

May 22, 2024

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
WEDNESDAY, MAY 22, 2024, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:11 a.m.

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

ABSENT: Supervisor Terra Lawson-Remer

- 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 May 1, 2024.

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 May 1, 2024.

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

- F. Consent Calendar
- G. Discussion Items

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|--|
| 1. | APPROVE AND RATIFY FISCAL YEAR 2023-24 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM AND RELATED CEQA EXEMPTION
[FUNDING SOURCES: GENERAL PURPOSE REVENUE AND 1991 HEALTH REALIGNMENT REVENUE FROM THE STATE AS BUDGETED] |
| 2. | 2023 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT AND RELATED CEQA EXEMPTION |
| 3. | ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR 2022-2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PEDESTRIAN FACILITY IMPROVEMENT PROJECTS (S. MAIN AVE AT W. AVIATION, FALLBROOK AND D STREET AT 11TH STREET, RAMONA) AND RELATED CEQA EXEMPTION
[FUNDING SOURCE: COMMUNITY DEVELOPMENT BLOCK GRANT]
(4 VOTES) |
| 4. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2024-25 AND CEQA EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)
[FUNDING SOURCE: FEES PAID BY AWM CUSTOMERS] |
| 5. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES AND DEPOSITS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL YEAR 2024-25 AND CeQA EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)
[FUNDING SOURCE: FEES PAID BY DEHQ CUSTOMERS] |
| 6. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COST RECOVERY PROPOSAL TO adopt ordinances related to fees and deposits TO LAND DEVELOPMENT EFFECTIVE FISCAL YEAR 2024-2025 AND CeQA EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)
[FUNDING SOURCE: FEES PAID BY PRIVATELY INITIATED LAND DEVELOPMENT PROJECTS AND BUILDING PERMIT APPLICANTS] |

7. NOTICED PUBLIC HEARING:
MOUNT OLYMPUS COUNTY PRESERVE - APPROVE ACQUISITION OF
APPROXIMATELY 220 ACRES OF OPEN SPACE LAND AND RELATED
CEQA EXEMPTION (MORITZKY TRUST) (4/10/2024 - SET HEARING;
5/22/2024 - HOLD HEARING)
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND FUND
BALANCE AND EXISTING DPR GENERAL PURPOSE REVENUE]
8. NOTICED PUBLIC HEARING:
UPDATES TO FIRE SAFETY GUIDELINES AND STANDARDS DURING
ENVIRONMENTAL REVIEW IN THE UNINCORPORATED AREAS AND
FINDING THESE UPDATES ARE NOT SUBJECT TO CEQA
9. NOTICED PUBLIC HEARING:
UPDATE ON DEVELOPING A COUNTY OF SAN DIEGO VEHICLE MILES
TRAVELED (VMT) MITIGATION PROGRAM AND ASSOCIATED
EXEMPTION TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
[FUNDING SOURCE: ONE-TIME GENERAL PURPOSE REVENUE]
10. NON-AGENDA PUBLIC COMMUNICATION

THIS PAGE IS INTENTIONALLY LEFT BLANK.

1. SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2023-24 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM AND RELATED CEQA EXEMPTION (DISTRICTS: 1, 3, & 5)

OVERVIEW

Since 1999, the Department of Environmental Health and Quality (DEHQ) has entered into a revenue agreement annually with the State to receive funds to implement the State-mandated dry weather Beach and Bay Water Quality Monitoring Program (Program). This Program collects samples and tests ocean water, conducts public education and outreach, posts signs warning the public when water does not meet State health standards, and posts beach water contact closures when beach water is impacted by sewage or chemical spills. Up-to-date beach water quality information is also made available to the public at www.sdbeachinfo.com so that beach users can make informed decisions about where and when to enter the water.

California State law, specifically Health and Safety Code, Chapter 765, Sections 115875 - 115915, provides requirements for beach water quality testing and public notification when test results indicate an increased risk of illness during water contact. The State law establishes criteria to identify the beach water testing locations and frequency of monitoring for water quality. The law also sets the process for providing information to the public on beach water quality conditions and issuing water contact closures for sewage impacts. The criteria identifies beaches: 1) that are visited by more than 50,000 people per year and 2) that are adjacent to a storm drain that flows during dry weather. Beaches that meet these criteria must be monitored at least weekly during the dry weather season from April 1 through October 31, the period that they are most visited. Monitoring must be conducted by the local health officer, director of environmental health, or designee during a given fiscal year in which the Legislature has appropriated sufficient funds for local agencies to perform this work during the dry weather months. During the wet weather period from November 1- March 31, DEHQ continues to monitor the beaches, but reduces sample locations. The appropriated funds are distributed through State revenue agreements with the State Water Resources Control Board (SWRCB).

The total cost of the proposed Beach and Bay Water Quality Monitoring Program for Fiscal Year 2023-24 is anticipated to be approximately \$776,557. The revenue agreement will fund \$367,383 made available through the SWRCB Public Beach Safety Grant Program, which consists of \$201,958 federal and \$165,425 State pass-through funds.

In addition to the funding received through the revenue agreement with the SWRCB, the County of San Diego (County) also receives a fixed amount of ongoing 1991 Health Realignment revenue from the State which is used to support and cover costs associated with public health, mental health, and social services program responsibilities transferred from the State. The Beach and Bay Water Quality Monitoring Program is one of these programs and is allocated funds each year based on the program revenue gap.

DEHQ will use \$289,174 of 1991 Health Realignment revenue and \$120,000 General Purpose Revenue for water testing in FY23-24 Beach and Bay Water Quality Monitoring Program. This accounts for expenditures not allowable under the revenue agreement, such as monitoring during

wet weather months, from November 1 to March 31. Monitoring in wet weather months is needed as beaches in our region are used year-round. The 1991 Health Realignment revenue also funds County support costs such as overhead and facilities costs, which are capped at 10% of federal funding and 20% of State funding under the revenue agreement. A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* is requested in the amount of \$409,174 for program costs not covered by the revenue agreement and to implement a year-round Beach and Bay Water Quality Monitoring Program throughout the coastal shoreline. In addition, ratification is requested, as delayed receipt of the State 2023 agreement prevented DEHQ from bringing this agreement to the Board at least 60 days before the effective date of the agreement, July 1, 2023, and work began before the agreement was in place, as required by Board Policy B-29. The County received a final revenue agreement from the SWRCB on February 26, 2024.

Today's action, if approved by the Board of Supervisors, will waive Board Policy B-29 and adopt a resolution that authorizes the DEHQ Director, or their designee, to execute a revenue agreement with the SWRCB in the amount of \$367,383 for the period of July 1, 2023, through August 15, 2024 to fund the Beach and Bay Water Quality Monitoring Program and authorize DEHQ to receive the funds.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment and that it is therefore exempt from CEQA.
2. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, which requires full cost recovery for revenue contracts as well as docketing revenue contracts with the Board at least 60 days prior to the effective date of the contract.
3. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2023-24.
4. Authorize the Director, Department of Environmental Health and Quality, or their designee, to execute any extensions, amendments, or revisions thereof that do not materially impact or alter either the program or funding level.

