

May 5, 2020

STATEMENT OF PROCEEDINGS

The Minutes of the

***AIR POLLUTION CONTROL BOARD
REGULAR MEETING***

**COUNTY OF SAN DIEGO
AIR POLLUTION CONTROL DISTRICT**

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL BOARD
REGULAR MEETING
MEETING AGENDA
TUESDAY, MAY 5, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

A. **REGULAR SESSION:** Meeting was called to order at 9:01 a.m.

PRESENT: Members Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob; Kristin Gaspar; Nathan Fletcher; also, Andrew Potter, Clerk of the Board of Supervisors.

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

B. **Public Communication:** Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Agenda Items

Agenda #	Subject
1.	BUSINESS STABILITY DURING THE COVID-19 CRISIS [FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE] (4 VOTES) (RELATES TO BOARD OF SUPERVISORS AGENDA NO. 16)

**1. SUBJECT: BUSINESS STABILITY DURING THE COVID-19 CRISIS
(DISTRICTS: ALL)**

OVERVIEW

As a result of the COVID-19 health crisis and the Executive Orders from Governor Newsom to stay at home, the Board of Supervisors (Board) approved Vice-Chairman Jim Desmond's and Supervisor Kristin Gaspar's recommendation on March 24, 2020 (22) to provide food facilities a six-month payment deferral of annual health permit fees, plan check fees, and late fees. Additionally, the Board approved a recommendation directing the Chief Administrative Officer to analyze County requirements that may inhibit businesses from swiftly reopening once the health order is lifted and provide a report back to the Board.

On April 24, 2020, a memo titled, "County of San Diego Requirements That May Inhibit Businesses Impacted by the Coronavirus Global Emergency from Swiftly Reopening Once the Public Health Order is Lifted" (memo) was issued by Sarah E. Aghassi, Deputy Chief Administrative Officer of the Land Use and Environment Group outlining potential solutions to aid businesses and the local economy affected by the COVID-19 health crisis emergency. Potential solutions include permit and inspection fee waivers and deferrals, lease payment deferrals, ordinance amendments, new programs, and extended services.

Today's action will Direct the Chief Administrative Officer to implement specific options as described in the memo.

RECOMMENDATION(S)

VICE-CHAIRMAN JIM DESMOND AND SUPERVISOR KRISTIN GASPAR

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines."
2. Direct the Chief Administrative Officer and Air Pollution Control Officer to take the necessary steps to implement the following selection of options as itemized in the April 24, 2020 memo titled, "County of San Diego Requirements That May Inhibit Businesses Impacted by the Coronavirus Global Emergency from Swiftly Reopening Once the Public Health Order is Lifted."

Business Processes Streamlining, Changes or Waivers

- a. DEH - Shift Small Quantity Medical Waste Generator Inspections to a Registration Program
- b. DEH -New Minimal Inventory Variation/Low-Risk Business Type Flat Fee Category for Hazmat Facilities
- c. DEH - Revision of Fee Structure for Regulated Underground Storage Tank Facilities
- d. DEH - Eliminate Local Requirement for the Submittal of Redundant Supplemental Chemical Reporting to the CERS Website

- e. Stay Limited Enforcement of Zoning Ordinance for Impacted Businesses
 - i. Add criteria for restaurants and similar businesses to use parking areas as customer dining/seating
 - ii. Add criteria for curbside pickup for dining establishments
- f. Waiver Building Permit and Plan Check Fees for Remodels
- g. Waiver of Centerline Ordinance Review Costs
 - i. For ministerial permit types only

Deferral of Fees and/or Permits

- a. AWM Agricultural Export Certification Fees
- b. AWM Hazardous Material Permit Fees for Agricultural Operations
- c. AWM Direct Marketing Fees
- d. AWM Price Verification and Weights & Measures Devices Registration Fees
- e. DEH Annual Permit Fees for Body Art, Massage, and Camp Inspections
- f. DEH Swimming Pool Permit Fees
- g. DEH Hazardous Materials Facility Permit Fees
- h. DEH Small Drinking Water Systems Permit and Plan Check Fees
- i. DAS Kennel Application Fee
- j. Fire Authority Fire Safety Site Plans and Special Events

Lease Agreements

An extension to September 30, 2020 of the rent-deferral period and moratorium on evictions directed by the Board on April 7, 2020 (4) for renters of County-owned commercial or residential property in the incorporated and unincorporated areas. The repayment period shall begin on October 1, 2020 and shall otherwise remain the same as earlier directed by the Board.

