the TAC items. If the Board takes action as recommended on June 26, then on July 17, 2024, a second reading and adoption of ordinances amending County Code would be necessary to implement the Board's direction. If the proposed ordinance is altered on July 17, 2024, then on that date a subsequential meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)

TRAFFIC ADVISORY COMMITTEE

District 2:

Item 2-A. Sao Paulo Way, both sides, from 440' west of Daza Drive to cul-de-sac in San Diego County Estates - Amend a time specific no parking zone from "8:00 AM to 4:00 PM" to "7:00 AM to 4:00 PM."

Item 2-B. First Street from the El Cajon City limit (near Sumner Avenue) to Pepper Drive in El Cajon- Reduce the existing 35 MPH speed limit to 30 MPH and certify the 30 MPH speed limit for radar enforcement.

Item 2-C. Bradley Avenue (County maintained portions) from Graves Avenue to First Street in El Cajon - Amend the western endpoint, to reflect the current speed zone, reduce the existing 40 MPH speed limit to 35 MPH and certify the 35 MPH speed limit for radar enforcement.

Item 2-D. Felicita Road from Via Rancho Parkway to the City of Escondido (north of Miller Avenue) - Amend the northern endpoint, due to annexation by Escondido, and certify the existing 45 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Buena Vista Drive from Vista City limit (south of Keys Place) to Mar Vista Drive in Vista - Amend both endpoints, due to annexation by Vista, reduce the existing 30 MPH speed limit to 25 MPH and certify the 25 MPH speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.36., 72.169.27., 72.171.46.3. AND 72.172.33. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY. (Items 2-B, 2-C, 2-D, AND 5-A)

EQUITY IMPACT STATEMENT

The review of traffic signs, intersection controls, and roadway markings supports vehicle safety on County of San Diego-maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities, and for people of all incomes, races, ethnicities, ages, and abilities. Understanding travel patterns, where correctable crashes are occurring, and the disproportionate impacts on certain communities will allow the Department of Public Works to identify actions to address the underlying causes, improve safety, and ensure there is justice in the enforcement of traffic regulations.

DPW's Local Roadway Safety Plan reviews correctable collisions along road segments within the unincorporated areas of the region and uses the Healthy Places Index (3.0) and CalEnviroScreen 4.0 to ensure underserved populations are prioritized. The Traffic Advisory Committee (TAC) relies on the Local Roadway Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of most drivers, the TAC also relies on various community engagement methods such as the Tell Us Now! Mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

SUSTAINABILITY IMPACT STATEMENT

The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a public forum every eight weeks to find timely, reasonable, and cost-effective in-road traffic solutions that reduce costly traffic delays, mitigate vehicle idling to reduce emissions, improve fire response times and regional readiness, and ensure justice in enforcement of traffic regulations.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2024-25 Operational Plan in the Department of Public Works Road Fund. If approved, this request will result in costs and revenue of \$7,436 in FY 2024-25 for staff time, materials, and supplies. The funding source is State Highway User Tax Account. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

2. SUBJECT: ADOPT RESOLUTIONS DESIGNATING OFFICIAL SIGNATORIES FOR FEDERAL EMERGENCY MANAGEMENT AGENCY FLOODPLAIN MANAGEMENT AND GRANT PROGRAMS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

San Diego County's unincorporated region has recently experienced significant flooding that has damaged infrastructure, residences, and businesses. The Federal Emergency Management Agency (FEMA) assists states and local communities with programs, technical support, and grants to help protect residents and businesses against flooding. FEMA's hazard mitigation assistance grant programs provide funding for eligible mitigation activities that reduce disaster losses and protect life and property from future natural disasters. Local funds can be used to leverage FEMA grants to construct drainage improvements that protect residents and businesses, especially those in underserved areas.

In California, many of these programs are administered by the Governor's Office of Emergency Services (CalOES) on behalf of FEMA. Grant funds are available for projects to rebuild communities after a major disaster in a way that reduces future disaster losses, help communities reduce risks from future disasters and natural hazards, and reducing the risk of flood damage to NFIP-insured buildings. FEMA currently offers the following hazard mitigation programs to eligible municipalities, agencies, and organizations:

- Hazard Mitigation Grant Program (HMGP)
- Flood Mitigation Assistance (FMA) Program
- Building Resilient Infrastructure & Communities (BRIC)

These FEMA programs can provide funding to support County of San Diego (County) flood protection and drainage improvement projects, such as culvert replacements and channel improvements that are identified in the Department of Public Works' Five-Year Capital Improvement Program (CIP), as well as emergency projects or multi-jurisdictional projects that will benefit unincorporated county residents. Plans that are not on the 5-Year CIP Plan are not excluded and can still be considered for submittal however the majority of FEMA granted funded programs are competitive and projects that are on the 5-Year CIP Plan will potentially score better than those not identified on an existing plan. Because grants frequently require the recipient to provide matching funds, matching funds could be from the San Diego County Flood Control District, County Road Fund, partnering jurisdictions, other eligible matching grants, or previously allocated/approved County General Fund.

In addition, FEMA's Community Rating System (CRS) program enables residents and businesses to receive discounts on flood insurance premiums when their local jurisdictions undertake floodplain management activities that go above and beyond the minimum National Flood Insurance Program requirements. The County participates in this program and is currently rated as a "Class 6" Community, which equates to 20% reduction in flood insurance premiums for eligible property owners within the unincorporated county.

FEMA requires Board of Supervisors (Board) approval for the submission of grant applications, grant and CRS reports, and to accept FEMA grant funds. Alternatively, jurisdictions may designate agents to sign and submit these reports and documents, and to accept FEMA grant funds for up to a 3-year period. Without this designation of authority for signature, the Board will be required to sign documents required to process a FEMA grant. This removes the burden on staff and the Board to process day to day grant management and administration documents with FEMA. The Board last adopted the resolutions on July 14, 2021 (05). Those resolutions were approved for a three-year period and now need to be adopted again.

Today's request is to adopt two resolutions authorizing the Director of Public Works, Assistant Director of Public Works, Deputy Director of Public Works, and Flood Control District Manager, as official agents of the County and Flood Control District, to implement and submit documents, including but not limited to applications, agreements, and grant acceptance letters for FEMA programs to the County of San Diego and/or the San Diego County Flood Control District through July 17, 2027.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors:

1. Find that adoption of the proposed resolutions is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility for the activity to cause a significant effect on the environment.
2. Adopt a resolution entitled: JOINT RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS AUTHORIZING COUNTY AGENTS TO EXECUTE AND SUBMIT APPLICATIONS AND OTHER DOCUMENTS; AND ACCEPT FUNDS FROM AWARDED GRANTS TO AND FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR EMERGENCY FLOOD MITIGATION PROGRAMS, INCLUDING WITHOUT LIMITATION THE HAZARD MITIGATION GRANT PROGRAM, FLOOD MITIGATION ASSISTANCE PROGRAM, AND BUILDING RESILIENT INFRASTRUCTURE & COMMUNITIES.
3. Adopt a resolution entitled: JOINT RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS AUTHORIZING COUNTY AGENTS TO EXECUTE AND SUBMIT APPLICATIONS AND OTHER DOCUMENTS; AND ACCEPT FUNDS FROM AWARDED GRANTS TO AND FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR THE COMMUNITY RATING SYSTEM.

Acting as the Flood Control District Board of Directors:

1. Adopt a resolution entitled: JOINT RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS AUTHORIZING COUNTY AGENTS TO EXECUTE AND SUBMIT APPLICATIONS AND OTHER DOCUMENTS; AND ACCEPT FUNDS FROM AWARDED GRANTS TO AND FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR EMERGENCY FLOOD MITIGATION PROGRAMS, INCLUDING WITHOUT LIMITATION THE HAZARD MITIGATION GRANT PROGRAM, FLOOD MITIGATION ASSISTANCE PROGRAM, AND BUILDING RESILIENT INFRASTRUCTURE & COMMUNITIES.
2. Adopt a resolution entitled: JOINT RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS AUTHORIZING COUNTY AGENTS TO EXECUTE AND SUBMIT APPLICATIONS AND OTHER DOCUMENTS; AND ACCEPT FUNDS FROM AWARDED GRANTS TO AND FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR THE COMMUNITY RATING SYSTEM.

EQUITY IMPACT STATEMENT

The San Diego County Flood Control District strives to implement programs and projects that preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources while simultaneously complying with mandatory federal, state, and local regulations. Designating official signatories for Federal Emergency Management Agency (FEMA) floodplain management and grant funding programs streamlines the application process and could result in more grant funding opportunities for County of San Diego (County) and San Diego County Flood Control District (District). This would result in projects that improve public safety and mitigation of impacts from natural hazards which will benefit unincorporated communities by reducing or eliminating long term risk of flood damage.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to authorize the Director of Public Works to implement and submit documents to FEMA for flood control projects has health and well-being and economic sustainability benefits. This action will contribute to the County sustainability goal of protecting the health and well-being of everyone in the region by reducing flood risk and reducing costs for flood insurance.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There may be future fiscal impacts for which staff would return back for consideration and approval by the Board. Upon return by staff funding for future costs will need to be identified by the department and will proceed once identified. At this time, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL02)

**3. SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR SUNSET AVENUE RETAINING
WALL PROJECT AND RELATED CEQA DOCUMENT (DISTRICT: 4)**

OVERVIEW

The County of San Diego's (County) Department of Public Works (DPW) maintains nearly 2,000 centerline miles of roads in unincorporated San Diego County. Centerline miles represent the total length of the roads regardless of the number of lanes or the overall roadway width. County roads traverse a variety of regions and conditions, from two-lane roads in mountainous terrain to multi-lane roads in dense population centers. All County-maintained roads are regularly evaluated for safety measures to protect the public. Typical safety measures include traffic signals, roadway signage, and guardrails; but on occasion, other more specialized safety measures, such as retaining walls and similar structures are required to prevent erosion and slope failure.

Sunset Avenue is a County maintained road located in unincorporated La Mesa along Mt. Helix. The location of the improvements along Sunset Avenue are on a section of one-way roadway between the intersections of Fuerte Drive and Summit Circle for a distance of about 0.17-miles. The proposed project will construct a retaining wall to support the roadway in place of the existing foundation constructed from stacked, unreinforced rock structure. The existing foundation is subject to erosion and seismic failure. The proposed improvements will construct a retaining structure known as a soldier pile wall. Soldier pile walls are predominantly used where there is a sudden change in elevation, such as steep embankments to prevent the lateral movement of soil and will provide a strong foundation for the roadway.

The repair work will be to remove and replace about 100 linear feet of the existing roadway to allow the installation of soldier piles and associated lagging panels. The roadway will be resurfaced, an asphalt curb will be installed along the edge of the road to control storm water runoff and a chain link fence will be installed for the length of the repair to replace the existing failed fence. During construction, Sunset Ave will be closed along the one-way section of roadway and traffic will be detoured to Summit Drive, a roadway that parallels Sunset Avenue to the south. The detour is anticipated to add an additional .07 miles to the trip or about an addition 45 seconds. Adjacent residence will be able to access their homes and driveways during construction. These improvements will ensure that the roadway will be safe for local residence and the traveling public.

This is a request to approve the advertisement and subsequent construction contract award to the lowest responsive and responsible bidder for the Sunset Avenue Retaining Wall Project. If approved, construction costs are estimated to be \$600,000, including contingencies, for a total cost of \$750,000. Construction will begin in spring 2025 and is anticipated to be complete in summer 2025.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project is categorically exempt from CEQA review because it involves the maintenance and repair of existing facilities involving no or negligible expansion of existing use. Find in accordance with Section 15304 of CEQA Guidelines that the proposed project is categorically exempt from CEQA review because it consists of minor alterations to public land without removal of mature trees.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for curbs, gutters, and sidewalks, throughout the unincorporated region of the County.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The County of San Diego strives to preserve, enhance, and promote quality of life and environmental resources through the implementation of projects that improve road facilities. Rehabilitation of retaining walls offers several equity benefits, including enhanced safety and preserved infrastructure. A functional retaining wall prevents soil erosion and protects properties from damage. Retaining walls often support sidewalks, roads, or other infrastructure. Rehabilitation safeguards these structures, preventing costly repairs and ensuring they remain accessible to all. County of San Diego construction contracts are also competitively and publicly advertised and bid and help stimulate the local economy.

SUSTAINABILITY IMPACT STATEMENT

The repair work for the Sunset Ave Retaining Wall will have economic and environmental sustainability benefits. Upkeep of existing infrastructure prevents more costly future maintenance efforts, thereby reducing environmental impact and supporting economic sustainability. The retaining wall repair work proposed in this action will utilize fewer resources compared to demolishing the wall and rebuilding it entirely. This translates to conserving raw materials and minimizing construction waste which contributes to San Diego County's sustainability goal of reducing pollution and waste.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2024-25 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, the construction costs are estimated at \$600,000, including a 20% contingency for unforeseen conditions. The total estimated project costs are \$970,109. The funding source is available prior year Road Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy by creating construction-related employment opportunities. All workers employed on Public Works projects must be paid the prevailing wages determined by the 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. A skilled and trained workforce requirement will be included in the contract in compliance with the County's Working Families Ordinance requirements for County construction projects.

4. **SUBJECT: GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PORTION OF ENGINEERS ROAD, IN THE CUYAMACA COMMUNITY OF THE CENTRAL MOUNTAIN SUBREGIONAL PLAN AREA AND CEQA EXEMPTION (VAC 2022-0160) (DISTRICT: 2)**

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request from the owner/applicant of Assessor's Parcel Number (APN) 290-141-42, to summarily vacate a portion of Engineers Road that bisects with the owner's property. A summary vacation is a streamlined process by which an excess public road, right-of-way, or a public service easement is abandoned. In this situation, the public road is not developed and is not currently being used because the road has been constructed in a different location.

A summary vacation may be requested by the County or the public if the easement interests are found to be excess to County needs and are not required for the purposes for which they were obtained. The property subject to the vacation is located within the Cuyamaca Community of the Central Mountain Subregional Plan Area. County Department of Public Works has determined that the portion of Engineers Road is excess and no longer needed for present or future public use because this portion was never constructed, is not County-maintained, and is not a part of the General Plan Mobility Element. The vacation was requested by the property owner and will remove an encumbrance that could allow for better use of the subject property and allow for the potential for future development at the owner's discretion.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate this portion of Engineers Road.

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 vacations of a public highway easement that is not needed for public road purposes, and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.

