

January 27, 2021

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JANUARY 27, 2021, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:00 a.m.

PRESENT: Supervisors Nathan Fletcher, Chair; Nora Vargas, Vice-Chair; Joel Anderson; Terra Lawson-Remer; Jim Desmond; also, Andrew Potter, Clerk of the Board of Supervisors.

(Please note, California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, all members of the Board of Supervisors attended the meeting via teleconference and participated in the meeting to the same extent as if they were present.)

- B. Closed Session Report
- C. 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.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of January 13, 2021.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of January 13, 2021.

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

- E. Formation of Consent Calendar
- 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.

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|---|
| 1. | CONTINUED ITEM FROM 12/09/2020 (16):
RECEIVE THE OPTIONS TO STREAMLINE RENEWABLE ENERGY PROJECTS
IN THE UNINCORPORATED AREA REPORT; PROVIDE DIRECTION ON THE
OPTIONS CONTAINED IN THE REPORT |
| 2. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (01/13/2021 - ADOPT RECOMMENDATIONS;
01/27/2021 - SECOND READING OF ORDINANCE) |
| 3. | FRAMEWORK FOR OUR FUTURE: DEVELOPING A REGIONAL
SUSTAINABILITY PLAN TO GUIDE SAN DIEGO COUNTY TOWARD A ZERO
CARBON FUTURE4.FRAMEWORK FOR OUR FUTURE: MEASURES TO
PROVIDE ECONOMIC ACCESS AND EQUITY IN THE CANNABIS INDUSTRY
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND
BALANCE]
(4 VOTES) |
| 4. | FRAMEWORK FOR OUR FUTURE: MEASURES TO PROVIDE ECONOMIC
ACCESS AND EQUITY IN THE CANABIS INDUSTRY
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND
BALANCE]
(4 VOTES) |
| 5. | ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SWEETWATER
LANE COMMUNITY PARK TRASH CAPTURE
[FUNDING SOURCE: OPERATING TRANSFER IN FROM THE DEPARTMENT OF
PUBLIC WORKS, GENERAL FUND BASED ON BUDGETED APPROPRIATIONS
OF AVAILABLE GENERAL FUND FUND BALANCE]
(4 VOTES) |
| 6. | MCCLELLAN-PALOMAR AIRPORT - NEW LEASE WITH AVIS BUDGET CAR
RENTAL, LLC
(4 VOTES) |
| 7. | FRAMEWORK FOR OUR FUTURE: ESTABLISHING A CLIMATE ADVISORY
COMMITTEE TO COORDINATE AND STRENGTHEN COUNTY CLIMATE
ACTION |
| 8. | PUBLIC COMMUNICATION |

- SUBJECT: CONTINUED ITEM FROM 12/09/2020 (16):
RECEIVE THE OPTIONS TO STREAMLINE RENEWABLE ENERGY
PROJECTS IN THE UNINCORPORATED AREA REPORT; PROVIDE
DIRECTION ON THE OPTIONS CONTAINED IN THE REPORT
(DISTRICTS: ALL)**

OVERVIEW

On December 9, 2020 (16), the Board of Supervisors continued the item to January 27, 2021.

On October 15, 2019 (10), and October 29, 2019 (27), the Board of Supervisors (Board) adopted an ordinance to implement a Community Choice Energy (CCE) program within the unincorporated areas of San Diego county. An increase in CCE programs throughout the state will likely increase the demand for renewable energy. In the unincorporated county, the CCE's planned implementation will increase the demand for renewable energy to 90% by 2030, reduce greenhouse gas emissions, and meet State renewable energy mandates.

To ensure that the County of San Diego (County) does its part to increase renewable energy supply in the region, on April 21, 2020 (5), the Board approved the recommendations of Chairman Cox and Vice-Chairman Desmond and directed staff to return with options to streamline the environmental review process for renewable energy projects within the unincorporated area, including preparing a Programmatic Environmental Impact Report, identifying ideal locations for renewable energy projects, and developing a design review checklist to exempt specific projects. Planning & Development Services (PDS) has developed a range of options for the Board's consideration, informed by research, statewide best practices, analysis, and stakeholder engagement.

