

**May 03, 2023**

**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 3, 2023, 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 9:15 a.m.

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

ABSENT: Supervisor Nathan Fletcher

- 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 of April 05, 2023.

**ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of April 05, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

- 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**

- | <b>Agenda #</b> | <b>Subject</b>   |
|-----------------|--|
| 1.              | SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:<br>TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION<br>(04/05/2023 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN<br>ORDINANCE; 05/03/2023 - SECOND READING OF AN ORDINANCE, UNLESS<br>ORDINANCE IS MODIFIED ON SECOND READING)<br>[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT]   |
| 2.              | ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR APPLE<br>STREET SIDEWALK IMPROVEMENTS AND RELATED CEQA EXEMPTION   |
| 3.              | AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT<br>FOR LAMAR PARK PARKING LOT IMPROVEMENTS AND RELATED CEQA<br>EXEMPTION<br>[FUNDING SOURCE: COMMUNITY DEVELOPMENT BLOCK GRANT]   |
| 4.              | MCCLELLAN-PALOMAR AIRPORT - AMENDMENTS TO FOUR AVIATION<br>LEASES WITH PALOMAR AIRPORT CENTER LLC FOR SCHEDULED RENT<br>ADJUSTMENT ONLY AND RELATED CEQA EXEMPTION<br>[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEES UNDER<br>THE TERMS OF THE AMENDED LEASES]<br>(4 VOTES)   |
| 5.              | EXPLORING OPTIONS TO ESTABLISH SIMPLER AND MORE<br>STREAMLINED RULES GOVERNING NON-PROFIT PUBLIC EVENTS HELD<br>ON COUNTY PARK PROPERTIES  |
| 6.              | SET HEARING FOR JUNE 14, 2023:<br>SWEETWATER REGIONAL PARK– APPROVE ACQUISITION OF<br>APPROXIMATELY 190 ACRES OF OPEN SPACE LAND (NEW RANCH LAND<br>COMPANY, LLC) AND CEQA EXEMPTIONS (5/3/2023 – SET HEARING;<br>6/14/2023 – HOLD HEARING)<br>[FUNDING SOURCE: EXISTING RESOURCES WITHIN THE MSCP<br>ACQUISITION FUND; EXISTING DPR GENERAL PURPOSE REVENUE]  |
| 7.              | SET HEARING FOR JUNE 14, 2023:<br>MOUNT OLYMPUS COUNTY PRESERVE – APPROVE ACQUISITION OF<br>APPROXIMATELY 425 ACRES OF OPEN SPACE LAND (RANCHO ARUBA,<br>LLC) (5/3/2023 – SET HEARING; 6/14/2023 – HOLD HEARING)<br>[FUNDING SOURCE: EXISTING RESOURCES WITHIN THE MSCP<br>ACQUISITION FUND AND THE STATE OF CALIFORNIA HABITAT<br>CONSERVATION FUND GRANT; EXISTING DPR GENERAL PURPOSE<br>REVENUE] |

8. AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR TIJUANA RIVER VALLEY REHABILITATION PROJECT AND RELATED CEQA ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT  
[FUNDING SOURCE: CDFW AND STATE WATER RESOURCES CONTROL BOARD GRANTS]  
(4 VOTES)
9. NOTICED PUBLIC HEARING:  
COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR 2023-2024  
[FUNDING SOURCE: FEES PAID BY PRIVATELY INITIATED LAND DEVELOPMENT PROJECTS AND BUILDING PERMIT APPLICANTS]
10. NOTICED PUBLIC HEARING:  
SET HEARING FOR MAY 24, 2023:  
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES AND DEPOSITS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL YEAR 2023-24 AND CEQA EXEMPTION (5/3/2023 - FIRST READING; 5/24/2023 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)  
[FUNDING SOURCE: FEES PAID BY DEHQ CUSTOMERS]
11. SET HEARING FOR MAY 24, 2023:  
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS, AND MEASURES EFFECTIVE FISCAL YEAR 2023-24 AND CEQA EXEMPTION (5/3/2023 - FIRST READING; 5/24/2023 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)
12. NOTICED PUBLIC HEARING:  
2023 HOUSING ZONING ORDINANCE UPDATE; PDS 2022-22-004
13. PUBLIC COMMUNICATION

**1. SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:  
TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA  
EXEMPTION (04/05/2023 - ADOPT RECOMMENDATIONS  
INCLUDING INTRODUCING AN ORDINANCE; 05/03/2023 - SECOND  
READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED  
ON SECOND READING) (DISTRICTS: 2 & 5)**

**OVERVIEW**

On April 05, 2023 (03), the Board of Supervisors took action to further consider and adopt the Ordinance on May 03, 2023.

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 county. 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 9, 2022, TAC meeting agenda:

<b>Items from the 12/09/2022 TAC Meeting</b>			
<b>District</b>	<b>Item</b>	<b>Location</b>	<b>Action</b>
2	2-A*	Idaho Ave, from Citrus Ave to Oro Verde Rd in San Pasqual, an unincorporated community in Escondido	Establish a 45 miles per hour (MPH) speed limit and certify.
2	2-B	Via Rancho Pkwy, from Montesano Rd to Del Dios Hwy in Homeland Acres, an unincorporated community in Escondido	Recertify the 45 MPH speed limit.
5	5-A*	Pala Temecula Rd, from Nejo Rd to the Riverside County line in Pala-Temecula	Establish a 45 MPH speed limit and certify.
5	5-B	Fifth St & Huffstatler St in Rainbow	Establish an all-way stop intersection.
5	5-C	Circle R Dr, from Old Highway 395 to West Lilac Rd in Lilac	Recertify the 45 MPH speed limit.
*Indicates second reading of the ordinance is required.			

Approval of Item 2-A on Idaho Avenue in San Pasqual (District 2), Item 2-B on Via Rancho Parkway in Homeland Acres, an unincorporated community in Escondido (District 2), Item 5-A on Pala Temecula Road in Pala-Temecula (District 5), and Item 5-C on Circle R Drive in Lilac (District 5) would support speed enforcement, which enhances 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 5-B at Fifth Street & Huffstatler Street in Rainbow (District 5) will provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at an intersection. Properly posted stop controls at intersections 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 2-B on Via Rancho Parkway in Homeland Acres, an unincorporated community in Escondido (District 2), Item 5-C on Circle R Drive in Lilac (District 5), and Item 5-B at Fifth Street & Huffstatler Street in Rainbow (District 5) 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 5, 2023, would allow implementation by DPW.

The Board's action on Item 2-A on Idaho Avenue in San Pasqual (District 2) and Item 5-A on Pala Temecula Road in Pala-Temecula (District 5) would introduce an ordinance to amend speed limit zones. This action would revise County Code and require two steps. On April 5, 2023, the Board would consider the TAC items. If the Board takes action as recommended on April 5, then on May 3, 2023, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction. If the proposed ordinance is altered on May 3, 2023, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

## **RECOMMENDATION(S)**

### **TRAFFIC ADVISORY COMMITTEE**

#### **District 2:**

Item 2-A. Idaho Avenue from Citrus Avenue to Oro Verde Road in San Pasqual - Establish a 45 MPH speed limit and certify for radar enforcement.

Item 2-B. Via Rancho Parkway from Montesano Road to Del Dios Highway in Homeland Acres, an unincorporated community in Escondido - Recertify the 45 MPH speed limit for radar enforcement.

#### **District 5:**

Item 5-A. Pala Temecula Road from Nejo Road to Riverside County Line in Pala-Temecula - Establish a 45 MPH speed limit and certify for radar enforcement.

Item 5-B. Fifth Street and Huffstatler Street in Rainbow - Establish an all-way stop intersection.

Item 5-C. Circle R Drive from Old Highway 395 to West Lilac Road in Lilac - Recertify the 45 MPH speed limit for radar enforcement.

## **CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the following Ordinance: ORDINANCE ADDING SECTION 72.161.29.1. AND AMENDING SECTION 72.161.23. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A & 5-A).

## **EQUITY IMPACT STATEMENT**

The review of traffic signs, intersection controls, and roadway markings support vehicle safety on the 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 factors and causes and improve safety.

DPW's Local Road Safety Program reviews correctable collisions along road segments within the unincorporated areas of the county and utilizes the Healthy Places Index and CalEnviroScreen to ensure 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.

## **SUSTAINABILITY IMPACT STATEMENT**

The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a monthly public forum 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 2022-23 Operational Plan in the Department of Public Works Road Fund. If approved, this request will result in costs and revenue of \$7600 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, On Consent, adopting Ordinance No. 10839 (N.S.), entitled: ORDINANCE ADDING SECTION 72.161.29.1. AND AMENDING SECTION 72.161.23. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

**2. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR APPLE STREET SIDEWALK IMPROVEMENTS AND RELATED CEQA EXEMPTION (DISTRICT: 1)**

**OVERVIEW**

Apple Street is a two-lane road that allows travel from west to east in the unincorporated community of La Presa, Spring Valley. Apple Street is the continuation of Jamacha Road to the east and provides primary access to and from the Steam Academy (formerly La Presa Middle School), as well as the Sweetwater Lane Community Park and the San Diego County Spring Valley Library. Jamacha Road has continuous sidewalks on both sides of the road that end at Apple Street. Apple Street currently has no sidewalks and limited room for pedestrians to traverse along the side of the roadway.

