

April 6, 2022

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 - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, APRIL 6, 2022, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:02 a.m.

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

- 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 March 16, 2022.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of March 16, 2022.

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

- E. 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. | ANNUAL REPORT OF THE COUNTY-MAINTAINED ROAD SYSTEM |
| 2. | ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A SINGLE CONSTRUCTION CONTRACT FOR THE BORREGO SPRINGS SHADEWAY AND PEDESTRIAN GAP IMPROVEMENT PROJECT ON SUNSET ROAD IN BORREGO SPRINGS [FUNDING SOURCE: PRIOR YEAR AVAILABLE GENERAL FUND FUND BALANCE] |

3. APPROVE AND RATIFY FISCAL YEAR 2021-22 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM
[FUNDING SOURCE: REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND 1991 HEALTH REALIGNMENT REVENUE FROM THE STATE]
4. EXPLORING THE FEASIBILITY OF ACQUIRING BUTTERFIELD TRAILS RANCH BY THE COUNTY OF SAN DIEGO
5. TRAFFIC ADVISORY COMMITTEE (04/06/2022 - ADOPT RECOMMENDATIONS; 04/27/2022 - SECOND READING OF ORDINANCES)
6. NOTICED PUBLIC HEARING:
ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 21515022-01 (PIPER OTAY PRESERVE MAINTENANCE) AND AUTHORIZE ACTION TO ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT (4/6/2022 - ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE; 4/27/2022 - SECOND READING OF ORDINANCE)
7. SET A HEARING FOR 04/27/2022:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES AND DEPOSITS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL YEAR 2022-23
[FUNDING SOURCE: FEES PAID BY DEHQ CUSTOMERS]
8. SET A HEARING FOR 04/27/2022:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND THE FEES IN THE ADMINISTRATIVE CODE FOR THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2022-23
[FUNDING SOURCE: FEES PAID BY AWM CUSTOMERS]
9. COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR 2022-23
[FUNDING SOURCE: FEES PAID BY PRIVATELY INITIATED LAND DEVELOPMENT PROJECTS AND BUILDING PERMIT APPLICANTS]
10. NOTICED PUBLIC HEARING:
ORDINANCE AMENDMENTS TO ESTABLISH PROCEDURES FOR THE CLOSING OF INACTIVE PERMIT APPLICATIONS
11. 2021 GENERAL PLAN ANNUAL PROGRESS REPORT
12. PUBLIC COMMUNICATION

**1. SUBJECT: ANNUAL REPORT OF THE COUNTY-MAINTAINED ROAD SYSTEM
(DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) Department of Public Works (DPW) is responsible for ensuring the nearly 2,000 centerline miles of public roads in the unincorporated region are safe, reliable, and well-maintained to serve the public, and help ensure safe and thriving communities. Total road mileage is used by the State to calculate the annual distribution of gas tax funds to counties and cities statewide. The State gas tax funding is key to ensure DPW can annually fund operations, maintenance, and new capital projects for the publicly maintained roadway network and the other services DPW provides.

Section 2121 of the California Streets and Highways Code requires the County to annually submit to the California Department of Transportation (Caltrans) any additions to, or exclusions from, mileage of County-maintained roads. The most recent update was approved by the Board of Supervisors (Board) on April 7, 2021 (11) and certified by Caltrans shortly thereafter. The total mileage of County-maintained roads decreased by 0.04 centerline miles since the last certification and is now 1,945.46 centerline miles. The road mileage was changed for three streets after it was determined that the registered length of the road was different than the mapped length of the road. The three impacted streets are Nolan Place in (Valle De Oro), Galt Drive in (Valle De Oro), and Marshall Road in (Alpine).

Today's request is to adopt a resolution to transmit the County's annual report of road mileage to Caltrans. Upon Board approval, the resolution will be submitted to Caltrans to certify the newly reported road mileage to the State Controller.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) of the state CEQA Guidelines, since the proposed action has no direct or reasonably foreseeable indirect physical change in the environment.
2. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TRANSMITTING THE ANNUAL REPORT TO THE STATE DEPARTMENT OF TRANSPORTATION OF THE COUNTY'S MAINTAINED ROADS - 2021

EQUITY IMPACT STATEMENT

The review and updating of the County of San Diego's annual roadway mileage support the ability to receive the allocated State gas tax funding. This funding is used to maintain Department of Public Works (DPW) operations and funded improvements projects that benefit the public within the unincorporated areas of the region. When evaluating projects, DPW utilizes the Healthy Places Index and Cal Enviroscreen 3.0 in the project prioritization process to ensure our most vulnerable and underserved populations are prioritized. DPW uses project prioritization to identify and implement projects to ensure an equitable distribution of projects with a special focus on improving the underserved communities.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. 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 Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-039, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TRANSMITTING THE ANNUAL REPORT TO THE STATE DEPARTMENT OF TRANSPORTATION OF THE COUNTY'S MAINTAINED ROADS – 2021.

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

2. **SUBJECT: ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A SINGLE CONSTRUCTION CONTRACT FOR THE BORREGO SPRINGS SHADEWAY AND PEDESTRIAN GAP IMPROVEMENT PROJECT ON SUNSET ROAD IN BORREGO SPRINGS (DISTRICT: 5)**

OVERVIEW

On June 30, 2021 (07), the Board of Supervisors authorized the Department of Public Works (DPW) to advertise and award multiple construction contracts to complete four Pedestrian Gap Improvement Projects in the unincorporated area. One of the approved projects will complete sidewalk and roadway enhancements along Sunset Road to improve pedestrian comfort, safety, and accessibility in Borrego Springs.

Today's action will complement DPW's approved Sunset Road sidewalk project by adding a shadeway (shaded walkway). The Department of Parks and Recreation (DPR) has collaborated with local residents and DPW to design a series of structures to provide shade for pedestrians travelling to and from the Borrego Springs Community Park, Library, and Sheriff's Office complex to Christmas Circle along an approximately quarter-mile stretch of Sunset Road. The proposed shadeway was shaped by a community-driven design process that commenced in Fall 2020, included two virtual public meetings and community surveys, and incorporated preferences shared by the Borrego Art Institute and Borrego Springs Community Sponsor Group (BSCSG). The resulting project will feature a series of structures designed to align with DPW's sidewalk and roadway improvements, and fully realize the County and community's shared vision of an interconnected pedestrian experience with improved access to County facilities in downtown Borrego Springs. Average maximum temperatures often exceed 110 degrees in Borrego Springs (per the California Heat Assessment Tool). The new structures will provide approximately a quarter-mile of shaded respite and help reduce heat vulnerability in the community.

The total cost for the Borrego Springs Shadeway Project is \$933,130.65. Construction costs are \$883,130.65, including contingency funds that are set aside to cover unexpected costs that may arise during the project's construction, as well as funding for construction administration, permitting, and inspections. \$50,000 of the total project cost was allocated to design, environmental review, and easement acquisition. To maximize construction efficiency, today's request will authorize the Director of the Department of Purchasing and Contracting to advertise and award a single construction contract for the Borrego Springs Shadeway and previously approved Pedestrian Gap Improvement Project for Sunset Road for a total project cost of \$1,949,878.65 including contingency. If the shadeway is approved, project construction will begin in fall 2022 with construction completion anticipated in winter 2022/23.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to state CEQA Guidelines Section 15301(c).
2. Authorize the Department of Purchasing and Contracting to advertise and award a single construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the Borrego Springs Shadeway and Sunset Road Pedestrian Gap Improvement Project.

EQUITY IMPACT STATEMENT

DPW utilizes data from the County's Pedestrian Gap Analysis, community input, along with information gathered from California's Healthy Places Index (HPI) to identify and prioritize capital improvement projects. DPW uses the collected data to proportionately distribute projects throughout the unincorporated region. While vehicles and pedestrians alike benefit from these improvements, underserved communities that may rely more heavily on sidewalks as the primary mode of transportation can be disproportionately impacted by gaps in pedestrian facilities. As a result, DPW evaluates proposed projects to ensure they are inclusive of underserved communities in the region. Borrego Springs is a community with a low California Healthy Places Index (HPI) score* (less than 50%) and increasing vulnerability to rising temperatures and heat exposure. It is anticipated that infrastructure improvements such as the shadeway will help ensure equitable access to high-quality pedestrian experiences where they are most needed.

[* The HPI is a metric used to explore local factors that predict life expectancy and compare community conditions across the State. The HPI score combines 25 community characteristics, such as housing, education, economic, and social factors, and is used to compare community conditions shaping health outcomes for residents. Communities are rated on a scale of 0 to 100, where scores closer to 100 indicate healthier community conditions, and scores closer to 0 indicate less healthy community conditions.]