2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A PORTION OF ENGINEERS ROAD, IN THE CUYAMACA COMMUNITY OF THE CENTRAL MOUNTAIN SUBREGIONAL PLAN AREA (VAC 2022-0160) (DISTRICT: 2) (Attachment C, on file with the Clerk of the Board).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2022-0160 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

The resolution to remove an encumbrance from private land that is no longer needed for public purposes will provide an overall public benefit and improve the use of the land made available by the vacation. The proposed summary vacation is in a residentially zoned area and will allow the property owner to better use their property. The existing surrounding road system will continue to provide adequate access for the property and will not preclude future development.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to summarily vacate a portion of Engineers Road 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 their land. This action will impact the property owner directly by providing improved use of the property by unencumbering a portion the property for potential future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2024-25 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. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

5. **SUBJECT: AUTHORIZATION TO PROCURE SPECIFICALLY-NAMED PROPRIETARY MOSQUITO LARVICIDE PRODUCTS THROUGH SINGLE SOURCE EXCEPTION UNDER BOARD POLICY A-87 AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

The Department of Environmental Health and Quality (DEHQ) Vector Control Program (VCP) is responsible for mosquito control throughout the San Diego region to protect public health from mosquito-borne diseases such as West Nile virus (WNV), Zika virus, and dengue. WNV is the leading cause of mosquito-borne disease in the continental United States. WNV is transmitted to people through mosquito bites and has been detected at concerning rates in the San Diego region since 2003. Mosquito control measures are key to minimizing the impacts of WNV on San Diego County residents and visitors. Specifically, application of larvicides to bodies of water where mosquitoes breed significantly reduces both mosquito populations and the

transmission of WNV. The larvicides used primarily consist of organic-registered, naturally occurring bacteria that targets mosquito larvae and prevents them from developing into biting adults and do not harm people, pets, plants, or wildlife when used per label instructions by trained staff within the program.

On July 24, 2019 (8), the Board of Supervisors (Board) authorized single source procurement of mosquito larvicides to conduct aerial and ground-based mosquito control applications. As a result of this Board action, the Department of Purchasing and Contracting (DPC) awarded two single source contracts for five years through June 30, 2024, with the option to extend for six additional months to December 31, 2024. The products that were approved through this Board action and are currently being used by DEHQ to control mosquitos are trademarked VectoMax and VectoBac larvicides, manufactured by Valent BioSciences, and the trademarked Natular larvicides, manufactured by Clarke Mosquito Control. Since the contracts for these products will expire by December 31, 2024, new contracts are required to procure larvicides in order to support existing levels of service to control mosquito breeding and reduce the risk to public health from mosquito-borne diseases. If approved, the single source authorization to purchase specifically-named products would ensure continuity of effective mosquito control in the region. The products that DPC will name in the procurement(s) are larvicides that VCP currently uses as previously approved by the Board.

Today's action requests that the Board authorize DPC to specify three specifically-named larvicide products for procurement under Board Policy A-87, *Competitive Procurement*, section 1.D (including examples one, five, and six) due to there being a single manufacturer or distributor who can provide the required goods, as well as section 3 due to the procurements being in the County's best interest. The larvicides included in this request are used by other vector agencies throughout the country and have been successfully used for mosquito control purposes in the San Diego region for over a decade. Since these products are currently used for DEHQ's large-scale mosquito control, these larvicides would support continuity of DEHQ's regionwide mosquito abatement efforts. The use of alternative products that do not use these proprietary formulations that have been found to be effective in the local environment could result in increased mosquito activity and public health impacts from mosquito-borne disease transmission.

DEHQ anticipates that the contracts will be in the amount of \$2,000,000 per year for a one-year initial term, plus four one-year options and an additional six months, for a total not to exceed \$11,000,000. DPC's procurement of these specified larvicides will ensure that the County is receiving a fair and reasonable price for the preferred product. The funding source is the Vector Control Benefit Assessment, paid annually by property owners throughout the region.

If the recommended actions are not approved, then VCP would not be able to procure these larvicides that support existing levels of service to control mosquito breeding and reduce the risk to public health from mosquito-borne diseases. This would result in a significant increase of mosquito activity, including at the largest mosquito breeding sites in the County, and could result in a higher abundance of mosquitoes capable of transmitting mosquito-borne diseases in the San Diego region.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and is, therefore, not subject to the California Environmental Quality Act.
2. In accordance with Board Policy A-87, *Competitive Procurement*, find that VectoMax and VectoBac larvicide products (manufactured by Valent BioSciences) and Natular larvicide products (manufactured by Clarke Mosquito Control) are single source products for the purposes of mosquito abatement in the region and authorize the Director, Department of Purchasing and Contracting, upon successful negotiations and determination of fair and reasonable price, to award contract(s) for a one-year initial term, plus four one-year options and an additional six months, from January 1, 2025 through June 30, 2030, and to amend any contract(s) to reflect changes in services and funding.

EQUITY IMPACT STATEMENT

The Department of Environmental Health and Quality (DEHQ) anticipates this action will result in continued protection of public health from the risks of vector-borne diseases throughout the San Diego region. These products will be used for the continued implementation of an integrated vector management approach, which incorporates the most effective strategies to reduce mosquitoes and protect public health with the least negative impact to the environment. This approach also empowers the public to take preventive measures to protect themselves, their family, and their community through educational community engagement and outreach, which includes multi-lingual media campaigns with a focus on underserved communities.

SUSTAINABILITY IMPACT STATEMENT

The proposed actions contribute to the County of San Diego's (County) Sustainability Goals: protect health and wellbeing; protect ecosystems habitats, and biodiversity; and provide just and equitable access to County services. The proposed actions contribute to the County Sustainability Goal No. 4 the health and wellbeing of the residents and visitors of the entire region, including underserved communities, and benefits individuals as well as the community at large. Implementation of an integrated vector management approach to mosquito and vector control services contributes to the County Sustainability Goal No. 6 by protecting public health from diseases transmitted by vectors and protects the ecosystems, habitat, and biodiversity of the region. The proposed actions also contribute to the County Sustainability Goal No. 2 of providing just and equitable access to County services by involving stakeholders in a community needs assessment to expand the reach of services and utilizing available resources to improve access to services and positive outcomes.

FISCAL IMPACT

Funds for these recommendations are included in the Fiscal Year (FY) 2024-25 Operational Plan for the Department of Environmental Health and Quality. If approved, this request is anticipated to result in costs and revenue of an estimated amount of \$2,000,000 per year from January 1, 2025, through December 31, 2029, for a total not to exceed \$10,000,000 and an additional six months if needed for \$1,000,000 following the final option year from January 1, 2030 through June 30, 2030, for a total not to exceed of \$11,000,000. The funding source is the Vector Control

Benefit Assessment, paid annually by property owners throughout the region. There will be no change in net General Fund cost and no additional staff years. Funding for the subsequent years' costs will be included in future years' Operational Plans based on revenue from the Vector Control Benefit Assessment.

BUSINESS IMPACT STATEMENT

N/A

6. SUBJECT: LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

On June 27, 2023 (16), the County of San Diego (County) Board of Supervisors (Board), issued a Proclamation of Local Emergency (Proclamation) as a result of the continued conditions for detrimental impacts to the environment, economy, and property within San Diego county, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630. The Proclamation further asked the Governor to proclaim a State of Emergency in San Diego county. Government Code section 8630(c) requires local governing bodies to review the need for continuing the local emergency at least once every 60 days until the local emergency is terminated.