EQUITY IMPACT STATEMENT

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

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

SUSTAINABILITY IMPACT STATEMENT

The Beach and Bay Water Quality Monitoring Program contributes to many of the County of San Diego's Sustainability Goals: protect health and wellbeing; engage the community; and protect ecosystems, habitats, and biodiversity. Ensuring that the public is informed of potential health risks related to water contact allows residents and visitors to make informed decisions about whether or not to enter the water while enjoying the natural resources found in the 70 miles of coastline with the region. Safe access to beaches promotes exercise and positive physical and mental health.

Poor water quality at beaches not only threatens the health of swimmers and beachgoers but also hurts our ocean-dependent economy, such as tourism and recreation. Additionally, education and outreach efforts lead to strong connections between people and beaches. These benefits impact beach visitors of all ages, abilities, and financial resources.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2023-24 Operational Plan in the Department of Environmental Health and Quality (DEHQ). Current fiscal year Beach and Bay Water Quality Monitoring program costs and revenue are budgeted as \$776,557. If approved, this request will result in securing \$367,383 funding sources from a revenue agreement with the State Water Resources Control Board. The additional funding sources are General Purpose Revenue (\$120,000) and 1991 Health Realignment revenue from the State (\$289,174) as budgeted. A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* is requested in the amount of \$409,174 for program costs not covered by the revenue agreement, including County support costs which are capped under the State revenue agreement, and for wet weather monitoring. Subsequent year costs and revenues will be included in future year Operational Plans for DEHQ. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, and adopted Resolution No. 24-045, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2023-2024.

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

2. SUBJECT: 2023 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

San Diego County has one of the most diverse habitats in the United States, with over 200 rare, threatened, or endangered species inhabiting the region. To protect the region's biodiversity, in 1997, the County of San Diego (County) partnered with 11 other jurisdictions, community stakeholders, the United States Fish and Wildlife Service, and the California Department of Fish and Wildlife (Wildlife Agencies) to develop the Multiple Species Conservation Program (MSCP). The MSCP is a long-term regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within the San Diego region. On October 22, 1997 (1), the County Board of Supervisors (Board) adopted the 50-year MSCP South County Subarea Plan, which includes the unincorporated areas in the southwestern portion of the region. The South County Subarea Plan requires the County, Wildlife Agencies, and partnering agencies to conserve 98,379 acres (MSCP Preserve).

Every year, the County prepares an annual report that includes information about habitat conserved through acquisitions or dedications of preserve lands, habitat lost due to development, and the management and monitoring efforts performed to ensure the MSCP Preserve is functioning successfully. The 2023 MSCP Annual Report demonstrates that the County is ahead of its acquisition goals and is successfully managing and monitoring habitat in accordance with requirements established in the MSCP South County Subarea Plan.

Technical analysis completed for the South County Subarea Plan determined that the MSCP Preserve goal of 98,379 acres is the area needed to successfully conserve populations of MSCP-covered species, associated high-quality habitats, and the wildlife linkages between large, conserved areas. Habitat that is mostly intact or has not been degraded, such as from development activities or frequent fires, is generally considered to be high-quality. To create opportunities for residents and visitors to connect with nature, passive recreation is allowed within County preserve lands in areas where MSCP-covered species and habitats would not be impacted.

In addition to the adopted South County Subarea Plan, there are two additional MSCP plan areas in the unincorporated county: the draft North County Plan and future East County Plan. On October 28, 2020 (6), the Board directed staff to develop a plan for the draft North County Plan Area. The draft North County Plan will cover the northwestern portion of the unincorporated area and is anticipated to be brought to the Board for consideration in Fiscal Year 2025-26. The eastern portion of the unincorporated area is covered by the future East County Plan, which will be prepared after the North County Plan is adopted. The County's partnership with the Wildlife Agencies, through the MSCP, ensures the unincorporated area's rich biodiversity is conserved while allowing development to occur through the County's permitting process. Through the MSCP, development applicants can rely on the County's permits under the Federal Endangered Species Act, California Endangered Species Act, and State Natural Community Conservation Planning Act, eliminating the need for individual project-by-project permitting under these regulations.

The Department of Parks and Recreation (DPR) implements the MSCP in all three County MSCP planning areas through land acquisition, management, and monitoring of preserve lands to ensure preservation of sensitive species and habitat. DPR evaluates multiple factors when considering open space land for potential acquisition and inclusion into County Preserves, including biology, connectivity, accessibility, and value. DPR's analysis of potential open space acquisitions also includes a sustainability perspective with a cross-departmental Acquisition Roundtable team consisting of staff from the Land Use and Environment Group (LUEG), Department of General Services (DGS), the Department of Public Works (DPW), the Department of Environmental Health and Quality (DEHQ), Planning & Development Services (PDS), and Agriculture, Weights and Measures (AWM). This coordination ensures alignment with the County's sustainability efforts including habitat and species conservation, connectivity, public access, flood and stormwater control, fire risk reduction, groundwater conservation, water and air quality, and achievement of greenhouse gas (GHG) emission reductions and other climate goals under the draft Climate Action Plan (CAP) update and Regional Decarbonization Framework. In addition to DPR, PDS implements the MSCP through the permitting process and the contribution of conserved lands dedicated from private development projects to the MSCP Preserve.

The County has successfully implemented the South County Subarea Plan for 26 years, adding 411 acres in 2023, which brings the conserved lands in this area to 82% of the 98,379-acre conservation goal (80,519 acres). Federal, State, County, and local non-profit partner acquisitions, as well as private development mitigation, all conserve lands that are included within the MSCP Preserve. The County's contribution toward the MSCP Preserve is about 13,380 acres. However, across the MSCP South County Subarea, the draft North County, and future East County Plan Areas, the County has acquired about 27,120 acres of preserve lands between 1998 and December 31, 2023. These County acquisitions have cost approximately \$235 million, of which about \$138 million was from County funding and about \$97 million was from partnering organizations and grants.

