

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING AGENDA

**TUESDAY, JANUARY 28, 2025, 9:00 AM AND WEDNESDAY, JANUARY 29, 2025, 9:00 AM**  
COUNTY ADMINISTRATION CENTER,  
BOARD CHAMBER, ROOM 310  
1600 PACIFIC HIGHWAY, SAN DIEGO, CA 92101

**LAND USE LEGISLATIVE SESSION**  
**WEDNESDAY, JANUARY 29, 2025, 9:00 AM**

**Order of Business**

- A. Roll Call to Reconvene from Tuesday, January 28, 2025.
- 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: Individuals can address the Board on topics within its jurisdiction that are not on the agenda. According to the Board's Rules of Procedure, each person may speak at only one Non-Agenda Public Communication session per meeting. Speakers can choose to speak during either the General Legislative or Land Use Legislative Session.
- E. Consent Agenda
- F. Discussion Items

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Supporting documentation and attachments for items listed on this agenda can be viewed online at [www.sandiegocounty.gov/cob](http://www.sandiegocounty.gov/cob) 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](http://www.sandiegocounty.gov/telecomments) for instructions.

**ASSISTANCE FOR PERSONS WITH DISABILITIES:**

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

**LANGUAGE INTERPRETATION ASSISTANCE:**

Language interpretation 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@sdcountry.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 \$500 (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 AGENDA**

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.

- | <b>Agenda #</b> | <b>Subject</b>   |
|-----------------|--|
| 1.              | ADMINISTRATIVE ITEM:<br>SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:<br>TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION<br>(01/08/2025 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN<br>ORDINANCE; 01/29/2025 - SECOND READING OF AN ORDINANCE, UNLESS<br>ORDINANCE IS MODIFIED ON SECOND READING) |
| 2.              | LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY<br>FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL<br>CRISIS AND RELATED CEQA EXEMPTION  |

3. ADOPT RESOLUTION TO ACCEPT GRANT FUNDS FROM LOCAL ASSISTANCE GRANT PROGRAM AND ESTABLISH APPROPRIATIONS FOR THE CACTUS HABITAT ENHANCEMENT TO BENEFIT COASTAL CACTUS WREN PROJECT AND RELATED CEQA EXEMPTION  
(4 VOTES)
4. AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT AND RATIFY CHANGE ORDERS FOR PREVIOUS CONTRACT FOR THE TIJUANA RIVER VALLEY DREDGING PROJECT AND RELATED CEQA ENVIRONMENTAL REVIEW UPDATE CHECKLIST  
(4 VOTES)

### **DISCUSSION ITEMS**

- | <b>Agenda #</b> | <b>Subject</b>   |
|-----------------|--|
| 5.              | NOTICED PUBLIC HEARING:<br>APPEAL OF THE ENVIRONMENTAL DETERMINATION FOR THE HENKEL LANDSCAPE UPDATE; PDS2024-AA-24-001 - CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTION 15304 EXEMPTION |

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**1. SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:  
TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA  
EXEMPTION (01/08/2025 - ADOPT RECOMMENDATIONS  
INCLUDING INTRODUCING AN ORDINANCE; 01/29/2025 - SECOND  
READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED  
ON SECOND READING) (DISTRICTS: 3, 4, & 5)**

**OVERVIEW**

On January 8, 2025 (02), the Board of Supervisors took action to further consider and adopt the Ordinance on January 29, 2025.

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 two months 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 four items from the August 2, 2024, TAC meeting:

<b>District</b>	<b>Item</b>	<b>Location</b>	<b>Action</b>
3	3-A*	Via de Santa Fe from Via de la Valle to Calzada del Bosque in Rancho Santa Fe	Reduce the 40 MPH speed limit to 35 MPH and certify for radar enforcement.
3	3-B*	Via de Santa Fe/El Apajo from Calzada del Bosque to San Dieguito Road in Fairbanks Ranch	Reduce the 45 MPH speed limit to 40 MPH and certify for radar enforcement.
4	4-A*	Fuerte Drive from the La Mesa city limit (west of Grossmont Boulevard) to Chase Avenue in La Mesa/El Cajon	Certify the 35 MPH speed limit for radar enforcement.
5	5-A*	Rock Springs Road from the Escondido city limit (near Hagen Oakes Court) to Bennett Avenue in unincorporated Escondido	Relocate the eastern endpoint, reduce the 40 MPH speed limit to 35 MPH, and certify for radar enforcement.
* Indicates a second reading of the ordinance is required. These items are not in the vicinity of tribal lands.			

Approval of Items 3-A on Via de Santa Fe in Rancho Santa Fe (District 3), 3-B on Via de Santa Fe/El Apajo in Fairbanks Ranch (District 3), 4-A on Fuerte Drive in unincorporated La Mesa/El Cajon (District 4), and 5-A on Rock Springs Road in unincorporated Escondido (District 5) would support speed enforcement which enhances roadway safety. Properly posted speed limits inform drivers on safe speeds, reducing the number and severity of collisions, and allow for enforcement.

The Board's action on Items 3-A on Via de Santa Fe in Rancho Santa Fe (District 3), 3-B on Via de Santa Fe/El Apajo in Fairbanks Ranch (District 3), 4-A on Fuerte Drive in unincorporated La Mesa/El Cajon (District 4), and 5-A on Rock Springs Road in unincorporated Escondido (District 5) would introduce an ordinance to amend speed limit zones. This action would revise the County Code and require two steps. On January 8, 2025, the Board would consider the TAC items. If the Board takes action as recommended on January 8, 2025, then on January 29, 2025, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction. If the proposed ordinance is altered on January 29, 2025, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

**RECOMMENDATION(S)**  
**TRAFFIC ADVISORY COMMITTEE**

**District 3:**

Item 3-A. Via de Santa Fe from Via de la Valle to Calzada del Bosque in Rancho Santa Fe - Reduce the 40 MPH speed limit to 35 MPH and certify for radar enforcement.

Item 3-B. Via de Santa Fe/El Apajo from Calzada del Bosque to San Dieguito Road in Fairbanks Ranch - Reduce the 45 MPH speed limit to 40 MPH and certify for radar enforcement.

**District 4:**

Item 4-A. Fuerte Drive from the La Mesa city limit (west of Grossmont Boulevard) to Chase Avenue in unincorporated La Mesa/El Cajon - Certify the 35 MPH speed limit for radar enforcement.

**District 5:**

Item 5-A. Rock Springs Road from the Escondido city limit (near Hagen Oakes Court) to Bennett Avenue in unincorporated Escondido - Relocate the eastern endpoint, reduce the 40 MPH speed limit to 35 MPH, and certify for radar enforcement.

**CHIEF ADMINISTRATIVE OFFICER**

Adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.90., 72.162.31., 72.169.33., AND 72.169.97. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 3-A, 3-B, 4-A, 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 utilizes 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 proposed action has social, health and well-being, and environmental sustainability benefits. The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a public forum every two months 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 \$9,704 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: 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), June 26, 2024 (4), July 17, 2024 (6), September 11, 2024(3), October 22, 2024 (09), and December 11, 2024 (01) 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 (County) Sustainability Goals: protect health and wellbeing and the environment. The proposed action contributes to the County's Sustainability Goal 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.

3. **SUBJECT: ADOPT RESOLUTION TO ACCEPT GRANT FUNDS FROM LOCAL ASSISTANCE GRANT PROGRAM AND ESTABLISH APPROPRIATIONS FOR THE CACTUS HABITAT ENHANCEMENT TO BENEFIT COASTAL CACTUS WREN PROJECT AND RELATED CEQA EXEMPTION (DISTRICT: 2)**

### **OVERVIEW**

The State of California's Natural Community Conservation Planning (NCCP) Local Assistance Grant Program was created to assist local public and non-profit entities implement NCCPs throughout California. The Local Assistance Grant Program, administered by the California Department of Fish and Wildlife (CDFW), allocates funds for projects associated with planning and implementation of established conservation programs such as the County of San Diego's (County) Multiple Species Conservation Program (MSCP). The MSCP is a long-term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within the San Diego region. The three Plan Areas of the County's MSCP include the adopted South County Subarea, the draft North County, and the proposed East County MSCP Plan Areas. On October 22, 1997 (1), the County Board of Supervisors (Board) adopted the 50-year MSCP South County Subarea Plan, which includes the unincorporated areas in the southwestern portion of the region.

The County Department of Parks and Recreation (DPR) evaluated eligible projects that are part of the MSCP in conjunction with the requirements of the Local Assistance Grant Program and determined that the Cactus Habitat Enhancement to Benefit Coastal Cactus Wren Project (Project) would meet a known conservation need and be competitive for available grant funding. The Project includes efforts to remove native and invasive non-native plant species within and adjacent to restored cactus patches within Lakeside Linkage County Preserve (Preserve). Removing these native and invasive non-native plant species would improve habitat for wildlife species, particularly coastal cactus wren, a rare species that contributes to local biodiversity and exists within the Preserve. On July 22, 2024, DPR submitted an NCCP Local Assistance Grant Program application to CDFW for the Project and received notification from CDFW on September 25, 2024, that the project was awarded \$50,000 in grant funding.

Today's requested action is to adopt a resolution authorizing DPR to accept up to \$50,000 of Local Assistance grant funds from CDFW. Although the County Board of Supervisors delegated general authority to pursue and accept grant funding on October 23, 2024 (7), a requirement of the grant application is that applicants must provide a project-specific resolution from the governing body that identifies the project to be implemented with the grant funds. In addition, today's actions will establish appropriations in DPR, Services & Supplies and authorize the Director of DPR, or designee, to conduct all negotiations and to execute and submit all documents that may be necessary to accept the grant funds.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed Cactus Habitat Enhancement to Benefit Coastal Cactus Wren Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15304 because the project involves minor alterations in the condition of vegetation which does not involve removal of healthy, mature, or scenic trees.
2. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE Local Assistance GRANT PROGRAM FOR Cactus Habitat Enhancement to Benefit Coastal Cactus Wren PROJECT (Attachment A).
3. Establish appropriations of \$50,000 in the Department of Parks and Recreation, Services and Supplies, for the Cactus Habitat Enhancement to Benefit Coastal Cactus Wren Project, based on funding from the California Department of Fish and Wildlife.  
**(4 VOTES)**
4. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to accept grant funds, if awarded, including but not limited to, grant contracts, payment requests, and if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels.

**EQUITY IMPACT STATEMENT**

The Department of Parks and Recreation’s proposed efforts to accept grant funds through the Local Assistance Grant Program to enhance natural habitat in Lakeside Linkage County Preserve is anticipated to result in a positive impact on all residents and visitors by improving water and air quality and providing opportunities to engage in passive recreational experiences in the County of San Diego’s parks and preserve lands.

**SUSTAINABILITY IMPACT STATEMENT**

The proposed action of the Department of Parks and Recreation to accept grant funds through the Local Assistance Grant Program to enhance natural habitat in Lakeside Linkage County Preserve supports two County of San Diego Sustainability Goals including County Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature and County Sustainability Goal No. 6 by protecting native ecosystems and habitats.

**FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year 2024-25 Operational Plan in the Department of Parks and Recreation (DPR). If approved, this request would result in costs and revenue of \$50,000 related to Recommendation 3. The funding source is grant funding from the California Department of Fish and Wildlife (CDFW). If approved, the proposed action would also include adopting a resolution authorizing DPR to accept up to \$50,000 of Local Assistance grant funding from CDFW for the Cactus Habitat Enhancement to Benefit Coastal Cactus Wren Project related to Recommendation 2.

The Local Assistance Grant Program strongly encourages matching funds for all project proposals. Matching funds will be provided through in-kind services in the form of County staff time up to the amount of \$3,000 for the Cactus Habitat Enhancement to Benefit Coastal Cactus Wren Project. The funding source is existing General Purpose Revenue in DPR. There is no net change to General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

4. **SUBJECT: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT AND RATIFY CHANGE ORDERS FOR PREVIOUS CONTRACT FOR THE TIJUANA RIVER VALLEY DREDGING PROJECT AND RELATED CEQA ENVIRONMENTAL REVIEW UPDATE CHECKLIST (DISTRICT: 1)**

### **OVERVIEW**

The County of San Diego's (County) Tijuana River Valley Regional Park (TRVRP) is located near the United States/Mexico border adjacent to the Nestor community in the City of San Diego and the City of Imperial Beach. The TRVRP encompasses approximately 1,800 acres of land west of Interstate 5, as shown in the Vicinity Map (Attachment A). The Department of Parks and Recreation (DPR) manages recreation spaces and actively works to restore habitat within the TRVRP. Part of managing recreation and open space areas within the TRVRP includes efforts to manage issues arising from transboundary flows of sewage, trash, and sediment that enter the United States from Mexico. Over the last several years, federal, State, and local agencies have identified potential projects and management strategies to address issues associated with transboundary flows.

In 2020, the County completed the Tijuana River Valley Needs and Opportunities Assessment (NOA) Report with Senate Bill 507 funding. The NOA Report identified potential projects and management strategies that could be implemented to minimize impacts of cross-border flows of sewage, trash, and sediment. One of the short-term management strategies identified included removal of trash and sediment from the Tijuana River and associated channels to increase the capacity of the channels to accommodate future wet weather events.

In 2023, DPR leveraged \$750,000 from the County's Fiscal Year 2023-24 Capital Outlay Fund to obtain a \$4,250,000 grant from the State Water Resources Control Board and \$100,000 from California Department of Fish and Wildlife to complete comprehensive sediment and trash removal efforts in the Tijuana River Valley, including within areas that are beyond the scope of County responsibility and have been historically maintained by the City of San Diego (City). This project was approved by the Board of Supervisors on October 24, 2023 (7) with project activities beginning in Spring 2024 and concluding in November 2024. Through the project, more than 20,000 cubic yards of accumulated materials were removed to help improve hydrologic conditions in the area. While the project was successful, heavy rains in 2024 caused unexpected challenges, including significant flooding within the Tijuana River Valley. As a result, additional trash and sediment removal beyond the original project scope were necessary, leading to an expanded scope and increased costs that necessitate change orders to the construction contract for the project.

Currently, DPR is proposing the next phase of trash and sediment removal within the Tijuana River Valley, as shown in the Project Location Map (Attachment B). This next phase of work will build upon recent efforts completed in 2024, and the County will continue to take a comprehensive approach to sediment and trash removal, including maintenance of areas that are within City property and have been historically maintained by the City. The proposed continuation of the Tijuana River Valley Dredging Project will use approximately \$3.4 million in grant funding that the County will be receiving from the U.S. Environmental Protection Agency (EPA) and coordinate efforts between the County and City to provide a regional approach to address sediment and trash management in the Tijuana River Valley.

Today's actions request the Board to authorize change orders to Contract Number 570867 for the Tijuana River Valley Smuggler's Gulch Dredging project to close out the contract for the work completed in November 2024. Today's proposed actions also request authorizing the Director, Department of Purchasing and Contracting to advertise and award a new federally compliant construction contract for the Capital Project 1025467, TJRV Smuggler's Gulch Dredging. Construction costs are estimated at \$3,452,972 including contingency and authorization of change orders to close out the previous contract. If approved, construction is expected to begin in Spring 2025 and is anticipated to be complete by Spring of 2026.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Addendum to the Environmental Impact Report (EIR) for the Municipal Waterways Maintenance Plan (State Clearinghouse No. 2017071022), on file with the County of San Diego, has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained in the Addendum thereto dated October 11, 2023, on file (Attachment C) before approving the project, and that the Addendum reflects the independent judgment and analysis of the Board of Supervisors; and