On July 19, 2023 (4), September 13, 2023 (3), November 8, 2023 (2), December 6, 2023 (2), January 24, 2024 (1), March 13, 2024 (3), May 1, 2024 (4) and June 26, 2024 (4) the Board found that there is a continuing need for the local emergency. This is a request to find that a review of the local emergency has been conducted and that the local emergency will remain in effect.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proclamation of local emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378(b)(4)&(5) because the action is an administrative action intended to facilitate state and federal funding, does not commit the County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. Find that there is a need to continue the local emergency and that the local emergency shall continue subject to review requirements until terminated pursuant to Government Code section 8630(d).

EQUITY IMPACT STATEMENT

The communities closest to the San Diego International Border, including the communities of Imperial Beach, San Ysidro, Otay Mesa, and Tijuana River Valley are identified by SB 535 (2012) and CalEnviroScreen 4.0 as being Environmental Justice communities having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation, and poverty rates. By supporting the local emergency proclamation, the County of San Diego remains committed to working with local, state, federal, and Mexican authorities to improve conditions for these communities. Local Environmental Justice communities have decades of suffering from various pollution sources, have been advocating and working to raise their concerns to the various agencies, and have engaged to elevate the need for data collection to document environmental injustices.

SUSTAINABILITY IMPACT STATEMENT

This action letter aligns with the County of San Diego's Sustainability Goals No. 6 to protect the environment and promote our natural resources, diverse habitats and cultivate a natural environment for residents, visitors, and future generations to enjoy.

FISCAL IMPACT

There is no fiscal impact associated with this request to continue the emergency. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

Increased beach water closures resulting from sewage impacts have a direct effect for the surrounding community due to decreased tourism, patronage of local businesses, and opportunities for youth recreation and camps. By continuing a local emergency, the County of San Diego will be able to engage businesses and non-profit service providers that have been impacted by the restricted access to local beaches and oceans with the goal of assisting in identifying ways to connect them to any state or federal relief programs.

7. **SUBJECT: APPROVAL OF LEASE AGREEMENT FOR THE DEPARTMENT OF PARKS AND RECREATION FOR THE REHABILITATION, OPERATION AND MAINTENANCE OF THE MIRA MESA EPICENTRE, AND RELATED CEQA EXEMPTION (DISTRICT: 3)**

OVERVIEW

In 2021, the County of San Diego (County) Board of Supervisors (Board) directed the Department of Parks and Recreation (DPR) to negotiate an agreement with the City of San Diego (City) to launch a capital project to rehabilitate the Mira Mesa Epicentre, located at 8450 Mira Mesa Boulevard, San Diego, California (Property), as a County-operated community center offering programs, activities, classes, and events that benefit residents of all ages, interests and abilities, with a special focus on youth and teens.

To best serve the community of Mira Mesa, facility users' feedback on the future facility's design and programming was collected through engagement with community members during community meetings and events, and surveys over the past three years. The Property will be leased to the County by the City for a term of 45 years. The County will refurbish and operate a portion of the Property as an open recreation center for youth, with programs to be offered that reflect the preferences of the community, including tutoring, mentoring, career counseling, performing and visual arts, gardening, cooking, various recreational classes, rentable space for meetings and events, and intergenerational programs. Design features of the facility will include the community's preference for a lounge area, game tables and consoles, workstations and a homework area, a music room, fitness equipment, a stage, a demonstration kitchen, and a multi-purpose space. Preferred exterior amenities include central gathering areas, open turf areas, garden areas, and outdoor sport courts. Over \$1 million of the total project budget of \$10.5 million committed by the County has been encumbered toward the public outreach, conceptual design, and the construction documents needed to implement the community-driven amenities desired at the facility as well as the building's full refurbishment. These funds were committed in Fiscal Year (FY) 2020-21 through Board direction (\$3.65 million), FY 2022-23 through the adopted Operational Plan (\$4.35 million) and FY 2024-25 through the adopted Operational Plan (\$2.5 million). The facility is anticipated to open in FY 2025-26.

Today's request is for the Board's approval of the lease agreement negotiated between the City and County, necessary CEQA determination, and authorization for staff to execute the lease agreement contingent on the County being in a position to commence the rehabilitation project.

Staff is recommending that execution of the long-term lease be authorized contingent on completion of due diligence, coordination of a Shared Use agreement, permit processing and issuance, utility location, and readiness of County to take possession of and secure the lease premises, as described in the Background section. After the lease agreement is signed, the County will take responsibility for securing and maintaining the premises and will have the right to rehabilitate, operate, and maintain the Mira Mesa Epicentre during the 45-year lease term. The Mira Mesa Epicentre will then be rehabilitated by the County and operated as a youth-focused community center that supports the community's preferred programming needs and serves as headquarters for the county-wide San Diego/Safe Destination Nights (SD Nights) program.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed lease agreement, rehabilitation, and operation of the Mira Mesa Epicentre is exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15301, 15302, and 15304 of the CEQA Guidelines (Attachment A).
2. Approve and authorize the Director, Department of General Services, in consultation with the Director, Department of Parks and Recreation, to execute the proposed lease agreement for 8450 Mira Mesa Boulevard, San Diego, California following (a) completion of Due Diligence, (b) progress in negotiating a Shared Use agreement with the City and (c) the County achieving Construction Ready status for the rehabilitation project, as specified in the Background section.

EQUITY IMPACT STATEMENT

Investing in today's youth who will become tomorrow's leaders is a high priority for the County of San Diego Department of Parks and Recreation (DPR) and the San Diego/Safe Destination Nights (SD Nights) program. The rehabilitation and operation of the Mira Mesa Epicentre would activate a highly visible public space and improve public safety in the community. The facility will serve as headquarters for DPR's SD Nights program and regional teen center hub, in which staff coordinate events for teens in urban areas to keep them engaged in safe activities during critical hours. The Mira Mesa Epicentre will operate with the intention of diverting youth away from potentially negative behaviors by bringing them into a positive environment that equips them with social, physical, and educational tools that can help them lead healthy and productive lives.

SUSTAINABILITY IMPACT STATEMENT

The approval of the lease agreement contributes to many of the County's Sustainability Goals: providing just and equitable access by improving the layout and wayfinding of the building to accommodate diverse physical and mental abilities; transitioning to a green, carbon-free economy by reducing the building's energy demand by 50%; protecting health and well-being by providing natural daylight, enriching landscaping, and using non-toxic materials; protecting water; protecting ecosystems, habitats, and biodiversity; and reducing pollution and waste. The rehabilitation of the Mira Mesa Epicentre will provide community members and teenagers access to a safe and positive environment that promotes health and well-being through various programming opportunities including mentoring, career counseling, performing and visual arts, gardening, cooking, recreational classes, and intergenerational programs.

Because the Mira Mesa Epicentre is an existing facility within an already urban environment, it will support sustainable land use practices. Its location is in proximity to the Mira Mesa Community Park, Senior Center, Library, and Mira Mesa High School and is surrounded by residential and commercial uses. The central location of the facility and location to nearby public transit allows for multi-modal accessibility. Additionally, the facility will be rehabilitated to meet the latest California Green Building Standards and will strive to meet net-zero energy goals in-line with both the City of San Diego's and County's greenhouse gas emission reduction goals.