The South County Subarea Plan has 85 covered species within the MSCP Plan area that must be protected. The County is obligated to meet certain management and monitoring requirements for the protection of these MSCP-covered species. MSCP Preserve monitoring assesses the success of the South County Subarea Plan and ensures that the habitats and species conserved on the preserve lands are successfully maintained and enhanced. The MSCP monitoring program on County Preserves includes various monitoring efforts, including implementation of the Targeted Monitoring Plan, baseline inventory surveys, research partnerships, and special-status species monitoring. DPR manages and monitors vegetation communities within County preserve lands that provide habitat for these special-status species and MSCP-covered species. In addition, DPR manages and monitors MSCP-covered species at the species level. MSCP-covered species monitoring focuses on species for which population-level monitoring is considered critical for effective management. The data collected from the monitoring efforts is used to track natural fluctuations in populations, mostly driven by precipitation amounts, and habitats as well as identify when adaptive management strategies are needed. DPR is also working with its federal, State, and local partners to assess the overall MSCP Preserve habitat and species goals and objectives. This includes analyzing, from a regional perspective, habitat and species monitoring data across the 80,519 acres. This effort will be ongoing through the term of the permit in 2048.

Today's requested action is for the Board to receive the 2023 Annual Report. The Annual Report highlights the monitoring efforts conducted for sensitive plant and animal species within the South County Subarea Plan boundaries that ensure the long-term viability of habitat and species. In addition, the Annual Report highlights land stewardship activities for preserve lands, such as installing fencing and signage, patrolling preserve lands, managing public access areas, treating invasive species, and planting trees and vegetation.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Board of Supervisors action is exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Receive the 2023 Multiple Species Conservation Program South County Subarea Plan Annual Report (Year 26) (Attachment A).

EQUITY IMPACT STATEMENT

Implementation of the Multiple Species Conservation Program (MSCP) South County Subarea Plan will ensure the continuation of accessible recreational and educational experiences for residents and visitors related to the natural and cultural resources of the region. It will have a positive impact on all residents and visitors by improving water and air quality and providing opportunities to engage in outdoor recreational experiences in the County of San Diego's parks and preserve lands.

SUSTAINABILITY IMPACT STATEMENT

Implementation of the MSCP South County Subarea Plan supports multiple County of San Diego Sustainability Goals including County Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature, County Sustainability Goal No. 5 by protecting rivers and streams, and County Sustainability Goal No. 6 by protecting native ecosystems and habitats.

FISCAL IMPACT

There is no fiscal impact associated with the Board of Supervisors' acceptance of the 2023 Multiple Species Conservation Program South County Subarea Plan Annual Report. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

ABSENT: Lawson-Remer

3. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR 2022-2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PEDESTRIAN FACILITY IMPROVEMENT PROJECTS (S. MAIN AVE AT W. AVIATION, FALLBROOK AND D STREET AT 11TH STREET, RAMONA) AND RELATED CEQA EXEMPTION (DISTRICTS: 2, 5)**

OVERVIEW

The Department of Public Works (DPW) seeks to provide pedestrians with safe and accessible sidewalks to enhance mobility within communities. DPW identifies opportunities to construct new and infill sidewalk locations by reviewing DPW's Pedestrian Gap Analysis, and Local Road Safety Plan (LRSP) data, while also incorporating community group and stakeholder priorities.

DPW received funding from the Fiscal Year 2022-23 Community Development Block Grant program (CDBG) for two projects to provide sidewalk, curb, gutter, and pedestrian ramps that are accessible, compliant with the Americans with Disabilities Act (ADA) and provide safe facilities for pedestrians that promote walkability and connectivity. The CDBG Program provides federal grant funds to develop and enhance communities, principally for low- and moderate-income areas. The grant funds are provided by the U.S. Department of Housing and Urban Development (HUD) and administered by the County of San Diego Health and Human Services Agency (HHSA) Housing and Community Development Services (HCDS) Division. To qualify for a grant award, CDBG sidewalk projects must be located in census tracts with more than 50% of the surrounding households defined as low- or moderate-income, according to federal standards.

The projects that received grant funds are located on South Main Avenue at West Aviation Road in Fallbrook and on D Street at 11th Street in Ramona.

1. **South Main Avenue at West Aviation Road, Fallbrook:** This is a two-lane road in the heart of Fallbrook that provides access to local businesses including restaurants, thrift stores, flower shops, grocery stores, and connectivity to residential areas. This project would provide pedestrian connections at the intersection of South Main Avenue and West Aviation Road by installing about 150 feet of concrete sidewalk and an accessible ramp along South Main Avenue on the north side of West Aviation Road, with an additional 50 feet on the south side of West Aviation Road for a total of about 200 feet of new sidewalk. The installation of pedestrian facilities, street markings, and concrete curb and gutter will improve visibility and accessibility for all users. This location connects to a recently completed installation of 550 feet of curb, gutter, and sidewalk along the north side of West Aviation Road (Attachment A).
2. **D Street at 11th Street, Ramona:** This is a two-lane road that parallels SR-67 and provides connectivity to local community resources including family restaurants, shopping centers, churches, Ramona Elementary School, apartment complexes, medical offices, and senior citizen housing. D Street is a highly used pedestrian corridor but has incomplete sections of sidewalk from block to block, and accordingly, DPW has identified the street as a priority for filling the pedestrian gaps. This project would install 420 feet of concrete curb, gutter, and sidewalk, one pedestrian ramp, and other surface improvements along the north side of D Street between 10th and 11th Streets. This improvement is a continuation of recently installed pedestrian facilities along D Street (Attachment A).

The preliminary construction estimate for these projects was identified as \$420,000, which was included in the Fiscal Year 2023-24 Operational Plan in the DPW Road Fund Detailed Work Program. Following design activities and evaluation of costs associated with recent projects of similar scope, DPW refined the construction cost estimate to \$600,000 for both projects. The additional \$180,000 will be funded by CDBG. Appropriations of \$180,000 are being requested as part of this action to fund the increase in construction cost associated with these projects.

HHSA established a Memorandum of Understanding (MOU) with HCDS and DPW to direct the implementation of the projects in accordance with their Annual Funding Plan. DPW has completed design engineering and right-of-way acquisition for both sites and prepared the construction contract for public advertisement and award.

DPW staff has met with the Fallbrook Community Planning Group (CPG) and Ramona CPG and both have voted in support of the projects in their planning areas.

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. Construction is scheduled to begin Fall 2024 and be completed in Winter 2024. The total estimated project costs are \$810,000 and includes \$210,000 for design, environmental review, right-of-way acquisition, and construction inspection. The construction contract is estimated at \$600,000, including a 25% contingency for unforeseen conditions. The funding source is the Community Development Block Grant. There will be no change in net General Fund cost and no additional staff years.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the 2022-2023 CDBG Pedestrian Facility Improvement Projects are independently and collectively exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because they involve minor alteration of existing public roadway and pedestrian facilities, involving negligible or no expansion of existing or former use.
2. Establish appropriations of \$180,000 in the Department of Public Works Road Fund Detailed Work Program, Services & Supplies, for the construction of CDBG Pedestrian Facility Improvement Projects based on revenue from the Community Development Block Grant. **(4 VOTES)**
3. Authorize the Director of Purchasing and Contracting to advertise and award a construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the CDBG Pedestrian Facility Improvement Projects.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The Community Development Block Grant (CDBG) Program funds services and facilities to benefit the most vulnerable in our communities. The allocation of these federal grant funds is aligned with screening criteria that consider socioeconomic data, and eligibility calculations including census tract income levels. For the South Main Avenue at West Aviation site, 69% of surrounding households are considered Low-Moderate Income (LMI). For the D Street between 10th and 11th Streets site, 62% of the surrounding households in the census tract block group are considered LMI according to federal standards. These community infrastructure projects will benefit these moderate- and low-income underserved communities. The new sidewalks will facilitate safe pedestrian routes within the residential and commercial areas within the community and also connect to transit hubs, libraries, schools, employment centers, and grocery stores.