Find that there are no changes in the project, or in the circumstances under which the project is undertaken, that involve significant new impacts which were not considered in the previously adopted Addendum, dated October 11, 2023. Furthermore, find that there is no substantial increase in the severity of the previously identified significant effects and that no new information of substantial importance has become available since the Addendum was adopted as explained in the Environmental Review Update Checklist Form (November 19, 2024) (Attachment C).

2. Establish appropriations of \$4,202,972 in the Capital Outlay Fund for Capital Project 1025467 Tijuana River Valley Smuggler's Gulch Dredging, based on an Operating Transfer In from the General Fund (\$750,000) and U.S. EPA Grant (\$3,452,972); *and* establish appropriations of \$750,000 in the Contributions to Capital Outlay Fund, Operating Transfers Out based on funding from Finance Other; *and* cancel appropriations of \$750,000 in the Department of Parks and Recreation, Services & Supplies, based on Costs Applied in the General Fund (750,000). **(4 VOTES)**

3. Pursuant to Section 402 of the County Administrative Code, ratify Change Orders: CC01, CC02, and CC03 for emergency dredging, removal, and disposal of sediment and debris from the Tijuana River Valley Smuggler's Gulch under Contract Number 570867 on the basis that the public interest and necessity demanded an immediate expenditure of funds on an emergency basis without competitive bidding. **(4 VOTES)**
4. Authorize the Director, Department of Purchasing and Contracting to advertise and award a new federally compliant construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code for contracting for the construction of the Tijuana River Valley Dredging Project.
5. Designate the Director, Department of Parks and Recreation or designee, as the County of San Diego Officer responsible for administering the construction contract for the construction of the Tijuana River Valley Dredging Project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.
6. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County of San Diego, to conduct all negotiations and submit all documents necessary to accept grant funds related to the Tijuana River Valley Dredging Project, including but not limited to, grant contracts, payment requests, and other items necessary to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels.

#### **EQUITY IMPACT STATEMENT**

The Tijuana River Valley Regional Park (TRVRP) is located near the communities of Imperial Beach, San Ysidro, and Otay Mesa. These communities are identified by Senate Bill 535 (2012) and on CalEnviroScreen 4.0 Environmental Justice communities as having high pollution burdens for impaired water bodies, elevated particulate matter pollution, elevated linguistic isolation, and high poverty rates.

The proposed Tijuana River Valley Dredging Project includes construction activities necessary to maintain existing channels in the TRVRP to remove sediment, trash, and debris and increase the conveyance capacity of these channels to improve local flood conditions. The proposed activities will positively impact the community by removing accumulated materials that have been transported to the area via transboundary flows originating in Mexico. By removing these accumulated materials, the project will improve conveyance capacity of the existing channels, which will help reduce localized flood risks. Additionally, by removing accumulated trash and debris from the area, the project will improve the quality of life for residents and visitors of the TRVRP.

#### **SUSTAINABILITY IMPACT STATEMENT**

The proposed Tijuana River Valley Dredging Project contributes to many of the County of San Diego's Sustainability Goals: Goal No. 4 to protect health and well-being; Goal No. 6 to protect ecosystems, habitats, and biodiversity; and Goal No. 7 to reduce pollution and waste. This project is contributing to the health and well-being of the residents of the Tijuana River Valley and its surrounding communities. This underserved community is directly impacted by transboundary flows of sewage, trash, and sediment that enter the area from Mexico.

## **FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2024-25 Operational Plan in the Department of Parks and Recreation. If approved, this request will result in additional costs and revenue of \$4,202,972 for Capital Project 1025467 Tijuana River Valley Smuggler's Gulch Dredging. The funding source is existing one-time General Purpose Revenue in Finance Other (\$750,000), and grant funding secured from U.S. EPA in the amount of \$3,452,972. There will be no change in net General Fund cost and no additional staff years. Should grant funding not be received, DPR will be unable to proceed as initially planned. It will then be necessary to identify alternative funding sources, including potential partnerships with other agencies, additional grant opportunities, or adjustments to the project scope, to ensure successful project completion.

## **BUSINESS IMPACT STATEMENT**

N/A

5. **SUBJECT: NOTICED PUBLIC HEARING:  
APPEAL OF THE ENVIRONMENTAL DETERMINATION FOR THE  
HENKEL LANDSCAPE UPDATE; PDS2024-AA-24-001 - CALIFORNIA  
ENVIRONMENTAL QUALITY ACT SECTION 15304 EXEMPTION  
(DISTRICT: 3)**

## **OVERVIEW**

This is a request for the Board of Supervisors (Board) to consider an appeal of the environmental determination for the Henkel Landscape Update; Site Plan Minor Deviation PDS2021-STP-14-016M1 (Project) in accordance with Sections 86.401 through 86.406 of the San Diego County Regulatory Code. This is a landscape-focused plan change for an existing single-family home that is being appealed by a neighbor based on staff's environmental determination. The decision to approve the Project will be stayed (i.e., paused) until the Board considers the environmental determination.

This Project updates a previously approved Site Plan to reflect existing landscaping planted along an existing slope on a lot that contains a single-family residence, driveway and pool. This landscaping includes 76 Cape Honeysuckle plants and 18 California Pepper trees. The Project was processed to resolve a Code Compliance case. The site is located within the San Dieguito Community Plan at 7633 Road to Singapore, San Diego, CA 92127, north of Top O The Morning Way and Artesian Way.

On September 10, 2024, the Director of Planning & Development Services (PDS) found the Project to be exempt from the California Environmental Quality Act (CEQA) Guidelines in conformance with Section 15304 (Attachment A on file with Clerk of the Board). This exemption applies to projects that consist of minor public or private alterations in the condition of land, water, and/or vegetation that do not involve the removal of healthy, mature, scenic trees except for forestry or agricultural purposes. To qualify for this exemption, projects must be found to not impact environmental resources of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies; have a cumulative impact; significant effect; damage to scenic resources; be located on a hazardous waste site; or damage historical resources.

The environmental determination is being appealed by Pete Blasi. The appeal states that the Project does not qualify for the CEQA Section 15304 exemption for two reasons (Attachment B on file with Clerk of the Board):

1. The slope is in a scenic area and CEQA Guidelines Section 15304(a) specifically states, "Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in ... an officially designated scenic area..."
2. The added landscaping is not described as fire resistant in the Notice of Exemption (NOE), just drought tolerant. CEQA Guidelines Section 15304(i) exempts fuel management activities within 30 feet of structures. Since the landscaping is not specifically fire resistant, it does not qualify as a "fuel management activity". This change in landscaping is within 30 feet of both the subject property's residence and Pete Blasi's residence in a very high fire sensitivity area.

PDS recommends that the appeal be denied as it has not identified any deficiencies in the environmental review of the Project. The appellant is only focusing on two of the types of projects that may qualify for this exemption. CEQA lists seven other examples of projects that may qualify for this exemption (including gardening and landscaping) and states that use of this exemption is not limited to the examples listed. In addition, this slope was previously legally graded and disturbed and the new landscaping matches what is found in the surrounding area. Because of this, staff has determined that the appeal has not identified any new issues with the environmental review that was completed for the Project, and the Project complies with all requirements of CEQA Section 15304.

Section 86.406 of the San Diego County Regulatory Code states that the Board can:

1. Deny the appeal and uphold the Director's environmental determination of the Project which found the Project to be exempt from CEQA in accordance with Section 15304;
2. Grant the appeal and make a superseding environmental determination; or
3. Grant the appeal and remand the environmental determination to the Director of PDS for reconsideration including any additional direction from the Board.