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for Capital Project 1021893 Borrego Springs Shadeway (\$933,130.65) and Department of Public Works Road Fund (\$1,016,748) for a total project amount of \$1,949,878.65 including contingency. Of this total amount, \$50,000 was allocated to design, environmental review, and easement

acquisition for the Borrego Springs Shadeway project, and shadeway construction costs are \$883,130.65 including contingency. The funding source is prior year available General Fund fund balance. Total Project costs for the Borrego Springs Shadeway and Sunset Road Pedestrian Gap Improvement Project are \$1,949,878.65 including contingency. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

When approved by the Board of Supervisors for advertising and award, County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction related employment opportunities. All workers employed on public works projects must be paid the prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

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

3. **SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2021-22 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM (DISTRICTS: 1, 3, & 5)**

OVERVIEW

State law (Health and Safety Code, Chapter 765, Sections 115875 - 115915) provides a program for beach water quality testing and public notification when test results indicate an increased risk of illness during water contact. The law establishes criteria to identify the beach locations and frequency of monitoring for water quality and the process for providing information to the public on beach water quality conditions and closing beaches for sewage impacts. The criteria identifies beaches: 1) with storm drains that discharge to the beach during dry weather and 2) that are visited by more than 50,000 people per year. Beaches that meet these criteria are mandated to be monitored at least weekly from April 1 through October 31, the "dry weather" period when beaches are most accessed for recreation, by the local health officer or director of environmental health during a fiscal year in which the Legislature has appropriated sufficient funds for local agencies to cover the costs associated with the performance of these duties. The appropriated funds are distributed through State revenue agreements. The revenue agreement with the State Water Resources Control Board (SWRCB) for Fiscal Year 2021-22 is the subject of this Board letter.

Since 1999, the Department of Environmental Health and Quality (DEHQ) has annually entered into a revenue agreement with the State to receive funds to implement the State-mandated dry weather Beach and Bay Water Quality Monitoring Program (Program). This Program collects

samples and tests ocean water, conducts public education and outreach, posts signs warning of contaminated water at public beaches when samples exceed State health standards, and closes beaches impacted by sewage or chemical spills. Up-to-date beach water quality information is also made available to the public at sdbeachinfo.com <<http://sdbeachinfo.com>> so that beach users can make informed decisions as to when and where to enter the water.

In addition to the funding received through the revenue agreement with the SWRCB, the County of San Diego also receives 1991 Health Realignment revenue from the State which is used to support the Program costs. The 1991 Health Realignment revenue is dedicated State funding provided to counties to cover costs associated with public health, mental health, and social services program responsibilities transferred from the State to counties.

The total cost of the Program for Fiscal Year 2021-22 is anticipated to be approximately \$579,082. The revenue agreement with the SWRCB will fund \$349,425, which consists of federal (\$184,000) and State (\$165,425) funding made available through the Public Beach Safety Grant Program. Since this revenue agreement is funded by both federal and State monies, there are two different performance periods for funding reimbursement because the agencies operate under different fiscal year cycles. The performance period for the State-funded portion will reimburse expenses incurred from July 1, 2021 to June 30, 2022, while the federally funded portion will reimburse expenses incurred from October 1, 2021 to August 15, 2022.

Additionally, DEHQ will use \$229,657 of 1991 Health Realignment revenue for the Beach and Bay Water Quality Monitoring Program. This accounts for expenditures not allowable under the revenue agreement, such as monitoring during wet weather months, from November 1 to March 30. Monitoring in wet weather months is needed as County beaches are used year-round. The 1991 Health Realignment revenue also funds County support costs such as overhead and facilities costs, which are capped to 20% of State funding and 10% of federal funding under the revenue agreement. A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, is requested in the amount of \$229,657 for program costs not covered by the revenue agreement and to implement a year-round Beach and Bay Water Quality Monitoring Program throughout the coastal shoreline. In addition, ratification is requested, as delayed receipt of the State agreement prevented DEHQ from bringing this agreement to the Board at least 60 days before the effective date of the agreement, and work began before the agreement was in place, as required by Board Policy B-29. The County received a final revenue agreement from the SWRCB on February 25, 2022.

If approved by the Board of Supervisors, these recommendations also authorize the DEHQ Director, or their designee, to execute a revenue agreement with the SWRCB in the amount of \$349,425 for the period of July 1, 2021 through August 15, 2022 to fund the Beach and Bay Water Quality Monitoring Program, and adopt a resolution authorizing DEHQ to receive the funds.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment and that it is therefore exempt from CEQA.

2. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, which requires full cost recovery for revenue contracts as well as docketing revenue contracts with the Board at least 60 days prior to the effective date of the contract.
3. Ratify acceptance and authorize the Director, Department of Environmental Health and Quality, or their designee, to execute a revenue agreement with the State Water Resources Control Board to fund beach and bay water quality monitoring, in the amount of \$349,425 for the period July 1, 2021 through August 15, 2022.
4. Adopt a Resolution entitled:
RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT
WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND
BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2021-22.
5. Authorize the Director, Department of Environmental Health and Quality, or their designee, to execute any extensions, amendments, or revisions thereof that do not materially impact or alter either the program or funding level.

EQUITY IMPACT STATEMENT

The Department of Environmental Health and Quality protects and promotes a healthy environment for the residents and visitors of the San Diego region by ensuring safe, sustainable communities, and preserving and enhancing the natural environment in which people live. The funding received through the revenue agreement with the State Water Resources Control Board for the Beach and Bay Water Quality Monitoring Program will ensure that the public is informed of potential health risks related to water contact when testing indicates that bacteria levels exceed State health standards.

Funding from the revenue agreement is provided to equitably monitor ocean water quality in all areas of the county with storm drains that discharge to the beach during dry weather and beaches that are visited by more than 50,000 people per year.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If approved, this request will result in current year program costs and revenue of \$579,082. The funding sources are a revenue agreement with the State Water Resources Control Board (\$349,425) and 1991 Health Realignment revenue from the State (\$229,657). The County of San Diego receives a fixed amount of ongoing 1991 Health Realignment revenue for the costs of operating various State mandated public health officer programs, one of which is the Beach and Bay Water Quality Monitoring Program. A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, is requested in the amount of \$229,657 for program costs not covered by the revenue agreement, including County support costs which are capped under the State revenue agreement, and for wet weather monitoring. Subsequent year costs and revenues will be included in future year Operational Plans for DEHQ. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Water quality testing needs to be conducted in a timely manner to ensure the protection of public health and to monitor for water quality impacts at public beaches and bays. When bacteria levels in the water at beaches and bays exceed State health standards, business, tourism and recreational activities in the county can be negatively affected due to a decline in beachgoers recreating and frequenting businesses.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution no. 22-040, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2021 22.

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

4. SUBJECT: EXPLORING THE FEASIBILITY OF ACQUIRING BUTTERFIELD TRAILS RANCH BY THE COUNTY OF SAN DIEGO (DISTRICT: 5)

OVERVIEW

There has been increasing public support for the County of San Diego to acquire the Butterfield Trails Ranch property in Valley Center. Butterfield Trails Ranch is a largely vacant, approximately 60-acre site located off Sunday Drive, with legal access to Valley Center Road, just east of the Park Circle housing development and directly north of the Native Oaks Golf Club. Public support has centered primarily on the idea that the County of San Diego (County) purchase and maintain the property in perpetuity as a public park. The Department of Parks and Recreation (DPR) is aware of the support for this potential project but does not have plans, nor funding in place at this time to acquire the property.

Today's action will direct the Chief Administrative Officer to explore the feasibility of the County acquiring the Butterfield Trails Ranch property for the purpose of establishing a public park. In general, this exploration should focus on identifying key stakeholders and potential partnerships to assist in the acquisition process, estimating overall costs and timeline, and identifying all potential funding sources.

RECOMMENDATION(S)

SUPERVISOR JIM DESMOND

1. Find in accordance with Section 15262 of the California Environmental Quality Act Guidelines that this action is exempt because it directs the Chief Administrative Officer to explore the feasibility of future actions that the Board of Supervisors has not approved, adopted, or funded.
2. Direct the Chief Administrative Officer to explore the feasibility of the County acquiring the Butterfield Trails Ranch property for the purpose of establishing a public park and report back to the Board of Supervisors within 180 days with options for a potential acquisition, generally focusing on:

- a. Identifying key stakeholders and other critical partnerships that would ensure a successful acquisition of private land
- b. Estimating overall costs and timeline of the acquisition process
- c. Identifying all potential funding sources

EQUITY IMPACT STATEMENT

Acquiring the Butterfield Trails Ranch property for use as a public park will benefit every demographic in San Diego County. A public park at this property would help to improve the quality of life for residents of Valley Center and others throughout the region by offering approximately 60 acres of public space for enjoying nature and spending time with friends, family and neighbors.