Construction is administered in conformance with federal standards for labor practices, wage requirements, safety standards, and are subject to ongoing reporting and verification of compliance with these federal provisions. Further, the CDBG projects require construction contractors to hire and train workers from Section 3 (low- and very-low income) households. These employment opportunities must be both gender and race neutral. Both the administration of the infrastructure construction project and the use of the newly installed facilities are focused on maximizing benefits within our underserved communities.

SUSTAINABILITY IMPACT STATEMENT

Installing fully accessible pedestrian facilities provides new, safe mobility options and connections to non-vehicular transit. Providing this new infrastructure has economic, health and well-being, and environmental sustainability benefits. These new structures promote safe transit options within two communities of unincorporated San Diego County and provide opportunities for residents to connect to transit hubs across wider areas of the county. These pedestrian facilities will improve mobility and quality of life while enhancing pedestrian accessibility and safety along existing public roadways, which also supports the County's Draft Climate Action Plan in improving roadway segments as multi-modal. These improvements will help to create resilient communities while contributing to the County's sustainability goal of reducing greenhouse gas emissions and providing just and equitable access for residents. Increasing walkability will further County of San Diego sustainability goals of reducing vehicle miles traveled and emissions.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2023-24 Operational Plan in the Department of Public Works (DPW) Road Fund Detailed Work Program. If approved, this request will result in additional construction costs and revenue of \$180,000 tied to recommendation two. The total estimated project costs are \$810,000 and includes \$210,000 for design, environmental review, right-of-way acquisition, and construction inspection. The construction contract is estimated at \$600,000 including a 25% contingency for unforeseen conditions. The funding source is the Community Development Block Grant. 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 and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in the collective bargaining agreements. A skilled and trained workforce requirement will be included in the contract in compliance with the County's Working Families Ordinance requirements for County construction projects.

ACTION:

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

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

ABSENT: Lawson-Remer

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

OVERVIEW

On May 1, 2024 (6) the Board of Supervisors took action to further consider and adopt the Ordinance on May 22, 2024.

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

This proposal provides the resources needed for AWM to continue with services that support public health and safety, a resilient food supply, agricultural trade, consumer confidence, and a sustainable environment for the region. Through these services, the County of San Diego (County) balances environmental, community, and economic interests to enhance the quality of life for residents and visitors. AWM has 30 diverse programs that conduct over 350,000 inspections annually regionwide. Fee-related programs ensure the acceptance of 10,000 agricultural export shipments at destination, the integrity of produce sold at 34 Certified Farmers' Markets, and the verification of price accuracy at 4,600 different retail locations.

The Board's Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board approval. The last cost recovery proposal was unanimously approved by the Board on May 24, 2023 (9). Since that time, AWM has continued to provide services at the approved rates.

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

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

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

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

In FY 2022-23, the total cost of all agricultural programs was \$20.0 million. Local growers paid a fee total of \$415,575, or 2%, and out-of-county agricultural operators a fee total of \$652,018, or 3% of the total program costs. There was a decline in fees paid by local growers due to a reduced number of businesses participating in export certification and an increase in the number of out-of-county brokers exporting commodities at the international border. For the remaining 95% of program costs, the County provided \$6.6 million, or about 33%, while State and federal

contributions of \$12.3 million covered about 62%. State law mandates counties to provide fiscal support as a matching fund to receive the State supplemental funding. This State funding fluctuates annually and is a separate dedicated revenue source to supplement, not supplant, the available County funding for eligible agricultural programs. The total amount of \$408,358 in State supplemental funding is applied to limit the cost increases for the eligible agricultural programs in this cost recovery proposal.

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

Today's proposal requests four actions from the Board.

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

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

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

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

ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES.

EQUITY IMPACT STATEMENT

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

SUSTAINABILITY IMPACT STATEMENT

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

FISCAL IMPACT

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

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested since the proposed fees for the Agricultural Export, Certified Farmers' Market, and Industrial Hemp Cultivation do not cover all operating costs. The total unrecovered cost per Board Policy B-29 for FY 2024-25 is approximately

\$239,829 and if approved, these programs will be funded with existing AWM General Purpose Revenue. AWM will return to the Board with any future necessary fee adjustments including identification of any unrecovered costs and funding sources. There will be no additional staff years. The proposed actions support the County of San Diego's Strategic Initiative of Sustainability to align the County's available resources with services to maintain fiscal stability.

BUSINESS IMPACT STATEMENT

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

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, and adopted Ordinance No. 10907 (N.S.) entitled: 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.

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

5. **SUBJECT: ADMINISTRATIVE ITEM:**
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED TO FEES AND DEPOSITS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL YEAR 2024-25 AND CEQA EXEMPTION (5/1/2024 - FIRST READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: ALL)

OVERVIEW

On May 1, 2024 (7) the Board of Supervisors took action to further consider and adopt the Ordinance on May 22, 2024.

This is a request for the County of San Diego (County) Board of Supervisors (Board) to adopt the Department of Environmental Health and Quality (DEHQ) cost recovery proposal, which includes fees and hourly rates for services associated with food, pools, housing, body art, massage, organized camps programs, wells, septic systems, site assessment and mitigation programs, hazardous materials programs, and the Solid Waste Local Enforcement Agency. This proposal also includes fees for the radiological health program, services in the vector laboratory, and miscellaneous department fees, such as rates for specialized technical staff services.