The Apple Street Sidewalk Improvements Project (Project) will be the first step to completing the CPG's requested priority project by constructing approximately 550 linear feet of new concrete sidewalk, curb and gutter, and ADA-compliant curb ramps on the south side of Apple Street between Grand Avenue and Ramona Avenue. The Department of Public Works (DPW) received one time only funds and this segment was chosen as the first area for improvement for its connectivity to existing sidewalks west of Grand Avenue. The remaining 1,550 feet, or 0.29 miles, between Ramona Avenue and Galopago Street will remain on the CPG's priority list until additional funding becomes available. The proposed sidewalk improvements will enhance pedestrian safety and walkability as well as provide connectivity between the predominately residential community east of Grand Ave, and many essential services off Jamacha Road to the west. The Project also supports the County's 2018 Climate Action Plan by encouraging non-motorized transportation.

Prior to the start of construction, DPW will provide notifications such as mailers, door hanger notices, social media postings, and signage that describe the nature and expected duration of the construction activities. The notifications will be provided in English, Spanish, and Arabic, which are the primary languages spoken in this community, further promoting equity and inclusion within the region. Project information will also be available through the DPW webpage where information can be translated into the eight core languages spoken in San Diego county. The Project will be constructed within the public right of way, and during construction traffic control measures such as cones and signage will be in place to limit impacts on the community.



This is a request for the Board of Supervisors (Board) to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Project construction is scheduled to begin summer 2023 and to be completed by the end of 2023. The total estimated Project cost is \$620,000, including design, environmental review, and construction support. The construction contract cost is estimated at \$320,000, including a 25% contingency for unforeseen conditions, and the funding source was an operating transfer from the existing General Fund fund balance to Road Fund.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project is categorically exempt from CEQA review because it involves the maintenance and repair of existing County-maintained curbs, gutters, and sidewalks involving no or negligible expansion of existing use.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for curbs, gutters, and sidewalks, throughout the unincorporated region of the County.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

## **EQUITY IMPACT STATEMENT**

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. Installing concrete sidewalks, curbs, and gutters is an important mobility element that supports effective drainage on County-maintained roads and enhances safe and effective walkability within unincorporated communities. The Department of Public Works (DPW) conducts routine annual inspections of facilities and roadways and relies on various community engagement methods such as the "Tell Us Now!" mobile app and toll-free hotlines to intake reports of safety concerns. In addition, DPW staff regularly attend community planning and sponsor group meetings, and other community meetings, including revitalization meetings.

To ensure that underserved populations are prioritized during the project selection process, the most recent available data is used by DPW to evaluate and identify vulnerable populations, including data from the Healthy Places Index 3.0, the latest version of CalEnviroScreen 4.0, San Diego LiveWell communities, Environmental Justice Communities, and other relevant data sources. The proposed improvements will create a safer environment for La Presa residents, including persons with disabilities and children.

## **SUSTAINABILITY IMPACT STATEMENT**

The proposal to install 550 feet of sidewalk has social, health and wellbeing, and environmental sustainability benefits. Installing sidewalks here will improve walkability and provide pedestrian connectivity between the residential areas to the east and essential services including a school (Steam Academy), the Sweetwater Lane Community Park, and the San Diego County Spring Valley Library, to the west. Increasing walkability will further County of San Diego sustainability goals of reducing vehicle miles traveled and emissions.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, the total project estimated costs are \$620,000 and consists of \$300,000 for design, environmental review, and construction inspection. The construction contract is estimated at \$320,000, including a 25% contingency for unforeseen conditions. The funding source was an operating transfer from the existing General Fund fund balance to Road Fund. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

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

## **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, Desmond

ABSENT: Fletcher

3. **SUBJECT: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LAMAR PARK PARKING LOT IMPROVEMENTS AND RELATED CEQA EXEMPTION (DISTRICT: 4)**

## **OVERVIEW**

The unincorporated community of Spring Valley encompasses approximately 11 square miles with a population of 61,232 residents. Spring Valley is classified as a low-income community per Assembly Bill 1550 and is considered underserved according to the County's General Plan. The County General Plan, Goal COS-21, sets the goal of 10 acres of local parks per 1,000 residents. Lamar County Park is a nine-acre park in the Spring Valley community. Though the park offers a variety of recreational amenities including playgrounds, a pavilion, barbecues, fenced off-leash dog area, and an Americans with Disabilities Act accessible trail with fitness stations, the census tract where Lamar County Park is located has a Healthy Places Index score of 52.0, or 3rd quartile, and lacks sufficient tree canopy and park and recreation space to support the population.

In partnership with the local community, the County of San Diego Department of Parks and Recreation prepared the adopted 2011 Lamar Park Master Plan to guide the development of future recreational amenities. The Lamar Park Parking Lot Improvements Project (project) will provide landscaping, irrigation, and fencing improvements to the park. The trees to be planted as part of the project's landscaping will contribute to meeting the County's annual tree planting goal and will have a positive impact on the underserved community by improving air quality, reducing urban heat island effects, soil erosion, carbon dioxide in atmosphere, and increasing the infiltration during rain events. The tree canopy will also provide shade and reduce UV exposure, while increasing comfort and enjoyment of patrons during the hot days of the year. Additionally, several of the new trees to be added to the park will help replace current trees that have been impacted by invasive pests (i.e., South American Palm Weevil) or are near the end of their life cycle. The proposed perimeter fence will be installed to direct visitors to the dedicated entrance and secure the park after hours of operation, which will enhance the safety for all park visitors.

The County Service Area 128 - San Miguel Local Park District Citizen Advisory Board and representatives from the Spring Valley Community Planning Group have shown support for the proposed park improvements. The funding source for the landscaping, irrigation, and fencing improvements is directly tied to an annual Community Development Block Grant which supports creating walkable communities and promoting physical activity within vulnerable communities.

Today's requested action will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Capital Project 1024791, Lamar Park Parking Lot Improvements Project, and related California Environmental Quality Act exemption. Construction costs are estimated at \$313,400 including 10 percent contingency, and remaining funds of approximately \$171,600 will be used for related project expenses including design, inspection services, construction management, and project administration for a total project cost of \$485,000. If approved, construction is expected to begin in Spring 2023 and is anticipated to be completed in Summer 2023.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15304 of the State CEQA Guidelines.
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Lamar Park Parking Lot Improvements Project.
3. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of the Lamar Park Parking Lot Improvements Project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

## **EQUITY IMPACT STATEMENT**

The community of Spring Valley, where Lamar Park is located, is an underserved community, meaning residents' incomes are either at or below 80 percent of the statewide median income or below a threshold designated as low-income by the Department of Housing and Community Development (Assembly Bill 1550). According to the 2020 Park Master Plan, Spring Valley has a total of 0.7 acres of parkland per 1,000 residences which is below the County's General Plan goal of 10 acres per 1,000 residents. Spring Valley has a Healthy Places Index score of 52.0, or 3rd quartile, and lacks tree canopy and sufficient park and recreation space to support the population.

The project anticipates planting canopy trees. The addition of trees will have a positive impact on the community by reducing urban heat island effects, soil erosion, and carbon dioxide in atmosphere, improving air quality, and increasing the infiltration during rain events. The tree canopy will provide shade and reduce UV exposure, while increasing comfort and enjoyment of patrons during the hot days of the year.

As part of the project scope, improvements to the perimeter fence will be installed to direct visitors to the dedicated entrance and secure the park after hours of operation, which will enhance the safety for all park visitors.

## **SUSTAINABILITY IMPACT STATEMENT**

The proposed Lamar County Park Improvements Project contributes to many of the County of San Diego's Sustainability Goals: provide just and equitable access; transition to a green, carbon-free economy; protect health and wellbeing; protect ecosystems, habitats, and biodiversity; and reduce pollution and waste. This project is contributing to the health and wellbeing of Spring Valley, an underserved community that has limited access to recreational activities and green amenities. The project will increase the community's tree canopy and plants where people like to recreate outdoors. As trees mature, they will improve air quality, combat urban heat island effects, sequester carbon dioxide, increase infiltration during rain events, reduce soil erosion, and provide shaded relief on hot, sunny days. The addition of these plantings will contribute to the County's sustainability goals by reducing greenhouse gas emissions.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs of \$485,000 for Capital Project 1024791, Lamar Park Parking Lot Improvements Project. Construction costs are estimated at \$313,400 including 10 percent contingency, and remaining funds of approximately \$171,600 will be used for related project expenses including design, inspection services, construction management, and project administration. The funding source is a Community Development Block Grant (\$485,000).