The report (Attachment A) identifies opportunities to increase regional renewable energy supply, including Programmatic Environmental Streamlining; Renewable Energy Overlay Districts; Regulation and Code Reform; and Design and Development Guidelines changes. This is a request for the Board to accept the Options to Streamline Renewable Energy Projects report and provide direction on the options.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Options to Streamline Renewable Energy Projects report complies with the California Environmental Quality Act (CEQA) and County of San Diego CEQA Guidelines because the report is exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines.
2. Receive the Options to Streamline Renewable Energy Projects report (Attachment A) and provide direction on options.

FISCAL IMPACT

There is no fiscal impact associated with receiving and accepting the Options to Streamline Renewable Energy Projects report. However, if the Board directs PDS to implement one or more of the options, there will be associated implementation costs which vary depending on the option or options chosen. There are six to choose from: three Streamline and Overlay Zones (SOZ) options and three Regulatory and Process (RP) options. The SOZ options are mutually exclusive, and only one should be directed. If any of the SOZ options are directed,

one additional full-time equivalent staff (FTE) will be required, which equates to approximately \$190,000 in staff salary and benefits. The RP options are not mutually exclusive, and any may be directed as standalone options or in conjunction with an SOZ. If the RP options are directed in addition to an SOZ option, no additional FTEs are required. If no SOZ option is directed by the Board, then some of the RP options will require an FTE. Please refer to Table 1 and Table 2 below for external costs (mainly consultant costs) and staff costs for each option. If the Board directs staff to implement one or more of the six options, any associated costs should be referred to budget and staff will develop a detailed scope of work and finalize the cost estimates. This process will take about three months and will be completed before the Operational Plan is finalized. The costs would then become part of the proposed Operational Plan for purposes of funding.

BUSINESS IMPACT STATEMENT

The Options to Streamline Renewable Energy Projects report includes actions that support the local economy by working with the public, agencies, other jurisdictions, developers, and other related professionals to improve permit processing and regulations for increasing the supply of renewable energy in the unincorporated area.

ACTION:

ON MOTION of Supervisor Lawson-Remer, seconded by Supervisor Fletcher, the Board of Supervisors continued the item to February 10, 2021.

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

2. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (01/13/2021 - ADOPT
RECOMMENDATIONS; 01/27/2021 - SECOND READING OF
ORDINANCE) (DISTRICT: 2)**

OVERVIEW

On January 13, 2021 (2), the Board of Supervisors took action to further consider and adopt the Ordinance on January 27, 2021.

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) in the 1960s as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The role of the TAC is to make recommendations to the Board on traffic matters to provide communities in the unincorporated region with a safe and efficient road system that strives to enhance safety and reduce congestion. To accomplish this, traffic policies provide persons using the road system with consistent and uniform regulations. In order to be effective, these policies are designed to be legally enforceable so that the majority of motorists will comply. 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 a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering and traffic condition studies.

The TAC recommends the Board act on one item from the September 11, 2020, TAC meeting agenda:

District	Item	Location	Action
2	2-A	Highland Valley Road, Ramona	Establish a 14,000 lb. (7-ton) commercial vehicle weight restriction

Approval of Item 2-A would establish a large commercial vehicle weight restriction in a residential area to address operational and community concerns. Large commercial vehicles regularly use a local residential road as an alternate route to bypass traffic congestion on State Route 67 and State Route 78. Additionally, these large commercial vehicles fail to maintain their position within lanes where roadway geometry (grade, alignment, width, etc.) is substandard for commercial truck traffic. Properly posted large commercial vehicles weight restrictions in residential areas decrease centerline crossover and run-off-the-road incidents and improve neighborhood quality of life.

The Board’s action on Item 2-A would introduce an ordinance to establish a vehicle weight restriction and requires two steps. On January 13, 2021, the Board would consider the TAC item. If the Board acts on January 13, 2021, then on January 27, 2021, a second reading and adoption of an ordinance amending County Code would be necessary to implement the Board’s direction.

**RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE**

Item 2-A. Highland Valley Road from Archie Moore Road to Bandy Canyon Road in Ramona - Establish a 14,000 lb. commercial vehicle weight restriction.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE ADDING SECTION 72.243.26.3. OF THE SAN DIEGO COUNTY CODE ESTABLISHING A WEIGHT LIMIT ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Lawson-Remer, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10714 (N.S.), entitled: ORDINANCE ADDING SECTION 72.243.26.3 OF THE SAN DIEGO COUNTY CODE ESTABLISHING A WEIGHT LIMIT ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

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

3. **SUBJECT: FRAMEWORK FOR OUR FUTURE: DEVELOPING A REGIONAL SUSTAINABILITY PLAN TO GUIDE SAN DIEGO COUNTY TOWARD A ZERO CARBON FUTURE (DISTRICTS: ALL)**

OVERVIEW

If we are to have any chance of limiting global warming to below 2.0°C and thereby avoiding the most disastrous effects of climate change, we must immediately transform and decarbonize all sectors of the economy within the next twenty years. It will take unprecedented, collective effort of all levels of government and civil society to achieve this goal.

In the San Diego region, climate change is already causing extreme heat and historic droughts, wildfires, torrential storms and historic 100- and 500- year flooding, sea level rise, millions of dollars in property damage, and threats to public health. Communities of color and low-income communities are disproportionately impacted by environment injustices and health disparities that will continue to get worse due to the climate crisis. In recent years, nearly all of the region's 18 local governments have adopted climate action plans (CAP) to reduce greenhouse gas (GHG) emissions in their communities. While progress has been made through the implementation of these plans, the region must do more through collaborative action to make meaningful reductions in GHG emissions.

The County of San Diego (County) has an important role to play in leading decarbonization efforts within our region. The County has made some progress in reducing GHG emissions in the unincorporated areas and within its facilities by implementing 26 measures contained in the 2018 CAP. However, in order to achieve significant reductions, the County must adopt an aggressive and legally enforceable CAP and lead through bold regional action. A regional approach to climate action would establish a framework to achieve the goal of zero carbon across the region as quickly as possible. This effort will achieve greater GHG reductions than the County could achieve on its own and bring shared prosperity and economic dynamism to the region. The County is partnering with the University of California San Diego School of Global Policy and Strategy to harness its global expertise in decarbonization strategies to develop this framework for the San Diego region.

Today's action includes a recommendation to take the first step toward developing a regional zero carbon sustainability plan by crafting a framework that will position the region as a global leader in climate planning as we strive for zero carbon by 2035.

RECOMMENDATION(S)

SUPERVISOR TERRA LAWSON-REMER AND VICE-CHAIR NORA VARGAS

1. Find that the proposed project (the direction to staff in this letter) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(3) and 15378(b)(5).
2. Direct the Chief Administrative Officer to develop a framework for a regional zero carbon sustainability plan in partnership with the University of California San Diego School of Global Policy and Strategy which shall include strategies and initiatives to achieve zero carbon in the region by 2035.
3. Pursuant to Board Policy A-87, authorize the Director, Department of Purchasing and Contracting, upon successful negotiations and determination of fair and reasonable price, to award a contract for the development by the University of California San Diego School

of Global Policy and Strategy of a regional framework and report to the Board as described below, with an option for additional research and leadership on subsequent actions as directed by the Board. Authorize the Director, Department of Purchasing and Contracting, in consultation with the Director, Planning and Development Services, to execute the option based on funding availability and to amend the contract as needed.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan for the Land Use and Environment Group Executive Office. There is no net change in net General Fund cost and no additional staff years for Fiscal Year 2020-21. After the regional framework is developed and based on the recommended actions that the County and others can take, additional funding and additional staff years may be required to continue any County role in the framework in Fiscal Year 2021-22 and beyond.

BUSINESS IMPACT STATEMENT

The proposed actions will help businesses in San Diego County through the support and development of technological advances in the green economy.

ACTION:

ON MOTION of Supervisor Lawson-Remer, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended.