- 3. Direct the Chief Administrative Officer to take the necessary steps to establish a new “Revitalization and Assistance Program” as described in the April 24, 2020 memo titled, “County of San Diego Requirements That May Inhibit Businesses Impacted by the Coronavirus Global Emergency from Swiftly Reopening Once the Public Health Order is Lifted.”

4. Establish appropriations of \$1,030,000 in the Department of Environmental Health, Services & Supplies, for the six-month waiver of plan check fees for restaurants based on COVID-19 health emergency federal or State funding, or available prior year General Fund fund balance. **(4 VOTES)**
5. Establish appropriations of \$420,000 in the Department of Planning & Development Services, Services & Supplies, for the six-month waiver of permit fees for restaurants or related small businesses for tenant improvements and Centerline Ordinance plan check reviews of ministerial permit types based on COVID-19 health emergency federal or State funding, or available prior year General Fund fund balance. **(4 VOTES)**
6. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for services provided under fees.
7. Establish appropriations of \$250,000 in the Department of Planning & Development Services, Services & Supplies, to establish a revitalization and assistance program based on COVID-19 health emergency federal or State funding, or available prior year General Fund fund balance. **(4 VOTES)**
8. For the six-month deferral of fees, permits and lease agreements, if the deferrals are not recouped and the costs of the activities are determined to be eligible for COVID-19 health emergency federal or State funding, this should first be applied as the funding source. If not eligible, the funding source is available prior year General Fund fund balance.
9. If the costs for Recommendations 4, 5, and 7 are eligible for COVID-19 health emergency federal or State funding, these funds should be used to recoup costs.
10. Direct the Air Pollution Control Officer to take the necessary steps to implement the following option as itemized in the April 24, 2020 memo titled, "County of San Diego Requirements That May Inhibit Businesses Impacted by the Coronavirus Global Emergency from Swiftly Reopening Once the Public Health Order is Lifted."

Deferral of Fees and/or Permits

- a. APCD Permit Renewal Fees

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2019-20 Operational Plan for Department of Environmental Health (DEH) and Department of Planning & Development Services (PDS). If approved, this request will result in costs and revenues of \$1,700,000 in FY 2019-20, for the six-month waiver of plan check and permit fees for restaurants or related small businesses for tenant improvements and Centerline Ordinance plan check reviews of ministerial permit types. A six-month deferral of fees, permits, and lease agreements would result in delay cash flows of \$15,783,900. If not recouped and no additional funding is provided, service levels would be impacted by 135.45 staff years. A waiver of Board Policy B-29 is requested because of the proposed fee waivers. If the costs of the activities in these recommendations that establish appropriations is determined to be eligible for COVID-19 health emergency federal or State funding, this should first be applied as the funding source. If not eligible, the funding source is available prior year General Fund fund balance. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

These actions will have a direct positive impact to businesses by waiving and deferring fees, deferring lease payments on County-owned property, and creating a new business assistance program.

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 16)

ACTION:

ON MOTION of Member Desmond, seconded by Member Gaspar, the Air Pollution Control Board of the San Diego County Air Pollution Control District took action as recommended.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

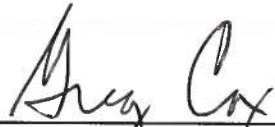
There being no further business, the Air Pollution Control Board of the San Diego County Air Pollution Control District adjourned at 3:03 p.m.

ANDREW POTTER
Air Pollution Control Board
San Diego County Air Pollution Control District

Notes: Caro

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

Approved by the Members of the Board, on Wednesday, June 24, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

05/05/2020 AIR POLLUTION CONTROL BOARD