Upon project completion, annual operations and maintenance will be provided by existing Department of Parks and Recreation staff. 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, Desmond

ABSENT: Fletcher

4. **SUBJECT: MCCLELLAN-PALOMAR AIRPORT - AMENDMENTS TO FOUR AVIATION LEASES WITH PALOMAR AIRPORT CENTER LLC FOR SCHEDULED RENT ADJUSTMENT ONLY AND RELATED CEQA EXEMPTION (DISTRICT: 3)**

**OVERVIEW**

McClellan-Palomar Airport (Palomar) is located in the City of Carlsbad (Carlsbad) 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. Palomar was constructed on County-owned property, and when it opened in 1959, the surrounding area consisted mainly of agricultural uses. Portions of Palomar were operated by the County as a municipal solid waste landfill from 1962-1975. No permanent buildings are allowed to be constructed on top of the closed landfill, and the use of the areas located over of the landfill is limited to aircraft parking, taxiways, portable hangars, and auto parking. DPW performs monthly maintenance, monitoring, and mitigation, to ensure safety and protect public and environmental health. Over the last 60 years, light industrial, commercial, and recreational uses have developed around the airport. Carlsbad annexed the airport in 1978, citing economic benefits, including significant tax revenues for Carlsbad and increased services for the region. Today, the airport serves the community and region as a vital air transportation hub, an emergency services facility, and an economic engine that supports 2,590 local jobs and generates \$72 million in tax revenues and \$461 million in economic activity annually.

Palomar airport infrastructure and facilities include runway, taxiways, commercial airline terminal building, air traffic control tower, communications, and related equipment. Palomar offers to air travelers private charter flights and a seasonal commercial airline service to Mammoth Lakes, California. Among services available to corporate and general aviation users at this airport are hangar and tie-down rentals, aviation fuel sales, aircraft repair, maintenance, parts, pilot supplies, and flight training. 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.

On December 11, 2002 (13), the Board of Supervisors approved four aviation leases with Palomar Airport Center LLC and one aviation lease with Palomar Fuel LLC. The Palomar Fuel LLC lease was later acquired by Palomar Airport Center LLC. All five leases have been amended at various times to extend the lease terms, provide temporary rent relief, revise outdated lease language, update contact information, and implement renegotiated rental rate adjustments. All airport leases require periodic rent renegotiations to keep current with market

rates. One of the leases (County Contract No. 75630R) was recently amended on August 31, 2022 (4), to adjust the rent to the renegotiated rate on January 1, 2023. The remaining four leases with the Palomar Airport Center LLC are due for a negotiated rent adjustment on June 11, 2023.

This is a request to approve the proposed Sixth Amendment to aviation lease (County Contract No. 75627R), Ninth Amendment to aviation lease (County Contract No. 75628R), Eighth Amendment to aviation lease (County Contract No. 75629R), and Seventh Amendment to aviation lease (County Contract No. 75631R). The County and the lessee have negotiated and agreed on a new ground lease rate of \$3,073 per acre per month for Contracts Nos. 75627R, 75628R and 75629R and \$2,505 per acre per month for Contract 75631R, which is located over a landfill and has a limited utility, does not allow for placement of any permanent structure, and is used exclusively for vehicular parking. If approved, the amendments will increase monthly base rent, effective on June 11, 2023, to reflect market rates as negotiated and agreed to by the parties based on appraisals.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed four lease amendments are categorically exempt from CEQA review as they consist 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 annual sixth amendment to aviation lease with Palomar Airport Center LLC (County Contract Number 75627R) **(4 VOTES)**.
3. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the ninth amendment to aviation lease with Palomar Airport Center LLC (County Contract Number 75628R) **(4 VOTES)**.
4. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the eighth amendment to aviation lease with Palomar Airport Center LLC (County Contract Number 75629R) **(4 VOTES)**.
5. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the seventh amendment to aviation lease with Palomar Airport Center LLC (County Contract Number 75631R) **(4 VOTES)**.

### **EQUITY IMPACT STATEMENT**

McClellan-Palomar Airport 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 that traditionally have less working capital and business owners and managers that may be socially and economically underserved.

## **SUSTAINABILITY IMPACT STATEMENT**

The proposal to amend four aviation leases to increase monthly base rents has economic sustainability benefits. These leases provide increased services for the region. The revenues from these leases are 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 2022-23 Operational Plan in the Department of Public Works, Airport Enterprise Fund. If approved, this request will result in additional revenue of \$546, for a total current year revenue of \$400,590 in Fiscal Year 2022-23 (since the proposed rent increases would be implemented on June 11, 2023, and prorated for the partial month) and \$409,872 in Fiscal Year 2023-24. The funding source is rental payments from the lessees under the terms of the amended leases. 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. Revenue derived from airport leases allows DPW to operate and maintain the eight County airports, airstrips and airpark safely, efficiently, and cost-effectively. Today's action of implementing scheduled rent adjustments to four aviation leases with Palomar Airport Center LLC promotes self-sufficiency of McClellan-Palomar Airport and enhances the economic viability of the County airports 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, Desmond  
ABSENT: Fletcher

- 5. SUBJECT: EXPLORING OPTIONS TO ESTABLISH SIMPLER AND MORE STREAMLINED RULES GOVERNING NON-PROFIT PUBLIC EVENTS HELD ON COUNTY PARK PROPERTIES (DISTRICTS: ALL)**

## **OVERVIEW**

Each year throughout the County of San Diego, a variety of groups utilize County park properties to hold special events that are open to the public. These events vary in scope and scale, but a common theme among them is they usually symbolize a staple of the community in which they're located. Examples include "Boots in the Park" at Waterfront Park in the City of San Diego, the "Escondido Renaissance Faire" at Felicita Park in Escondido, and the "Stampede Rodeo" at Star Valley Park in Valley Center. Although it differs by year, the Department of Parks and Recreation (DPR) may host up to 60 such events in a year.

Under DPR policy C-28, the County effectively recognizes these events as belonging under either one of two primary categories: 1) for-profit events; and 2) non-profit events. For instance, for-profit events may be assessed a fee of 10% of gross sales (i.e., tickets, merchandise, food/beverage, etc.) as part of their Public Rental Agreement with DPR if 10% of gross sales would be greater than the base rental fee (flat fee) for that particular park. However, non-profit events may only be assessed a fee of 5% of gross sales under a similar situation. Although differentiating them in this way helps to keep the smaller non-profit events viable, we can take it a step further.

While potentially posing a financial issue for some groups, the 5% fee itself is not the primary cause for concern. More important is the burden on non-profits to keep and maintain a gross sales report along with proof of figures for every single event transaction that naturally follows having to pay any percentage of gross sales, regardless the figure. These events often rely heavily on volunteers and mom-and-pop vendors; requiring additional layers of bookkeeping and financial reporting is at best unnecessary, and at worst overly cumbersome. Seemingly simple, this requirement - particularly when compounded by an array of other rules and regulations - may end up jeopardizing the viability of heavily volunteer-led community events. When these types of events fail, it can leave a community feeling a sense of loss and frustration with their local government, while at the same time discourages non-profit groups from wanting to work with the County altogether. This is a feedback loop I wish to prevent from occurring in communities throughout the County with today's action.

Among other possible updates to policy C-28 and/or the standard DPR Public Rental Agreement language, today's action would direct the Chief Administrative Officer (CAO) to explore the feasibility of allowing non-profit events to simply be subject to the base rental fee and eliminate the 5% of gross sales situation entirely. This could include establishing an attendance threshold or other screening criteria to screen out the truly small, local events. The intent of today's action does not include providing larger for-profit events who form a non-profit status a loophole around the 10% of gross sales requirement. No changes are being requested for the requirements governing for-profit events.

## **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 options to reduce regulatory burdens on non-profit event organizers utilizing County park properties to hold public events and report back within 180 days with options. Examples of options may include, but are not limited to:
  - a. Allowing non-profit events to simply pay the base rental fee for each County park and eliminate the 5% of gross sales situation entirely. This could include establishing an attendance threshold or other screening criteria to screen out the truly small, local events.



- b. Ease and/or reduce DPR Public Rental Agreement requirements to the extent feasible when reasonably expected not to have a detrimental impact on public health and safety, and/or County liability protections. This could include but is not limited to easing and/or reducing those requirements overseeing fees and deposits, decorations, COVID-19, perimeter fencing, site security, labor standards, and/or contracted services. Guiding this should be the question of which requirements are strictly necessary versus those can be reworked, with the intent of making the Public Rental Agreement process easier and simpler for non-profit event organizers.
3. Conduct outreach to known non-profit event organizers who regularly and/or historically use County park properties to host public events. The focus of this outreach should center on gaining a better understanding of their unique needs. Feedback received should be incorporated into the options under recommendation 2b to the extent feasible.
4. Direct the Chief Administrative Officer to explore potential funding sources to offset any revenue shortfalls identified as a result of today's action (if any) and report back within 180 days with options.