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

4. **SUBJECT: FRAMEWORK FOR OUR FUTURE: MEASURES TO PROVIDE ECONOMIC ACCESS AND EQUITY IN THE CANNABIS INDUSTRY (DISTRICTS: ALL)**

OVERVIEW

Californians overwhelmingly voted to allow both adult use and medical cannabis, but the Board of Supervisors has blocked access. There is currently no pathway for adult use cannabis access in the unincorporated area, and the five existing medical cannabis facilities have been ordered to close by 2022. Under the current regime approved by the Board in 2017, no new permits for medical cannabis facilities can be issued. Without any process for obtaining a permit, illegal and unlicensed dispensaries have been in operation all throughout San Diego County. As a result, the San Diego County Sheriff's Department has been engaged in a continuing cycle of shutting down various storefronts, only for the same business to re-open the following week. We must make changes.

Cannabis represents a new economic opportunity for our communities and residents, which is necessary during the pandemic-induced recession. Cannabis industry provides new direct and indirect jobs, from farming and manufacturing to testing and retail sales. Cannabis also provides an opportunity to advance social equity in our communities. The overcriminalization of Black and Brown communities for cannabis crimes is an injustice that needs to be addressed in our region.

Our board letter proposes changes to bring our region in line with the will of San Diego voters. Today's action would direct Planning & Development Services to develop Zoning Ordinances that allow for a suite of uses, including retail, cultivation, manufacturing, distribution, testing,

or a combination of these uses through a microbusiness license, as well as repeal County Zoning Ordinance Sections 6935 (Medical Marijuana Collective Facilities) and 6976 (Prohibition of Marijuana Facilities - Medical or Non-Medical).

We are also asking the Chief Administrative Officer to develop a new Cannabis Permitting Program for the County of San Diego that will include numerous elements to prioritize social equity, access and business opportunities. A Social Equity Program will help rectify the injustices caused by the War on Drugs and be in place prior to the issuance of the first permit. To spur economic recovery, Labor Peace Agreements will be required for every tenth employee at a given cannabis facility. We have asked for ingestible cannabis products to be sold in the unincorporated area. Onsite consumption of cannabis products should be an allowable use. Staff will bring in an expert to research cannabis taxation opportunities and provide recommendations to the Board.

We can also look internally at County operations. Revisions to County hiring practices would remove cannabis as one of the drugs tested for during the pre-employment screening process for certain employee classes.

We are requesting that these components be developed concurrently to create a comprehensive cannabis program, with an initial report back in 90 days including any regulatory changes that can be implemented within that time, and return back to the Board with final ordinances and policies within 180 days.

RECOMMENDATION(S)

CHAIR NATHAN FLETCHER AND VICE-CHAIR NORA VARGAS

- A. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) as specified under Sections 15060(c)(3) and 15378 of the CEQA Guidelines.
- B. Direct the Chief Administrative Officer to:
 1. Develop Zoning Ordinances that would allow for the following:
 - a. Cannabis Retail allowed in areas zoned commercial and industrial.
 - b. Cannabis Cultivation allowed in areas zoned for agriculture.
 - c. Cannabis Manufacturing allowed in areas zoned for industrial.
 - d. Cannabis Distribution allowed in areas zoned for industrial.
 - e. Cannabis Testing allowed in areas zoned for industrial.
 - f. Cannabis Microbusiness license in areas zoned for agriculture, commercial or industrial.
 - g. Setbacks of 600 feet from a qualifying "sensitive use" as described in Section 5026 of the California Code of Regulations, Title 16, Division 42, or any successor or amended section, that is operational at the time of the application.
 - h. Repeal County Zoning Ordinance Sections 6935 (Medical Marijuana Collective Facilities) and 6976 (Prohibition of Marijuana Facilities - Medical or Non-Medical).
 2. Develop amendments to the County of San Diego Regulatory Code Sections 21.2501 and 21.2503 (a) and develop a new cannabis permitting system that:
 - a. Allows existing and new Medicinal and/or Adult Use cannabis facilities to obtain a County operating permit for one of the following permit categories: Retail (Storefront and/or Non-Storefront), Cultivation, Manufacturing, Distribution, and Testing; or a County operating permit for a Microbusiness license.

- b. Contains a “Social Equity Program” that provides individuals with past cannabis arrests and/or convictions, and those that were low income and lived in high arrest communities or “Disproportionately Impacted Areas” by providing such individuals with greater opportunities to secure a County operating permit, and is in place prior to the issuance of a County operating permit.
 - c. Requires the issuance of Labor Peace Agreements for every tenth employee.
 - d. Follows all applicable State laws and regulations.
3. Allow for the sale of ingestible cannabis products, including edible and drinkable products.
 4. Allow for onsite consumption of cannabis products at specific cannabis facilities and at permitted events.
 5. Engage a consultant to advise the County on cannabis tax options.
 6. Conduct robust stakeholder outreach to help develop all recommendations, and explore program components such as the Social Equity Program, onsite consumption, and the permitting program, including engaging with social and racial justice advocates, farmers, and potential cannabis permit holders.
 7. Provide any staffing necessary to support the issuance and management of the cannabis permits and the Social Equity Program.
 8. Secure grant funding to support implementation of the Social Equity Program.
- C. Direct the Chief Administrative Officer to revise the County of San Diego Drug and Alcohol Use Policy (Policy C-25) to exclude cannabis from the medical pre-screening process under Section E “Applicants for County Employment,” except for safety sensitive positions and employees covered under the Omnibus Transportation Employee Testing Act of 1991.
 - D. Establish appropriations of \$485,000 in the Department of Planning & Development Services, Services & Supplies for consultant services for the ordinance and program development of a Cannabis Permitting Program based on available prior year General Fund fund balance. (4 VOTES)
 - E. Report back to the Board in 90 days with an update including any regulatory changes that can be implemented within that time, and return back to the Board with final ordinances and policies within 180 days.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2020-21 Operational Plan in the Department of Planning & Development Services (PDS). If approved, this request will result in costs of \$485,000 in PDS for consultant services for the ordinance and program development of a Cannabis Permitting Program. The funding source is available prior year General Fund fund balance. Future on going costs of the program will be determined by future Board actions based on information and recommendations contained the report due in 180 days, including potential costs and revenue associated with implementation. County staff will return to the Board with estimates and recommended budget actions as necessary.

BUSINESS IMPACT STATEMENT

Today's action supports small businesses by allowing cannabis facilities to access permits to operate in the County and expand their businesses.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

- A. Found that the proposed actions are not subject to the California Environmental Quality Act (CEQA) as specified under Sections 15060(c)(3) and 15378 of the CEQA Guidelines.
- B. Directed the Chief Administrative Officer to:
 1. Develop Zoning Ordinances that would allow for the following:
 - a. Cannabis Retail allowed in areas zoned commercial and industrial.
 - b. Cannabis Cultivation allowed in areas zoned for agriculture.
 - c. Cannabis Manufacturing allowed in areas zoned for industrial.
 - d. Cannabis Distribution allowed in areas zoned for industrial.
 - e. Cannabis Testing allowed in areas zoned for industrial.
 - f. Cannabis Microbusiness license in areas zoned for agriculture, commercial or industrial.
 - g. Setbacks of 600 feet from a qualifying "sensitive use" as described in Section 5026 of the California Code of Regulations, Title 16, Division 42, or any successor or amended section, that is operational at the time of the application, including an analysis to consider, as part of a data-driven process, to allow setbacks of up to 1,000 feet from a qualifying "sensitive use."
 - h. Repeal County Zoning Ordinance Sections 6935 (Medical Marijuana Collective Facilities) and 6976 (Prohibition of Marijuana Facilities - Medical or Non-Medical).
 2. Develop amendments to the County of San Diego Regulatory Code Sections 21.2501 and 21.2503 (a) and develop a new cannabis permitting system that:
 - a. Allows existing and new Medicinal and/or Adult Use cannabis facilities to obtain a County operating permit for one of the following permit categories: Retail (Storefront and/or Non-Storefront), Cultivation, Manufacturing, Distribution, and Testing; or a County operating permit for a Microbusiness license.
 - b. Contains a "Social Equity Program" that provides individuals with past cannabis arrests and/or convictions, and those that were low income and lived in high arrest communities or "Disproportionately Impacted Areas" by providing such individuals with greater opportunities to secure a County operating permit, and is in place prior to the issuance of a County operating permit.
 - c. Requires the issuance of Labor Peace Agreements after the tenth employee.
 - d. Follows all applicable State laws and regulations.
 - e. Allow for the sale of ingestible cannabis products, including edible and drinkable products.
 - f. Allow for onsite consumption of cannabis products at specific cannabis facilities and at permitted events.
 3. Engage a consultant to advise the County on cannabis tax options.