DEHQ protects the environment, community, and public health with over 40 programs that prevent disease, promote environmental responsibility, and enforce environmental and public health laws. DEHQ operates environmental health programs that regulate restaurants, public swimming pools, body art, substandard housing, septic systems, water wells, and hazardous materials. DEHQ reduces the risk of disease carried by rats and mosquitoes, oversees the State cleanup of methamphetamine and fentanyl contaminated properties, and monitors beach and bay water quality. In addition, DEHQ serves as the Certified Unified Program Agency for hazardous materials and hazardous waste, the Solid Waste Local Enforcement Agency, and is delegated the duties to implement and enforce the powers of a mosquito abatement and vector control district. DEHQ works in communities across the region, conducting more than 70,000 inspections annually, including oversight of over 15,000 food facilities and 14,000 businesses with hazardous materials. DEHQ performs surveillance and mosquito treatment at more than 1,600 sites throughout the region to lower the number of vector-borne disease incidents and protects 70 miles of coastline by taking more than 6,000 water quality samples per year. Through these services, DEHQ balances environmental, community, and economic interests to enhance the quality of life for residents and visitors.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board approval. The last cost recovery proposal was unanimously approved by the Board on May 24, 2023 (10). Since that time, DEHQ has continued to provide services at the approved rates. To offset fee increases, the Board approved the use of departmental one-time funds in certain programs, such as discretionary projects, and the food, body art, pools, septic, and hazardous material programs in FY 2023-24.

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

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

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

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

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

Today's proposal requires five actions from the Board. The first action is for the Board to find that the adjustments to fees and charges are not subject to the California Environmental Quality Act (CEQA) in accordance with Section 15273(a) of the CEQA Guidelines. The second action is to approve a waiver of Board Policy B-29 related to fees not being full cost recovery for food, body art, organized camps, state small water system and hazardous materials programs, and for reduced or waived fees for nonprofit organization food, housing, pool, and temporary event permits. The third action is to find that the adjustments in fees and changes contained in the proposed ordinance are necessary to meet operations in FY 2024-25. The fourth action is to approve the first reading of DEHQ's cost recovery proposal on May 1, 2024. The fifth action is for the Board to set a hearing for May 22, 2024, for consideration and adoption of amendments to the San Diego County Code of Regulatory Ordinances.

If the Board approves the five actions above on May 1, 2024, after making the necessary findings, the Board, on May 22, 2024, will be requested to consider and adopt the ordinance amending the County of San Diego Code of Regulatory Ordinances relating to permit fees and procedures for businesses and health-regulated activities in DEHQ effective FY 2024-25. In accordance with Board Policy B-29, DEHQ will review fees annually and return to the Board with any changes.

If this cost recovery proposal is not approved, DEHQ would require one-time alternative County funding in the amount of \$2,549,464 to ensure full cost recovery to continue delivering programs and services to customers and the communities, using data analysis to make data-driven decisions, and continue community outreach. If the fee proposal is not approved and alternative funding is not identified, DEHQ would have operational impacts, such as reduced services, increased processing times, reduced ability to conduct community outreach, and decreased

opportunity to perform research and data analysis to support data-driven decision-making. Resources would be shifted away from innovation and data analysis to front-line operations, and we anticipate a backlog would be created. This would impact customers by increasing overall costs to applicants as well as reduce our ability to focus on innovation, streamlining, and meeting operational goals. In addition, there will be a cumulative impact and the change in future fee updates will be even higher based on the need to cover the increases in this proposal, plus fee increases in future years.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

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

EQUITY IMPACT STATEMENT

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

SUSTAINABILITY IMPACT STATEMENT

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

FISCAL IMPACT

The proposed increases to fees are included in the Fiscal Year (FY) 2024-25 CAO Recommended Operational Plan in the Department of Environmental Health and Quality (DEHQ).

If approved, the overall proposed fee adjustments will result in additional estimated costs and revenue of \$2,549,464, including additional estimated costs and revenue of \$294,363 in the food program, \$349,903 in the water program, \$899,779 in the housing program, \$1,005,309 in the hazardous materials program and \$110 in the radiological health program, effective FY 2024-25. The funding source is fees paid by DEHQ customers.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested because the proposed fees do not cover all operating costs in the food, body art, organized camps, state small water systems and hazardous materials program fees. The total unrecovered cost, per Board Policy B-29, for permit fees that are not full cost recovery is \$1,129,714, and if approved, will be funded with \$528,121 in restricted General Fund fund balance, \$34,500 in 1991 Health Realignment revenue, and \$567,093 from the Environmental Health Trust Fund.

Additionally, a waiver of Board Policy B-29 is requested to continue to implement Board direction to reduce fees for food, housing, pool, and temporary event permits requested by nonprofit organizations. The total unrecovered cost per Board Policy B-29 for these Board directed waivers is approximately \$450,000 in DEHQ for FY 2024-25, and if approved, will be funded with existing General Purpose Revenue.

Inclusive of all funding sources and programs, the total unrecovered cost per Board Policy B-29 for DEHQ in FY 2024-25 is \$1,579,714. In future fiscal years, DEHQ will return to the Board to identify any unrecovered costs and funding sources. There will be no additional staff years.

BUSINESS IMPACT STATEMENT

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

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, and adopted Ordinance No. 10908 (N.S.) entitled: ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY REGULATORY PROGRAM FEES AND ASSOCIATED ORDINANCE REVISIONS.

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

6. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
COST RECOVERY PROPOSAL TO ADOPT ORDINANCES RELATED
TO FEES AND DEPOSITS TO LAND DEVELOPMENT EFFECTIVE
FISCAL YEAR 2024-2025 AND CEQA EXEMPTION (5/1/2024 - FIRST
READING; 5/22/2024 - SECOND READING UNLESS ORDINANCE IS
MODIFIED ON SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

On May 1, 2024 (8), the Board of Supervisors took action to further consider and adopt the Ordinance on May 22, 2024.

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

Using cost recovery funding, the Departments provide services that range in diversity and complexity and serve a wide variety of customers. Services include environmental and construction, development project review, health and safety inspections of homes, and inspections of public infrastructure, such as roads, parks, and trails. The review of privately initiated land development and building permit applications ensures the safe design and construction of structures and infrastructure to protect the public. The Departments work in communities in the unincorporated area, conducting more than 44,000 inspections and processing more than 19,000 land development permits annually. This includes issuing of over 7,000 residential solar photovoltaic permits reducing dependence on fossil fuels. Through these services, the County of San Diego (County) balances environmental, community, and economic interests to enhance the quality of life for residents and visitors in the unincorporated area of the region.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board approval. The last cost recovery package was unanimously approved by the Board on May 24, 2023 (01). Since that time, the Departments have continued to provide services at the approved rates.

The fees proposed today for Fiscal Year (FY) 2024-25 are necessary to address cost changes, such as increased salary, benefit, and retirement costs, and to ensure full cost recovery, except where the Board has previously directed the waiver of fees such as residential roof mount photovoltaic and fees for rebuilding structures damaged or destroyed by a natural disaster. As an example, for PDS, approximately 80% of the department’s costs are fixed and fluctuate annually, such as salary and benefits, retirement, enterprise-wide services, and facilities, while 20% of the department’s costs, such as services and supplies, and salary savings when positions are vacant are discretionary, meaning costs are determined by the department based on operational needs. The proposed fee package is to reflect known costs as accurately as possible to ensure full cost recovery, continue delivering programs and services to customers and the

communities using data analysis, make data-driven decisions, and continue community outreach. Regular cost recovery updates allow the Departments to recuperate costs in a consistent and predictable manner without having to request County-provided one-time funding, while also providing stakeholders an opportunity to plan for smaller, more manageable fee increases as stakeholders have requested.