#### **EQUITY IMPACT STATEMENT**

Reducing the burden on non-profit event organizers who run public events on County park properties would benefit every demographic in San Diego County. These events take place County-wide, are often cherished staples of local communities, and are a time and place where people of all ages and backgrounds can come together. Taking appropriate actions now to ensure these events continue to flourish will benefit both existing and future generations.

#### **SUSTAINABILITY IMPACT STATEMENT**

Today's action will contribute to sustainability by reducing potential economic burdens on small, non-profit event organizers and by helping to bring both local residents and tourists alike to County parks across the region. Making it easier for organizations and people to interact with and benefit from outdoor recreational spaces helps to reinforce the value these spaces provide to the public, the local economy and the environment.

#### **FISCAL IMPACT**

There is no fiscal impact associated with today's recommendation to explore options for reducing regulatory burdens on non-profit event organizers utilizing County park properties. However, because a handful of events held each year bring in enough revenue to trigger the 5%/10% of gross sales requirement, which altogether generates roughly \$2 million, future actions may result in up to a \$2 million revenue shortfall in the Department of Parks and Recreation. As part of staff's investigation, potential funding sources to offset this shortfall should be identified for the Board of Supervisors' consideration. At this time, 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, Desmond

ABSENT: Fletcher

6. **SUBJECT: SET HEARING FOR JUNE 14, 2023:  
SWEETWATER REGIONAL PARK- APPROVE ACQUISITION OF  
APPROXIMATELY 190 ACRES OF OPEN SPACE LAND (NEW RANCH  
AND COMPANY, LLC) AND CEQA EXEMPTIONS (5/3/2023 - SET  
HEARING; 6/14/2023 – HOLD HEARING) (DISTRICT: 4)**

**OVERVIEW**

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego county by preserving significant natural resources and connecting people to the outdoors. A core aspect of DPR's conservation program is the acquisition of open space lands that support the preservation of sensitive species and habitat. The County of San Diego (County) has identified an approximately 190-acre property (Property) in the vicinity of Sweetwater Regional Park in Spring Valley. Once the property is acquired, the existing 300-acre Sweetwater Regional Park will be expanded to approximately 490 acres contributing to conservation of Diegan coastal sage scrub habitat and protection of sensitive species such as least Bell's vireo.

Acquiring the Property will be a key piece to completing the Sweetwater Loop Trail and expanding the DPR trail network and provide new opportunities for residents and visitors to hike, bike and connect with nature. This acquisition aligns with the Multiple Species Conservation Program (MSCP) set by state and federal requirements for special status species conservation and supports County sustainability goals, including habitat and biodiversity, biological connectivity, greenhouse gas reductions, and benefits to water and air quality.

The County executed an Option Agreement with the New Ranch Land Company, LLC (Seller) for the purchase of the Property for the appraised value of \$5,350,000 (approximately \$28,000/acre). The value is due to location and recent comparable land sales in the area that were \$28,236 per acre.

Today's request is for the Board of Supervisors (Board) to set a hearing for June 14, 2023, to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request on June 14, 2023, after making the necessary findings, the Board will be requested to authorize the purchase of the Property from the Seller for the appraised value of \$5,350,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$5,887,600. Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan of the MSCP Acquisition Fund. The annual costs to manage the Property are \$212,200, including ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs are included in the FY 2023-24 CAO Recommended Operational Plan.

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

**On May 3, 2023:**

1. Set a hearing for June 14, 2023, at which time the Board of Supervisors (Board) may authorize the Director, Department of General Services, to exercise the option to purchase Assessor Parcel Numbers (APNs) 580-220-07, -08, 580-010-48, -49, -50, 505-672-11, -12, and 505-231-28 for the appraised value of \$5,350,000.
2. Direct the Clerk of the Board to provide notice of the June 14, 2023 hearing via publication and posting as required by law.

**If, on May 3, 2023, the Board takes the actions recommended in Items 1-2 above, then on June 14, 2023:**

1. Find that the proposed acquisition of APNs 580-220-07, -08, 580-010-48, -49, -50, 505-672-11, -12, and 505-231-28 and associated actions are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301, 15303, 15304, 15311, 15313, 15316 and 15325.
2. Authorize the Director, Department of General Services, or designee to exercise the option to purchase APNs 580-220-07, -08, 580-010-48, -49, -50, 505-672-11, -12, and 505-231-28 for the appraised value of \$5,350,000.
3. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 580-220-07, -08, 580-010-48, -49, -50, 505-672-11, -12, and 505-231-28.

**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 will contribute acreage to multiple sustainability efforts, including expanding the adopted Multiple Species Conservation Program South County Subarea Plan preserve area by 190 acres and supporting the County's Climate Action Plan by reducing greenhouse gas emissions by approximately 240 metric tons of carbon dioxide equivalent per year.

**SUSTAINABILITY IMPACT STATEMENT**

The proposed acquisition supports multiple County of San Diego (County) Sustainability Goals. Acquisition of the 190-acre property supports County Sustainability Goal No. 3 (Transition to a green, carbon-free economy) and the County's Climate Action Plan by contributing to greenhouse gas reductions by approximately 240 metric tons of carbon dioxide equivalent per year through preservation of open space. The proposed acquisition site supports County Sustainability Goal No. 4 (Protect the health and wellbeing of the regional community) by expanding opportunities for community members to access outdoor recreation and nature and County Sustainability Goal No. 6 (Protect ecosystems, habitats, biodiversity) by expanding open space adjacent to native ecosystems and habitats.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan of the Multiple Species Conservation Program (MSCP) Acquisition Fund. This request will result in total one-time project costs for the Property of \$5,887,600 in FY 2022-23, itemized as follows: \$5,350,000 for property acquisition, \$65,000 for staff time and appraisal reports to complete the transaction; \$5,600 for closing and title costs; \$467,000 in one-time land improvement costs (which includes \$270,000 for the preparation of a preserve specific Resource Management Plan and initial species monitoring, and \$197,000 to conduct initial stewardship that features signage, access control, fencing, vegetation management, land surveying, and other supplies and services and ongoing management). The funding source is provided by existing resources within the MSCP Acquisition Fund (\$5,887,600).

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$212,200, itemized as follows: approximately \$15,000 for adaptive management and biological monitoring, \$29,100 for annual total operating costs for managing the site, and \$168,100 for the addition of 2 full-time equivalent (Park Ranger) positions. Ongoing costs, and funding sources are included in the FY 2023-24 CAO Recommended Operational Plan in 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 Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, setting a hearing for June 14, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

7. **SUBJECT: SET HEARING FOR JUNE 14, 2023:  
MOUNT OLYMPUS COUNTY PRESERVE - APPROVE ACQUISITION  
OF APPROXIMATELY 425 ACRES OF OPEN SPACE LAND (RANCHO  
ARUBA, LLC) (5/3/2023 - SET HEARING; 6/14/2023 - HOLD HEARING)  
(DISTRICT: 5)**

### **OVERVIEW**

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego county by preserving significant natural resources. A core aspect of DPR's conservation program is the acquisition of open space lands that support sensitive species and habitat. DPR has identified a 425-acre property (Property) adjacent to the existing Mount Olympus County Preserve in Pala-Pauma. The County of San Diego (County) was awarded a State of California Habitat Conservation Fund (HCF) Deer and Mountain Lion Habitat grant in March 2023 to acquire the identified Property. The grant will cover \$200,000 of the \$2,128,000 purchase price of the land.

The HCF grant is competitive and requires a dollar-for-dollar match, funded by available prior year General Fund fund balance. If acquired, the existing 800-acre Mount Olympus County Preserve would be expanded to over 1,200 acres, providing large, contiguous chaparral habitat for deer and mountain lion and other sensitive species.

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

The County executed an Option Agreement with the Rancho Aruba, LLC (Seller) for the purchase of the Property for the appraised value of \$2,128,000 (approximately \$5,000/acre). The appraised value of the Property considers existing conservation measures on the Property, which limits the Property's development potential.

Today's request is for the Board to set a hearing for June 14, 2023, to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request on June 14, 2023, after making the necessary findings, the Board will be requested to authorize the purchase of the Property and establish appropriations of \$200,000 in the MSCP Fund for the purchase based upon a grant award from the State of California Habitat Conservation Fund. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$2,614,000. Funds for this request are partially included in the Fiscal Year (FY) 2022-23 Chief Administrative Officer (CAO) Recommended Operational Plan of the MSCP Acquisition Fund. If approved on June 14, 2023 this request will establish an additional \$200,000 in the MSCP Acquisition Fund based on a grant from the State of California Habitat Conservation Fund. The annual costs to manage the Property are \$230,600, including ongoing stewardship, Resource Management Plan update, and supervision of the preserve. These ongoing costs will be included in the FY 2023-24 CAO Recommended Operational Plan.