FISCAL IMPACT

Funds for the rehabilitation project are included in the Fiscal Year (FY) FY 2024-25 Operational Plan in the Capital Outlay Fund for Capital Project 1024823 Mira Mesa Epicentre Youth and Community Center. Total rehabilitation project costs and revenue are \$10.5 million. The funding sources are General Fund fund Balance (GFFB) (\$8.0 million) and General Purpose Revenue (GPR) (\$2.5 million). There will be no change in net General Fund cost and no additional staff years.

Funds for the lease are included in the FY 2024-25 Operational Plan of the Department of Parks and Recreation (DPR). If approved, this lease agreement will result in costs and revenue of approximately \$1 per calendar month in base rent. Total lease costs and revenue are \$12 in FY 2024-25, and total of \$540 for the term of the 45-year lease. The funding source is DPR GPR. There will be no change in net General Fund cost and no additional staff years.

Upon completion of the project, the initial purchase of minor equipment and start-up costs are estimated at \$100,500. Ongoing operations are estimated at \$518,985 annually, which will include an estimated \$202,694 for two additional full-time staff, programming costs, facility maintenance, and utilities. The facility is projected to open in FY 2025-26, and these costs will be included in future Operational Plans starting in FY 2025-26. The funding source will be DPR GPR and park user fee revenue.

BUSINESS IMPACT STATEMENT

N/A

8. SUBJECT: ESTABLISHING DEVELOPMENT STANDARDS FOR SITING BATTERY ENERGY STORAGE SYSTEM PROJECTS IN THE UNINCORPORATED COUNTY (DISTRICTS: ALL)

OVERVIEW

The County's vision for decarbonization through a transition away from traditional sources of energy, such as contemplated in the "Regional Decarbonization Framework" (RDF) gives considerable attention toward solar and wind generation capabilities interlinked by the grid. Due to the intermittent nature of these sources of energy, an inherent component of this vision - then - is the need for battery storage of the renewable electricity generated during off-peak hours to power homes and businesses throughout the night and to prevent black and brownouts. As this transition continues to unfold, demand for battery storage projects (typically referred to as "battery energy storage systems" (BESS) will only increase.

Currently, the County does not have specific definitions nor development standards in place to guide the review process for new BESS projects. Because of this, the County's department of Planning & Development Services (PDS) processes these types of projects consistent with the nearest comparable land use categories in the Zoning Ordinance, such as minor and major impact utilities. Land uses considered minor impact utilities include cellular antenna facilities, electrical substations, and small water tanks. Examples of major impact utilities include large wind turbines, water treatment facilities, and steam, fossil, or nuclear power plants. It is not unreasonable to accept that BESS projects are comparable in scope and scale to some of these land uses. However, certain aspects of BESS projects are especially unique and often utilize cutting-edge technology that must be specifically accounted for, such as the operating characteristics and safety requirements for lithium-ion battery storage.

Beyond the uniqueness of BESS facilities, these projects also often generate public controversy and opposition, particularly when located near existing residential neighborhoods. By and large, this is based on an understanding of the associated public health and safety risks, such as fire, thermal runaway, and release of toxic gases. For example, the 250-megawatt Gateway Energy Storage facility located in East Otay Mesa (District 1), approved by the County in 2018 caught fire in May of this year and continued to reignite despite efforts to contain it. This incident prompted an evacuation warning for nearby businesses, deployment of firefighters and HAZMAT teams to put out the blaze, monitor air quality conditions and discharge of waterborne contaminants in firefighting suppression activities, and establishment of a 600-foot buffer from the site due to potential for release of toxic gases. In Valley Center (District 5) a much smaller,

but nonetheless concerning fire occurred recently at the County-approved Terra-Gen BESS facility. This resulted in temporary road closures and evacuation orders for nearby homes. Clearly, public fixation on the health, safety and environmental risks posed by these facilities is well warranted.

Given the unique operating characteristics of BESS facilities, their inherent safety concerns, and a growing public awareness of their impacts - particularly when located near or within residential neighborhoods - the County must adopt specific development standards for guiding our review process of new BESS project applications. In this spirit, today's action directs the Chief Administrative Officer (CAO) to establish development standards for siting BESS projects in the unincorporated areas and orders a temporary pause on any new application submittals until standards have been developed and adopted.

RECOMMENDATION(S)
SUPERVISOR JIM DESMOND

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to SCEQA Guidelines Sections 15060(c)(2) and (3), Section 15061(b)(3), and 15378(b)(5) because the action is an administrative action that does not commit County to a specific project and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. Direct the Chief Administrative Officer (CAO) to establish development standards for siting battery energy storage system (BESS) projects in the unincorporated areas. This process shall be informed by community, industry, and all other relevant stakeholder input as deemed appropriate. At a minimum, standards should include, but are not limited to the following:
 - a) Avoid locating BESS projects in residential areas.
 - b) Avoid locating BESS projects near sensitive receptors, such as schools, day care centers, senior care centers and hospitals.
 - c) Incentivize locating BESS projects in commercial and/or industrial zones.
 - d) Incentivize BESS projects that can co-locate with existing utility facilities, electrical substations, etc., unless located in a residential area.
 - e) Specific safety requirements for thermal runaway, fire and explosion risks, emergency response, hazardous materials, toxic gases, and noise.
 - f) Specific development regulations for setbacks, building height, etc.
 - g) Specific design standards for aesthetics, community character, lighting, and landscaping.
 - h) Consider exemption criteria based on project location, size, and/or other metrics as deemed appropriate and as consistent with sub-recommendations a - g (above).

3. Direct the CAO to work with applicants with BESS projects currently under review to align their submittals with today's recommendations, to the extent feasible. The CAO shall also, at the next possible meeting, prepare and bring back an ordinance temporarily (45 days) pausing any new BESS project application from being accepted, pursuant to Government Code Section 65858 as an urgency measure to protect public health, safety, and welfare. This pause shall include two additional one-year extensions, each to be executed until BESS development standards have been adopted.

EQUITY IMPACT STATEMENT

Battery energy storage system (BESS) projects may pose significant health, safety, and environmental risks to surrounding communities, especially when located within or near existing residential neighborhoods. These risks range from acute noise nuisances to fire and thermal run-away hazards. To protect and buffer residential areas from these risks, and to ensure historically disadvantaged communities don't bear the brunt moving forward, the County must adopt standards and guidelines for siting future BESS projects that considers their unique operating characteristics, potential health and safety risks, and appropriateness for locating them within close proximity to existing communities and other sensitive receptors.