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

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

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

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

The second action is for the Board to set a hearing for May 22, 2024, for consideration and adoption of an Ordinance amending Section 364.3 of the San Diego County Administrative Code, relating to fees and hourly rates charged.

The third action is to approve Board-directed fee waivers as part of Board Policy B-29 for approximately \$2,400,000 in PDS related to appeals, fees for rebuilding structures damaged or destroyed by a natural disaster, plan review and building fees for the Green Building Incentive Program, permit fees associated with the Homeowner/Business Owner Relief Act, plan check, permit fees associated with the Urban Agricultural Incentive Zone program, fees associated with political signage permits, and abatement fees associated with graffiti removal. These programs encourage health, safety, sustainability, and housing availability in the unincorporated region. The Green Building Incentive Program reduces plan check and permitting fees to encourage builders to use energy-saving materials when constructing homes and the Homeowner and Business Owner Relief Act program for minor permits, such as water heater replacements and residential roof mount photovoltaic systems, encourages sustainability practices and ensures health and safety codes are followed. Waiving abatement fees associated with graffiti removal helps to reduce the impacts of graffiti on unincorporated communities by proactively removing blight, and the Urban Agricultural Incentive Zone program waives permitting fees associated with maintaining a property in active agricultural use for a period of five years to promote and protect agricultural uses and recognize the public benefits of agriculture. The Board has previously directed these fees to be waived and provided General Purpose Revenue or General Fund fund balance appropriations to facilitate access to the appeal process, assist homeowners impacted by natural disasters, and strengthen support and promotion of sustainable building practices and additional housing units.

The fourth action is to approve the introduction, read title, and waiver further reading of the ordinance amendments in the San Diego County Administrative Code Sections 362, 362.1, 362.2 and 362.3 relating to the fees, deposits, and hourly rates the Land Development process on May 1, 2024. If the Board approves the three actions on May 1, 2024, after making necessary findings, the Board on May 22, 2024 will be requested to consider and adopt the ordinance amending Sections 362, 362.1, 362.2 and 362.3 of the San Diego County Administrative Code, relating to fee, deposits, and hourly rates for the Land Development process. In accordance with Board Policy B- 29, the Land Development team will review fees annually and return to the Board with any changes.

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

RECOMMENDATION(S)**CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the following Ordinance (second reading) entitled:
ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION
(Attachment A).

EQUITY IMPACT STATEMENT

The County of San Diego strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources through the implementation of programs and services that enhance the community by increasing the well-being of our residents and our environments while simultaneously complying with mandatory federal, State, and local regulations governing the land development process. The Departments utilized approved County methodology to ensure all direct and indirect project costs are fully recovered. This ensures that privately initiated project applicants are paying for the full costs needed to recover department costs associated with their project while ensuring development is designed and built to be safe, striving to meet or exceed federal, State, and local building, sustainability, and energy standards and provide opportunities for growth and development that meet the needs of the communities. In some instances, fees have been waived by the Board of Supervisors to ensure equitable opportunities for all communities to increase housing availability. Reviewing and updating fees and hourly rates ensures only project costs are being paid for by applicants and general public dollars are not used to subsidize privately initiated development projects. The Departments also continue to identify ways to reduce departmental costs to provide services to the public with cost containment efforts savings of over \$2,640,000 annually. Full cost recovery for privately initiated land development projects ensures that other tax dollars can be used for programs that improve equity throughout the organization.

SUSTAINABILITY IMPACT STATEMENT

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

FISCAL IMPACT

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

If approved, the proposed fee and deposit adjustments will result in additional estimated costs and revenue of \$1,190,000 in PDS, \$ 537,000 in DPW, and \$650 in DPR, effective FY 2024-25, a total amount of \$1,727,650. The funding source is fees paid by privately initiated land development projects and building permit applicants.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested to continue previously directed fee waivers, including appeal fees, fees for rebuilding structures damaged or destroyed by natural disasters, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act Permits, Political Campaign Signage, Graffiti Abatement, and Urban Agriculture Incentive Zone program. These items are proposed to be less than full cost recovery, and a waiver of Board Policy B-29 is requested since the proposed fees do not cover all operating costs. The total unrecovered cost of the items combined is approximately \$2,400,000 for Fiscal Year 2024-25 and is proposed to be funded by existing and one-time General Purpose Revenue. In the future fiscal years, the Departments will return to the Board to identify the unrecovered cost and funding source. There will be no additional staff years needed as a result of the waiver.

BUSINESS IMPACT STATEMENT

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

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, and adopted Ordinance No. 10909 (N.S.) 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.**

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

ABSENT: Lawson-Remer

7. **SUBJECT: NOTICED PUBLIC HEARING:
MOUNT OLYMPUS COUNTY PRESERVE - APPROVE
ACQUISITION OF APPROXIMATELY 220 ACRES OF OPEN SPACE
LAND AND RELATED CEQA EXEMPTION (MORITZKY TRUST)
(4/10/2024 - SET HEARING; 5/22/2024 - HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW

On April 10, 2024 (9), the Board of Supervisors set a Hearing for May 22, 2024.

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 habitats. DPR has identified a 222-acre property (Property) adjacent to the existing Mount Olympus County Preserve in Pala-Pauma. If acquired, the existing 1,200-acre Mount Olympus County Preserve would be expanded to over 1,400 acres, providing large, connecting chaparral habitat for deer, mountain lions, 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 of San Diego (County) sustainability goals, habitats and biodiversity, biological connectivity, greenhouse gas reductions, and benefits to water and air quality. Through the County's MSCP Program, the County has acquired over 46,200 acres of open space land for conservation within the three MSCP Subareas. The acreage of preserve lands within the three MSCP Plan Areas include approximately: 14,000 acres within the South County Plan Area, 25,000 acres within the draft North County Plan Area, and 7,200 acres within the proposed East County Plan Area. This acquisition would add 222 acres to the draft North County Plan Area and reduce greenhouse gas emissions by approximately 282 metric tons of carbon dioxide equivalent per year. Additionally, conservation of the property provides flood control benefits and protection of water quality.

The County implemented an Option Agreement with the Moritzky Trust (Seller) for the purchase of the Property for the appraised value of \$1,200,000 (approximately \$5,400/acre). The appraised value of the Property considers existing open space easements on the Property, which limit the Property's development potential.

