

May 1, 2024

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
WEDNESDAY, MAY 1, 2024, 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 3:41 p.m.

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

- B. **Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.**
- C. **Closed Session Report**
- D. **Non-Agenda Public Communication:** 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.
- E. **Approval of the Statement of Proceedings/Minutes for the meeting April 10, 2024.**

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of April 10, 2024.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

- F. **Consent Calendar**
- G. **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. | SET HEARING FOR JUNE 5, 2024:
SANTA YSABEL COUNTY PRESERVE - APPROVE ACQUISITION OF APPROXIMATELY 540 ACRES OF OPEN SPACE PRESERVE FROM SANTA YSABEL RANCH, LLC AND RELATED CEQA EXEMPTION (5/1/2024 - SET HEARING; 6/5/2024 - HOLD HEARING)
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE; EXISTING DPR GENERAL PURPOSE REVENUE] |
| 2. | SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION AND RELATED CEQA EXEMPTION |
| 3. | GILLESPIE FIELD - FIFTH AMENDMENT TO INDUSTRIAL LEASE WITH VERIDIAM, INC. FOR SCHEDULED RENT ADJUSTMENT ONLY AND RELATED CEQA EXEMPTION
[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED LEASE]
(4 VOTES) |
| 4. | LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION |
| 5. | TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (05/01/2024 - ADOPT RECOMMENDATIONS
[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT] |
| 6. | SET HEARING FOR MAY 22, 2024:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2024-25 AND CEQA EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)
[FUNDING SOURCE: FEES PAID BY AWM CUSTOMERS] |
| 7. | NOTICED PUBLIC HEARING:
SET HEARING FOR MAY 22, 2024:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES AND DEPOSITS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL YEAR 2024-25 AND CEQA EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)
[FUNDING SOURCE: FEES PAID BY DEHQ CUSTOMERS] |

8. NOTICED PUBLIC HEARING:
SET HEARING FOR MAY 22, 2024:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO
FEES AND DEPOSITS TO LAND DEVELOPMENT EFFECTIVE FISCAL YEAR
2024-2025 AND CeQA EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 -
SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND
READING)
[FUNDING SOURCE: FEES PAID BY PRIVATELY INITIATED LAND
DEVELOPMENT PROJECTS AND BUILDING PERMIT APPLICANTS]
9. NON-AGENDA PUBLIC COMMUNICATION

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1. **SUBJECT: SET HEARING FOR JUNE 5, 2024:
SANTA YSABEL COUNTY PRESERVE - APPROVE ACQUISITION OF
APPROXIMATELY 540 ACRES OF OPEN SPACE PRESERVE FROM
SANTA YSABEL RANCH, LLC AND RELATED CEQA EXEMPTION
(5/1/2024 - SET HEARING; 6/5/2024 - HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego County by providing exceptional parks and recreation experiences and preserving natural resources. A core aspect of DPR's conservation program is acquiring open space lands that support sensitive species and habitat. DPR has identified approximately 540 acres of vacant land available and has entered into an agreement to purchase the property adjacent to the existing Santa Ysabel County Preserve in Santa Ysabel. If acquired, the existing approximately 6,370-acre Santa Ysabel County Preserve would be expanded to approximately 6,900 acres, conserving chamise chaparral, Engelman oak woodland, and grassland habitat.

This acquisition enhances conservation under the Multiple Species Conservation Program (MSCP) set by federal and State requirements for special status species conservation. It also supports multiple County of San Diego (County) sustainability goals, habitat and biodiversity, biological connectivity, greenhouse gas reductions, and benefits water and air quality.

Through the County's MSCP Program, the County has acquired over 46,200 acres of open space land for conservation within the three MSCP Subareas. The acreage of preserve lands within the three MSCP Plan Areas include approximately: 14,000 acres within the South County Plan Area, 25,000 acres within the draft North County Plan Area, and 7,200 acres within the proposed East County Plan Area. This acquisition would add 222 acres to the draft North County Plan Area and reduce greenhouse gas emissions by approximately 282 metric tons of carbon dioxide equivalent per year. Additionally, conservation of the property provides flood control benefits and protection of water quality.

The County entered into an Option Agreement with the Santa Ysabel Ranch, LLC (Seller) for the purchase of approximately 540 acres as portions of Assessor's Parcel Numbers 247-010-05-00, 247-031-02-00, 247-040-05-00, 247-062-01-00 (Property) for the appraised value of \$4,304,000 (\$8,000±/acre).

Today's request is for the Board of Supervisors (Board) to set a hearing for June 5, 2024, to consider approval of the purchase of the Property, and to direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request on June 5, 2024, after making the necessary findings, the Board will be requested to authorize the Director, Department of General Services (DGS) to purchase the Property from the Seller for the appraised value of \$4,304,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$4,792,000. Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. The annual costs to manage the Property are \$79,458, including ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs are included in the FY 2023-24 Operational Plan for the Department of Parks and Recreation.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On May 1, 2024:

1. Set a hearing for June 5, 2024, at which time the Board of Supervisors (Board) may authorize the Director, Department of General Services (DGS), to exercise the option to purchase portions of Assessor's Parcel Numbers (APNs) 247-040-05-00, 247-010-05-00, 247-031-02-00, and 247-062-01-00 from Santa Ysabel Ranch, LLC for the appraised value of \$4,304,000.
2. Direct the Clerk of the Board to provide notice of the June 5, 2024, hearing via publication of notice as required by law.

If, on May 1, 2024, the Board takes the actions recommended in Items 1-2 above, then on June 5, 2024:

1. Find that the proposed acquisition of portions of APNs 247-040-05-00, 247-010-05-00, 247-031-02-00, and 247-062-01-00 are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15311, 15313, 15316, and 15325 of the State CEQA Guidelines.
2. Authorize the Director, DGS, or designee to exercise the option to purchase portions of APNs 247-040-05-00, 247-010-05-00, 247-031-02-00, and 247-062-01-00 from Santa Ysabel Ranch, LLC for the appraised value of \$4,304,000.
3. Authorize the Director, DGS, or designee to execute all documents, including, escrow documents, necessary to complete the purchase of portions of APNs 247-040-05-00, 247-010-05-00, 247-031-02-00, and 247-062-01-00.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation Conservation Program's acquisition of properties with high-quality habitat is anticipated to result in positive public health impacts by improving water and air quality for all residents. The acquisition of the Property is within the Santa Ysabel and Julian community areas and will contribute acreage to multiple sustainability efforts, including expanding the draft North County Multiple Species Conservation Plan preserve area by approximately 540 acres and reducing greenhouse gas emissions by approximately 670 metric tons of carbon dioxide equivalent per year. Acquisition of conservation land reduces emissions that would have occurred if the land were developed and prevents the loss of critical habitat.