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

**On May 3, 2023:**

1. Set a hearing for June 14, 2023, at which time the Board of Supervisors (Board) may authorize the Director, Department of General Services, to exercise the option to purchase Assessor Parcel Numbers (APNs) 109-141-01, 05, 109-140-20, 21, 22, and 23 for the appraised value of \$2,128,000.
2. Direct the Clerk of the Board to provide notice of the June 14, 2023 hearing via publication and posting as required by law.

**If, on May 3, 2023, the Board takes the actions recommended in Items 1-2 above, then on June 14, 2023:**

1. Find that the proposed acquisition of APNs 109-141-01, 05, 109-140-20, 21, 22, and 23 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15311, 15313, 15316 and 15325 of the State CEQA Guidelines.

2. Establish appropriations of \$200,000 in the Multiple Species Conservation Program Acquisitions Fund for the acquisition of 425 acres of Open Space (Mt Olympus Rancho Aruba), based upon a grant award from the State of California Habitat Conservation Fund. **(4 VOTES)**
3. Authorize the Director, Department of General Services, or designee to exercise the option to purchase APNs 109-141-01, 05, 109-140-20, 21, 22, and 23 for the appraised value of \$2,128,000.
4. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 109-141-01, 05, 109-140-20, 21, 22, and 23.

#### **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 Pala-Pauma and Rainbow community areas and will contribute acreage to multiple sustainability efforts, including expanding the draft North County Multiple Species Conservation Plan preserve area by 425 acres and reducing greenhouse gas emissions by approximately 540 metric tons of carbon dioxide equivalent per year.

#### **SUSTAINABILITY IMPACT STATEMENT**

The proposed acquisition supports multiple County of San Diego (County) Sustainability Goals. Acquisition of the 425-acre property supports County Sustainability Goal No. 3 and the County's Climate Action Plan by contributing to greenhouse gas reductions by approximately 540 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 partially included in the Fiscal Year (FY) 2022-23 Operational Plan of the Multiple Species Conservation Program (MSCP) Acquisition Fund. If approved on June 14, 2023 this request will establish an additional \$200,000 in the MSCP Acquisition fund based on a grant from the State of California Habitat Conservation Fund and result in total one-time project costs for the Property of \$2,614,000 in FY 2022-23, itemized as follows: \$2,128,000 for property acquisition, \$30,000 for staff time and appraisal reports to complete the transaction; \$7,000 for closing and title costs; \$449,000 in one-time land improvement costs (which includes \$294,000 for the preparation of a preserve specific Resource Management Plan and initial species monitoring, and \$155,000 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 provided by existing resources within the MSCP Acquisition Fund (\$2,414,000) and the State of California Habitat Conservation Fund grant (\$200,000).

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$230,600, itemized as follows: approximately \$9,000 for adaptive management and biological monitoring, \$53,500 for annual total operating costs for managing the site, and \$168,100 for the addition of 2 full-time equivalent (Park Ranger) positions. Ongoing costs, and funding sources are included in the FY 2023-24 CAO Recommended Operational Plan in 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 Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, setting a hearing for June 14, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

- 8. SUBJECT: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR TIJUANA RIVER VALLEY REHABILITATION PROJECT AND RELATED CEQA ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT (DISTRICT: 1)**

### **OVERVIEW**

The County's Tijuana River Valley Regional Park (TRVRP) is located near the United States/Mexico border adjacent to the Nestor community in the City of San Diego and the City of Imperial Beach. The TRVRP encompasses approximately 1,800-acres of land west of Interstate 5, as shown in the Vicinity Map (Attachment A). The park includes 22.5 miles of multi-use trails, a bird and butterfly garden, the County's largest community garden, baseball fields, soccer fields, and natural open space. The Department of Parks and Recreation (DPR) manages the recreation spaces and actively works to restore habitat and wetland areas.

In 2018, DPR received a \$1,328,000 grant from the California Department of Fish and Wildlife (CDFW) Proposition 1 Watershed Restoration Grant Program to study a County-owned parcel, located along the Tijuana River corridor at 2336 Hollister Street, San Diego, CA 92154. In accordance with the CDFW grant, DPR has prepared demolition plans, a Habitat Restoration Plan, and California Environmental Quality Act (CEQA) documentation to allow the Tijuana River Valley Rehabilitation Project to proceed to construction. The proposed project will demolish dilapidated structures and restore the approximately seven-acre project site to native habitat.

Today's proposed actions are to: adopt the Addendum to an Environmental Impact Report for the proposed project; adopt a Resolution authorizing DPR to apply for and accept funding from the State Water Resources Control Board; authorize the Director of DPR to accept awarded funds and enter into funding agreements for the proposed restoration project; establish a capital project and associated appropriations; and authorize the Director, Department of Purchasing and

Contracting to advertise and award a construction contract for the Capital Project 1026074, Tijuana River Valley Rehabilitation Project. Restoration costs are estimated at \$2,000,000 including contingency, and remaining funds of approximately \$400,000 will be used for related project expenses including design, inspection services, and project administration for a total project cost of \$2,400,000. If approved, construction is expected to begin in Fall 2023 and is anticipated to be complete in Summer 2024. Maintenance and monitoring of restored areas would continue for up to four years following restoration installation.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Environmental Impact Report (EIR) for the Tijuana River Valley Regional Park Trails and Habitat Enhancement Project (State Clearinghouse No. 2004091159), on file with the Department of Parks and Recreation, has been completed in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained therein prior to approving the project, and that reflects the independent judgement and analysis of the Board of Supervisors; and

Find that there are no changes in the project or, in the circumstances under which the project is undertaken, that involve significant new impacts which were not considered in the previously adopted EIR dated December 2006. Furthermore, find that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the EIR was adopted, as explained in the Environmental Review Update Checklist Form (April 2023).

2. Adopt the "Statement of Location and Custodian of Record of Proceedings" in Attachment C.
3. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING APPLICATION AND ACCEPTANCE OF GRANT FUNDING FROM THE STATE WATER RESOURCES CONTROL BOARD.
4. Authorize the Director of Parks and Recreation to apply for and accept grant funds from State Water Resources Control Board for PROJECTS THAT ADDRESS WATER QUALITY IN THE RIVERS THAT COME ACROSS THE BORDER FROM MEXICO, through the end of Fiscal Year 2023-24.
5. Establish appropriations of \$2,400,000 in the Capital Outlay Fund, for Capital Project 1026074 Tijuana River Valley Rehabilitation Project, based on funding from State Water Resources Control Board (\$2,000,000) and the California Department of Fish and Wildlife (\$400,000). **(4 VOTES)**
6. Authorize the Director of Parks and Recreation, or designee, to execute all required grant documents, including any annual extensions, amendments and/or revisions thereto that do not materially impact or alter the services or funding level.



7. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of Tijuana River Valley Rehabilitation Project.
8. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of Tijuana River Valley Rehabilitation Project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

### **EQUITY IMPACT STATEMENT**

The Otay Mesa-Nestor community has 1.08 acres of developed parkland per 1,000 residents. The County of San Diego's (County) General Plan has a minimum standard of at least three acres of local parks per 1,000 residents. Using the County's minimum standard and based on a build-out population of 64,500, the goal is to develop a total of 193.5 acres of parkland. The community is deficient by 122 acres. According to CalEnviroScreen 4.0, 11% of adults in the census tract of the site are unemployed. This places the Otay Mesa-Nestor community in the 85-100% category of needs when compared across the State. According to Healthy Places Index (HPI) 3.0, the community has an HPI score of 43.7. The community is 24% lower than the average City of San Diego average of 67.7.

The proposed project will remove four dilapidated structures and plant approximately seven acres of native vegetation. The addition of this vegetation will have a positive impact on the community by reducing urban heat island effects, improving air quality, and increasing infiltration during rain events. Urban heat island effect refers to the increase in temperature that results from the replacement of natural land cover with surfaces such as buildings, which retain heat. The proposed project will remove buildings and increase vegetation cover, which will decrease temperatures on the property and benefit surrounding areas.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed Tijuana River Valley Rehabilitation Project contributes to many of the County of San Diego's Sustainability Goals: protect health and wellbeing; protect ecosystems, habitats, and biodiversity; and reduce pollution and waste. This project is contributing to the health and wellbeing of the residents of Tijuana River Valley, an underserved community that has limited access to recreational activities and green amenities. The project will increase the native vegetation in the area, thus protecting the ecosystems, habitat, and biodiversity of the region. The addition of these plantings will contribute to the County's sustainability goals by reducing greenhouse gas emissions and reducing waste.