FISCAL IMPACT

There is no fiscal impact associated with the recommendation to explore the feasibility of the County acquiring the Butterfield Trails Ranch property. 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 Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

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

5. **SUBJECT: TRAFFIC ADVISORY COMMITTEE (04/06/2022 - ADOPT RECOMMENDATIONS; 04/27/2022 - SECOND READING OF ORDINANCES) (DISTRICT: 2)**

OVERVIEW

The Traffic Advisory Committee (TAC) is part of the Department of Public Works (DPW) traffic engineering program. TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the county. In order to be effective, TAC proposes policies that will enhance safety, reduce congestion and 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. TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on five items from the December 10, 2021, TAC meeting agenda:

| Items from 12/10/2021 TAC Meeting | | | |
|--|-------------|---|---|
| District | Item | Location | Action |
| 2 | 2-A* | Harbison Canyon Road, Harbison Canyon | Relocate the northern endpoint and certify a 40 MPH speed limit. |
| 2 | 2-B* | Harbison Canyon Road, Harbison Canyon | Delete the speed zone and merge into 2-A above. |
| 2 | 2-C* | Harbison Canyon Road, Harbison Canyon/Alpine | Relocate the southern endpoint and certify a 50 MPH speed limit. |
| 2 | 2-D* | Maine Avenue, Lakeside | Establish a 2-hour timed parking zone from 6 am to 6 pm on weekdays |
| 2 | 3-B | Camino del Norte, 4S Ranch | Recertify the 50 MPH speed limit. |
| * Indicates second reading of the ordinance is required. | | | |

Item 3-A is located in the community of 4S Ranch (District 2). This item was removed from the TAC agenda during the meeting at the request of the County Traffic Engineer to allow for a three-year extension of the current speed limit based on state law. This extension allows for a survey, which has been conducted within the past seven years, to be extended to ten years, if a registered engineer evaluates the section of roadway and determines that no significant changes in the roadway traffic conditions have occurred.

Approval of Items 2-A through 2-C on Harbison Canyon Road in Harbison Canyon and 3-B on Camino del Norte in 4S Ranch would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

Approval of Item 2-D would provide for time-limit parking in front of local businesses on Maine Avenue in Lakeside and provide better opportunities for customer parking spaces during business hours.

The Board's action on Item 3-B on Camino del Norte in 4S Ranch does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second reading of an ordinance. Board direction on April 6, 2022, would allow implementation by DPW.

The Board's action on Items 2-A through 2-D would introduce an ordinance to amend speed limit zones and an ordinance to establish a timed parking zone. This action would revise County Code and require two steps. On April 6, 2022, the Board would consider the TAC items. If the Board takes action as recommended on April 6, then on April 27, 2022, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2:

Item 2-A. Harbison Canyon Road from Dehesa Road to 1,900' south of Collier Way in Harbison Canyon - Relocate the northern endpoint of the speed zone from 1,900' south of Collier Way to Bridle Run and certify a 40 MPH speed limit for radar enforcement for the revised speed zone of Harbison Canyon Road from Dehesa Road to Bridle Run.

Item 2-B. Harbison Canyon Road from 1,900' south of Collier Way to 650' north of Patrick Drive in Harbison Canyon - Delete this speed zone segment to merge into Item 2-A above.

Item 2-C. Harbison Canyon Road from 650' north of Patrick Drive to Arnold Way in Harbison Canyon - Relocate the southern endpoint of the speed zone from 650' north of Patrick Drive to Bridle Run and certify a 50 MPH speed limit for radar enforcement for the revised speed zone of Harbison Canyon Road from Bridle Run to Arnold Way.

Item 2-D. Maine Avenue, east side, from 9825 Maine Avenue to Parkside Street, a distance of 215 feet - Establish a Monday through Friday 2-Hour parking restriction from 6 am to 6 pm.

Item 3-B. Camino del Norte from Dove Canyon Road to Lone Quail Road/Rancho Bernardo Road in 4S Ranch - Recertify the 50 MPH speed limit for radar enforcement.

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 CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.
3. Approve the introduction, read title, and waive further reading of the following Ordinances:
ORDINANCE AMENDING SECTIONS 72.169.93.1. & 72.169.93.3. AND DELETING SECTION 72.169.93. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 2-B, & 2-C).

ORDINANCE ADDING SECTION 72.142.11.1. TO THE SAN DIEGO COUNTY CODE RELATING TO PARKING TIME LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 2-D).

If, on April 6, 2022, the Board takes action as recommended, then, on April 27, 2022:

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.169.93.1. & 72.169.93.3. AND DELETING SECTION 72.169.93. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 2-B, & 2-C).

ORDINANCE ADDING SECTION 72.142.11.1. TO THE SAN DIEGO COUNTY
CODE RELATING TO PARKING TIME LIMITS ON COUNTY MAINTAINED
ROADS IN SAN DIEGO COUNTY (Item 2-D).

EQUITY IMPACT STATEMENT

The review of traffic signs and roadway markings supports vehicle safety on County-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 fatal and serious injury crashes are occurring and the disproportionate impacts on certain communities will allow the Department of Public Works (DPW) to identify actions to address the underlying factors and causes and improve safety.

DPW's Local Road Safety Program reviews fatal and severe injury collisions along road segments within the unincorporated areas of the county and utilizes the Healthy Places Index and Cal Enviroscreen 3.0 to ensure our most vulnerable and underserved populations are prioritized. The Traffic Advisory Committee relies on the Local Road 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 the majority of drivers, the Traffic Advisory Committee 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.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 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 Fletcher, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, to further consider and adopt an Ordinances on April 27, 2022.

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

6. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT RESOLUTIONS AND ORDINANCE FOR FORMATION OF
COMMUNITY FACILITIES DISTRICT NO. 21515022-01 (PIPER OTAY
PRESERVE MAINTENANCE) AND AUTHORIZE ACTION TO
ESTABLISH SPECIAL TAX AND APPROPRIATIONS LIMIT (4/6/2022 -
ADOPT RESOLUTIONS AND FIRST READING OF ORDINANCE;
4/27/2022 - SECOND READING OF ORDINANCE) (DISTRICT: 1)**

OVERVIEW

Today's hearing is the second step of a three-step process in the formation of the Piper Otay Preserve Maintenance Community Facilities District (Piper Otay CFD). A CFD is a special

district used to obtain funding from property owners to pay for public facilities or services. CFD No. 2022-01 will provide ongoing funding for the ongoing management and maintenance of an 11.9-acre grassland open space site within the Otay Ranch Preserve (Preserve) through the levy of an annually adjusted special tax on property owners in the Piper Otay Project (Project).

On February 5, 2010 (3), the Planning Commission (PC) approved Tentative Map 5527RPL2 to subdivide a 24.84-acre undeveloped parcel in the East Otay Mesa Business Park Specific Plan Subarea 1, located west of State Route 125 and north of Otay Mesa Road, into 13 industrial lots ranging in size from 1.03 to 2.61 acres. The developer proposed to satisfy the condition in three parts, including paying \$63,000 into the Otay Mesa Grassland Mitigation Fund; conveying 10 acres of land in Otay Ranch to the U.S. Fish and Wildlife Service; and conveying two mitigation parcels totaling 11.9-acres to the Otay Ranch Preserve Owner/Manager. The County of San Diego (County) Department of Parks and Recreation staff, acting as the Preserve Owner/Manager, as authorized by a Joint Powers Agreement between the City of Chula Vista and the County, will manage the Preserve. The County Department of Parks and Recreation has contracted with a third party to provide the services to maintain and manage the 11.9-acres, which are being purchased as habitat for the burrowing owl, a Federal Bird of Conservation Concern, and a California Species of Special Concern.

Ongoing funding for operation and maintenance of the 11.9-acre addition to the Preserve is proposed to be provided by the formation of CFD No. 2022-01. The proposed CFD was reviewed by staff and the total effective special tax rate was found to comply with Board Policy I-136, Comprehensive Goals and Policies for Community Facilities Districts, which sets a maximum total effective tax rate of 1.86% of the estimated sales price of subject properties. The effective tax rate in the CFD will be 1.57%, which is less than the maximum total effective tax rate of 1.86%. To date, the Developer has made the \$63,000 payment to the Otay Mesa Grassland Mitigation Fund, and has submitted funds in the amount of \$41,852 to cover two years of management and maintenance (covering the period of December 15, 2020, to December 14, 2022) of the 11.9-acre open space site by the Preserve Owner/Manager until CFD funds are available.