SUSTAINABILITY IMPACT STATEMENT

The proposed acquisition supports multiple County of San Diego (County) Sustainability Goals. Acquisition of the approximately 540-acre property supports County Sustainability Goal No. 3 and the County's Climate Action Plan by contributing to greenhouse gas reductions by approximately 670 metric tons of carbon dioxide equivalent per year through preservation of open space. The proposed acquisition site supports County Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature and County Sustainability Goal No. 6 by expanding open space adjacent to native ecosystems and habitats.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan of the Multiple Species Conservation Program (MSCP) Acquisition Fund. If approved on June 5, 2024, this request will result in total one-time project costs for the Property of \$4,845,900 in FY 2023-24 which includes \$4,304,000 for property acquisition; \$40,000 staff time and appraisal reports to complete the transaction; \$4,900 for closing and title costs; and \$497,000 in one-time land improvement costs (including \$470,000 for comprehensively updating the existing Santa Ysabel County Preserve Resource Management Plan and initial species monitoring, and \$27,000 to conduct initial stewardship that features signage, access control, and vegetation management, land surveying, and other supplies and services and ongoing management). The funding source is available prior year General Fund fund balance (\$4,845,900).

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$79,458, itemized as follows: \$158 for fixed charge assessments for vector control, approximately \$15,000 for adaptive management and biological monitoring, \$64,300 for annual total operating costs for managing the site, including the addition of one (1) temporary Park Attendant position. Ongoing costs and funding sources are included in the FY 2023-24 Operational Plan of the Department of Parks and Recreation (DPR). The funding source is existing DPR General Purpose Revenue. 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 Anderson, the Board of Supervisors took action as recommended, on Consent, and set a Hearing for June 5, 2024.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

2. **SUBJECT: SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) Department of Parks and Recreation (DPR) enhances quality of life in the San Diego region by providing exceptional parks and recreation experiences and preserving significant natural resources so that people can enjoy clean air, clean water, rich biodiversity, and access to open space. DPR's ability to provide exceptional customer service to millions of patrons each year is supported by donations from the San Diego County Parks Society (Parks Society). The Parks Society is a nonprofit organization that was established in 1980 to support and improve DPR's vast park system. The Parks Society's support helps to maintain and operate County parks and assists with ongoing and expanded programming.

Board of Supervisors (Board) Policy A-112, *Acceptance and Use of Gifts and Donations*, permits the acceptance of donations by the administrative head of each department of the County. County Administrative Code Section 66, *Acceptance of Gifts*, requires Board ratification of the acceptance of such gifts and approval prior to the expenditure of the gift if the amount exceeds \$5,000.

During the period of July 1, 2023 to December 31, 2023, DPR received donations from the Parks Society totaling \$61,012.86. These donations provided the materials and funding for multiple public holiday events, active recreational activities and equipment, educational programs, and animal care at parks throughout the County. A complete list of programs receiving donations, donation types, and parks supported by the Parks Society is listed in Attachment A.

Today's proposed action is to accept DPR's Report of Gifts and Donations for the period of July 1, 2023 to December 31, 2023, from the Parks Society. There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2) and (3) and 15378(b)(5).
2. In accordance with County of San Diego (County) Administrative Code Section 66, *Acceptance of Gifts* and Board of Supervisors (Board) Policy A-112, *Acceptance and Use of Gifts and Donations*, accept the County Department of Parks and Recreation Report of Gifts and Donations from the San Diego County Parks Society for the period of July 1, 2023 to December 31, 2023, totaling \$61,012.86.

EQUITY IMPACT STATEMENT

The acceptance of donations from the Parks Society assists DPR in continuing and expanding special events, community celebrations, and activities in nature for the benefit of all residents and visitors. The donations allow DPR to provide additional supplies and services to youth, families, and communities to encourage sharing experiences, cultural traditions, and resources to strengthen a sense of belonging. Donations in this period included bus transportation for elementary school children from Cajon Valley Union and San Marcos Unified School Districts to County parks as part of the Discovery Program. The Discovery Program immerses students and teachers from urban areas in nature-related activities designed to educate them about scientific phenomena and the history of the local environment, including a classroom visit by a County Park Ranger and a follow-up field trip to that Ranger's park. Donations allowed youth to pick up school supplies through the Lakeside and Spring Valley Back to School Jams. Donations also supported community holiday events throughout the County from Dia de los Muertos at Rancho Guajome Adobe to the Pumpkin Patch at Waterfront Park in which every participant received a pumpkin to carve.

SUSTAINABILITY IMPACT STATEMENT

DPR is committed to balancing recreation opportunities with efforts to protect and preserve our region's land, vegetation, wildlife, and natural resources. Programs are planned to support these efforts while expanding the number of residents who can experience County parks and programs. Donations from the Parks Society support these goals by providing donations to expand programs like Movies in the Park, providing care and food for Animal Ambassadors that are used in interpretation programs at schools and parks to connect youth and families to the wildlife in County parks, and providing bus transportation for school children to participate in the Discovery Program in eight County parks (Stelzer, El Monte, Felicita, Flinn Springs, Guajome, Los Peñasquitos, Otay Lakes, and San Dieguito) to learn about nature and sustainability. Parks Society donations support large environment-based events like Fall Festival at San Elijo Park, First Time Camping Program at four County campgrounds, and the Women in the Wild Program.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Parks and Recreation received donations from the San Diego County Parks Society totaling \$61,012.86 from July 1, 2023 to December 31, 2023. 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 Anderson, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

3. **SUBJECT: GILLESPIE FIELD - FIFTH AMENDMENT TO INDUSTRIAL LEASE WITH VERIDIAM, INC. FOR SCHEDULED RENT ADJUSTMENT ONLY AND RELATED CEQA EXEMPTION (DISTRICT: 2)**

OVERVIEW

Gillespie Field is in the City of El Cajon and is one of eight airports owned by the County of San Diego (County) and operated by the County Department of Public Works (DPW). The County airports system is operated, maintained, and improved using lease revenues and federal and State grant funding. Gillespie Field airport infrastructure and facilities include runway, taxiways, air traffic control tower, communications, and related equipment. Services available to corporate and general aviation users at this airport include hangar and tie-down rentals, aviation fuel sales, aircraft repair, maintenance, parts, pilot supplies, and flight training. The airport serves the public by housing aviation facilities and equipment operated by local law enforcement agencies, aerial firefighting, and other emergency services providers. Gillespie Field also includes industrial-zoned land that accommodates uses compatible with the airport. Leasing of airport land generates revenue for the Airport Enterprise Fund, which is used by DPW to ensure that all County airports are properly maintained and safe for airport users and the surrounding communities.