### **FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2022-23 Operational Plan in the Department of Parks and Recreation. If approved, these requests would establish appropriations of \$2,400,000 in the Capital Outlay fund for capital Project 1026074 Tijuana River Valley Rehabilitation based on grant funding secured from the State Water Resources Control Board (\$2,000,000) and the California Department of Fish and Wildlife (CDFW) Watershed Restoration Grant Program (\$400,000) for a total project funding of \$2,400,000. Today's actions

will result in costs of \$2,400,000 for Capital Project 1026074 Tijuana River Valley Rehabilitation Project. Construction costs are estimated at \$2,000,000 including contingency, and remaining funds of approximately \$400,000 will be used for related project expenses including design, inspection services, construction management, permitting and project administration. The funding sources are CDFW (\$400,000) and State Water Resources Control Board (\$2,000,000) grants.

Upon project completion, annual operations and maintenance will be provided by existing Department of Parks and Recreation staff. 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 took action as recommended, adopting Resolution No. 23-040, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING APPLICATION AND ACCEPTANCE OF GRANT FUNDING FROM THE STATE WATER RESOURCES CONTROL BOARD.

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

9. **SUBJECT: NOTICED PUBLIC HEARING:  
COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE  
ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND  
DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR  
2023-2024 (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 and 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 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 region, conducting more than 60,000 inspections and processing more than 19,000 land development permits annually.

This includes the issuance 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 April 27, 2022 (10). Since that time, the Departments have continued to provide services at the approved rates.

The fees proposed today for Fiscal Year (FY) 2023-24 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 Accessory Dwelling Unit (ADU) fee waivers. Due to the timing of the labor negotiations last fiscal year, the FY 2022-23 cost recovery proposal only included the standard assumptions and not all cost increases associated with the negotiated labor agreements; it was stated that these cost increases would be included in a future cost recovery proposal. Today's proposal reflects two years of salary and benefit cost increases based on negotiated labor agreements and equity adjustments due to the timing of the last cost recovery proposal and the approved labor agreements. Therefore, due to the timing of the approved labor negotiations in FY 2022-23, those changes, as well as FY 2023-24 costs, are reflected in this cost recovery proposal. 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, decrease one fee, delete zero fees, and add zero fees. Additionally, nine fees are proposed to not change. The Departments evaluated 110 intake deposits, and propose to increase 108 deposits, and decrease one deposit. Additionally, 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 9.5% increase, the average intake deposit change is a 10.3% increase, and the average hourly rate change is an 11.1% increase. For DPW, the proposed average flat fee increase requested is equivalent to a 4.0% increase, the average intake deposit change is a 14.0% increase, and the average hourly rate change is a 14.4% 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 8.0% increase.

These increases in PDS and DPW include costs for salary and benefits including increases due to the negotiated labor agreement that went into effect in FY 2022-23. 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 \$2,000,000 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 7.3%, and planning and land development hourly rates would have increased an additional 2.8% on average. For DPW, some fees would have increased 26%, and land development hourly rates would have increased an additional 3.6% on average without cost containment efforts.

Today's proposal requests three 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 to approve Board-directed fee waivers as part 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, permit fees associated with the Homeowner/Business Owner Relief Act, plan check, permit and impact fees associated with ADUs, 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, and waiving plan check, permit and impact fees associated with the construction of ADUs encourages additional housing availability. 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 third 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 3, 2023. If the Board approves the three action on May 3, 2023, after making necessary findings, the Board on May 24, 2023 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 \$3,494,280 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 3, 2023:**

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, Political Campaign Signage, Graffiti Abatement, and Urban Agriculture Incentive Zone program in Planning & Development Services.
3. 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 3, 2023, the Board takes the action recommended, then on May 24, 2023:**

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, such as the Accessory Dwelling Unit (ADU) fee waiver program, fees have been waived by the Board of Supervisors to ensure equal 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 \$2,000,000 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) 2023-24 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 \$2,380,469 in PDS, \$1,113,411 in DPW, and \$400 in DPR, effective FY 2023-24, a total amount of \$3,494,280. 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, 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 \$5,200,000 for Fiscal Year 2023-24 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 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, to further consider and adopt the Ordinance on May 24, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

- 10. SUBJECT: NOTICED PUBLIC HEARING:  
SET HEARING FOR MAY 24, 2023:  
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED  
TO FEES AND DEPOSITS IN THE DEPARTMENT OF  
ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL  
YEAR 2023-24 AND CEQA EXEMPTION (5/3/2023 - FIRST READING;  
5/24/2023 - 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 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, the Certified Unified Program Agency (CUPA) and medical waste program, as well as, 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 CUPA 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, 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 incident of vector-borne diseases and protects 70 miles of coastline by taking more than 6,000 water quality samples per year. 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 proposal was unanimously approved by the Board on April 27, 2022 (8). Since that time, DEHQ has continued to provide services at the approved rates. To provide relief to businesses impacted by the economic impacts of the pandemic, there was no fee increases in FY 2020-21 and FY 2021-22 for DEHQ. The Board approved the use of departmental one-time funds to offset fee increases in certain programs, such as discretionary projects, and food permits for microenterprise home kitchens and cottage food operations in FY 2022-23.

The fees proposed today for FY 2023-24 are necessary to address cost changes, such as increased salary and benefit costs, and to ensure full cost recovery, except where the Board has previously directed the waiver of fees, such as reduced fees for food, housing, pool, and temporary event permits for nonprofit organizations. Due to the timing of the labor negotiations last fiscal year, the FY 2022-23 cost recovery proposal only included the standard assumptions and not all cost increases associated with the negotiated labor agreements. Today's proposal reflects two years of salary and benefit cost increases based on negotiated labor agreements and equity adjustments due to the timing of the last cost recovery proposal and the approved labor agreements. Therefore, FY 2022-23 as well as FY 2023-24 costs are reflected in this cost recovery proposal.



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.

DEHQ evaluated 230 fees for this cost recovery proposal, and proposes to increase 214 fees, modify 1 fee, and add 1 fee. Additionally, 14 fees are proposed to not change. If approved, this proposal will increase individual fees by an average of 9.5% since the Board unanimously approved the last cost recovery proposal on April 27, 2022 (8).

Recognizing that many customers are still recovering from a three-year pandemic, and incurring rising costs due to inflation, DEHQ continues to focus on cost containment through innovation, efficiencies, and streamlining so that those savings can be applied where possible. Since FY 2016-17, DEHQ has applied \$639,000 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 and implementing a mobile app to conduct temporary event inspections; and implementation of 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 \$197,000 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 process improvements for facilities subject to the Above Ground Petroleum Storage Act in the CUPA program, automation of billing process for Hazardous Materials Division (HMD) programs, as well as, development and implementation of an updated inspection tracking log for the solid waste local enforcement agency, inspection report for the mobilehome parks inspection program, and mobile food facility plan templates. DEHQ also developed and implemented a new mobile app for the beach and bay water quality monitoring program to track daily environmental conditions observed while sampling. Combining prior year efforts, along with the efficiencies implemented this year, DEHQ has been able to apply a total of \$836,000 in savings from all cost containment measures to this proposal, reducing costs by 2%. Additionally, DEHQ is proposing to use \$1,664,906 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, pools, septic and HMD programs, and for discretionary projects. This use of available funding will benefit nearly 130,000 customers and help reduce costs by 7.5%. Without cost containment efforts (2%) and use of one-time department funding (7.5%), fees would need to increase an additional 9.5%, or on average by 19%.

Today's proposal requests 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 Sections 21080(b)(8) and 15273(a) of the CEQA Guidelines.

The second action is to find that the adjustments in fees and charges contained in proposed ordinance are necessary to meet operating expenses beginning in Fiscal Year 2023-24.

The third action is to approve a waiver of Board Policy B-29 related to fees not being full cost recovery for food, body art, pools, septic and HMD programs, and discretionary projects, and for reduced or waived fees for nonprofit organization food, housing, pool, and temporary event permits.

The fourth action is to approve the first reading of DEHQ's cost recovery proposal on May 3, 2023. If the Board approves the five actions on May 3, 2023, after making the necessary findings, the Board, on May 24, 2023, 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 2023-24. 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 \$2,120,091 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 3, 2023:

1. 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 Attachment F FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15273(a) setting forth the basis for the applicability of this exemption.
2. Find that the adjustments in fees and charges 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 operating expenses beginning in Fiscal Year 2023-24.

3. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for fees for the food, body art, pools, septic and Hazardous Materials Division programs, and discretionary projects, and reduced or waived fees related to nonprofit organization food, housing, pool, and temporary event permits.
4. Approve the introduction of the Ordinance, (first reading): 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 24, 2023 for consideration and adoption of amendments to the San Diego County Code of Regulatory Ordinances.

If, on May 3, 2023, the Board takes the actions recommended in items 1 through 5 above then, on May 24, 2023:

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 and that promote economic stability.