As set by State law, the CFD formation process requires three hearings. At the first hearing on March 3, 2022 (6), the Board initiated the CFD formation process. A second hearing on April 6, 2022, is to provide the public an opportunity to comment on the formation of the CFD and complete the first reading of the ordinance authorizing a new special tax on property owners within the district. A third hearing, scheduled for April 27, 2022, is for the Board to conduct a second reading of the ordinance to adopt the new special tax, if approved by a two-thirds vote of the qualified electors. A qualified elector is either a property owner or registered voter within a proposed CFD. If the area within the CFD boundary is uninhabited, the State Mello-Roos Act specifies that the qualified elector is the sole property owner. In this case, the qualified elector is the sole property owner.

The proposed CFD has been reviewed by staff and the total effective special tax rate of 1.57% complies with Board Policy I-136, Comprehensive Goals and Policies for Community Facilities Districts, which sets a maximum total effective tax rate of 1.86%. To date, the Developer has submitted funds in the amount of \$41,852 to cover two years of management and maintenance (covering the period of December 15, 2020, to December 14, 2022) of the 11.9-acre open space until the CFD is formed, and funds are available.

Government Code Section 53326 requires, as a prerequisite to the levy of the special taxes, that the County, as the legislative body, shall submit the levy of any special taxes to the voters within the proposed CFD. There are no registered voters living within the boundaries of the CFD, so a property owner vote is required to approve the special taxes. The Developer, as the sole property owner, is the only voter. The Developer has submitted a consent and waiver document that waives any time limit specified by Section 53326 or requirement pertaining to the conduct of the election. The consent and waiver will allow the Developer's voted ballot to be returned at today's hearing immediately upon Board adoption of the resolution calling for an election. If the Board elects to introduce the ordinance at today's hearing and the resolution is adopted by the Board, the ordinance to adopt the new special taxes will be read for a second time at the subsequent April 27, 2022, hearing.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Final Environmental Impact Report (EIR) for the Piper Otay project dated July 27, 1994, on file with Planning & Development Services (PDS) as Environmental Review Number 93-19-6 and Addendums thereto dated October 6, 2009, and September 8, 2017, on file with PDS as Environmental Review Numbers PDS2009-ER-93-19-006AA and PDS2017-ER-93-19-006ZZ, respectively were completed in compliance with California Environmental Quality Act (CEQA) and the State and County of San Diego CEQA Guidelines; that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum thereto dated January 14, 2022, and on file with PDS as Environmental Review Number PDS2021-ER-21-00-003 prior to approving the project; and

Find that the currently proposed actions are within the scope of the Final EIR as amended by the Addendums; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the certified EIR and Addendums, nor a substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the Final EIR (CEQA Guidelines Section 15162) was certified as explained in the Environmental Review Update Checklist Form dated January 14, 2022, on file with PDS as Environmental Review Number PDS2021-ER-21-00-003.

2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH COMMUNITY FACILITIES DISTRICT (Attachment A, on file with the Clerk of the Board).

3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT TO FINANCE PRESERVE MAINTENANCE AND MANAGEMENT SERVICES THEREIN AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT (Attachment B, on file with the Clerk of the Board).
4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING THE RESULTS OF THE SPECIAL ELECTIONS FOR COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) ON THE PROPOSITIONS WITH RESPECT TO (i) THE ANNUAL LEVY OF SPECIAL TAXES, AND (ii) THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND AUTHORIZING THE RECORDATION OF THE NOTICE OF SPECIAL TAX LIEN (Attachment C, on file with the Clerk of the Board).
5. Approve introduction (first reading), read title and waive further reading of the ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING SPECIAL TAXES FOR THE FISCAL YEAR 2022-2023 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) (Attachment D, on file with the Clerk of the Board).

If on April 6, 2022, the Board takes the recommended actions and the Clerk of the Board certifies the election results supporting the imposition of special taxes, then on April 27, 2022, the Board is requested to:

1. Adopt (second reading) the ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING SPECIAL TAXES FOR THE FISCAL YEAR 2022-2023 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) (Attachment D, on file with the Clerk of the Board).
2. Direct the Auditor and Controller to establish a special revenue fund to be designated "PIPER OTAY MAINT CFD 22-01-A" for Special Tax A collected in Community Facilities District No. 2022-01, that is intended to fund preserve management and maintenance services by Otay Ranch Preserve Owner/Manager, with interest earnings allocated and distributed to the fund.
3. Direct the Auditor and Controller to establish a special revenue fund to be designated "PIPER OTAY MAINT CFD 22-01-B" for Special Tax B collected in Community Facilities District No. 2022-01, that is intended to fund overall Community Facilities District administration costs, with interest earnings allocated and distributed to the fund.

4. Establish an initial appropriations limit of \$70,000 for all funds combined in the Piper Otay Preserve Maintenance Community Facilities District No. 2022-01.

EQUITY IMPACT STATEMENT

The proposed Piper Otay Preserve Maintenance CFD is a public funding mechanism that provides perpetual revenue through an annual tax levy on property owners within the CFD to maintain two mitigation parcels located in Otay Ranch Preserve (Preserve). CFDs are a tool that can be used for funding of the successful management of habitat, particularly in Otay Ranch. Funding for the Preserve contributes to the Multiple Species Conservation Program (MSCP). The MSCP preserves San Diego's native habitats and wildlife for future generations. Preserving this land in perpetuity will increase carbon sequestration and improve air quality by capturing air pollutants and enhance water quality through reduced erosion. Improving air and water quality in these preserve areas will contribute to the community and public health in the surrounding urbanized areas, some of which are designated "disadvantaged" communities by CalEPA for the purpose of Senate Bill 535.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2021-22 Operational Plan for Planning & Development Services or the Department of Parks and Recreation. All staff time and consultant costs incurred to establish and form the Piper Otay Preserve Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by CRP/PDC Piper Otay Owner, LLC (Developer). The Developer is responsible for all County of San Diego and consultant costs incurred in establishing and forming this CFD.

The Rate and Method of Apportionment of Special Tax sets forth the annual amount of special taxes to be levied to support the full cost of land operation and management and administrative costs of lands conveyed to the Otay Ranch Preserve as mitigation for non-native grasslands impacted by the Piper Otay Project, at the time of CFD formation and in future years. In FY 2022-23, when the special taxes are scheduled to begin, the maximum annual special taxes levy is projected to be \$1,697 per acre on regular taxable property within the CFD boundary, which includes Special Tax A (\$1,003) and Special Tax B (\$694). The amount of the CFD special taxes is consistent with Board Policies I-136, Comprehensive Goals and Policies for Community

Facilities Districts, and B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, and is projected to fully fund ongoing administration costs for the CFD, estimated at approximately \$15,479 annually in FY 2022-23 dollars.

The special taxes will include annual adjustments estimated to fully offset any increases in operation and management costs and ongoing administration costs of the CFD. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION 6.1:

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

1. Found that the Final Environmental Impact Report (EIR) for the Piper Otay project dated July 27, 1994, on file with Planning & Development Services (PDS) as Environmental Review Number 93-19-6 and Addendums thereto dated October 6, 2009, and September 8, 2017, on file with PDS as Environmental Review Numbers PDS2009-ER-93-19-006AA and PDS2017-ER-93-19-006ZZ, respectively were completed in compliance with California Environmental Quality Act (CEQA) and the State and County of San Diego CEQA Guidelines; that the Board of Supervisors has reviewed and considered the information contained therein and the Addendum thereto dated January 14, 2022, and on file with PDS as Environmental Review Number PDS2021-ER-21-00-003 prior to approving the project; and

Found that the currently proposed actions are within the scope of the Final EIR as amended by the Addendums; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the certified EIR and Addendums, nor a substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the Final EIR (CEQA Guidelines Section 15162) was certified as explained in the Environmental Review Update Checklist Form dated January 14, 2022, on file with PDS as Environmental Review Number PDS2021-ER-21-00-003. (Ref. Board Recommendation No. 1)

2. Adopted Resolution No. 22-041 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2022 01 (PIPER OTAY PRESERVE MAINTENANCE) AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH COMMUNITY FACILITIES DISTRICT (Ref. Board Recommendation No. 2); and,
3. Adopted Resolution No. 22-042 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022 01 (PIPER OTAY PRESERVE MAINTENANCE) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT TO FINANCE PRESERVE MAINTENANCE AND MANAGEMENT SERVICES THEREIN AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT (Ref. Board Recommendation No. 3);

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

ACTION 6.2:

Noting for the record that at the conclusion of the public hearing on April 6, 2022, there was not a majority protest; ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

1. Adopted Resolution No. 22-043 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING THE RESULTS OF THE SPECIAL ELECTIONS FOR COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022 01 (PIPER OTAY PRESERVE MAINTENANCE) ON THE PROPOSITIONS WITH RESPECT TO (i) THE ANNUAL LEVY OF SPECIAL TAXES, AND (ii) THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND AUTHORIZING THE RECORDATION OF THE NOTICE OF SPECIAL TAX LIEN (Ref. Board Recommendation No. 4); and,
2. Took action to further consider and adopt the Ordinance on April 27, 2022: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, LEVYING SPECIAL TAXES FOR THE FISCAL YEAR 2022-2023 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO THE COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PIPER OTAY PRESERVE MAINTENANCE) (Ref. Board Recommendation No. 5).