SUSTAINABILITY IMPACT STATEMENT

While there are many benefits of BESS facilities that contribute to the County's sustainability goals, such as strengthening grid reliability and increasing energy efficiency, there are also several potential adverse consequences. These include fire and thermal runaway risks, managing the limited life cycle and degradation of batteries over time, and extraction of rare earth minerals that can have devastating environmental and societal consequences (unethical mining practices, etc.). The key here is striking a balance between the pros and cons of these facilities. Adopting rules for how we process and locate BESS projects in the unincorporated areas is a necessary first step.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2024-25 Operational Plan in Planning & Development Services (\$1.0 million) and San Diego County Fire (\$0.25 million). If approved, this request will result in costs and revenue of approximately \$1.25 million to establish development standards for siting battery energy storage system (BESS) projects, depending on the complexity of the environmental review required. The funding source is one-time General-Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

9. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2024-25 LEVIES
FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE
AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION
DISTRICT ZONES, AND STORMWATER MAINTENANCE ZONES
(DISTRICTS: ALL)**

OVERVIEW

Special districts are created by residents of a community to deliver specialized services the local County or City does not provide. There are a variety of special districts, and each type is governed under different State laws. The County of San Diego (County), San Diego County Flood Control District (Flood Control District), and San Diego County Fire Protection District (Fire District) use special districts as a funding mechanism to provide services, such as fire protection, flood control protection, private road and landscape maintenance, parks, emergency communication, and paramedic services, across the unincorporated region and in six cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and San Diego) in San Diego county.

Services are primarily funded by property owners through assessments or special taxes that are collected through annual property tax bills, reducing the cost to ratepayers by eliminating the administrative costs from annual billing and payment collection. District boundaries were established at the time of formation by voters or as a condition of development. Services are primarily funded by parcels within each district's boundaries. The method for calculating how much each parcel pays varies based on the type of district and ordinances adopted when the districts were formed. The most common method for calculating the rate per parcel is based on a variety of factors, including land use, parcel acreage, or use type (single-family or multi-family). The assessments or special taxes cannot exceed the maximum amount in the adopted ordinance without an additional vote of the affected community. At the time of formation, some of the ordinances included cost escalators, tied to a specific cost index, to allow special districts to increase the maximum rate each year to keep pace with inflation. The most commonly used cost indices are the Consumer Price Index (CPI) which measures the cost of consumer goods, and the Construction Cost Index (CCI) which measures the cost of construction materials and labor.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Staff reviewed each district to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year (FY) 2024-25 are needed to fund services and to ensure compliance with Board Policy B-29. Rates are also necessary to maintain financial reserves to fund future services, facility repairs, improvements, or replacements. All proposed rates are in accordance with Articles XIII A-D of the California Constitution (Proposition 218), as amended to date. All proposed rates are within the maximum rates set forth in each district's adopted ordinance; and therefore, do not require voter approval from affected property owners. Under Proposition 218, voters must approve special district formations and the maximum amount that can be collected from property owners. Without the funds generated by assessments, services would be reduced, and maintenance would be deferred.

Permanent Road Division Zones (County District)

There are 67 Permanent Road Division (PRD) Zones managed by the County Department of Public Works (DPW). Forty-nine of the 67 PRD Zones levy property owner assessments or special taxes. The 18 PRD Zones that do not levy an assessment or special tax are funded by a portion of annual countywide property tax revenues that was allocated by formula to special districts as a result of Proposition 13 (1978) and subsequent legislation, including Assembly Bill 8 (1979). The revenue these PRD Zones receive is adequate for services planned in FY 2024-25. Private road maintenance services funded by these PRD Zones are provided in multiple unincorporated communities. The amount each parcel is charged is determined by factors such as the type of land use, parcel size, and the number of dwelling units, which is represented by “benefit units.” Benefit units are used to quantify the specific level of benefit each parcel receives from the services. Rates will remain the same in 45 of the 49 PRD Zones that levy property owner assessments or special taxes. Four proposed rate increases will fund multi-year maintenance plans for road resurfacing, culvert repairs, and future road replacements. One PRD Zone will have a rate increase based on voter approval. Three PRD Zones will have rate increases based on their approved cost escalators. The approved cost escalator for the three PRD Zones is the Los Angeles Construction Cost Index (CCI), which measures construction labor and materials costs and is frequently used to account for inflation for construction projects in the San Diego region, as Los Angeles is the closest region to have a CCI for these zones. The four (4) proposed rate increases are:

1. PRD Zone 104-Artesian Road is located in the unincorporated community of San Dieguito (District 3). The proposed rate will increase from \$9.00 to \$85.00 per benefit unit based on a property owner-approved rate increase, with the average single-family residence assigned 13.3 benefit units, or \$1,130.50 annually. The current revenues are insufficient to fund recommended and community supported maintenance and repairs. The additional revenue will help fund planned pavement repairs and ongoing road and culvert maintenance to maintain the roads and culverts in good condition.
2. PRD Zone 117-Legend Rock is located in the unincorporated community of Hidden Meadows (District 5). The proposed special tax will increase from \$1,586.54 to \$1,730.28 per parcel, based on the voter approved cost escalator. The increase is due to inflation, based on a 9.06% escalation in the Los Angeles CCI for 2023. Additional revenue will provide funding for planned road and culvert maintenance at current costs.
3. PRD Zone 133-Ranch Creek Road is located in the unincorporated community of Valley Center (District 5). The proposed rate will increase from \$1,595.64 to \$1,740.20 based on the voter approved cost escalator, with a single-family residence assigned one and a quarter benefit unit, for a total of \$2,175.26 annually. The increase is due to inflation, based on a 9.06% escalation in the Los Angeles CCI for 2023. Additional revenue will provide funding for planned road and culvert maintenance at current costs.
4. PRD Zone 1017-Kalbaugh/Haley/Toub Streets is located in the unincorporated community of Ramona (District 2). The proposed rate will increase from \$277.34 to \$302.47 based on a voter approved cost escalator, with a single-family residence assigned two benefit units, for a total of \$604.93 annually. The increase is due to inflation, based on a 9.06% escalation in the Los Angeles CCI for 2023. Additional revenue will provide funding for ongoing road maintenance at current costs.

County Services Areas (County District)

There are 10 County Services Areas (CSA) funded by assessments that are managed by multiple County departments based on the services provided. CSAs provide maintenance and operations for parks, landscaping, flood control, open space management, and emergency medical/paramedic services in multiple unincorporated communities and six incorporated cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and the City of San Diego). Rates will remain the same in six of the 10 CSAs that levy assessments because revenues can fully fund planned services. The approved cost escalator for CSAs is the San Diego Consumer Price Index (CPI), which is based on a broad range of labor costs, goods, and services. Four rate increases are proposed, which are based on the voter-approved San Diego CPI increase of 3.80%:

1. CSA 83A-San Dieguito Local Parks District is managed by the Department of Parks and Recreation and provides park amenities and services in the unincorporated community of 4S Ranch (District 2). The proposed rate will increase from \$148.84 to \$154.49 per single-family residence. The increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023, with a voter-approved maximum cost escalator of 5%. It is anticipated that the additional revenue will be sufficient to fund increased costs for park maintenance and operations for FY 2024-25.
2. CSA 17-San Dieguito Emergency Medical Services is managed by San Diego County Fire and provides services to the cities of Del Mar, Solana Beach, Encinitas, and the City of San Diego communities of Del Mar Heights, and Del Mar Terrace, the unincorporated communities of Rancho Santa Fe, 4S Ranch, and a portion of Elfin Forest. (Districts 2 & 3). The proposed maximum annual special tax will increase from \$36.69 to \$38.08 per single-family residence. The increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023. The additional revenue will ensure the CSA has adequate working capital.
3. CSA 26 Zone A-Cottonwood Village is managed by DPW and provides open space fire-fuel management and landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$112.00 to \$116.26, per average single-family residence. The rate increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023. The increase will ensure the CSA can fund annual fire-break services and maintain adequate working capital.
4. CSA 26 Zone B-Monte Vista is managed by DPW and provides landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$199.44 to \$200.00 per single-family residence. The 0.28% rate increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023 and the district's maximum rate of \$200.00. The increase will ensure the CSA can fund routine landscape maintenance services and maintain adequate working capital.