4. Conduct robust stakeholder outreach to help develop all recommendations, and explore program components such as the Social Equity Program, onsite consumption, and the permitting program, including engaging with social and racial justice advocates, farmers, and potential cannabis permit holders.
 5. Provide any staffing necessary to support the issuance and management of the cannabis permits and the Social Equity Program.
 6. Secure grant funding to support implementation of the Social Equity Program.
- C. Directed the Chief Administrative Officer to revise the County of San Diego Drug and Alcohol Use Policy (Policy C-25) to exclude cannabis from the medical pre-screening process under Section E “Applicants for County Employment,” except for safety sensitive positions and employees covered under the Omnibus Transportation Employee Testing Act of 1991.
 - D. Established appropriations of \$485,000 in the Department of Planning & Development Services, Services & Supplies for consultant services for the ordinance and program development of a Cannabis Permitting Program based on available prior year General Fund fund balance. **(4 VOTES)**
 - E. Report back to the Board in 90 days with an update including any regulatory changes that can be implemented within that time, and return back to the Board with final ordinances and policies within 180 days.
 - F. Established appropriations of \$500,000 for immediate and aggressive enforcement by the San Diego County Sheriff’s Office and/or Code Enforcement of unlicensed, illegal dispensaries, labs, or any related operating facilities.
 - G. Directed the Chief Administrative Officer to return to the Board with an analysis and recommendations for ongoing, long-term enforcement options.

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

5. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SWEETWATER LANE COMMUNITY PARK TRASH CAPTURE (DISTRICT: 2)

OVERVIEW

In 2013, the San Diego Regional Water Quality Control Board (RWQCB) updated the Regional Municipal Separate Storm Sewer System Permit (MS4 Permit) requiring a variety of actions to remove pollutants determined to be impacting local water bodies in various watersheds. In 2015, the State Water Resources Control Board adopted regulations requiring local agencies to control the discharge of trash from the MS4 into surface waters (Trash Amendments). The Trash Amendments will be incorporated into the MS4 Permit upon its reissuance, which is currently scheduled for late 2021. The purpose of these state regulations is to protect and enhance the quality of receiving waters such as creeks, rivers, and the ocean that are designated for recreational and other environmental beneficial uses.

The County of San Diego (County) is partnering with the cities of Chula Vista, Coronado, Imperial Beach, La Mesa, Lemon Grove, National City, and San Diego, the San Diego County Regional Airport Authority, and the San Diego Unified Port District in the San Diego Bay Watershed Management Area (WMA) to reduce pollution through implementation of the RWQCB-approved San Diego Bay WMA Water Quality Improvement Plan (WQIP). The WQIP is an implementation program that identifies the highest priority water quality conditions, as determined by water quality data, stormwater standards, and agency input within a watershed area, and identifies strategies to address them through adaptive planning and management. For the lower Sweetwater River drainage area, which includes Spring Valley and Casa de Oro, the highest priority water quality condition is physical aesthetics impacts, which is caused by trash and can pose health risks to humans, wildlife and waterways. As part of the effort to address trash, the County has identified the Sweetwater Lane Community Park Trash Capture Project (Project) as a suitable location for water quality improvements after close review of local land uses, storm drain system discharge points, and regional benefits to Spring Valley Creek, a tributary to Sweetwater River.

The Project consists of installing an underground water treatment facility with a trash capture device, also known as a debris-separating baffle box (DSBB). The purpose of the DSBB is to screen and separate trash, debris, and sediment from the MS4 that would normally discharge into the tributaries of the Sweetwater River. These water quality enhancements will assist the County in complying with MS4 Permit conditions and the Trash Amendments.

This is a request to transfer appropriations and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Sweetwater Lane Community Park Trash Capture Project. If approved, construction is scheduled to begin late spring 2021 and to be completed summer 2021. The construction cost is estimated at \$675,000, including contingencies, and the funding source is available General Fund fund balance budgeted in the Department of Public Works General Fund.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Sweetwater Lane Community Park Trash Capture Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 of the CEQA Guidelines because it involves the installation of small structures as part of an existing storm drain system.
2. Transfer appropriations of \$675,000 within the Department of Public Works General Fund), from Services & Supplies to Operating Transfer Out.
3. Transfer appropriations of \$675,000 from the Department of Public Works General Fund, Operating Transfer Out, to the Department of Public Works Road Fund, Services & Supplies based on an Operating Transfer In from the Department of Public Works General Fund. (4 VOTES)
4. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and to take any other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for Sweetwater Lane Community Park Trash Capture Project.

5. 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.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works, General Fund. If approved, construction costs for the Sweetwater Lane Community Park Trash Capture Project are estimated at \$675,000, including contingencies. The funding source is an operating transfer in from the Department of Public Works, General Fund based on budgeted appropriations of available General Fund fund balance. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent.

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

6. **SUBJECT: MCCLELLAN-PALOMAR AIRPORT - NEW LEASE WITH AVIS BUDGET CAR RENTAL, LLC (DISTRICT: 5)**

OVERVIEW

McClellan-Palomar Airport (Airport) is a general aviation airport owned and operated by the County of San Diego's (County) Department of Public Works (DPW), located in the City of Carlsbad. The Airport serves the community by providing facilities and services to commercial, corporate, and general aviation. Leasing of airport property generates lease revenue within the Airport Enterprise Fund which is used to operate, maintain, and improve all eight County airports.

On January 6, 2016 (8), following a Request for Proposals, the Board of Supervisors approved five-year leases with Avis Budget Car Rental, LLC (Avis) and The Hertz Corporation (Hertz) to operate two non-exclusive rental car concessions at McClellan-Palomar Airport. The leases are set to expire January 31, 2021. On September 22, 2020, County Airports issued a Request for Proposals to provide rental car services at the Airport, beginning February 1, 2021. Avis Budget Car Rental, LLC, the only respondent, meets all the required qualifications and was selected as the successful proposer.

This is a request to approve a two-year non-exclusive rental car lease agreement with Avis, with one three-year mutual option. Avis would pay a set monthly rent for a car rental office, car preparation area, and 26 parking spaces. In addition, Avis would pay percentage rent equal to 10% of gross sales, subject to a minimum annual guarantee currently of \$119,100. If approved, revenues from this lease would be placed into the County's Airport Enterprise Fund.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease is categorically exempt from CEQA review as it consists of leasing of existing facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Lease with Avis Budget Car Rental, LLC. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan for the Airport Enterprise Fund (\$149,100). If approved, this request will result in revenue of \$12,500 in base rent, plus 10% of gross sales, to the Airport Enterprise Fund for the current Fiscal Year. The revenue source is rental payments from the lessee under the terms of the new lease agreement. Lease revenue in subsequent years is estimated to be at least \$149,100, which includes \$30,000 in base rent, plus additional percentage rent based on a minimum annual guarantee (MAG) of \$170,143; however, the lease allows for a 30% discount to the MAG for any periods without commercial passenger service operating at the Airport. The County currently does not have commercial air service at the Airport, therefore-, the effective MAG will be 70% of the full amount, or \$119,100 per year beginning in Fiscal Year 2020-21, until commercial air service is operated. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent.

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

7. **SUBJECT: FRAMEWORK FOR OUR FUTURE: ESTABLISHING A CLIMATE ADVISORY COMMITTEE TO COORDINATE AND STRENGTHEN COUNTY CLIMATE ACTION (DISTRICTS: ALL)**

OVERVIEW

The Earth is in crisis. Global warming-driven predominantly by the combustion of fossil fuels-has dramatically altered and disrupted global climate and jeopardized the survival, health, and well-being of human communities across the globe.

San Diego County is particularly vulnerable to the impacts of climate change, including extreme heat and historic droughts, wildfires, increasing days of poor air quality, torrential storms and increasingly frequent 100- and 500- year flood events, sea level rise, and coastal erosion. Communities of color and low-income communities are disproportionately impacted by environment injustices and health disparities that will continue to worsen as temperatures

rise, despite having contributed least to climate change and pollution. The unincorporated areas over which the County has direct jurisdiction are dangerously exposed to many of these threats, above all, wildfires.

Given the breadth and complexity of 1) the underlying drivers and impacts of climate change, 2) state and federal legislation governing GHG emissions reduction, and 3) the measures currently existing and anticipated for the reduction of regional emissions, county climate action planning will require intensive, ongoing collaboration, over multiple years, between the County Board of Supervisors, the CAO and staff across multiple groups and departments, consultants, stakeholders, scientists, and residents. This need for continuous collaboration necessitates a dedicated forum for communication and deliberation.

Toward that end, we recommend the creation of an Advisory Committee, which will have a broad mandate to address climate change and its impacts in San Diego County. The Advisory Committee will consist of two Board members who will be able to convene meetings, bring together stakeholders, review internal county operations, engage and delegate responsibilities to County staff and consultancies to develop procurement contracts and requests for proposals, and perform any other tasks necessary to further climate action. Most critically, a key focus will be to oversee the development and implementation of the Climate Action Plan, the Supplemental EIR, a Regional Sustainability Plan, and related policies and programs.

RECOMMENDATION(S)

SUPERVISOR TERRA LAWSON-REMER AND VICE-CHAIR NORA VARGAS

1. Establish a Climate Advisory Committee to review, assess, recommend, and oversee implementation of policies and programs to mitigate and adapt to climate change, including but not limited to the following policy areas:
 - a. County Climate Action Plan
 - b. Supplemental Environmental Impact Report (EIR)
 - c. Regional Sustainability Plan
 - d. Air Pollution Control District Community Air Protection Program (AB 617) and Community Emissions Reduction Plans
 - e. Any other policies or programs to address climate change and climate justice
2. The Advisory Committee shall have the ability to hold public hearings, conduct stakeholder engagement, review internal county operations, engage with and delegate responsibilities to County staff and consultancies to develop procurement contracts and requests for proposals, and perform any other tasks necessary to further topics of climate justice, climate resilience, and mitigation and adaptation.
3. Appoint Supervisors Terra Lawson-Remer and Nora Vargas to serve on the Advisory Committee.
4. Directed the Chief Administrative Officer to provide staffing to support the committee.
5. The Advisory Committee shall report back to the Board regularly with progress reports and return with a final report and recommendations in two years.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There may be future fiscal impacts associated with recommendations proposed by the Advisory Committee. Any such recommendations would need to be approved by the Board.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

Noting for the record that an Errata was submitted; ON MOTION of Supervisor Vargas, seconded by Supervisor Lawson-Remer, the Board of Supervisors took the following actions:

1. Established a Climate Advisory Committee to review, assess, and recommend policies and programs to mitigate and adapt to climate change, including but not limited to the following policy areas:
 - a. County Climate Action Plan
 - b. Supplemental Environmental Impact Report (EIR)
 - c. Regional Sustainability Plan
 - d. Any other policies or programs to address climate change and climate justice
2. The Advisory Committee shall have the ability to hold public hearings, conduct stakeholder engagement, review internal county operations, engage with County staff and consultancies to further the County’s effort related to topics of climate justice, climate resilience, and mitigation and adaptation.
3. Appointed Supervisors Terra Lawson-Remer and Nora Vargas to serve on the Advisory Committee.
4. Directed the Chief Administrative Officer to provide staffing to support the committee.
5. The Advisory Committee shall report back to the Board regularly with progress reports and return with a final report and recommendations in two years.

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

8. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Michelle Krug provided comments to the Board regarding the recording of County board, commission, and committee meetings.

JoAnn Fields provided comments to the Board regarding a Redistricting 101 Town Hall and the County’s rental assistance program.

Mike Bullock provided comments to the Board regarding mitigation and enforceable measures, including car parking system for employees and road use charges.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 2:25 p.m.

ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Rodriguez
Discussion: Zurita

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up

Approved by the Board of Supervisors, on Wednesday, February 10, 2021.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

01/27/2021