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

7. **SUBJECT: SET A HEARING FOR 04/27/2022:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED
TO FEES AND DEPOSITS IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL
YEAR 2022-23 (DISTRICTS: ALL)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to adopt the Department of Environmental Health and Quality (DEHQ) cost recovery proposal, which includes fees and hourly rates for services associated with Food, Pools, Housing, Body Art, Massage, and Organized Camps Programs; the Certified Unified Program Agency (CUPA) and Medical Waste Program; Wells, Septic Systems, Site Assessment and Mitigation, and Small Water Systems Programs, as well as, the Solid Waste Local Enforcement Agency; plan check for the Radiological Health Program and services in the Vector Laboratory; and Miscellaneous department fees such as rates for technical job classification services.

DEHQ protects the environment, community, and public health with over 40 programs that prevent disease, promote environmental responsibility, and enforce environmental and public health laws. DEHQ operates environmental health programs that regulate restaurants, public swimming pools, body art, substandard housing, septic systems, water wells, and hazardous materials. DEHQ reduces the risk of disease carried by rats and mosquitoes, oversees the State cleanup of methamphetamine and fentanyl contaminated properties, and monitors beach and bay water quality. In addition, DEHQ serves as the CUPA for hazardous materials and hazardous waste, Solid Waste Local Enforcement Agency, and is delegated the duties to implement and

enforce the powers of a mosquito abatement and vector control district. Through these services, the County of San Diego (County) balances environmental, community, and economic interests to enhance the quality of life for residents and visitors.

Board of Supervisors Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board approval. The last cost recovery package was considered by the Board on May 19, 2021 (4), but in light of the uncertainty of the economy in the midst of the COVID-19 pandemic, no fee increases were approved. Since that time, DEHQ has continued to provide services to the public at the rates approved by the Board on May 1, 2019 (5).

The fees proposed today for Fiscal Year (FY) 2022-23 are necessary to address cost changes and to ensure compliance with Board Policy B-29, except where the Board has previously directed the waiver of fees. Today's proposed fee package reflects standard assumptions made by the County and does not address cost increases based on negotiated labor agreements, due to the timing of the fee package and the labor negotiations. Increased costs during FY 2022-23 due to approved labor negotiations will be reflected in future Cost Recovery packages. Approximately 75% of DEHQ's costs are prescribed, such as salary and benefits, retirement, central support, and facilities while 25% of the department's costs such as services and supplies, capital assets, and salary savings when positions are vacant are discretionary, meaning costs are determined by DEHQ based on operational needs. The proposed fee package is to reflect known costs as accurately as possible and ensure compliance with Board Policy B-29. Regular fee updates allow DEHQ to recover costs in a consistent and systematic manner, providing stakeholders an opportunity to plan for fee increases.

The average DEHQ fee adjustment in this cost recovery proposal is equivalent to a 7.9% increase, which equates to an average 2.6% increase each year over year for the past three years since DEHQ's last fee adjustment was approved by the Board on May 1, 2019 (5) for FY 2019-20. DEHQ has worked to contain costs where possible and has applied approximately \$912,000 in operational savings from streamlining measures or efficiencies, and \$1,731,077 in one-time funding for fees for the Food Program, Hazardous Materials Division (HMD) programs, small water systems remaining under the regulatory oversight of DEHQ, Septic Program, and discretionary projects. Without this cost containment and one-time funding, fees would have needed to increase on average an additional 7%.

Today's proposal requests two actions from the Board. The first request is to approve the first reading of DEHQ's cost recovery proposal on April 6, 2022. If approved, the ordinance amendments will be brought back for adoption on April 27, 2022. The request on April 27, 2022 would be to adopt amendments to the County of San Diego Code of Regulatory Ordinances relating to permit fees and procedures for businesses and health regulated activities in DEHQ effective FY 2022-23. The second request is to approve a waiver of Board Policy B-29 related to fees for Food Program, HMD programs, small water systems remaining under the regulatory oversight of DEHQ, Septic Program, discretionary project fees, and reduced or waived fees for nonprofit organization food, housing, pool and temporary event permits. In accordance with Board Policy B-29, DEHQ will review fees annually and return to the Board with any changes.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On April 6, 2022:

1. Find that the adjustments in fees and charges contained in the selected proposed Ordinance Amending the San Diego County Code of Regulatory Ordinances to Adjust Department of Environmental Health AND QUALITY Regulatory Program Fees AND ASSOCIATED ORDINANCE REVISIONS are necessary to meet operating expenses beginning in Fiscal Year 2022-23.
2. Find that in accordance with Sections 21080(b)(8) of the California Environmental Quality Act (CEQA) and 15273(a) of the CEQA Guidelines that these adjustments to fees and charges are therefore not subject to CEQA. Adopt the findings contained in FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15273(a) setting forth the basis for the applicability of this exemption.
3. Set a hearing for April 27, 2022 for consideration and adoption of amendments to the San Diego County Code of Regulatory Ordinances.
4. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for fees for the Food Program, Hazardous Materials Division programs, small water systems remaining under the regulatory oversight of DEHQ, Septic Program and discretionary projects, and reduced or waived fees related to nonprofit organization food, housing, pool and temporary event permits.
5. Approve the introduction of the Ordinance, (first reading), read title and waive further reading of an Ordinance entitled: ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY REGULATORY PROGRAM FEES AND ASSOCIATED ORDINANCE REVISIONS

If, on April 6, 2022, the Board takes the actions recommended in items 1 through 5 above then, on April 27, 2022:

Consider and adopt the Ordinance amending the County Code of Regulatory Ordinances (second reading).

EQUITY IMPACT STATEMENT

The County of San Diego strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources through the implementation of programs and services that enhance the community by increasing the well-being of our residents and our environments while simultaneously complying with mandatory federal, State and local regulations. The Department of Environmental Health and Quality (DEHQ) utilized approved methodology through the Auditor and Controller to ensure all direct and indirect costs are fully recovered. These recommendations will allow DEHQ to continue to provide the current level of services that promote and enhance protection of the environment and the public's health. These important services prevent disease, promote environmental responsibility, and ensure a level playing field for businesses.

FISCAL IMPACT

The proposed increases to fees will be included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in the Department of Environmental Health and Quality (DEHQ).

If approved, the overall proposed fee adjustments will result in additional estimated costs and revenue of \$2,484,445, including additional estimated costs and revenue of \$1,027,532 in the Food and Housing Division, \$505,398 in the Land and Water Quality Division, \$949,795 in the Hazardous Materials Division (HMD) and \$1,720 in the Community Health Division, effective FY 2022-23. The funding source is fees paid by DEHQ customers.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) is requested because the proposed fees do not cover all operating costs in the Food Program, HMD programs, small water systems remaining under the regulatory oversight of DEHQ, Septic Program, and discretionary projects. The total unrecovered cost per Board Policy B-29 for permit fees that are not full cost recovery is \$1,731,077, and if approved, will be funded with \$384,078 in State 1991 Health Realignment revenue, \$126,240 in committed General Fund fund balance, and \$1,220,759 from the Environmental Health Trust Fund.

Additionally, a waiver of Board Policy B-29 is requested to continue to reduce fees for food, housing, pool and temporary event permits requested by nonprofit organizations. The total unrecovered cost per Board Policy B-29 for these waivers is approximately \$261,447 in DEHQ for FY 2022-23, and if approved, will be funded with General Purpose Revenue.

Inclusive of all funding sources and programs, the total unrecovered cost per Board Policy B-29 for DEHQ in FY 2022-23 is \$1,992,524. In future fiscal years, DEHQ will return to the Board to identify any unrecovered costs and funding sources. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

These recommendations would enable the Department of Environmental Health and Quality (DEHQ) to continue to align fees to the actual costs of services provided to fee payers in each fee category. These fees allow DEHQ to continue to meet program objectives, provide a level of service expected by stakeholders and customers, and fully recover costs.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended, setting a hearing to further consider and adopt the Ordinance on April 27, 2022.