San Diego County Fire Protection District (Fire District)

There are 10 zones in the San Diego County Fire Protection District funded by assessments or special taxes managed by San Diego County Fire that provide funds to supplement the cost of fire protection and emergency medical services across multiple unincorporated communities. Rates will remain the same in nine of the 10 zones that levy assessments or special taxes because revenues are adequate to fully fund services; in addition, there is no voter approved cost price escalator for these nine zones. One rate increase is being proposed:

1. Fire District-Palomar Mountain provides services within the unincorporated community of Palomar Mountain (District 5). The proposed maximum annual special tax will increase from \$175.61 to \$180.88 per single-family residence. The increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023, with a voter approved maximum cost escalator of 3%. The additional revenue will be used to fund firefighting personnel and fire protection equipment and apparatus.

Flood Control District Stormwater Maintenance Zones (Flood Control District)

There are three Stormwater Maintenance Zones (SMZ) funded by assessments managed by the Flood Control District in DPW that provide maintenance of flood control facilities in multiple unincorporated communities. Rates will remain the same in two of the three zones that levy assessments because revenues can fully fund planned services. One rate increase is being proposed:

1. SMZ No. 4-4249-3-Lake Rancho Viejo is located in the unincorporated community of Fallbrook (District 5). The proposed special tax will increase from \$351.12 to \$405.65 per single-family residence, based on the voter approved cost escalator. The increase is due to inflation, based on a 15.53% escalation in the Los Angeles CCI from September 2022 to September 2023. The additional revenue will be used to provide funding for planned stormwater facility maintenance and operations.

This is a request for the Board to adopt resolutions to confirm assessments and special taxes and authorize levies for the 72 special districts administered by the County, the Fire District, and the Flood Control District. Upon adoption, the assessments and special taxes will be placed on the tax roll for FY 2024-25. These actions are discretionary after consideration of public testimony.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3), as activities outlined in CEQA Guidelines Section 15378, such as the establishment of government funding mechanisms without a commitment to any particular project, are exempt from CEQA review under Section 15378(b)(4) because the activity is the establishment of government funding mechanisms without a commitment to any particular project which may result in a significant impact on the environment.

2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES, ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT A)
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A-COTTONWOOD VILLAGE AND CSA 26B-MONTE VISTA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT B)
4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136-SUNDANCE DETENTION BASIN, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT C)
5. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26-RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128-SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A-SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH, ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT D)
6. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B-DEL MAR, H-SOLANA BEACH, AND F-POWAY, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT E)
7. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 17-SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT F)

Acting as the Board of Directors, San Diego County Fire Protection District:

1. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF THE SPECIAL ASSESSMENT SERVICE ZONES, ADOPTING SPECIAL ASSESSMENTS AND CONFIRMING REPORTS RE: SPECIAL ASSESSMENTS TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT G)

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

1. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACTING AS THE GOVERNING BODY OF STORMWATER MAINTENANCE ZONES 3-4978-1 BLACKWOLF, 4-4249-3 LAKE RANCHO VIEJO, AND 3-5142-1 PONDEROSA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT H)

EQUITY IMPACT STATEMENT

Today's action continues the County's commitment to providing programs and services that enhance our communities. Assessments and special taxes fund services that include fire protection, flood control protection, private road maintenance, landscaping, parks, emergency communication, and paramedic services which improve the health and safety of our local communities.

SUSTAINABILITY IMPACT STATEMENT

Today's action to confirm special district assessments and taxes supports economic stability, promotes the health and well-being of citizens, and provides equitable access to County services. Maintaining roads in a timely manner prevents more costly maintenance in the future, contributing to economic sustainability. Fire protection, flood control protection, emergency communication and paramedic services protect the health and well-being of citizens and their properties. County parks provide citizens equitable access to outdoor recreation and nature opportunities. This action will help maintain a strong and resilient community.

FISCAL IMPACT

The proposed assessment revenues are included in Fiscal Year (FY) 2024-25 Operational Plan for the Departments of Public Works (DPW), Department of Parks and Recreation (DPR), Sheriff's Department, San Diego County Fire (County Fire), San Diego County Flood Control District (Flood Control District), and the San Diego County Fire Protection District (Fire District). The proposed rate increases for 10 special districts will result in increases in revenue from property owner assessments of \$168,502 for DPW, \$75,098 for County Fire, \$92,012 for DPR, \$2,145 for the Fire District, and \$15,486.52 in total for the Flood Control District. There is no proposed change in rates for 62 special districts. The funding source is the assessment levies on property owners within the identified districts. There will be no change in net General Fund cost and no additional staff years.

If the Board of Supervisors, acting on behalf of the County and other independent districts, does not adopt the resolutions, the proposed assessments and special taxes cannot be placed on the tax rolls for FY 2024-25. Without the funds generated by assessments, services for flood control protection, private road maintenance, parks, and landscape services would be reduced, and maintenance would be deferred. Fund balance would be leveraged to fill the gap for public safety communications systems, structural fire protection, and emergency medical services, which would impact the funding available for working capital.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL04 AND SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. FP01)

**10. SUBJECT: NOTICED PUBLIC HEARING:
OTAY MAJESTIC PROJECT, SPECIFIC PLAN AMENDMENT,
VESTING TENTATIVE MAP, SITE PLAN, AND ENVIRONMENTAL
DOCUMENT (ADDENDUM) (DISTRICT: 1)**

OVERVIEW

The Otay Majestic project (Project) is a request to develop a 253-acre property in the Otay Subregional Plan area to allow for industrial development. The Project will replace a previously approved residential development known as “Otay 250” and replace with light industrial warehouse uses and amend the East Otay Mesa Business Park Specific Plan (Specific Plan) and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA).

Today’s requested action is for the Board of Supervisors (Board) to consider amending the East Otay Mesa Business Specific Plan, and to approve the associated implementing actions, such as a Vesting Tentative Map, Site Plan, and environmental document. The Specific Plan Amendment (SPA) will remove the Mixed-Use Designation (residential/employment emphasis) and replace it with Light Industrial land uses and design guidelines. These amendments will also revise certain planned roadways and standards.

The Project will allow the development of up to 2,850,000 square feet of industrial buildings within twelve structures generally used for warehousing, which includes potentially storing goods before they are shipped out to a different location. The Project would result in development on approximately 184 acres of the site and would include approximately 51 acres of permanent open space on the property. No specific tenants have been identified for the proposed warehouse buildings by the Project Applicant at this time.

The Board can: (1) approve the Project, (2) approve the Project with modifications, (3) deny the Project, or (4) send the Project back to staff for additional analysis and/or reconsideration including any additional direction from the Board. If the Board chooses to deny the Project, the Board should direct staff to prepare written findings to deny the Project and return to the Board for consideration.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On June 14, 2024, the Planning Commission considered the Otay Majestic project and made the following recommendations to the Board of Supervisors.