#### **FISCAL IMPACT**

The proposed increases to fees are included in the Fiscal Year (FY) 2023-24 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 \$2,120,091, including additional estimated costs and revenue of \$946,452 in the Food and Housing Division, \$622,849 in the Land and Water Quality Division, \$548,680 in the Hazardous Materials Division (HMD) and \$2,110 in the Community Health Division, effective FY 2023-24. 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, pools, septic and HMD programs, and discretionary projects. The total unrecovered cost, per Board Policy B-29, for permit fees that are not full cost recovery is \$1,664,906, and if approved, will be funded with \$1,102,871 in committed General Fund fund balance, and \$562,035 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 2023-24, 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 2023-24 is \$1,926,353. 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 Vargas, the Board of Supervisors closed the Hearing and took action as recommended, to further consider and adopt the Ordinance and set a Hearing for May 24, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

- 11. SUBJECT: SET HEARING FOR MAY 24, 2023:  
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED  
TO FEES IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS,  
AND MEASURES EFFECTIVE FISCAL YEAR 2023-24 AND CEQA  
EXEMPTION (5/3/2023 - FIRST READING; 5/24/2023 - 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, Verification of Agriculture, Apiary Certification, Apiary Registration, Hazardous Materials Inventory, Price Verification, and Weights and Measures Devices Programs.

This proposal provides the necessary resources and allows AWM to continue with outreach services that support public health and safety, a resilient food supply, continuing agricultural trade, enhanced 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 340,000 inspections annually regionwide. Fee-related programs ensure the acceptance of 10,500 agricultural export shipments at destination, the integrity of produce sold at 32 Certified Farmers Markets, and the verification of price accuracy at 4,600 different retail locations.

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 proposal was unanimously approved by the Board on April 27, 2022 (9). Since that time, AWM has continued to provide services at the approved rates.

The fees proposed today for Fiscal Year (FY) 2023-24 are necessary to address cost changes such as increased salary and benefit costs, and to ensure full cost recovery except where the Board has previously directed the waiver of fees, such as for the Agricultural Export and Certified Farmers Market fees. It is consistent with the Board's commitment for 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. Due to the timing of the labor negotiations last fiscal year, the FY 2022-23 cost recovery proposal only included the standard assumptions and not all cost increases associated with the negotiated labor agreements; AWM stated that these remaining cost increases would be included in a future cost recovery proposal.

Today's cost recovery proposal reflects the remaining cost increases from FY 2022-23 and the cost increases for FY 2023-24 relating to salary and benefit costs based on negotiated labor agreements and equity adjustments.

Approximately 85% of AWM's costs are fixed, such as salary and benefits, retirement, enterprise-wide services, and facilities, while 15% of AWM's costs such as services and supplies and salary savings when positions are vacant are discretionary, meaning costs are determined by AWM based on operational needs. This cost recovery proposal reflects known costs as accurately as possible and ensures full cost recovery to continue to deliver programs and services to our customers and communities, make data-driven decisions, and continue community outreach. By reviewing and updating fees on an annual basis, AWM can recover costs in a consistent and predictable manner, while also providing stakeholders an opportunity to plan for smaller, more incremental fee increases as stakeholders have requested.

AWM evaluated 78 fees for this cost recovery proposal and proposes to delete one fee, increase 25 fees, decrease one fee, and leave 51 fees unchanged. Of the 51 unchanged fees, 46 are capped by the State in which 38 are related to the Weights and Measures device annual registration and eight are for pesticide regulation annual business registration, and five are related to services infrequently requested by customers for Verification of Agriculture, Agricultural Export, and Weights and Measures Programs.

The AWM fee adjustment in this cost recovery proposal will generate \$90,892 in additional revenue which is equivalent to an \$8 or 5.6% increase on average per fee. These increases include costs for salary and benefits based on the 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 this funding and savings from operational efficiencies in this proposal were applied to the programs to mitigate the cost increases. The General Purpose Revenue (GPR) support is consistent with the Board's commitment for 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.

In FY 2021-22, the total cost of all agricultural programs was \$19.7 million. Local growers paid a fee total of \$772,885, or 4%, and out-of-county agricultural operators a fee total of \$457,079, or 2% of the total program costs. The remaining 94% of program costs were covered by the government/taxpayer: the County provided \$5.3 million, or about 27%, while State and federal contributions of \$13.2 million covered about 67%. 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 \$416,763 in State supplemental funding is applied to contain the cost increases for the eligible agricultural programs in this cost recovery proposal.

AWM's continuing effort to leverage the use of technology and business process streamlining where possible are essential to contain cost increases, improve customer service, and promote regulatory compliance. AWM has obtained additional efficiency gains through innovation and streamlining business processes including the expedited data entry and certificate issuance in our Certified Farmers Market and Agricultural Export Programs. These business process improvements include streamlining the review process for grower and market certification and using a new mobile app for faster data input for plant shipment certificates. There also continue to be efficiency gains due to staff proficiency in previously implemented cost containment measures such as virtual video inspections and the use of mobile field inspection apps, which save time by reducing either travel or paperwork associated with completing inspections. AWM also continues to leverage efficiency gains from consolidating activities with dedicated staff to reduce training hours, combining field inspections to reduce billable time, improving compliance actions templates, and the use of resource documents, such as checklists and tutorials, to increase industry engagement in maintaining compliance. These efforts resulted in a saving of \$50,884 that is applied to reduce the cost increases in this proposal. Without these operational efficiencies, fees would have needed to increase an additional 3.4% on average.

The Board unanimously approved the last cost recovery proposal for AWM on April 27, 2022 (9). The fees proposed for FY 2023-24 are necessary to recover cost increases, such as increased salary and benefit costs, and to ensure full cost recovery, except where the Board has previously directed the waiver of fees. AWM proposes these fee adjustments to be effective July 1, 2023.

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 24, 2023, for consideration and adoption of the ordinance. The third action is to approve a waiver of Board Policy B-29 for a total of \$244,765 for operational costs of the Agricultural Export, Certified Farmers Market, 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, continuing agricultural trade, enhanced consumer confidence, and a sustainable environment, and serves as required matching funds for State supplemental funding. 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 3, 2023. If the Board approves the four actions on May 3, 2023, after making the necessary findings, the Board on May 24, 2023, 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 \$90,892 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 and reduced ability to perform research and data analysis to support data-driven decision-making. 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 and the change 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 3, 2023:

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 May 24, 2023, 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 Agricultural Export, Certified Farmers Market (Direct Marketing), and Industrial Hemp Cultivation Programs.

4. Approve the introduction of the Ordinance (first 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.**

If on May 3, 2023, the Board takes action as requested in Recommendations 1 through 4 above, then on May 24, 2023:

Consider and adopt the Ordinance amending Section 364.3 of 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, a diverse local economy, and environmental sustainability in our regulatory programs and services. AWM uses County approved methodology to ensure regulated businesses receiving AWM's services are responsible for the associated costs, rather than the general public. This proposal supports food security in underserved communities by providing access to locally grown fresh produce and promotes business continuity for the many small-scale farmers. It 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 to ensure fair business practices.

#### **SUSTAINABILITY IMPACT STATEMENT**

The Agriculture, Weights, and Measures (AWM) Fiscal Year 23-24 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 adjustment to the fees and hourly rates is 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 pests, maintain standards at Certified Farmers Market (Direct Marketing), provide compliance monitoring of industrial hemp cultivation, and support apiary standards. They also ensure the continuity of agricultural resources that contribute to environmental sustainability and support efforts to mitigate climate impacts. This proposal aligns with County of San Diego's sustainability goals for economy, environment, climate, and resilience.

#### **FISCAL IMPACT**

The proposed increases to fees are included in the Fiscal Year (FY) 2023-24 CAO Recommended Operational Plan in Agriculture, Weights, and Measures (AWM).

If approved, the fee and hourly rate adjustments for Agricultural Export, Certified Farmers Market (Direct Marketing), Industrial Hemp Cultivation, Verification of Agriculture, Apiary Certification, Hazardous Materials Inventory, Price Verification, and Weights and Measures Devices Programs will result in additional estimated costs and revenue of \$90,892 and deletion of Apiary Registration fees would result in a reduction of costs and revenue of \$570 in AWM effective FY 2023-24. 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 Agricultural Export, Certified Farmers Market, and Industrial Hemp Cultivation Programs do not cover all operating costs. The total unrecovered cost per Board Policy B-29 for FY 2023-24 is approximately \$244,765 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.