Veridiam, Inc. (Veridiam), a leading custom tubing manufacturer, formerly known as Carpenter Special Products Corporation, occupies a 6.42-net acre parcel at Gillespie Field. The Board of Supervisors (Board) approved the existing ground lease on June 22, 2005 (11). The 35-year lease, with a 20-year extension option, commenced on May 1, 2004, and has been amended four times. The lease provides for periodic rental rate renegotiations every five years to keep pace with market rates. The upcoming renegotiated rental adjustment is due on May 1, 2024. Based on the recent appraisal of a nearby leasehold, which estimated the fair market rate at \$7,773 per acre per month, Veridiam's rent would increase by about 27.14%. To mitigate such steep increase, the County and Veridiam have negotiated a lease amendment that would implement annual 5% fixed rent increases over the next five years.

This is a request to approve the fifth amendment to the industrial lease with Veridiam, Inc., to adjust the rent and to revise the rent adjustment schedule, as negotiated by the parties based on appraisal. If the proposed action is adopted, the lessee's current base monthly rent of \$39,251 will be increased by five percent, or \$1,963, to \$41,214, effective May 1, 2024. Thereafter, fixed five percent increases would be implemented annually until the next renegotiated rent adjustment in 2029.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendment is categorically exempt from CEQA review as it consists of the leasing of existing facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the fifth amendment to industrial lease with Veridiam, Inc. (County Contract No. 117011). **(4 VOTES)**

EQUITY IMPACT STATEMENT

Gillespie Field is one of eight airports owned and operated by the County of San Diego (County) that provide vital air transportation hubs, emergency response facilities, and economic engines. The County pursues delivery of these services in a fair and equitable manner and actively works to remove barriers by providing airport guests with general airport information in the County's threshold languages, encouraging participation, and providing competitive opportunities for small businesses and business that traditionally have less working capital and business owners and managers who may be socially and economically underserved.

SUSTAINABILITY IMPACT STATEMENT

The proposal to amend the industrial lease with Veridiam, Inc. to increase the base monthly rent has economic and social sustainability benefits. This lease provides increased services for the region. The revenue from this lease is used to operate, maintain, and improve the County airports system consistent with the County sustainability goal of providing just and equitable access to County services and resources in support of sustainable communities.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Department of Public Works, Airport Enterprise Fund. If approved, this request will result in additional revenue of \$3,926, for a total current year revenue of \$474,938 in FY 2023-24, and \$498,688 in FY 2024-25. The funding source is rental payments from the lessee under the terms of the amended lease. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Leases at airports benefit the local business community by creating jobs, increasing economic activity, providing business opportunities, and supporting infrastructure development. They attract visitors, generate revenue, and help small businesses grow, thus stimulating the local economy and improving the quality of life for residents. Airports connect individuals to jobs and local communities to the world. DPW operates and maintains the eight County airports safely and cost-effectively with the revenue derived from the airport leases. Today's action of implementing scheduled rent adjustments to industrial lease with Veridiam, Inc. promotes self-sufficiency of Gillespie Field and enhances the economic viability of the County airport system.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

4. **SUBJECT: LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

On June 27, 2023 (16), the County of San Diego (County) Board of Supervisors (Board), issued a Proclamation of Local Emergency (Proclamation) as a result of the continued conditions for detrimental impacts to the environment, economy, and property within San Diego county, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630. The Proclamation further asked the Governor to proclaim a State of Emergency in San Diego county. Government Code section 8630(c) requires local governing bodies to review the need for continuing the local emergency at least once every 60 days until the local emergency is terminated.

On July 19, 2023 (4), September 13, 2023 (3), November 8, 2023 (2), December 6, 2023 (2), January 24, 2024 (1), and March 13 (3) the Board found that there is a continuing need for the local emergency. This is a request to find that a review of the local emergency has been conducted and that the local emergency will remain in effect.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proclamation of local emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378(b)(4)&(5) because the action is an administrative action intended to facilitate state and federal funding, does not commit the County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. Find that there is a need to continue the local emergency and that the local emergency shall continue subject to review requirements until terminated pursuant to Government Code section 8630(d).

EQUITY IMPACT STATEMENT

The communities closest to the San Diego International Border, including the communities of Imperial Beach, San Ysidro, Otay Mesa, and Tijuana River Valley are identified by SB 535 (2012) and CalEnviroScreen 4.0 as being Environmental Justice communities having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation, and poverty rates. By supporting the local emergency proclamation, the County of San Diego remains committed to working with local, state, federal, and Mexican authorities to improve conditions for these communities. Local Environmental Justice communities have decades of suffering from various pollution sources, have been advocating and working to raise their concerns to the various agencies, and have engaged to elevate the need for data collection to document environmental injustices.

SUSTAINABILITY IMPACT STATEMENT

This action letter aligns with the County of San Diego's sustainability goals to protect the environment and promote our natural resources, diverse habitats and cultivate a natural environment for residents, visitors, and future generations to enjoy.

FISCAL IMPACT

There is no fiscal impact associated with this request to continue the emergency. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

Increased beach water closures resulting from sewage impacts have a direct effect for the surrounding community due to decreased tourism, patronage of local businesses, and opportunities for youth recreation and camps. By continuing a local emergency, the County of San Diego will be able to engage businesses and non-profit service providers that have been impacted by the restricted access to local beaches and oceans with the goal of assisting in identifying ways to connect them to any state or federal relief programs.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

5. **SUBJECT: TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (05/01/2024 - ADOPT RECOMMENDATIONS; (DISTRICTS: 1 & 2)**

OVERVIEW

The Traffic Advisory Committee (TAC) supports the Department of Public Works (DPW) traffic engineering program. The TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the region. To be effective, the TAC proposes policies that will enhance safety, reduce congestion, and be legally enforceable. The TAC meets every 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 the implementation of a traffic safety measure in unincorporated areas, the TAC reviews and investigates the requested item, including engineering and traffic condition studies. The TAC recommends the Board act on two items from the December 8, 2023, TAC meeting agenda:

Items from the 12/08/2023 TAC Meeting			
District	Item	Location	Action
1	1-A	Tyler Street and Central Avenue in Spring Valley	Establish an all-way stop intersection.
2	2-A	Deer Ridge Road and Fox Valley Way in 4S Ranch	Establish an all-way stop intersection.

Approval of Item 1-A at Tyler Street and Central Avenue in Spring Valley (District 1) and Item 2-A at Deer Ridge Road and Fox Valley Way in 4S Ranch (District 2) will enhance safety for pedestrians, bicyclists, and motorists by assigning a full stop to all vehicles approaching the intersections. Properly posted intersection stop controls reduce the number and severity of collisions by assuring reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

The Board's action on Item 1-A at Tyler Street and Central Avenue in Spring Valley (District 1) and Item 2-A at Deer Ridge Road and Fox Valley Way in 4S Ranch (District 2) 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 May 1, 2024, would allow for implementation by DPW.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 1:

Item 1-A. Tyler Street and Central Avenue in Spring Valley - Establish an all-way stop intersection.

District 2:

Item 2-A. Deer Ridge Road and Fox Valley Way in 4S Ranch - Establish an all-way stop intersection.

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 of San Diego maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.
3. Adopt the following Resolutions:
RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO. (Items 1-A & 2-A)

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO.
(Items 1-A)

EQUITY IMPACT STATEMENT

The review of traffic signs, intersection controls, and roadway markings supports vehicle safety on County of San Diego-maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities, and for people of all incomes, races, ethnicities, ages, and abilities. Understanding travel patterns, where correctable crashes are occurring, and the disproportionate impacts on certain communities will allow the Department of Public Works (DPW) to identify actions to address the underlying causes, improve safety, and ensure there is justice in the enforcement of traffic regulations.

DPW's Local Roadway Safety Plan reviews correctable collisions along road segments within the unincorporated areas of the region and uses the Healthy Places Index (3.0) and CalEnviroScreen 4.0 to ensure underserved populations are prioritized. The Traffic Advisory Committee (TAC) relies on the Local Roadway Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of the majority of drivers, the TAC also relies on various community engagement methods such as the Tell Us Now! Mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

SUSTAINABILITY IMPACT STATEMENT

The Traffic Advisory Committee has made sustainability a top priority by partnering with local communities and industry leaders in a public forum every eight weeks to find timely, reasonable, and cost-effective in-road traffic solutions that reduce costly traffic delays, mitigate vehicle idling to reduce emissions, improve fire response times and regional readiness, and ensure justice in enforcement of traffic regulations.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Department of Public Works Road Fund. If approved, this request will result in costs and revenue of \$4,968 in FY 2023-24 for staff time, materials, and supplies. The funding source is State Highway User Tax Account. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, and adopted the following:

Resolution NO. 24-036, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO; and,

Resolution No. 24-037, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

6. **SUBJECT: SET HEARING FOR MAY 22, 2024:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED
TO FEES IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS
AND MEASURES EFFECTIVE FISCAL YEAR 2024-25 AND CEQA
EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 - SECOND
READING UNLESS ORDINANCE IS MODIFIED ON SECOND
READING) (DISTRICTS: ALL)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to adopt the cost recovery proposal for the Department of Agriculture, Weights and Measures (AWM), which includes fees and hourly rates for services related to Agricultural Export, Certified Farmers' Market (Direct Marketing), Industrial Hemp Cultivation, Hazardous Materials Inventory, Pesticide Regulation Program Registration, Verification of Agriculture, Price Accuracy, and Weights and Measures Devices Programs.

This proposal provides the resources needed for AWM to continue with services that support public health and safety, a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment for the 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. AWM has 30 diverse programs that conduct over 350,000 inspections annually regionwide. Fee-related programs ensure the acceptance of 10,000 agricultural export shipments at destination, the integrity of produce sold at 34 Certified Farmers' Markets, and the verification of price accuracy at 4,600 different retail locations.

The Board's 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 proposal was unanimously approved by the Board on May 24, 2023 (9). Since that time, AWM has continued to provide services at the approved rates.

The fees proposed today for Fiscal Year (FY) 2024-25 are necessary to address cost changes, such as increased salaries and benefits costs and to ensure full cost recovery, except where the Board has previously directed the County support to offset fees such as for the Agricultural Export and Certified Farmers' Market fees. It is consistent with the Board's commitment to a resilient food supply, continuing agricultural trade, enhanced consumer confidence, and a sustainable environment, and to serve as required matching funds for State supplemental funding. Today's cost recovery proposal reflects the cost increases for FY 2024-25 relating to salary and benefit costs based on negotiated labor agreements and equity adjustment.

Approximately 86% of AWM's costs are fixed, such as salaries and benefits, retirement contribution, enterprise-wide services, and facilities, while 14% of AWM's costs, such as services and supplies, are discretionary, meaning costs are determined by AWM's operational needs. This cost recovery proposal reflects known costs as accurately as possible and ensures full cost recovery to continue delivering programs and services to our customers and communities. By reviewing and updating fees annually, AWM can recover costs in a consistent and predictable manner, while also providing stakeholders an opportunity to plan for smaller, more incremental fee increases.

AWM evaluated 77 fees for this cost recovery proposal and proposes to increase 26 fees and leave 51 fees unchanged. Of the 51 unchanged fees, 44 are capped by the State, of which 38 are related to the Weights and Measures device annual registration, six are for pesticide regulation annual business registration. Of the remaining seven, five are related to services infrequently requested by customers, and two of the fees remain unchanged due to operational efficiencies.

The AWM fee adjustments in this proposal will generate \$66,465 in additional revenue next fiscal year equivalent to a \$5.00 or 3.8% increase on average per fee. These proposed increases include salary and benefits costs for FY24-25 based on the three-year negotiated labor agreement that went into effect in FY 2022-23. AWM receives County and State funding to partially recuperate the cost of eligible agricultural programs, a portion of which, along with savings from operational efficiencies, was applied to these programs to mitigate the cost increases. The General Purpose Revenue (GPR) support is consistent with the Board's commitment and support for agriculture in the region as stated in Board Policy I-133: *Support and Encouragement of Farming in San Diego County* and to serve as required matching funds for State supplemental funding.