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

**8. SUBJECT: SET A HEARING FOR 04/27/2022:
NOTICED PUBLIC HEARING:
COST RECOVERY PROPOSAL TO AMEND THE FEES IN THE
ADMINISTRATIVE CODE FOR THE DEPARTMENT OF
AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL
YEAR 2022-23 (DISTRICTS: ALL)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to adopt the Department of Agriculture, Weights and Measures' (AWM) cost recovery proposal, which includes fees and hourly rates for services related to Pest Exclusion, Direct Marketing, Industrial Hemp Cultivation, Verification of Agriculture, Apiary Certification, Price Verification, and Weights and Measures Devices Programs.

This proposal provides the necessary resources and allows AWM to continue providing important services that support public health and safety, a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment for the San Diego region. Through these services, the County of San Diego (County) balances environmental, community, and economic interests to enhance the quality of life for residents and visitors.

Board of Supervisors Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board of Supervisors (Board) approval. The last cost recovery package was adopted by the Board on May 5, 2021 (3). Since that time, AWM has continued to provide services to the public at the adopted rates.

The fees proposed today for Fiscal Year (FY) 2022-23 are necessary to address cost changes, and to ensure compliance with Board Policy B-29, except where the Board has previously directed the waiver of fees. Today's fee package reflects standard assumptions made by the County and does not address cost increases based on negotiated labor agreements, due to the timing of the fee package and the labor negotiations. Increased costs during FY 2022-23 due to approved labor negotiations will be reflected in future Cost Recovery packages. Approximately 87% of AWM's costs are prescribed, such as salary and benefits, retirement, central support, and facilities, while 13% of AWM's costs such as services and supplies, capital assets, and salary savings when positions are vacant are discretionary, meaning costs are determined by AWM based on operational needs. The proposed fee package is to reflect costs as accurately as possible and ensure compliance with Board Policy B-29. Regular cost recovery updates allow AWM to recuperate costs in a consistent and systematic manner, providing stakeholders an opportunity to plan for fee increases.

The average AWM fee adjustment in this cost recovery proposal is equivalent to a 1.7% increase. AWM receives County and State funding to partially recuperate the cost of eligible agricultural programs. The Board has the discretion to allocate specified amounts of this funding to eligible agricultural programs. A portion of this funding was applied to the programs in this proposal, plus operational efficiencies to mitigate cost increases. The General Purpose Revenue (GPR) support is consistent with the Board's commitment to a resilient food supply, agricultural

trade, consumer confidence, and a sustainable environment, and to serve as required matching funds for State supplemental funding. In FY 2020-21, the actual costs for all the agricultural programs were \$18.1 million. The agricultural industry contributed, through fees, \$1.2 million or about 6%. Of which, the local growers paid \$555,185 or about 3% of the total cost of \$18.1 million and out-of-county agricultural operators paid the remaining amount of \$644,815. The County provided \$5.0 million or about 28%; and the State and federal government provides \$11.9 million or about 66% for a combined total of \$16.9 million or about 94% of the programs' funding. State law mandates California counties to provide fiscal support to receive the State supplemental funding. This State funding is a separate dedicated account to supplement, not supplant, the available County funding for eligible agricultural programs. The total amount of \$420,488 in State supplemental funding is applied to recuperate cost increases for the agricultural programs. AWM has also worked to contain costs where possible through business process improvements to enhance efficiency and has leveraged technology to streamline operations, improve customer service, and increase regulatory compliance. Some of the cost containment measures include virtual video inspections and apps for mobile field inspection and inventory tracking of weights and measures devices. AWM also streamlined operational processes through consolidated field inspections and developed additional resource documents, such as checklists and tutorials, to increase industry engagement in maintaining compliance. Technology and efficiencies have saved \$133,563. Without these operational efficiencies, fees would have needed to increase an additional 4.9% on average.

Today's proposal requests three actions from the Board. The first is to adopt the ordinance amendments in the San Diego County Administrative Code Section 364.3 relating to the fees and hourly rates for Pest Exclusion, Direct Marketing, Industrial Hemp Cultivation, Verification of Agriculture, Apiary Certification, Price Verification, and Weights and Measures Devices Programs. The second is to approve a waiver of Board Policy B-29 for a total of \$246,953 for operational costs of the Pest Exclusion, Direct Marketing, and Industrial Hemp Cultivation Programs, which will be funded by existing General Purpose Revenue. This General Purpose Revenue support is consistent with the Board's commitment to a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment, and serves as required matching funds for State supplemental funding. The third action is to approve the first reading of AWM's cost recovery proposal on April 6, 2022. If approved, the ordinance amendments will be brought back for adoption on April 27, 2022. In accordance with Board Policy B-29, AWM will review fees annually and return to the Board with any changes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On April 6, 2022:

1. Find in accordance with Section 15273(a) of the California Environmental Quality Act (CEQA) Guidelines that the proposed changes to existing fees are exempt from CEQA. Approve the findings in Attachment E pursuant to CEQA Guidelines Section 15273(c).
2. Set a hearing for April 27, 2022, for consideration and adoption of an Ordinance amending Section 364.3 of the San Diego County Administrative Code, relating to fees and hourly rates charged.

3. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery for fees relating to the Pest Exclusion, Direct Marketing, and Industrial Hemp Cultivation Programs.
4. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance:
AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES.

If on April 6, 2022, the Board takes action as requested in Recommendations 1 through 4 above, then on April 27, 2022:

Consider and adopt the Ordinance amending Section 364.3 of the San Diego County Administrative Code, relating to fees charged by AWM (second reading):
AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES.

EQUITY IMPACT STATEMENT

The Department of Agriculture, Weights and Measures (AWM) strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources in the community through the implementation of regulatory programs and services that promote the well-being of the public and the environment. AWM utilizes approved methodology through the Auditor and Controller to ensure the direct and indirect program costs are recovered. This proposal ensures AWM's capacity to certify plant shipments for export, a service that is vital for the regional agricultural sector to access markets in other parts of the State, country, and world. In addition, it supports food security in underserved communities by providing access to locally grown fresh produce and promotes business continuity for the many small-scale farmers. This proposal also supports consumer confidence and a fair and equitable marketplace by verifying customers are being charged the correct prices at retail businesses that use point-of-sale stations and ensuring fair business practices. Reviewing and updating fees and hourly rates ensures only project costs are being paid for by applicants and public dollars are not used to subsidize privately initiated development projects.

FISCAL IMPACT

The proposed increases to fees will be included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in Agriculture, Weights and Measures (AWM).

If approved, the fee and hourly rate adjustments for Export Certification, Direct Marketing, Industrial Hemp Cultivation, Verification of Agriculture, Apiary Certification, Price Verification, and Weights and Measures Devices Programs will result in additional estimated costs and revenue of \$50,669 in AWM effective FY 2022-23. The funding source is fees paid by AWM customers.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) is requested since the proposed fees for the Pest Exclusion, Direct Marketing, and Industrial Hemp Cultivation Programs do not cover all

operating costs. The total unrecovered cost per Board Policy B-29 for FY 2022-23 is approximately \$246,953 and if approved, these programs will be funded with existing General Purpose Revenue. AWM will return to the Board with any future necessary fee adjustments including identification of any unrecovered costs and funding sources. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

If approved, these recommendations would enable the Department of Agriculture, Weights and Measures to continue providing the necessary services that support public health and safety, a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment for the San Diego region.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, setting a hearing to further consider and adopt the Ordinance on April 27, 2022.

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

9. SUBJECT: COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR 2022-23 (DISTRICTS: ALL)

OVERVIEW

This is a request for the Board of Supervisors (Board) to adopt the land development cost recovery proposal, which includes hourly billing rates, fees, and deposits for the processing of discretionary land development and building permit applications by Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR) (collectively “the Departments”).

Using cost recovery funding, the Departments provide services that range in diversity and complexity and serve a wide variety of customers. Services include environmental and project review, health and safety inspections of homes, and inspections of public infrastructure such as roads, parks, and trails. The review of privately initiated land development and building permit applications ensures the safe design and construction of structures and infrastructure to protect the public. Through these services, the County of San Diego (County) balances environmental, community, and economic interests to enhance the quality of life for residents and visitors in the unincorporated area of San Diego County.

Board of Supervisors Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board of Supervisors (Board) approval. The last cost recovery package was adopted by the Board on May 5, 2021 (2). Since that time, the Departments have continued to provide services to the public at the approved rates.

The fees proposed today for Fiscal Year (FY) 2022-23 are necessary to address cost changes and to ensure compliance with Board Policy B-29, except where the Board has previously directed the waiver of fees. Today's proposed fee package reflects standard assumptions made by the County, and does not address cost increases based on negotiated labor agreements due to the timing of the fee package and the labor negotiations. Increased costs during FY 2022-23 due to approved labor negotiations will be reflected in future Cost Recovery packages. Approximately 80% of the Departments' costs are prescribed, such as salary and benefits, retirement, central support, and facilities, while 20% of the department's costs, such as services and supplies, capital assets, and salary savings when positions are vacant are discretionary, meaning costs are determined by the Departments based on operational needs. The proposed fee package is to reflect known costs as accurately as possible and ensure compliance with Board Policy B-29. Regular cost recovery updates allow the Departments to recuperate costs in a consistent and systematic manner, providing stakeholders an opportunity to plan for fee increases.

For PDS, the average proposed flat fee increase requested in this cost recovery proposal is equivalent to a 2.9% increase, the average intake deposit change is a 3.3% increase, and the average hourly rate change is a 2.4% increase. For DPW, the average proposed flat fee increase requested is equivalent to a 2.1% increase, the average intake deposit change is a 0.3% increase, and the average hourly rate change is a 1.6% increase. DPR does not use fees or deposits and is only proposing to update its hourly rates; due to changes in staffing levels the proposed average hourly rate change is a 3% decrease.

These increases in PDS and DPW include costs for salary and benefits. The Departments have worked to contain costs where possible and have applied approximately \$200,000 in operational savings from streamlining measures or efficiencies. PDS has implemented cost savings programs such as online payments, electronic approvals, expansion of online permit applications, and text message building inspection management. DPW has implemented tools that automate work previously done manually such as reports and stormwater inspection scheduling, self-service tools, and a mobile inspection app. Without this cost containment, building fees would have needed to increase an additional 7.8%, and planning and land development hourly rates would have increased an additional 5.0% on average for PDS. For DPW, some fees would have increased 25%, and land development hourly rates would have increased an additional 2.6% on average without cost containment efforts.

Today's proposal requests three actions from the Board. The first is to adopt the ordinance amendments in the San Diego County Administrative Code Sections 362, 362.1, 362.2 and 362.3 relating to the fees, deposits, and hourly rates the Land Development process. The second is to approve a waiver of Board Policy B-29 for approximately \$5,200,000 in PDS related to appeals, fees for rebuilding structures damaged or destroyed by a natural disaster, plan review and building fees for the Green Building Incentive Program reducing plan check and permitting fees to encourage builders to use energy saving materials when constructing homes, Homeowner and Business Owner Relief Act Permits waiving fees for minor permits such as water heater replacements and residential roof mount photovoltaic systems to encourage sustainability practices and ensure health and safety codes are followed, Accessory Dwelling Units, waiving plan check, permit, and impact fees associated with the construction of Accessory Dwelling Units to encourage additional housing availability, and Urban Agricultural Incentive Zone program waiving permitting fees associated with maintaining a property in active agricultural use

for a period of five years to promote and protect agricultural uses and recognize the public benefits of agriculture. The Board has previously directed these fees to be waived and provide General Purpose Revenue or General Fund fund balance appropriations to facilitate access to the appeal process, assist homeowners impacted by natural disasters, and strengthen support and promotion of sustainable building practices and additional housing units. The third action is to approve the first reading of the Land Development cost recovery proposal on April 6, 2022. If approved, the ordinance amendments will be brought back for adoption on April 27, 2022. In accordance with Board Policy B-29, the Land Development team will review fees annually and return to the Board with any changes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On April 6, 2022:

1. Find the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15273(a) of the CEQA Guidelines and approve the findings in Attachment C pursuant to CEQA Guidelines Section 15273(c).
2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, for fees relating to appeals, rebuilding structures damaged or destroyed by a natural disaster, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act Permits, Accessory Dwelling Units, and Urban Agriculture Incentive Zone program in Planning & Development Services.
3. Approve the introduction, read title, and waiver further reading of the following Ordinance (first reading) entitled:
ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION (Attachment A, on file with the Clerk of the Board).

If, on April 6, 2022, the Board takes the action recommended, then on April 27, 2022:

Consider and adopt the following Ordinance (second reading) entitled:

ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION (Attachment A, on file with the Clerk of the Board).

EQUITY IMPACT STATEMENT

The County of San Diego strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources through the implementation of programs and services that enhance the community by increasing the well-being of our residents and our environments while simultaneously complying with mandatory federal, state, and local regulations governing the land development process. The Departments utilize approved methodology through the Auditor and Controller to ensure all direct and indirect project costs are fully recovered. This ensures that privately initiated project applicants are paying for the full costs needed to recover department costs associated with their project while ensuring

development is designed and built to be safe, striving to meet or exceed federal, state, and local building, sustainability, and energy standards and provide opportunities for growth and development that meet the needs of the communities. Reviewing and updating fees and hourly rates ensures only project costs are being paid for by applicants and public dollars are not used to subsidize privately initiated development projects.

FISCAL IMPACT

The proposed increases to fees and deposits will be included in the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in Planning & Development Services (PDS), the Department of Public Works (DPW), and the Department of Parks and Recreation (DPR).

If approved, the proposed fee and deposit adjustments will result in additional estimated costs and revenue of \$594,000 in PDS, \$142,000 in DPW, and \$0 in DPR, effective FY 2022-23. The funding source is fees paid by privately initiated land development projects and building permit applicants.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) is requested to continue previously directed fee waivers, including appeal fees, fees for rebuilding structures damaged or destroyed by natural disasters, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act Permits, Accessory Dwelling Units, and Urban Agriculture Incentive Zone program. These items are proposed to be less than full cost recovery, and a waiver of Board Policy B-29 is requested since the proposed fees do not cover all operating costs. The total unrecovered cost of the items combined is approximately \$5,200,000 for Fiscal Year 2022-23 and is proposed to be funded by existing and one-time General Purpose Revenue. In the future fiscal years, the Departments will return to the Board to identify the unrecovered cost and funding source. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

These recommendations would enable Planning & Development Services, the Department of Public Works, and the Department of Parks and Recreation to maintain high quality services. These services enhance the livability of communities and ensure the health and safety of residents by facilitating new land development and housing, providing sufficient recreational opportunities, and protecting natural resources. When individuals pay for services they receive, it ensures that public tax dollars do not subsidize individual projects.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinance on April 27, 2022.

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

**10. SUBJECT: NOTICED PUBLIC HEARING:
ORDINANCE AMENDMENTS TO ESTABLISH PROCEDURES FOR
THE CLOSING OF INACTIVE PERMIT APPLICATIONS
(DISTRICTS: ALL)**

OVERVIEW

On November 20, 2019 (9), as part of the County's Sunset Review Process, the Board of Supervisors (Board) directed PDS staff to provide draft amendments to the County Zoning Ordinance and County Subdivision Ordinance to outline a new process for handling inactive projects. The Board also adopted an option for the applicant to request an extension of the inactive permit application for an additional two years due to extenuating circumstances, for a total length of time not to exceed six years; and amending the Ordinances to include a definition of the term "inactive permit application" and a definition of the term "extenuating circumstances" that would warrant an extension of an inactive permit application for a period of up to six years.

Additionally, the Board directed staff to review the remaining 123 idle projects, notify the applicants of the option to withdraw their projects within 60 days, and directed the Chief Administrative Officer to return to the Board with proposed criteria by which the Director of PDS could recommend denial of an inactive permit application.

Today's action is a request to amend two County Ordinances, the Zoning Ordinance and Subdivision Ordinance, to regulate how discretionary permits are handled if there is no activity by the applicant to complete processing the permit by mandating, they be automatically withdrawn by PDS staff from consideration after two consecutive years of inactivity unless an extension is requested. In that case, two additional two-year extensions may be granted, depending on the circumstances. If adopted, the Ordinance Amendments will effectively replace Board Policy I-137, which is set to expire in April of 2022.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On April 6, 2022:

1. Find that the Ordinance Amendments to Establish Procedures for the Closing of Inactive Permit Applications (Ordinance Amendments) comply with the California Environmental Quality Act (CEQA) and State CEQA Guidelines because the Ordinance Amendments are not a project as defined in the Public Resources Code Section 21065 and CEQA Guidelines Section 15378(b)(5), and therefore are not subject to CEQA pursuant to CEQA Guidelines Section 15060(c) (Attachment C).
2. Recommend that the Board of Supervisors approve the introduction of the Ordinance (first reading), read title and waive further reading:
AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE, TITLE 8,
DIVISION 1, TO ADD A PROCEDURE FOR THE CLOSING OF INACTIVE PERMIT
APPLICATIONS (Attachment A).

