

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, AUGUST 16, 2022**

MINUTE ORDER NO. 14

**SUBJECT: SET A HEARING FOR 09/13/2022:
GENERAL SERVICES AND PLANNING & DEVELOPMENT
SERVICES - MAKE THE NECESSARY ENVIRONMENTAL FINDINGS AS
REQUIRED BY THE OPTION AGREEMENT FOR THE SALE OF A
15.08-ACRE OPEN SPACE EASEMENT TO THE PARKING AUTHORITY OF
THE CITY OF NATIONAL CITY AND APPROVE THE CONDITIONAL
VACATION OF THE OPEN SPACE EASEMENT (08/16/22 - SET HEARING;
09/13/22 - HOLD HEARING) (DISTRICT: 1)**

OVERVIEW

On October 17, 1978 (78), the Board of Supervisors (Board) accepted an easement (Easement) for open space and/or park and recreational purposes on 15.08 acres of land owned by the Parking Authority of the City of National City (Parking Authority). The Easement is located at the southwest corner of Sweetwater Road and Bonita Center Road in the City of National City (City) on property identified as Assessor's Parcel Number 564-47-11-00 (Property).

On June 4, 1996 (18), the Board directed County staff to take all necessary actions to vacate and sell the Easement interest and dedicate the revenue to the improvement of the Park. This action was in response to a request from the Parking Authority to the County to vacate the Easement so that the Property could be developed for commercial purposes in exchange for compensation paid by the Parking Authority to the County for the value of the Easement. On March 21, 2007 (9), the Board approved an option agreement (Option) to sell the Easement to the Parking Authority.

The Option agreement was amended numerous times since 2007 to extend the term and to reflect the current market valuation of the open space easement. The Parking Authority has requested the opening of escrow, which is why the Board is being asked to consider conditionally vacating the open space easement at this time.

As outlined in Board Policy I-103, open space easement vacations are governed under the California Streets and Highway Code, which require two public meetings for the vacation of an open space easement. Board Policy I-103 also grants authority to the Director of Planning and Development Services (PDS) to make findings and recommendations to the Board of Supervisors related to vacation of open space easements. On August 16, 2022, it is requested by the Department of General Services and Planning and Development Services that the Board set a date for a public hearing on September 13, 2022, and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended for today, then on September 13, 2022, it is requested that the Board make the necessary environmental findings and consider and adopt a resolution to conditionally vacate the referenced open space easement.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Set a public hearing on September 13, 2022, to consider vacating the open space easement.
2. Direct the Clerk of the Board to provide notice of the hearing via publication and posting as required by law.

If on August 16, 2022, the Board takes actions recommended in Items 1 and 2 above, then on September 13, 2022:

1. Find that the environmental impact report (EIR) No. 2016-30 IS (SCH#: 2016111035) (Attachment B), prepared and certified by the City of National City on May 17, 2022, was completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and that the Board has reviewed and considered the information contained therein and the Addendum (Attachment B Exhibit P) thereto dated June 16, 2022, on file with the Clerk of the Board prior to approving the project.
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts that were not considered in the previously certified Environmental Impact Report (EIR) for National City Carmax Project, EIR No. 2016-30 IS (SCH# 2016111035) (certified by the City on May 17, 2022), that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was adopted as explained in the Environmental Review Update Checklist dated June 16, 2022. (Attachment B Exhibit O, on file with the Clerk of the Board).
3. In accordance with CEQA Guidelines Section 15096, find that the County, as a responsible agency under CEQA, has considered the environmental effects of the project as shown in the environmental impact report (EIR) No. 2016-30 IS (SCH#: 2016111035) prepared and certified by the City on May 17, 2022, as lead agency, before reaching its own conclusion on whether and how to approve the project. (Attachment B, on file with the Clerk of the Board).
4. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CONDITIONALLY VACATING OPEN SPACE EASEMENT (Attachment C, on file with the Clerk of the Board).
5. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325 upon satisfaction of the conditions set forth in the Resolution.
6. Approve and Authorize the Director of General Services to take all necessary actions to complete the transaction including, but not limited to, the execution of appropriate deeds, documents, escrow instructions, and any amendments to the Option.

EQUITY IMPACT STATEMENT

The revenue resulting from the sale would be used for improvements to and potential land acquisitions for the Sweetwater Regional Park and the connecting bicycle/recreational trails, which will benefit the surrounding communities of National City. This will result in updated recreational amenities for the unincorporated communities of Spring Valley, Bonita, and the region. It is anticipated that increased trail access and additional updated recreational areas will have a positive health impact on area residents.

FISCAL IMPACT

If the sale of the easement is completed, this request will result in revenue of \$2,100,000. The Parking Authority has the option to pay the full amount in Fiscal Year 2022-23 or pay \$1,500,000 in Fiscal Year 2022-23 and deliver a promissory note for subsequent payments of \$300,000 in Fiscal Year 2023-24 and \$300,000 in Fiscal Year 2024-2025 with interest terms as specified in the Option Agreement. The proceeds from the sale of the easement will be used for improvements to and possible land acquisitions for Sweetwater Regional Park and the connecting bicycle/recreational trails, which will benefit the surrounding communities of National City. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Development of the property for commercial purposes will benefit the South County by providing jobs, new construction activity of over \$10 million, and property and sales tax revenue to the City of National City and County of San Diego.

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for September 13, 2022.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter