

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, MAY 08, 2013, 09:00 A.M**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

- A. Roll Call
- B. Approval of Statement of Proceedings/Minutes for meeting of April 24, 2013.
- C. 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.

**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 <http://www.sdcountry.ca.gov/cob/bosa/> 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.

**Board of Supervisors' Agenda Items**

**Agenda #    Subject**

- 1.        NOTICED PUBLIC HEARING:  
          WIND ENERGY ZONING ORDINANCE AMENDMENT AND GENERAL PLAN AMENDMENT TO THE MOUNTAIN EMPIRE SUBREGIONAL PLAN (BOULEVARD SUBREGIONAL PLANNING AREA) AND BORREGO SPRINGS COMMUNITY PLAN TO ALLOW WIND ENERGY DEVELOPMENT, POD 10-007
- 2.        COUNTY OF SAN DIEGO TRACT NO. 5087-1, ORCHARD RUN (FINAL MAP NO. 15428): APPROVAL OF AMENDMENT TO JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION WHICH EXTENDS TIME AND ALLOWS RELEASE OF INSPECTION DEPOSIT; LOCATED IN VALLEY CENTER COMMUNITY PLAN AREA
- 3.        ADOPT TWO RESOLUTIONS OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A TRAIL EASEMENT AND A DRAINAGE EASEMENT AND ADOPT ONE RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY SANITATION DISTRICT TO SUMMARILY VACATE A SEWER EASEMENT IN THE EAST OTAY AREA (VACATION NOS. 2012-0172- A, B & C)

(RELATES TO SANITATION DISTRICT AGENDA NO. 1)

4. FREEWAY AGREEMENT FOR STATE ROUTE 11 (FROM NEAR THE JUNCTION OF 905/125 TO THE OTAY MESA EAST PORT OF ENTRY) IN EAST OTAY MESA
  
5. GILLESPIE FIELD – AMENDMENTS TO TWO INDUSTRIAL LEASES WITH GKN AEROSPACE CHEM-TRONICS, INC. TO IMPLEMENT RENT ADJUSTMENTS  
[FUNDING SOURCE(S): RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED AGREEMENTS]  
(4 VOTES)
  
6. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD A CONTRACT AND ESTABLISH APPROPRIATIONS FOR CONSTRUCTION OF BRIDGE PREVENTIVE MAINTENANCE: BRIDGES IN ALPINE, LAKESIDE AND TWIN OAKS VALLEY  
[FUNDING SOURCE(S): FEDERAL HIGHWAY ADMINISTRATION HIGHWAY BRIDGE PROGRAM AND HIGHWAY USER TAX ACCOUNT]  
(4 VOTES)
  
7. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION METAL BEAM GUARDRAIL AT VARIOUS LOCATIONS  
[FUNDING SOURCE(S): HIGHWAY USER TAX ACCOUNT AND SHERWOOD RIDGE SETTLEMENT AGREEMENT]  
(4 VOTES)

**1. SUBJECT: NOTICED PUBLIC HEARING:  
WIND ENERGY ZONING ORDINANCE AMENDMENT  
AND GENERAL PLAN AMENDMENT TO THE  
MOUNTAIN EMPIRE SUBREGIONAL PLAN  
(BOULEVARD SUBREGIONAL PLANNING AREA) AND  
BORREGO SPRINGS COMMUNITY PLAN TO ALLOW  
WIND ENERGY DEVELOPMENT, POD 10-007  
(DISTRICTS: ALL)**

**OVERVIEW:**

On February 25, 2009 (2), the Board of Supervisors directed staff to develop a new regulatory framework for wind turbines that would simplify processing and bring regulations in line with current wind turbine technologies. The Board's direction included the establishment a 50 kilowatt rated capacity as the threshold between the two tiers. Wind turbine systems that generate 50 kilowatts or less would be defined as "small wind turbine," and systems with a cumulative capacity of more than 50 kilowatts would be defined as "large wind turbine." The project being considered is composed of a series of amendments to the County's Zoning Ordinance related to wind turbines and meteorological testing (MET) facilities that implement the Board's direction.

The project also includes a General Plan Amendment to modify the Boulevard Subregional Planning Area of the Mountain Empire Subregional Plan (Boulevard Community Plan) to increase opportunities for large wind turbine projects through the Major Use Permit process. Changes are also proposed to the Borrego Springs Community Plan to allow opportunities for small wind turbine development.

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

The proposed project will further County, state and federal goals of utilizing alternative renewable energy resources. The proposed ordinance streamlines and clarifies existing wind energy regulations and will increase development opportunities for both small and large wind turbines, while ensuring that such improvements do not adversely impact the environment, public health/safety, or the livability of the community.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Certify that the Final Environmental Impact Report (EIR) dated January 2013 on file with the Department of Planning and Development Services as Environmental Review Number 2009-00-003 prepared for the Wind Energy Ordinance Amendment POD 10-007 has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, that the EIR was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained therein before approving the project, and that the EIR reflects the Board of Supervisors' independent judgment and analysis (Attachment H).

2. Adopt the CEQA Findings Regarding Significant Effects of the project prepared pursuant to CEQA Guidelines Section 15091 (Attachment G).
3. Adopt the Mitigation Monitoring and Reporting Program prepared pursuant to CEQA Guidelines Section 15097 (Attachment G).
4. Adopt the Statement of Overriding Considerations prepared pursuant to CEQA Guidelines Section 15093 (Attachment G).
5. Adopt the Decision and Explanation Regarding Recirculation of the EIR prepared pursuant to CEQA Guidelines Section 15088.5 (Attachment G).
6. Adopt the Statement of Location and Custodian of Documents prepared pursuant to CEQA Guidelines Section 15091(e) (Attachment G).
7. Direct the Director of Planning and Development Services and Director of Public Works to implement the mitigation measures within their respective jurisdictions that are adopted in the CEQA Findings Regarding Significant Effects for the County of San Diego Wind Energy Ordinance Amendment POD 10-007.
8. Adopt the attached Ordinance entitled:  
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO WIND ENERGY TURBINES.  
(Attachment A)
9. Adopt the attached resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) 12-003, which adopts amendments to the Regional Land Use Element, Mountain Empire Subregional Plan (Boulevard Chapter) and Borrego Springs Community Plan. (Attachment B)
10. Provide direction to staff regarding the five policy issues summarized at the end of this report. |

**2. SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5087-1, ORCHARD RUN (FINAL MAP NO. 15428): APPROVAL OF AMENDMENT TO JOINT AGREEMENT TO IMPROVE A MAJOR SUBDIVISION WHICH EXTENDS TIME AND ALLOWS RELEASE OF INSPECTION DEPOSIT; LOCATED IN VALLEY CENTER COMMUNITY PLAN AREA (DISTRICT: 5)**

**OVERVIEW:**

This project is a subdivision consisting of 58 residential lots, two private open space lots, and three private street lots on a total of 20.95 acres. County of San Diego Tract No. 5087-1, known as Orchard Run, is located in Valley Center, on the north side of Mirar De Valle Road west of Valley Center Road (2009 Thomas Guide, Page 1090, D-4) (Attachment A).

The owners do not wish to construct the project and associated infrastructure at this time. A two-year extension will ensure that the responsibility for constructing needed infrastructure, such as streets, drainage and water facilities, will remain with the owner, and allow them to retain development rights on this project.

This is a request to approve an amended agreement which would extend, for a period of two years, the performance completion date of the Joint Lien Contract for County of San Diego Tract No. 5087-1 (Final Map 15428) and allow the Valley Center Municipal Water District (District) to release the inspection deposit paid to the District.

**FISCAL IMPACT:**

N/A

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Approve and authorize the Clerk of the Board to execute and record the Amendment to the Joint Agreement to Improve a Major Subdivision which extends the performance completion date for TM 5087-1 (Final Map 15428) to August 2, 2014 and allows Valley Center Municipal Water District to release the inspection deposit until the lien contract is replaced with traditional security. (Attachment B)

3. **SUBJECT: ADOPT TWO RESOLUTIONS OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A TRAIL EASEMENT AND A DRAINAGE EASEMENT AND ADOPT ONE RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY SANITATION DISTRICT TO SUMMARILY VACATE A SEWER EASEMENT IN THE EAST OTAY AREA (VACATION NOS. 2012-0172- A, B & C) (DISTRICT: 1)**

**OVERVIEW:**

The Department of General Services, Real Estate Services Division, is processing a request from Sunroad Otay Partners, L. P., a California Limited Partnership (Applicant) to vacate a pedestrian and equestrian trail easement, a sewer easement and a drainage easement in the unincorporated area of East Otay Mesa. The easements were dedicated by the Applicant to satisfy conditions of approval for San Diego County Tract Maps 5139-1 & 5139-2 that recorded as Map 14733 and Map 15517, respectively. The proposed vacations are located north of Otay Mesa Road and east of Harvest Road (2010 Thomas Guide Page 1352, A1).

Today's request is to adopt three resolutions to summarily vacate three separate easements. The trail easement was dedicated on Map 14733 (TM 5139-1) in 2007. Since then a new trail easement has been dedicated in a better location and the

original trail easement is proposed to be vacated. The drainage and sewer easements were dedicated by separate documents in 2006 to extend improvements for Map 15517 (TM 5139-2). This map has been reverted to its original one lot configuration so the sewer and drainage easements are no longer needed. The Reversion to Acreage Map for TM 5139-2 was approved by the Board on March 13, 2013. Since the map was “reverted,” the sewer and drainage easements are no longer required and may be vacated.

The trail easement may be summarily vacated pursuant to Streets & Highways Code Section 8333 (c) due to relocation. The sewer and drainage easements may be summarily vacated pursuant to Streets & Highways Code Section 8333 (a) since they have not been used for the purpose for which they were dedicated for five consecutive years.

**FISCAL IMPACT:**

The applicant has placed \$4,000 on deposit with the County which is the full cost to process the requested vacations. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Acting as the Board of Supervisors:

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b) (3).
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PEDESTRIAN AND EQUESTRIAN TRAIL EASEMENT IN THE EAST OTAY MESA AREA (VACATION NO. 2012-0172-A).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2012-0172-A pursuant to Streets and Highways Code Section 8336.
4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A DRAINAGE EASEMENT IN THE EAST OTAY MESA AREA (VACATION NO. 2012-0172-B).
5. Direct the Clerk of the Board to record the Resolution for Vacation No. 2012-0172-B pursuant to Streets and Highways Code Section 8336.

(Relates to Sanitation District Agenda No. 1)

4. **SUBJECT: FREEWAY AGREEMENT FOR STATE ROUTE 11 (FROM NEAR THE JUNCTION OF 905/125 TO THE OTAY MESA EAST PORT OF ENTRY) IN EAST OTAY MESA (DISTRICT: 1)**

**OVERVIEW:**

The California Department of Transportation (Caltrans) is planning to construct State Route 11, a new four-lane tolled highway from the State Route 905/State Route 125 interchange east to the new federal Otay Mesa East Port of Entry and primarily located within the East Otay Mesa Specific Plan area. State Route 11 will include ramp interchanges at Enrico Fermi Drive and Siempre Viva Road.

Caltrans has requested the County to enter into a freeway agreement with Caltrans in order to begin obtaining rights-of-way for State Route 11 tolled highway, prior to moving forward with more detailed project design. The purpose of the freeway agreement is to define each agency's general responsibilities for closure, relocation, construction and maintenance of roads in the unincorporated area which will be affected by State Route 11. The freeway agreement would be followed by a more detailed maintenance agreement to be brought to your Board once additional components are negotiated relating to all the County Maintained Road System terms.

Upon approval of the freeway agreement, Caltrans will have the ability to initiate written offers for right-of-way acquisition of property within the unincorporated area necessary for construction of State Route 11 and proceed with finalizing the engineering design for State Route 11. State Route 11 and the new Otay Mesa East Port Of Entry are expected to be open to traffic by 2016.

**FISCAL IMPACT:**

If approved, this request will result in no costs and revenue in Fiscal Year 2012-13. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with the State CEQA Guidelines, that the County of San Diego, as a responsible agency under CEQA, has considered the environmental effects of the project as shown in the Final EIR certified by Caltrans on March 23, 2012, and has reached its own conclusions on whether and how to approve the project.
2. Find that no changes in the project or in the circumstances under which it is undertaken involve significant new environmental impacts which were not considered in the Final EIR certified by Caltrans on March 23, 2012; and that no new information of substantial importance has become available since said documents were prepared.

3. Approve and authorize the Clerk of the Board to execute, upon receipt, four copies of the Freeway Agreement with Caltrans for State Route 11, from near the junction of State Route 905 and State Route 125 to the Otay Mesa East Port of Entry.

5. **SUBJECT: GILLESPIE FIELD – AMENDMENTS TO TWO INDUSTRIAL LEASES WITH GKN AEROSPACE CHEM-TRONICS, INC. TO IMPLEMENT RENT ADJUSTMENTS (DISTRICT: 2)**

**OVERVIEW:**

Gillespie Field is a 757-acre general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and City of Santee (57<sup>th</sup> Edition Thomas Guide, Page 1251, D-1). In addition to aviation-related facilities and infrastructure, Gillespie Field includes three industrial parks occupied by diverse industrial tenants. The County leases land at these industrial parks to multiple businesses providing goods and services to the general public.

On August 8, 1984 (59), the Board approved a 55-year industrial lease, known as County Contract No. 70619R, with Chem-Tronics, Inc., and on June 4, 1996 (22), the Board approved an industrial ground lease, known as County Contract No. 71871R, with Chem-Tronics, Inc. Chem-Tronics, Inc. subsequently changed its name to GKN Aerospace Chem-Tronics, Inc. County leases typically provide for periodic rental rate renegotiations. These two leases with GKN Aerospace Chem-Tronics, Inc. at Gillespie Field Industrial Park are due for renegotiated rental adjustments on July 1, 2013. If the proposed action is adopted, the two leases will increase \$3,566 per month to a total of \$48,372.

This is a request to approve amendments to two industrial leases with GKN Aerospace Chem-Tronics, Inc. The proposed amendments would implement a negotiated rent adjustment to reflect market rates.

**FISCAL IMPACT:**

Funds for this request are partially included in the Fiscal Year 2013-14 CAO Recommended Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total revenue of \$580,464 (\$302,700 for lease #70619R and \$277,764 for lease #71871R) in the Fiscal Year 2013-14 Airport Enterprise Fund spending plan, an increase of \$42,792 over the amount budgeted. These leases will be subject to annual consumer price index adjustments and renegotiations every nine years. The funding source for additional revenue is rental payments from the lessee under the terms of the amended agreements. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A



**RECOMMENDATION:  
CHIEF ADMINISTRATIVE OFFICER**

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendments are categorically exempt from CEQA review as they consist of the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize Clerk of the Board to execute, upon receipt, three copies of the Fourth Amendment to Industrial Lease with GKN Aerospace Chem-Tronics, Inc., County Contract No. 70619R. **(4 VOTES)**
3. Approve and authorize Clerk of the Board to execute, upon receipt, three copies of the Second Amendment to Industrial Lease with GKN Aerospace Chem-Tronics, Inc., County Contract No. 71871R. **(4 VOTES)**

6. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD A CONTRACT AND ESTABLISH APPROPRIATIONS FOR CONSTRUCTION OF BRIDGE PREVENTIVE MAINTENANCE: BRIDGES IN ALPINE, LAKESIDE AND TWIN OAKS VALLEY (DISTRICTS: 2 & 5)**

**OVERVIEW:**

The Federal Highway Bridge Program funds projects that extend the life of bridges on public roads through its Bridge Preventive Maintenance program. The Department of Public Works, Bridge Preventive Maintenance project for Alpine, Lakeside and Twin Oaks Valley addresses preventive maintenance needs for three bridges on the federal aid system on Willows Road, Riverford Road, and Sycamore Drive respectively. The project includes patching concrete, sealing the bridge deck and removing and replacing pavement adjacent to the bridges.

This is a request to establish appropriations and approve advertisement and subsequent contract award, to the lowest responsible bidder, of a project for Bridge Preventative Maintenance in Alpine, Lakeside, and Twin Oaks Valley. The estimated cost for the project is \$850,000, including contingency. This item requests establishment of appropriations of \$762,498 based on unanticipated revenue from the Federal Highway Administration Highway Bridge Program. Remaining funding of \$87,502 is included in the Department of Public Works Fiscal Year 2012-13 Operational Plan.

Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Project construction is scheduled to begin in spring 2013 and be completed by fall 2013.

**FISCAL IMPACT:**

Funds for this request are partially included in the Fiscal Year 2012-13 Operational Plan in the Department of Public Works Detailed Work Program. If approved, current year construction cost for Bridge Preventive Maintenance for Alpine, Lakeside and Twin Oaks Valley will be \$850,000. The funding sources are

Federal Highway Administration Highway Bridge Program (\$762,498) and Highway User Tax Account (\$87,502). There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

County public works contracts are competitively bid and help stimulate the local economy.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Establish appropriations of \$762,498 in the Department of Public Works Fiscal Year 2012-13 Detailed Work Program for Bridge Preventive Maintenance based on unanticipated revenue from the Federal Highway Administration Highway Bridge Program. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

7. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION METAL BEAM GUARDRAIL AT VARIOUS LOCATIONS (DISTRICTS: 2, 3 & 5)**

**OVERVIEW:**

Department of Public Works has identified locations for replacement of guardrail-end sections and installation of new guardrail segments as part of its Guardrail Program. Plans and specifications for the new replacement end sections and guardrail segments are complete and construction will take place in the summer of 2013.

Guardrails and the associated end sections are typically repaired or replaced along roadways where guardrails have been damaged or where it is determined there is a need to upgrade existing guardrails to meet current design standards. This project will install, repair or replace these high priority guardrails at various locations throughout the County. Existing appropriations are sufficient to fund all but one location.

Therefore, this is a request to establish appropriations for the one site and approve advertisement and subsequent contract award to the lowest responsible bidder to construct metal beam guardrails at various locations in the County. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract this fiscal year (FY 2012-2013) for construction, which would be scheduled to begin in summer 2013 and be completed by early 2014.

**FISCAL IMPACT:**

Funding for this request is partially included in the Fiscal Year 2012-13 Operational Plan for the Department of Public Works Detailed Work Program. If approved, construction costs are estimated to be \$313,000. The funding sources are Highway User Tax Account (\$250,000) and Sherwood Ridge Settlement Agreement (\$63,000). There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

County construction contracts are competitively bid and help stimulate the local economy.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Establish appropriations of \$63,000 in the Department of Public Works Detailed Work Program for metal beam guardrails at various County roads, based on unanticipated revenue from the Sherwood Ridge Settlement Agreement. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