3. Recommend that the Board of Supervisors approve the introduction of the Ordinance (first reading), read title and waive further reading:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO ADD DEFINITIONS AND PROCEDURES FOR THE CLOSING OF INACTIVE PERMIT APPLICATIONS (Attachment B).

If on April 6, 2022, the Board of Supervisors takes the action recommended above related to the introduction of the Ordinance, then, on April 27, 2022:

1. Consider and adopt the Ordinance (second reading):
AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE, TITLE 8, DIVISION 1, TO ADD A PROCEDURE FOR THE CLOSING OF INACTIVE PERMIT APPLICATIONS (Attachment A).
2. Consider and adopt the Ordinance (second reading):
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO ADD DEFINITIONS AND PROCEDURES FOR THE CLOSING OF INACTIVE PERMIT APPLICATIONS (Attachment B).

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) is guided by several Regulatory Codes, Administrative Codes, and Board Policies to serve the region and customers consistently and equitably. The recommendation to amend the County's Zoning and Subdivision Ordinance (Ordinance Amendments) establishes a procedure for closure of inactive permit applications based on criteria selected by the Board. The Ordinance Amendments will provide clarifying language and continue to guide departmental project processing practices. The effort is not focused on a specific neighborhood but is applied throughout all unincorporated communities. Additionally, this effort provides options to reduce the staff time and cost spent on permit processing of projects deemed inactive.

FISCAL IMPACT

There is no fiscal impact associated with the Board of Supervisors (Board) receiving, considering, and adopting amendments to the San Diego County Zoning Ordinance and Subdivision Ordinance as presented today.

Should the Board approve amendments to the Zoning Ordinance and Subdivision Ordinance, staff will combine the costs of this project with other Zoning Ordinance clean-up items as part of the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan in PDS. Applicants are responsible for all costs associated with the processing of idle projects. 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 Vargas, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, to further consider and adopt the Ordinances on April 27, 2022.

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

**11. SUBJECT: 2021 GENERAL PLAN ANNUAL PROGRESS REPORT
(DISTRICTS: ALL)**

OVERVIEW

All California counties and cities are required (Government Code Section 65400(a)(2)) to provide the Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD) Annual Progress Reports (APRs) by April 1 of each year. The APR gives OPR and HCD the opportunity to identify statewide trends in land use decision-making and how local planning and development activities relate to statewide planning goals and policies. APRs also outline the status and progress in implementing the General Plan and the Housing Element over the previous 12 months.

This is a request for the Board of Supervisors (Board) to accept the 2021 General Plan APR and 2021 Housing Element APR (The 2021 APR). The 2021 APR is the first year that will be counted toward the Regional Housing Needs Allocation (RHNA) Sixth Cycle housing allocation by SANDAG, which covers the period of 2021 to 2029 and includes an allocation of 6,700 units for the unincorporated communities. The County's Sixth Cycle Housing Element seeks to balance housing requirements with infrastructure accessibility, safety issues, and the rural character of many of the County's unincorporated communities. It also seeks to reconcile housing needs with competing land use interests. The 2021 APR is an annual monitoring tool for the County of San Diego (County) and the State that summarizes the past year's planning, implementation, and construction activities but does not make changes to the General Plan or the Housing Element.

General plans are documents adopted by counties and cities that set the long-term vision for housing, jobs, infrastructure, and public services. The County General Plan applies to the unincorporated portions of the region (excluding federal, State, and tribal lands) and was last comprehensively updated and adopted on August 3, 2011. The General Plan is based on guiding principles designed to: support a reasonable share of projected regional population growth, locate growth near existing and planned infrastructure and jobs, maintain the character of the region's unique communities, and protect the unincorporated area's natural resources.

The County's General Plan is organized into 10 chapters. Chapter 9 introduces the General Plan's Implementation Plan. The Implementation Plan is a set of actions and procedures necessary to achieve the County's General Plan goals and policies. The Implementation Plan contains actions, strategies, and processes that will accomplish the County's vision for development as established in the General Plan. The Implementation Plan is also a reference for all County staff when conducting operations and services, preparing plans and programs, reviewing development proposals, and maintaining infrastructure. Ultimately, the General Plan is implemented through codes and ordinances, such as the Zoning Ordinance.

The Housing Element of the General Plan includes housing-related goals, policies, and programs to address the existing and projected future housing needs of populations at all income segments and life stages in the unincorporated communities. In July 2018, the San Diego Association of Governments (SANDAG) received the final RHNA determination from HCD, allocating 171,685 new units to the region for the Sixth Housing Element Cycle, which has a projection period beginning in June 2020 and ending in April 2029. SANDAG, along with the County and

cities in the region, worked to develop a plan that guided the final RHNA number allocated to each jurisdiction. SANDAG determined that the unincorporated area's share of the RHNA for the Sixth Housing Element Cycle is 6,700 units distributed throughout State defined very-low, low, moderate, and above-moderate income categories. The purpose of the RHNA is to ensure that local governments have enough housing capacity within their general plans to accommodate anticipated future growth. State housing laws mandate that the RHNA be incorporated as an integral component of the Housing Element update. The RHNA quantifies a jurisdiction's existing and future housing needs. The County's Housing Element was updated on July 14, 2021 (1) to demonstrate to the State that it has the capacity to accommodate its share of the RHNA for all income categories. This APR is the tenth produced since the adoption of the 2011 General Plan Update. Today's requested action is to accept the 2021 General Plan Annual Progress Report, including the annual update on implementation of the Housing Element.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is not subject to the California Environmental Quality Act (CEQA) because it is not a project as defined in Sections 15060(c)(3) and 15378(b)(5) of CEQA Guidelines.
2. Accept the 2021 General Plan Annual Progress Report, including the annual update on implementation of the Housing Element.

EQUITY IMPACT STATEMENT

The Annual Progress Report outlines the status and the County of San Diego's (County's) progress in implementing the General Plan and the Housing Element over the previous 12 months. The report covers the County's efforts to meet the housing needs of families from all economic segments of the unincorporated communities, from those with very low income to those with above moderate income. Providing this update increases transparency and keeps the public informed about the impact that the County's programs and initiatives are having to provide equitable solutions to local issues.

FISCAL IMPACT

There is no fiscal impact associated with accepting the 2021 General Plan Annual Progress Report. 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 Vargas, seconded by Supervisor Fletcher, the Board of Supervisors took the following actions:

1. Found that the proposed project is not subject to the California Environmental Quality Act (CEQA) because it is not a project as defined in Sections 15060(c)(3) and 15378(b)(5) of CEQA Guidelines.
2. Accepted the 2021 General Plan Annual Progress Report, including the annual update on implementation of the Housing Element.

3. Directed the Chief Administrative Officer to prepare and send a letter to the San Diego Association of Governments (SANDAG) that highlights concerns addressed in the presentation and expresses the interest of the County of San Diego Board of Supervisors to collaborate, find solutions, and move forward with a plan, with SANDAG, that meets the housing needs of families from all economic segments.

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

12. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Robert Germann spoke to the Board regarding aviation airports.

Eleanor spoke to the Board regarding concerns about vaccinations in children.

Audra Morgan spoke to the Board regarding vaccinations.

Sylvia spoke to the Board regarding recycling and global sustainability.

Dean Spooner spoke to the Board regarding funding of the automotive mural.

Carol Green spoke to the Board regarding tobacco and marijuana businesses.

KB Strange spoke to the Board regarding the cannabis industry.

Mary D. spoke to the Board regarding speaking at the Board of Supervisors meetings.

Mark Wilcox spoke to the Board regarding marijuana businesses in the unincorporated areas.

Barbara Gordon spoke to the Board regarding public awareness of cannabis use.

Kathleen Lippitt spoke to the Board regarding the marijuana industry.

Becky Rapp spoke to the Board regarding treatment in children for depression and marijuana use.

Kelly McCormick spoke to the Board regarding depression, anxiety, and marijuana use amongst children.

Ann Riddle spoke to the Board regarding marijuana businesses in the unincorporated areas.

Consuelo Henkin spoke to the Board regarding freedom.

Truth spoke to the Board regarding the decarbonization framework.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 2:13 p.m. in memory of Kim Lasley, Hans Britsch, Bob Nelson, and Victor Laruccia.

RYAN SHARP
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Ruffier
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, April 27, 2022.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

04/06/2022