#### **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, to further consider and adopt the Ordinance and set a Hearing for May 24, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: Fletcher

**12. SUBJECT: 2023 HOUSING ZONING ORDINANCE UPDATE; PDS 2022-22-004  
(DISTRICTS: ALL)**

#### **OVERVIEW**

This is a request for the Board of Supervisors (Board) to consider and approve the proposed 2023 Housing Zoning Ordinance Update (Update). This action proposes to update the County of San Diego's (County) Zoning Ordinance to implement 21 housing-related state laws adopted by the California legislature since 2018. These laws were enacted to increase overall housing production, affordable housing, and homeless housing. The Update will support the development of housing that is affordable to lower-income, moderate-income, and middle-income families by facilitating the development of Accessory Dwelling Units (ADUs), small-scale multifamily development, small single-family homes, deed-restricted affordable housing, and homeless shelters. The County is required to comply with new state legislation upon the effective date of the legislation and similar updates have occurred in the past to align County code with new state laws, most recently in 2019. These updates are mandatory and usually occur every two years, but this update was postponed due to the Coronavirus pandemic and the allocation of staff resources towards other housing efforts such as the Housing Element Update. The County is already implementing the changes included in the Update through its practices, including informational handouts, forms, and application materials and following any prescribed processes. A summary of all the legislation being implemented as part of the Update can be found in Attachment D.

The purpose of this Update is to align the Zoning Ordinance with these new state requirements and to provide more clarity to the public and staff when implementing housing regulations. This Update is included as action items in the 6th Cycle Housing Element Implementation Plan. California Government Code section 65585(i) requires that the County implement all state policies, programs, and actions identified in the Housing Element within the 2021 to 2029 planning period in order to maintain Housing Element certification.

Staff is currently working on projects that will allow the County to go beyond state law and facilitate housing production by: making more housing projects “by-right”, which means removing steps from the permitting processes and reducing the time, cost, and risk to develop housing in certain locations; streamlining senior housing developments by reducing permitting requirements; allowing smaller home types that are likely to be naturally more affordable through a small lot subdivision ordinance; further streamlining ADU construction, and developing an inclusionary housing policy that will produce additional affordable housing. These efforts will be brought forward separately to allow for stakeholder engagement, environmental analysis where required, and build on the ordinance updates presented today. Additional changes that go beyond state laws would be considered as part of these efforts to move housing forward as quickly as possible. Staff can provide an update on these efforts within the calendar year as part of ongoing housing-related efforts such as the Transformative Housing Solutions Board Memo, the Housing Element Annual Progress Report, or the Housing Blueprint effort.

In addition to aligning the Zoning Ordinance with new state laws, the Update will also align with the County’s 6th Cycle Housing Element, which is a mandatory element of the General Plan. The Housing Element includes state-approved policies, programs, and an Implementation Plan to increase housing opportunities in the unincorporated county. State law requires that the Housing Element be reviewed and certified by California Department of Housing and Community Development (state HCD), and non-compliance can result in the County losing eligibility to receive state grants and being subject to litigation. The Update will implement four programs included in the Housing Element Implementation Plan that capture changes in state law, that are not yet reflected in the Zoning Ordinance. These include requirements for new development to replace affordable housing units demolished as a result of housing redevelopment on any site (Program 3.1.1.I), requirements applicable to ADUs (Program 3.1.4.A), requirements applicable to affordable housing developments (Program 3.2.1.A) and amend the County’s ordinance to address state laws regarding the development of homeless shelters (Program 3.3.1.B). These Housing Element Implementation Plan programs are described in the Project Analysis section of this report. A second phase of Housing Zoning Ordinance amendments is also included in the 6th Cycle Housing Element and will be initiated in Spring 2023. This phase will involve more comprehensive changes to the Zoning Ordinance to ensure that regulations such as building type, lot size, and height do not act as barriers to housing development and properties are able to build out to their full potential. This phase will also review the Zoning Ordinance to ensure regulations allow for the construction of various and innovative building types such as tiny homes and prefabricated housing units and provide provisions to require Regional Housing Needs Assessment (RHNA) sites achieve maximum allowable densities.

Today staff will provide an overview of the new state laws addressed in the Update, requirements that the County must comply with when reviewing and approving new housing developments, and the input received during public outreach events and the public review conducted for the Update. Based upon state mandate pursuant to California Government Code section 65585(i) and staff's analysis, Planning & Development Services (PDS) recommends approval of the proposed Update.

## **RECOMMENDATION(S)**

### **PLANNING COMMISSION**

On February 17, 2023, the Planning Commission considered the 2023 Housing Zoning Ordinance Update and made the following recommendations to the Board of Supervisors (Board):

1. Find that the General Plan Environmental Impact Report (EIR), dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, was completed in compliance with the California Environmental Quality Act (CEQA) and the state and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum (PDS-2023-ER-00-001) thereto dated January 13, 2023, on file with PDS, prior to making its recommendation on the Update.

Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated August 3, 2011; that there is no substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist (PDS-2023-ER-00-001) dated January 13, 2023.

2. Recommend that the Board of Supervisors adopt the attached form of Ordinance with the following amendments:  
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE SECTION 1000, 2000, 4000, 5000, AND 6000 RELATED TO HOUSING LAW REGULATIONS (Attachment A - Clean & Attachment B - Strikeout).

Amending item 6 in section 25 of the Ordinance (Attachment A and B) to expand the area where density bonuses apply for 100% affordable housing apply from within one half of a mile from a major transit stop to within one mile from a major transit stop as defined by subdivision (b) of Section 21155 of the Public Resources Code.

### **STAFF RECOMMENDATION**

Planning & Development Services concurs with the Planning Commission's recommendations to the Board of Supervisors.

### **EQUITY IMPACT STATEMENT**

Planning & Development Services (PDS) recognizes the systemic impacts that inequitable policies create for residents of the San Diego region. The 2023 Housing Zoning Ordinance Update (Update) seeks to equitably address the unincorporated area's housing needs by

implementing state laws that help facilitate the development of housing for the homeless, deed-restricted affordable housing, and housing for middle-income families. In addition, the project will implement four (4) Housing Element implementation programs. The Housing Element contains goals and policies to increase fair and affordable housing, develop more housing options in all communities, and house people experiencing homelessness. Through the implementation of the Update and implementation of Housing Element programs, the County will continue to actively engage with communities to identify and address their needs and assist in addressing the disproportionate impacts of housing affordability on different communities within the unincorporated County.

#### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to approve the 2023 Housing Zoning Ordinance Update (Update) will address new requirements from state housing law. This Update seeks to increase affordable housing development and expand housing opportunities for communities across the unincorporated county by allowing ministerial approval for homeless housing in certain zones, reducing restrictions on ADUs, allowing small lot subdivisions in multifamily zones, and offering additional incentives for affordable and special need housing development. Through engaging with these communities during this process, this Update advances Sustainability Goals #1 and #2 to provide just and equitable access to County policy decision-making in support of sustainable communities. This Update also incentivizes development of new housing in Vehicle Miles Traveled (VMT) Efficient Areas and near major transit stops, which will result in lower carbon emissions and supporting Sustainability Goal #3 of transitioning to a green, carbon-free economy.

#### **FISCAL IMPACT**

There is no fiscal impact associated with the adoption of 2023 Housing Zoning Ordinance Update as presented today. Funding for implementation costs will need to be identified as part of the annual budget process and will proceed once identified. Planning & Development Services will monitor its budget and revenue sources and return to the Board to incorporate in future budgets as funding becomes available. At this time, there is no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

This item was withdrawn at the request of the Chief Administrative Officer.

### **13. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

#### **OVERVIEW**

Summer Light spoke to the Board regarding the San Marcos Landfill.

Gail Reicht spoke to the Board regarding the San Marcos Landfill.

Bryant Rumbaugh spoke to the Board regarding public engagement, homelessness, and government funds.

Consuelo spoke to the Board regarding public engagement.

Paul Henkin spoke to the Board regarding low-income residents and affordable housing.

Diane Grace spoke to the Board regarding the negative impacts of marijuana use and the development of the brain.

Barbara Gordon spoke to the Board regarding the negative impacts of marijuana use and mental health treatment.

Kevin Stevenson spoke to the Board regarding the special election for District 4.

Ann Riddle spoke to the Board regarding programs proposed for mental health personnel.

John Bottorff spoke to the Board regarding lead exposure and aviation fuel at airports.

Kathleen Lippitt spoke to the Board regarding the effects of marijuana smoke exposure.

Becky Rapp spoke to the Board regarding accidental ingestion of marijuana products in youth.

Audra M. spoke to the Board regarding public engagement at Board meetings.

Audrey Reynolds spoke to the Board regarding neglected horses within the department of Animal Services.

Truth spoke to the Board regarding public engagement at Board meetings.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 3:12 p.m.

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

Consent: Perez

Discussion: Zurita

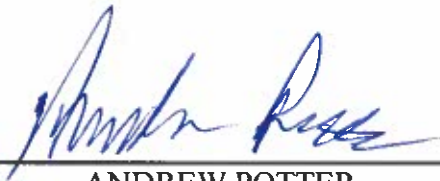
NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, May 24, 2023.

A handwritten signature in blue ink, appearing to read "Nora Vargas", is written over a horizontal line.

NORA VARGAS  
Chair

Attest:

A handwritten signature in blue ink, appearing to read "Andrew Potter", is written over a horizontal line.

ANDREW POTTER  
Clerk of the Board

05/03/2023