Today's request is for the Board of Supervisors (Board) to set a hearing for May 22, 2024 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 May 22, 2024, after making the necessary findings, the Board will be requested to authorize the purchase of the Property. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$1,640,500. Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan of the MSCP Acquisition Fund. The annual costs to manage the Property are \$67,740, including ongoing stewardship, Resource Management Plan update, and supervision of the preserve. These ongoing costs are included in the FY 2023-24 Operational Plan of the Department of Parks and Recreation.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APNs 109-351-16, -18 and -19 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15304, 15311, 15313, 15316 and 15325 of the CEQA Guidelines.
2. Authorize the Director, DGS, or designee, to exercise the option to purchase APNs 109-351-16, -18 and -19 for the appraised value of \$1,200,000.
3. Authorize the Director, DGS, or designee, to execute all escrow and related documents necessary to complete the purchase of APNs 109-351-16, -18 and -19.

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 Property is within the Pala-Pauma and Rainbow community areas and its acquisition will contribute acreage to multiple sustainability efforts, including expanding the draft North County Multiple Species Conservation Plan preserve area by 222 acres and reducing greenhouse gas emissions by approximately 282 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 222-acre property supports County Sustainability Goal No. 3 and the County's Climate Action Plan by contributing to greenhouse gas reductions by approximately 282 metric tons of carbon dioxide equivalent per year through preservation of open space. The proposed acquisition site supports County Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature and County Sustainability Goal No. 6 by expanding open space adjacent to native ecosystems and habitats.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan of the Multiple Species Conservation Program (MSCP) Acquisition Fund. If approved on May 22, 2024, this request will result in total one-time project costs for the Property of \$1,640,500 in FY 2023-24, itemized as follows: \$1,200,000 for property acquisition; \$62,500 for staff time and appraisal reports to complete the transaction; \$8,000 for closing and title costs; and, \$370,000 in one-time land improvement costs (which includes \$348,000 for the preparation of a preserve specific Resource Management Plan and initial species monitoring, and \$22,000 to conduct initial stewardship that features signage, access control, and vegetation management, land surveying, and other supplies and services and ongoing management). The funding source is available prior year General Fund fund balance (\$1,640,500).

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$67,740, itemized as follows: \$7,940 for fixed charged assessments for vector control, road maintenance, and water availability; approximately \$12,800 for adaptive management and biological monitoring; and, \$47,000 for annual total operating costs for managing the site. Ongoing costs are included in the FY 2023-24 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 Desmond, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took action as recommended.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

ABSENT: Lawson-Remer

**8. SUBJECT: NOTICED PUBLIC HEARING:
UPDATES TO FIRE SAFETY GUIDELINES AND STANDARDS
DURING ENVIRONMENTAL REVIEW IN THE UNINCORPORATED
AREAS AND FINDING THESE UPDATES ARE NOT SUBJECT TO
CEQA (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's Wildfire and Fire Protection Guidelines (Fire Guidelines) were originally adopted by Planning & Development Services (PDS) on March 19, 2007. They aid in the review of discretionary projects (projects that require a public agency to exercise judgment or deliberate before deciding if the project will be approved or a permit will be issued) and associated environmental documents to determine whether, based on substantial evidence as defined under the California Environmental Quality Act (CEQA) Guidelines, a project may have a significant effect related to wildland fire.

The update to the Fire Guidelines is part of a broader effort directed by the Board on September 28, 2022 (6) to develop Vehicle Miles Traveled (VMT) policy options and separately address wildfire issues and concerns related to development within fire hazard severity zones in the unincorporated areas of the county. For example, the VMT policy options may increase safety risks to new residents based on where they are located within high fire severity zones. Specific considerations should be placed to protect residents and the public. During this hearing, the Board adopted the revised Transportation Study Guide (TSG) directed staff to update the Fire Guidelines in three phases to ensure that new unincorporated area projects located in State-designated High and Very High Fire Hazard Severity Zones (fire zones) go through additional analysis and implement mitigation to reduce impacts from wildfire. For example, mitigation may include incorporating building separation or setback requirements to reduce structure-to-structure ignition. The County has no discretion in the approval of the adopted State fire zone maps.

Phase 1 was adopted by the Board on January 25, 2023 (7) and included the clarification that: (1) a Fire Protection Plan is required for projects located within High and Very High fire zones; (2) that any waivers of standards in the State Fire Code shall be replaced with an alternative measure that provides the same practical effect, and; (3) various editorial changes. Phase 2 involves a comprehensive update to the Fire Guidelines to update all the requirements of a Fire Protection Plan (FPP), including water supply, access, fuel modification, and building standards. A FPP is a document that an applicant (developer) prepares that describes the level of fire hazard that would affect or be caused by a proposed development and the methods proposed to minimize that hazard. The current Fire Guidelines do not reflect current State standards and have not been updated for many years. The comprehensive update would bring the Fire Guidelines up to current State standards and incorporate changes to the Fire Code and align it with current State fire zone maps. Evacuation requirements will be addressed in Phase 3 of the Fire Guidelines update. If adopted, the Updated Fire Guidelines would apply to all new development projects and in-process projects that have not yet been approved by the County. The action in front of the Board today is to approve the second phase of this Board directed effort.

The updated Fire Guidelines presented for adoption today will ensure that new development is safe and implements measures to minimize the risk and impacts of wildland fires by providing clarity and standardize the review process for developers. After the Board considers the updated Fire Guidelines, staff will move into Phase 3 to develop evacuation standards and criteria and return to the Board for consideration in 2025.

RECOMMENDATION(S)

PLANNING COMMISSION

On March 22, 2024, Planning Commission considered staff's recommendation to adopt the County's CEQA Wildfire and Fire Protection Guidelines (Fire Guidelines) and recommended approval of staff's recommendation to the Board.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission's recommendations stated below.

1. Find that the proposed action is not a project as defined in Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3).
2. Adopt the County's CEQA Wildfire and Fire Protection Guidelines (Attachment B) and revisions included in Attachment C by the following Resolution:
**RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
ADOPTING THE COUNTY OF SAN DIEGO GUIDELINES FOR DETERMINING
SIGNIFICANCE AND REPORT FORMAT AND CONTENT REQUIREMENTS FOR
WILDLAND FIRE AND FIRE PROTECTION.**