1. Adopt the Environmental Findings, which concludes that the previously adopted Environmental Impact Report (EIR) is adequate with an Addendum. PDS2022-ER-98-19-013I (Attachment B, on file with the Clerk of the Board).
2. Adopt the Resolution entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN AMENDMENT (SPA) PDS2022-SPA-22-001 for the East Otay Mesa Business Specific Plan, for the reasons stated therein and discussed in this report (Attachment C, on file with the Clerk of the Board).
3. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY CONDITIONALLY APPROVING VESTING TENTATIVE MAP NO. PDS2023-VTM-5651. This Resolution makes the required findings and imposes the requirements and conditions of approval necessary to ensure that the Project is implemented in a manner consistent with State law and County of San Diego regulations and rescinds and replaces Tentative Map 5607RTE (Attachment D, on file with the Clerk of the Board).
4. Approve Site Plan PDS2023-STP-23-007, which imposes the requirements and conditions stated in the Site Plan Form of Decision (Attachment E, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the recommendations made by the Planning Commission, and makes the following additional recommendations to the Board of Supervisors (Board):

1. Require the applicant to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require Sunroad Otay Partners, L.P. and Otay Majestic Company to provide security in the amount of \$1,000,000, either as an irrevocable letter of credit or bond (whichever is acceptable to County Counsel), within 10 days of litigation being filed (Attachment F, on file with the Clerk of the Board).

EQUITY IMPACT STATEMENT

The Project would provide light industrial uses in the Otay Subregional Plan near other developed industrial land uses along major road corridors that will connect to the international border and enhance leasing opportunities with a diversity of choices for small to large industrial users.

SUSTAINABILITY IMPACT STATEMENT

This Project would provide warehouse and light industrial uses within a campus style site design that includes using one hundred percent electric energy for all Project operations (no natural gas lines will be installed on-site), installation of electric vehicle (EV) charging stations for each building, installing solar panels on each building, use of high efficiency light-emitting diode (LED) lighting throughout the Project and installing low flow indoor water fixtures in each building.

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

N/A

- 11. SUBJECT: NOTICED PUBLIC HEARING:
RESOLUTION TO SET ASIDE THE BOARD'S MAY 5, 2021 DECISION
GRANTING THE APPEAL IN NORTH COUNTY ENVIRONMENTAL
RESOURCES PROJECT AND AFFIRM THE FEBRUARY 5, 2021
DECISION OF THE PLANNING COMMISSION APPROVING THE
PROJECT AND CEQA EXEMPTION (DISTRICT: 5)**

OVERVIEW

The North County Environmental Resources Project (Project) is a recycling facility that would recycle: 1) tree waste chipping and grinding; 2) wood and construction debris; and 3) concrete, asphalt, and inert material from demolition projects. The Project site is located west of Interstate 15, directly south of Mesa Rock Road, and within the Twin Oaks Community Sponsor Group Area of the North County Metropolitan Subregional Plan Area. The Project site consists of six contiguous parcels totaling 139.5 acres. However, the Project would be constructed on 18 acres in the southeast portion of the site, approximately 0.25 miles south of Mesa Rock Road. The Project includes construction of two steel buildings with an associated parking lot, one 100,000-gallon water tank, a security trailer, truck scales, and up to twenty storage containers.

On June 25, 2020, the County Zoning Administrator found the Project qualified for a 15183 California Environmental Quality Act (CEQA) exemption. CEQA Section 15183 applies to projects that are consistent with a community plan, zoning, and general plan policies for which an Environmental Impact Report (EIR) was certified. A 15183-consistency checklist is prepared by staff after the technical reports for the project have been completed and reviewed to demonstrate that there are no "peculiar" circumstances or impacts that will occur upon construction and implementation of a project that were not identified in the General Plan EIR or would require additional review.

Four groups-the Twin Oaks Valley Community Sponsor Group (CSG), Hidden Meadows CSG, City of Escondido, and Montreux Homeowners Association-filed administrative appeals challenging the Zoning Administrator's determination. On February 5, 2021, the Planning Commission denied the appeals and granted the Project's 15183 exemption. Those same four

groups then filed administrative appeals to the Board. The Board granted the appeal on May 5, 2021 (14), denied the 15183 exemption and remanded the Project for the applicant to prepare an Environmental Impact Report (EIR). Following the Board's decision, the applicant filed two lawsuits challenging the Board's actions as unlawful under CEQA. The first lawsuit sought a writ of mandate to compel the Board to rescind its May 5, 2021, actions. The second lawsuit seeks damages alleging the Board's unlawful denial of the 15183 exemption caused the applicant to incur damages such as additional processing costs and lost profits.

On October 3, 2022, the trial court ruled in favor of the County finding that the Board's actions denying the 15183 exemption and remanding the Project for the applicant to prepare an EIR were not unlawful. The applicant appealed and on February 16, 2024, the Court of Appeal reversed the trial court's judgment and directed the trial court to rule in favor of the applicant. The Court of Appeal determined that the applicant's environmental studies showed the Project would not have peculiar impacts and there was not substantial evidence supporting the Board's findings that the Project's impacts would not be mitigated by generally applicable policies and procedures.

On June 10, 2024, the trial court entered a revised judgement in favor of the applicant and issued a writ ordering the County to set aside the Board's May 5, 2021 actions and to issue a new decision denying the appeals and affirming the decision of the Planning Commission, dated February 5, 2021, approving the Project and the CEQA Exemption thereto.

Today's request is for the Board to adopt a resolution to comply with the June 7, 2024 writ and orders. Following the action on July 17th, the Project will have the ability to construct per the approved Site Plan decision and accompanying 15183 CEQA exemption pending the completion of all applicable conditions of approval, and the approval of necessary grading and building permits.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt proposed Resolution titled: RESOLUTION TO SET ASIDE THE BOARD'S MAY 5, 2021 DECISION GRANTING THE APPEAL IN NORTH COUNTY ENVIRONMENTAL RESOURCES PROJECT AND AFFIRM THE FEBRUARY 5, 2021 DECISION OF THE PLANNING COMMISSION APPROVING THE PROJECT AND CEQA EXEMPTION (Attachment A)
2. Uphold the environmental determination of the Planning Commission finding the project in conformance with Section 15183 of the California Environmental Quality Act (CEQA) because the proposed use is consistent with the General Plan and Zoning Use Regulations and no peculiar or significant impacts not already identified in the General Plan Environmental Impact Report (EIR) would result from implementation of the Project, in part because uniform development standards and policies being applied would substantially mitigate the effects of the Project. (Attachment B)

EQUITY IMPACT STATEMENT

The Project would provide a benefit to the San Diego region by providing an additional recycling opportunity and improving the environment through the dedication of permanent onsite open space. The project will mitigate any potential impacts on the environment and community through project conditions.

SUSTAINABILITY IMPACT STATEMENT

The Project is a facility that recycles construction and demolition debris, which reduces Greenhouse Gas (GHG) emissions by intercepting construction and demolition waste, diverting it away from landfills, and converting it into repurposed materials. Construction and demolition debris is estimated to represent more than a third of all materials landfilled from the unincorporated County. The Project is also consistent with the Strategic Plan to Reduce Waste, which includes a goal to reach 75% waste diversion in the unincorporated County by 2025, reducing both the GHG emissions generated at landfills and the need for mining raw materials, further reducing GHG emissions.

FISCAL IMPACT

There is no fiscal impact associated with this recission as presented today. Any costs incurred to continue this project, at such time the owner wishes to move forward, will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A