In FY 2022-23, the total cost of all agricultural programs was \$20.0 million. Local growers paid a fee total of \$415,575, or 2%, and out-of-county agricultural operators a fee total of \$652,018, or 3% of the total program costs. There was a decline in fees paid by local growers due to a reduced number of businesses participating in export certification and an increase in the number of out-of-county brokers exporting commodities at the international border. For the remaining 95% of program costs, the County provided \$6.6 million, or about 33%, while State and federal contributions of \$12.3 million covered about 62%. State law mandates counties to provide fiscal support as a matching fund to receive the State supplemental funding. This State funding fluctuates annually and is a separate dedicated revenue source to supplement, not supplant, the available County funding for eligible agricultural programs. The total amount of \$408,358 in State supplemental funding is applied to limit the cost increases for the eligible agricultural programs in this cost recovery proposal.

Recognizing that many customers are still recovering from a three-year pandemic and incurring rising costs due to inflation, AWM continues to leverage the essential use of technology and business process streamlining to limit cost increases, improve customer service, and promote regulatory compliance. AWM has obtained additional efficiency gains through the expedited data entry and certificate issuance in our Agricultural Export Program. These business process improvements include streamlining the review process for grower certification and a new mobile app that allows faster data input for plant shipment certificates. Efficiencies are also seen due to staff proficiency in previously implemented cost containment measures such as the use of existing field inspection tools, consolidation of activities with dedicated staff, combining field inspections, and the use of resource documents that reduce paperwork, billable time, and training hours and increase industry engagement for improved compliance. These efforts resulted in savings of \$88,612 that is applied in this proposal to reduce the cost increases. Without these operational efficiencies, fees would have needed to increase an additional 1.8% on average.

Today's proposal requests four actions from the Board.

The first action is for the Board to find this proposal exempt from the California Environmental Quality Act (CEQA) as specified under Section 15273(a) of the CEQA Guidelines. The second action is to set a hearing for May 22, 2024, for consideration and adoption of the ordinance. The third action is to approve a waiver of Board Policy B-29 for a total of \$239,829 for operational costs of the Agricultural Export, Certified Farmers' Market, and Industrial Hemp Cultivation Programs, which will be funded by existing General Purpose Revenue. The fourth action is to approve the introduction of the ordinance for the first reading of AWM's cost recovery proposal and the amendments in the San Diego County Administrative Code Section 364.3 relating to the fees and hourly rates on May 1, 2024. If the Board approves the four actions on May 1, 2024, after making the necessary findings, the Board, on May 22, 2024, will be requested to consider and adopt the ordinance amending Section 364.3 of the San Diego County Administrative Code, relating to fees charged by AWM. In accordance with Board Policy B-29, AWM will review fees annually and return to the Board with any changes.

If this cost recovery proposal is not approved, AWM would require one-time alternative County funding in the amount of \$66,465 to maintain services at their current level. If the cost recovery proposal is not approved and no alternative County funding is provided, AWM would have operational impacts including reduced ability to conduct community outreach aimed at fostering understanding of regulations and thus promoting compliance. These reductions in services would impact customers by reducing our ability to focus on innovation, streamlining, and meeting operational goals. In addition, there will be a cumulative impact to customers and the changes in future fee updates will be compounded based on the need to cover the increases in this proposal, plus future year budget adjustments.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On May 1, 2024:

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 C pursuant to CEQA Guidelines Section 15273(c).
2. Set a hearing for May 22, 2024, for consideration and adoption of an Ordinance amending 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 Agricultural Export, Certified Farmers' Market (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:
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 May 1, 2024, the Board takes action as requested in Recommendations 1 through 4 above, then on May 22, 2024:

Consider and adopt the Ordinance amending the San Diego County Administrative Code, relating to fees charged by AWM (second reading).

EQUITY IMPACT STATEMENT

The Department of Agriculture, Weights and Measures (AWM) strives to preserve, enhance, and promote quality of life, health and safety, economic equity, access to healthy food, diverse local economy, and environmental sustainability through our regulatory programs and services. AWM uses County-approved methodologies to ensure regulated businesses receiving AWM's services are responsible for the associated costs, rather than the public. This proposal supports food security in underserved communities by providing access to locally grown fresh produce and promotes business continuity for small-scale farmers. It also supports consumer confidence and a fair and equitable marketplace by verifying customers are being charged correct prices at retail businesses that use point-of-sale stations to ensure fair business practices.

SUSTAINABILITY IMPACT STATEMENT

The Agriculture, Weights and Measures (AWM) Fiscal Year 2024-25 cost recovery proposal provides fee and hourly rate adjustments that partially cover the cost of services provided to regulated businesses. The fee and hourly rate adjustments are the result of the cumulative increase in cost drivers such as salaries and benefits, services and supplies, and associated department costs. The adjustments to the fees and hourly rates are based on time studies, the number of services provided, cost-containment efforts, expenditure and revenue data, and available funding. These services provide consumer protection, promote the exclusion of invasive agricultural pests, maintain standards at Certified Farmers' Market (Direct Marketing), and provide compliance monitoring of industrial hemp cultivation. They also ensure continuity of agricultural resources that contribute to environmental sustainability and support efforts to mitigate climate impacts. The proposed actions support the County of San Diego's Strategic Initiative of Sustainability to align the County's available resources with services to maintain fiscal stability.

FISCAL IMPACT

The proposed fee increases are included in the Fiscal Year 2024-25 CAO Recommended Operational Plan in Agriculture, Weights and Measures (AWM). If approved, this request will result in costs and revenue of \$66,465 in Fiscal Year 2024-25 in Agricultural Export, Certified Farmers Market (Direct Marketing), Industrial Hemp Cultivation, Hazardous Materials Inventory, Verification of Agriculture, Price Accuracy, and Weights and Measures Devices Programs. The funding source is fees paid by AWM customers. There will be no change in net General Fund cost and no additional staff years.

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 Agricultural Export, Certified Farmers' Market, and Industrial Hemp Cultivation do not cover all operating costs. The total unrecovered cost per Board Policy B-29 for FY 2024-25 is approximately \$239,829 and if approved, these programs will be funded with existing AWM 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. The proposed actions support the County of San Diego's Strategic Initiative of Sustainability to align the County's available resources with services to maintain fiscal stability.

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, continuing agricultural trade, enhanced consumer confidence, and a sustainable environment for the region.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, and set a Hearing for May 22, 2024 to further consider and adopt the Ordinance.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

7. **SUBJECT: NOTICED PUBLIC HEARING:
SET HEARING FOR MAY 22, 2024:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED
TO FEES AND DEPOSITS IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL
YEAR 2024-25 AND CEQA EXEMPTION (5/1/2024 - FIRST READING;
5/22/2024 - SECOND READING UNLESS ORDINANCE IS MODIFIED
ON SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

This is a request for the County of San Diego (County) 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, organized camps programs, wells, septic systems, site assessment and mitigation programs, hazardous materials programs, and the Solid Waste Local Enforcement Agency. This proposal also includes fees for the radiological health program, services in the vector laboratory, and miscellaneous department fees, such as rates for specialized technical staff 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 Certified Unified Program Agency for hazardous materials and hazardous waste, the Solid Waste Local Enforcement Agency, and is delegated the duties to implement and enforce the powers of a mosquito abatement and vector control district. DEHQ works in communities across the region, conducting more than 70,000 inspections annually, including oversight of over 15,000 food facilities and 14,000 businesses with hazardous materials. DEHQ performs surveillance and mosquito treatment at more than 1,600 sites throughout the region to lower the number of vector-borne disease incidents and protects 70 miles of coastline by taking more than 6,000 water quality samples per year. Through these services, DEHQ 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 proposal was unanimously approved by the Board on May 24, 2023 (10). Since that time, DEHQ has continued to provide services at the approved rates. To offset fee increases, the Board approved the use of departmental one-time funds in certain programs, such as discretionary projects, and the food, body art, pools, septic, and hazardous material programs in FY 2023-24.

The fees proposed today for FY 2024-25 are necessary to ensure full cost recovery per Board Policy B-29 and to address cost changes, such as increased salary and benefit costs and Board directed initiatives such as additional positions to support removing barriers to housing.

Approximately 75% of DEHQ's costs are fixed, such as salary and benefits, retirement, enterprise-wide services, and facilities, while 25% of the department's costs, such as services and supplies and salary savings when positions are vacant, are discretionary, meaning costs are determined by DEHQ based on operational needs. The cost recovery proposal reflects known costs as accurately as possible and ensures full cost recovery to continue to deliver programs and services to customers and communities, make data-driven decisions, and continue industry and community outreach. By reviewing and updating fees on an annual basis, DEHQ can recover costs in a consistent and predictable manner, while also providing businesses an opportunity to plan for smaller, more incremental fee increases, as stakeholders have requested.

As part of this fee proposal, DEHQ evaluated 237 fees and proposes to increase 199 fees, decrease 5 fees, modify 23 fees by adjusting the fee structure resulting in lower fees, and add 2 new fees. Additionally, 8 fees are proposed to not change. If approved, this proposal will generate \$2,549,464 in revenue, resulting in an 7.9% increase on average per fee since the Board unanimously approved the last cost recovery proposal on May 24, 2023 (10).

DEHQ continues to focus on cost containment through innovation, efficiencies, and streamlining processes so that those savings can be applied where possible. Since FY 2016-17, DEHQ has applied \$836,000 in ongoing savings from cost containment measures such as consolidating office space; expanding the online document library; converting to electronic applications; becoming accredited to provide mandated continuing education internally; developing plan check submittal templates for mobile food facilities, developing and implementing a mobile app to conduct temporary event inspections; and implementing the plan check digital review portal.

The practice of continuous improvement, implementing operational efficiencies, and prioritizing resources has positioned DEHQ to respond to evolving program and regulatory changes. In addition to the efforts made in prior years, this fiscal year DEHQ has approximately \$195,740 in new operational savings from efficiencies or streamlining measures that were implemented since the last cost recovery proposal. The efficiencies that have been applied include combining prior year efforts, along with the efficiencies implemented this year. DEHQ has been able to apply a total of \$1,031,740 in savings from all cost containment measures to this proposal, reducing costs by 2.6%. Additionally, DEHQ is proposing to use \$1,129,714 one-time departmental funding to limit the fee increases and provide continued relief for businesses still impacted from the pandemic and current economic conditions in the food, body art, organized camps, state small water system, and hazardous materials programs. This use of available funding will benefit nearly 130,000 customers and help reduce costs by 2.9%. Without cost containment efforts (2.6%) and use of one-time department funding (2.9%), fees would need to increase an additional 5.5%.

Today's proposal requires five actions from the Board. The first action is for the Board to find that the adjustments to fees and charges are not subject to the California Environmental Quality Act (CEQA) in accordance with Section 15273(a) of the CEQA Guidelines. The second action is to approve a waiver of Board Policy B-29 related to fees not being full cost recovery for food, body art, organized camps, state small water system and hazardous materials programs, and for reduced or waived fees for nonprofit organization food, housing, pool, and temporary event permits. The third action is to find that the adjustments in fees and changes contained in the

proposed ordinance are necessary to meet operations in FY 2024-25. The fourth action is to approve the first reading of DEHQ's cost recovery proposal on May 1, 2024. The fifth action is for the Board to set a hearing for May 22, 2024, for consideration and adoption of amendments to the San Diego County Code of Regulatory Ordinances.

If the Board approves the five actions above on May 1, 2024, after making the necessary findings, the Board, on May 22, 2024, will be requested to consider and adopt the ordinance amending 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 2024-25. In accordance with Board Policy B-29, DEHQ will review fees annually and return to the Board with any changes.

If this cost recovery proposal is not approved, DEHQ would require one-time alternative County funding in the amount of \$2,549,464 to ensure full cost recovery to continue delivering programs and services to customers and the communities, using data analysis to make data-driven decisions, and continue community outreach. If the fee proposal is not approved and alternative funding is not identified, DEHQ would have operational impacts, such as reduced services, increased processing times, reduced ability to conduct community outreach, and decreased opportunity to perform research and data analysis to support data-driven decision-making. Resources would be shifted away from innovation and data analysis to front-line operations, and we anticipate a backlog would be created. This would impact customers by increasing overall costs to applicants as well as reduce our ability to focus on innovation, streamlining, and meeting operational goals. In addition, there will be a cumulative impact and the change in future fee updates will be even higher based on the need to cover the increases in this proposal, plus fee increases in future years.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On May 1, 2024:

1. Find that 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 F Findings Pursuant To CEQA Guidelines Section 15273(a) setting forth the basis for the applicability of this exemption.
2. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for fees for the food, body art, organized camps, state small water system and hazardous materials program fees, and reduced or waived fees related to nonprofit organization food, housing, pool, and temporary event permits.
3. Find that the adjustments in fees and changes contained in the 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 operations in Fiscal Year 2024-25.

4. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the 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.**
5. Set a hearing for May 22, 2024, for consideration and adoption of an Ordinance amending the San Diego County Code of Regulatory Ordinances.

If, on May 1, 2024, the Board takes action as requested in Recommendations 1 through 5 above then, on May 22, 2024:

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

EQUITY IMPACT STATEMENT

The County of San Diego (County) 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 residents and the environment while simultaneously complying with mandatory federal, State, and local regulations. The Department of Environmental Health and Quality (DEHQ) utilized approved County methodology to ensure all direct and indirect costs are fully recovered. These recommendations will allow DEHQ to continue to provide important services to prevent disease, promote environmental responsibility, and ensure a level playing field for businesses.

SUSTAINABILITY IMPACT STATEMENT

The Department of Environmental Health and Quality's (DEHQ) proposed amendments to the hourly billing rates, fees, and deposits for services that are provided to the public will cover the full cost of services for the department's internal operations. The hourly billing rate, fee, and deposit changes are a result of the cumulative increase of the cost drivers such as salaries and benefits, services and supplies, and associated departmental and countywide costs. The adjustments to the fees are based on available expenditure and revenue data, time studies, and service counts. Sustainability means efficiently using and effectively protecting natural resources, balancing economic growth, and ensuring just and equitable provision of public services, without compromising the ability of future generations to also flourish and thrive. The proposed actions support the County of San Diego's Strategic Initiative of Sustainability to align the County's available resources with services to maintain fiscal stability.

FISCAL IMPACT

The proposed increases to fees are included in the Fiscal Year (FY) 2024-25 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 \$2,549,464, including additional estimated costs and revenue of \$294,363 in the food program, \$349,903 in the water program, \$899,779 in the housing program, \$1,005,309 in the hazardous materials program and \$110 in the radiological health program, effective FY 2024-25. 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, body art, organized camps, state small water systems and hazardous materials program fees. The total unrecovered cost, per Board Policy B-29, for permit fees that are not full cost recovery is \$1,129,714, and if approved, will be funded with \$528,121 in restricted General Fund fund balance, \$34,500 in 1991 Health Realignment revenue, and \$567,093 from the Environmental Health Trust Fund.

Additionally, a waiver of Board Policy B-29 is requested to continue to implement Board direction 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 Board directed waivers is approximately \$450,000 in DEHQ for FY 2024-25, and if approved, will be funded with existing General Purpose Revenue.

Inclusive of all funding sources and programs, the total unrecovered cost per Board Policy B-29 for DEHQ in FY 2024-25 is \$1,579,714. 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 Anderson, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, and set a Hearing for May 22, 2024 to further consider and adopt the Ordinance.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

8. **SUBJECT: NOTICED PUBLIC HEARING:
SET HEARING FOR MAY 22, 2024:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED
TO FEES AND DEPOSITS TO LAND DEVELOPMENT EFFECTIVE
FISCAL YEAR 2024-2025 AND CEQA EXEMPTION (5/1/2024 - FIRST
READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS
MODIFIED ON SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to adopt the land development cost recovery proposal, which includes hourly rates, fees, and deposits for the processing of discretionary land development and building permit applications by Planning & Development Services (PDS), Department of Public Works (DPW), and 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 construction, development 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. The Departments work in communities in the unincorporated area, conducting more than 44,000 inspections and processing more than 19,000 land development permits annually. This includes issuing of over 7,000 residential solar photovoltaic permits reducing dependence on fossil fuels. 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 the region.

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 unanimously approved by the Board on May 24, 2023 (01). Since that time, the Departments have continued to provide services at the approved rates.

The fees proposed today for Fiscal Year (FY) 2024-25 are necessary to address cost changes, such as increased salary, benefit, and retirement costs, and to ensure full cost recovery, except where the Board has previously directed the waiver of fees such as residential roof mount photovoltaic and fees for rebuilding structures damaged or destroyed by a natural disaster. As an example, for PDS, approximately 80% of the department's costs are fixed and fluctuate annually, such as salary and benefits, retirement, enterprise-wide services, and facilities, while 20% of the department's costs, such as services and supplies, and salary savings when positions are vacant are discretionary, meaning costs are determined by the department based on operational needs. The proposed fee package is to reflect known costs as accurately as possible to ensure full cost recovery, continue delivering programs and services to customers and the communities using data analysis, make data-driven decisions, and continue community outreach. Regular cost recovery updates allow the Departments to recuperate costs in a consistent and predictable manner without having to request County-provided one-time funding, while also providing stakeholders an opportunity to plan for smaller, more manageable fee increases as stakeholders have requested.

As part of this fee proposal the Departments evaluated 153 fees and propose to increase 143 fees and decrease one fee. Additionally, nine fees are proposed to not change. The Departments evaluated 110 intake deposits and propose to increase 108 deposits. One of the 108 increasing represents a conversion from a deposit to a flat fee. There is a proposed decrease to one intake deposit and one intake deposit is proposed not to change.

For PDS, the proposed average flat fee increase requested in this cost recovery proposal is equivalent to a 3.0% increase, the average intake deposit change is a 3.9% increase, and the average hourly rate change is a 4.6% increase. For DPW, the proposed average flat fee increase requested is equivalent to a 3.3% increase, the average intake deposit change is a 4.5% increase, and the average hourly rate change is a 3.6% increase. DPR does not use fees or deposits and is only proposing to update its hourly rates; the proposed average hourly rate change is an 9.7% increase.

These increases in PDS and DPW include costs for salary and benefits including increases due to the negotiated labor agreement that will go into effect in FY 2024-25. Recognizing that many customers are still recovering from a three-year pandemic, and incurring rising costs due to inflation, the Departments continue to focus on cost containment through innovation, efficiencies, and streamlining so that those savings can be applied where possible. The Departments have worked to contain costs where possible and have applied approximately \$2,640,000 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, text message building inspection management, and utilization of a mobile field inspection application. DPW has implemented tools that automate work previously done manually, such as reports and stormwater inspection scheduling, self-service tools, and a mobile inspection application. For PDS, without this cost containment, building fees would have needed to increase an additional 8.8%, and planning and land development hourly rates would have increased an additional 3.3% on average. For DPW, the average intake deposit would have increased an additional 3.8%, and land development hourly rates would have increased an additional 6.3% on average without cost containment efforts.

Today's proposal requests four actions from the Board.

The first action is for the Board to find the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15273(a) of the CEQA Guidelines.

The second action is for the Board to set a hearing for May 22, 2024, 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.