If the appeal is granted, further environmental analysis may need to be performed, and the Project's environmental documents will have to be reconsidered by the Director of PDS.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

The Board is only considering the environmental determination that the Project is exempt pursuant to California Environmental Quality Act (CEQA) Section 15304. The Site Plan Minor Deviation decision is final and cannot be appealed and is stayed until the Board considers the environmental determination. The Board is considering the appeal of the environmental determination because CEQA requires that environmental determinations be appealable to the elected decision-making body.

Pursuant to Section 86.201 of the County of San Diego Regulatory Code, each applicant for a discretionary land use project is responsible for payment of all court costs, costs associated with litigation, and attorneys' fees, which arise out of County's processing and/or approval of the Project. When required, security typically ranges from \$50,000 for small-scale projects with limited legal risk to more than \$1,500,000 for larger, complex projects with significant legal risk, especially in circumstances where the CEQA analysis has been challenged. The Board of Supervisors makes the determination to require security, determines the form and amount of the security, and the time the security is to be provided to the County. Due to previous litigation regarding the landscaping that was installed, PDS has also included a recommendation to require the Applicant to enter into a standard defense and indemnification agreement within 10 days after the date of the Board hearing and to provide security in the amount of \$150,000 within 10 days of litigation, if filed. Language has also been included within this recommendation to direct PDS to rescind the approval of STP-14-016M1 if the applicant fails to enter into an agreement or provide this security within the timeline provided.

If the appeal is denied by the Board, the PDS Director's approval of the Site Plan Minor Deviation shall remain effective. PDS recommends that the Board make the following determinations, including an additional recommendation related to providing indemnification:

1. Deny the appeal of the environmental determination for the reasons discussed in this Board Letter.
2. Uphold the environmental determination of the Director of PDS, finding the Project is in conformance with Section 15304 of the California Environmental Quality Act (CEQA) Guidelines. The Director's decision of approval of the Project shall remain effective.
3. Require Mark A. Henkel and Tiffany Marie Henkel (Applicant) to enter into a standard Defense and Indemnification Agreement (Attachment C on file with the Clerk of the Board) with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. within 10 business days after the date of this hearing and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require Mark A. Henkel and Tiffany Marie Henkel to provide security in the amount of \$150,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed. In the event this signed Agreement is not received by PDS within 10 business days from the Applicant or the Applicant fails to provide security as required herein, require the Director of PDS to rescind approval of STP-14-016M1.

### **EQUITY IMPACT STATEMENT**

Denying the appeal will support the Director's decision that the Project is exempt from CEQA. The Project updates the approved landscape plan to reflect current conditions and resolves an open code compliance case. The landscaping is in compliance with all zoning requirements, conforms with the Santa Fe Valley Specific Plan (Specific Plan), matches the landscaping in the surrounding area, and is exempt from CEQA. The honeysuckle included on the plan is also on the suggested plant list for defensible space and the Rancho Santa Fe Fire Protection District approved the landscape plan with fuel modification requirements in 2018. The Project will enable the property owner to improve their property and add landscaping that remains consistent with the Specific Plan and fire protection requirements.



### **SUSTAINABILITY IMPACT STATEMENT**

The Project updates the approved landscape plan to reflect current conditions and resolves an open code compliance case. The landscaping complies with all zoning and fire safety requirements, is in conformance with the Specific Plan, and matches the surrounding area. The landscaping minimizes the visual impact of residential construction on sensitive ridgelines and hillsides, as seen from Del Dios Highway, the San Dieguito River, and Camino del Norte as required for the site and surrounding properties. Denying the appeal will support the Director's decision that the Project is exempt from CEQA and support the County of San Diego's Sustainability Goal No. 2, allowing the applicant just and equitable access to develop their land.

The Project will benefit the property owner by improving their ability to use and improve their property.

### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

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