The third action is to approve Board-directed fee waivers as part of Board Policy B-29 for approximately \$2,400,000 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, permit fees associated with the Homeowner/Business Owner Relief Act, plan check, permit fees associated with the Urban Agricultural Incentive Zone program, fees associated with political signage permits, and abatement fees associated with graffiti removal. These programs encourage health, safety, sustainability, and housing availability in the unincorporated region. The Green Building Incentive Program reduces plan check and permitting fees to encourage builders to use energy-saving materials when constructing homes and the Homeowner and Business Owner Relief Act program for minor permits, such as water heater replacements and residential roof mount photovoltaic systems, encourages sustainability practices and ensures health and safety codes are followed. Waiving abatement fees associated with graffiti removal helps to reduce the impacts of graffiti on unincorporated communities by proactively removing blight, and the Urban Agricultural Incentive Zone program waives 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 provided 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 fourth action is to approve the introduction, read title, and waiver further reading of 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 on May 1, 2024. If the Board approves the three actions on May 1, 2024, after making necessary findings, the Board on May 22, 2024 will be requested to consider and adopt the ordinance amending Sections 362, 362.1, 362.2 and 362.3 of the San Diego County Administrative Code, relating to fee, deposits, and hourly rates for the Land Development process. In accordance with Board Policy B- 29, the Land Development team will review fees annually and return to the Board with any changes.

If this fee proposal is not approved, it would require the Departments to request one-time alternative County funding in the total amount of \$1,727,650 to ensure full cost recovery to continue delivering programs and services to customers and the communities, using data analysis to make data-driven decisions and continue community outreach. If the fee proposal is not approved and alternative funding is not identified, the Departments would have operational impacts including increased processing times, reduced ability to conduct community outreach and perform research and data analysis to support data-driven decision-making. Resources would be shifted away from innovation and data analysis to front-line operations, and we anticipate a backlog would be created. This would impact customers by increasing overall costs to applicants as well as reduce our ability to focus on innovation, streamlining, and meeting operational goals. In addition, there will be a cumulative impact and the change in future fee updates will be even higher based on the need to cover the increases in this proposal, plus fee increases in future years.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On May 1, 2024:

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 C pursuant to CEQA Guidelines Section 15273(c).
2. Set a hearing for May 22, 2024, 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 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, Political Campaign Signage, Graffiti Abatement, and Urban Agriculture Incentive Zone program in Planning & Development Services.
4. Approve the introduction of the Ordinance (first reading):
**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).**

If, on May 1, 2024, the Board takes the action in Recommendations 1 through 4 above, then on May 22, 2024:

**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).**

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 utilized approved County methodology 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. In some instances, fees have been waived by the Board of Supervisors to ensure equitable opportunities for all communities to increase housing availability. Reviewing and updating fees and hourly rates ensures only project costs are being paid for by applicants and general public dollars are not used to subsidize privately initiated development projects. The Departments also continue to identify ways to reduce departmental costs to provide services to the public with cost containment efforts savings of over \$2,640,000 annually. Full cost recovery for privately initiated land development projects ensures that other tax dollars can be used for programs that improve equity throughout the organization.

SUSTAINABILITY IMPACT STATEMENT

The Departments proposed amendments to the hourly billing rates, fees, and deposits for services that are provided to the public will cover the full cost of services for the department's internal operations. The hourly billing rate, fee, and deposit changes are a result of the cumulative increase of the cost drivers such as salaries and benefits, services, and supplies, and associated departmental and countywide costs. The adjustments to the fees are based on available expenditure and revenue data, time studies, and service counts. Sustainability means efficiently using and effectively protecting natural resources, balancing economic growth, and ensuring just and equitable provision of public services, without compromising the ability of future generations to also flourish and thrive. The proposed actions support the County of San Diego's Strategic Initiative of Sustainability to align the County's available resources with services to maintain fiscal stability and that promote economic stability.

FISCAL IMPACT

The proposed increases to fees and deposits will be included in the Fiscal Year (FY) 2024-25 CAO Recommended Operational Plan in Planning & Development Services (PDS), Department of Public Works (DPW), and Department of Parks and Recreation (DPR).

If approved, the proposed fee and deposit adjustments will result in additional estimated costs and revenue of \$1,190,000 in PDS, \$ 537,000 in DPW, and \$650 in DPR, effective FY 2024-25, a total amount of \$1,727,650. 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, Political Campaign Signage, Graffiti Abatement, 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 \$2,400,000 for Fiscal Year 2024-25 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 needed as a result of the waiver.

BUSINESS IMPACT STATEMENT

These recommendations would enable Planning & Development Services, the Department of Public Works, and the Department of Parks and Recreation to continue to align fees to the actual costs of services provided to fee payers in each fee category. These fees, deposits, and hourly rates allow the Departments to continue to meet program objectives, provide a level of service expected by stakeholders and customers, and fully recover costs. When individuals pay for services they receive, it ensures those agencies or individuals benefiting from the services pay for those services rather than the general public which ensures that public tax dollars do not subsidize individual private projects.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, and set a Hearing for May 22, 2024 to further consider and adopt the Ordinance.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

9. SUBJECT: NON-AGENDA PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Purita Javier spoke to the Board regarding compliance of air quality for ceramic businesses.

Cesar Javier spoke to the Board regarding toxic industrial businesses in residential zones.

Zohra Fahim spoke to the Board regarding the negligence and cruelty of animals.

Shanine Ecleo spoke to the Board regarding the negligence and cruelty of animals.

Samantha Prado spoke to the Board regarding the negligence and cruelty of animals.

Paul the Bold spoke to the Board regarding public engagement at Board meetings.

Terri-Ann Skelly spoke to the Board regarding concerns of mental health issues associated with marijuana use.

Audrey Reynolds spoke to the Board regarding the negligence and cruelty of horses.

Truth spoke to the Board regarding the negligence, cruelty, and death of horses.

Gambler spoke to the Board regarding freedom of expression and voter fraud.

Consuelo spoke to the Board regarding warnings given at Board meetings.

Audra spoke to the Board regarding actions of the Board of Supervisors.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 5:59 p.m.

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

Consent: Valdivia
Discussion: Zurita

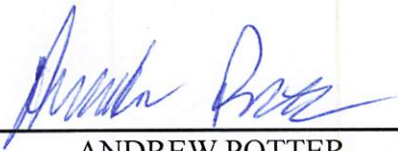
NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, May 22, 2024.



NORA VARGAS
Chair

Attest:



ANDREW POTTER
Clerk of the Board

05/01/2024