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) is guided by several Regulatory Codes, Administrative Codes, Board Policies and Guidelines to serve the region and customers consistently and equitably. The updates to the County's CEQA Wildfire and Fire Protection Guidelines will ensure that new development in all communities within the unincorporated areas implements improved fire safety measures and minimizes impacts to existing residents and communities. The updates will enhance the County's evaluation of new development projects, ensuring they equitably address fire safety and mitigate wildfire impacts to the extent feasible.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to update the County's CEQA Wildfire and Fire Protection Guidelines (Fire Guidelines) will contribute to the County of San Diego's Strategic Initiatives Sustainability Goal No. 4 to protect the health and wellbeing of everyone in the region by ensuring that new development addresses and mitigates impacts related to wildfire risk. The updated Fire Guidelines will require additional analysis be completed for projects located within high and very high fire risk areas to ensure they are safe, minimize impacts to existing residents and communities, and implement measures to reduce the risk of wildfire.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The updates to County's CEQA Wildfire and Fire Protection Guidelines will be implemented through privately initiated projects which are privately funded. Private development costs will be paid for by the private sector through the entitlement and permit processes. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Montgomery Steppe, the Board of Supervisors closed the Hearing and took action as recommended, and adopted Resolution No. 24-046, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE COUNTY OF SAN DIEGO GUIDELINES FOR DETERMINING SIGNIFICANCE AND REPORT FORMAT AND CONTENT REQUIREMENTS FOR WILDLAND FIRE AND FIRE PROTECTION.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

ABSENT: Lawson-Remer

9. **SUBJECT: NOTICED PUBLIC HEARING:
UPDATE ON DEVELOPING A COUNTY OF SAN DIEGO VEHICLE
MILES TRAVELED (VMT) MITIGATION PROGRAM AND
ASSOCIATED EXEMPTION TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (DISTRICTS: ALL)**

OVERVIEW

In recent years, California has enacted significant changes in land development regulations to address environmental concerns, particularly related to reducing greenhouse gas emissions from the use of cars. These changes rely on technical tools like the California Environmental Quality Act (CEQA) to encourage development in more urbanized areas closer to jobs, transit and services while creating regulatory and financial barriers for development outside these areas. Under the umbrella of CEQA, the State of California passed Senate Bill 743 in 2013. This changed how jurisdictions, including the County of San Diego (County), a new way to analyze transportation impacts from proposed development projects was introduced. This new approach looks at the number of trips a car would make to and from a proposed development project and the distance it would travel. This approach is known as Vehicle Miles Traveled (VMT). Using this approach, proposed development projects located further away from urbanized areas, jobs, transit, and services are likely to have higher VMT impacts, meaning they would add more car trips at longer travel distances than the average VMT to and from other places in the region. These projects would produce more of the greenhouse gases that cause climate change and they are disincentivized under new State regulations. The County adopted requirements and guidance to implement these State regulations in our Transportation Study Guide (TSG) adopted by the Board of Supervisors (Board) in 2022.

A project can reduce, or “mitigate”, the VMT impacts it creates by incorporating features like pedestrian-friendly infrastructure, bike amenities, and access to public transit. This is challenging and expensive in the unincorporated area given that much of it is suburban or rural in nature and community members do not have access to viable alternatives to cars, like transit or services within walking distance. For example, the cost of extending transit or sidewalks to a more rural location would not be financially feasible or even practical in many cases. Developers can also pay toward the incorporation of these types of infrastructure in other locations within the region to offset or mitigate VMT impacts.

As part of the County’s implementation of VMT policies under CEQA, the Board directed staff to explore various VMT mitigation programs and strategies that would work in the unincorporated area to allow some development projects, particularly housing, to be feasible in areas where development is constrained by VMT regulations. Today’s item is to provide an update and information on potential County VMT mitigation program options and variables to consider, such as increasing land use densities in certain communities. These higher densities mean homes and businesses are closer together and allows for the possibility of more home units on a property and increasing opportunities for transit and walkable/ bikeable communities).

It is important to note that VMT mitigation is only required for projects that do not meet the screening criteria found within the Transportation Study Guide (TSG). Projects that meet any one of the eight screening criteria identified in the TSG are determined to have a less than significant impact related to transportation under CEQA and are not required to mitigate or participate in a potential VMT mitigation program. Screening criteria that exempt a project from needing to study or mitigate for VMT impacts include but are not limited to: projects in higher density locations, specifically VMT Efficient or Infill Areas (identified geographically in the TSG), small projects (eleven housing units or less), and 100% affordable housing developments (which typically generate fewer car trips).

A County VMT mitigation program would assist projects in areas where VMT mitigation is too costly or not available for a single development, which is the case for most of the unincorporated area. Depending on the type of program, it could benefit projects by streamlining the environmental review process and strategically incentivizing development, and by further reducing VMT in specific areas where the County is working to facilitate housing and related development (VMT Efficient and Infill Areas, or other areas such as “Transit Opportunity Areas” discussed below).

However, there are several challenges to developing a VMT mitigation program, and there are very few successful examples in the state to follow, particularly in jurisdictions with areas like the unincorporated area. What may work well in one city or region may not transfer successfully to another. In addition, it is challenging to determine how much a mitigation program can reduce VMT, depending on where and when it is applied. In places like unincorporated San Diego County, where people drive longer distances and rely more on cars due to the rural setting and the lack of transit, cutting down on VMT is challenging. County staff estimate that even if developers could collectively contribute to all the planned bike lanes, sidewalks, and trails in the unincorporated area to mitigate for their project VMT impacts, a countywide program in San Diego would only provide about four percent of the mitigation needed for planned growth. So,

while a County program could help, creating a VMT mitigation program would be costly to develop, could add expensive mitigation costs to future projects, and may only provide streamlining benefits to a limited area with limited housing opportunities.

For these reasons, staff is assessing a large-scale regional program and a more strategic concentrated program for VMT mitigation. The regional program would establish potential partnerships with other jurisdictions and transit agencies. This will allow a project's mitigation to occur in an urban environment where a greater VMT reduction could be achieved. The more strategic program focuses on areas in the unincorporated area that are within "Transit Opportunity Areas" (TOAs), which are areas planned and anticipated to have future high quality transit services and facilities. These TOAs may have potential for increased housing densities that could increase support for transit services to achieve reasonable VMT reductions in these specific areas only, as compared to trying to mitigate for the entire unincorporated County.

Today's request is for the Board to receive an update and information on the County's VMT mitigation program development and variables to consider, such as the potential for increasing housing densities in certain communities, an aspect that staff are evaluating as part of the TOA mitigation program option. Staff will return to the Board in the fall with the results of this analysis looking at land use densities within defined TOAs, as well as the associated costs and VMT reductions for all the program options. At this time, the Board can direct staff to continue evaluating the following County VMT mitigation program options:

1. An Unincorporated Area Mitigation Program
2. A Regional and/or Partnership Mitigation Program
3. A Focused TOA Mitigation Program (No Land Use Changes)
4. A Focused TOA Mitigation Program (Including Potential Changes to Land Use Densities)

Once a VMT mitigation program approach is selected in the fall, the program will likely require the preparation of an Environmental Impact Report (EIR) and "Nexus Study" before adoption. Using a County VMT mitigation program would be voluntary for project applicants and available only to help streamline the environmental review process. Opting into the County's program would provide a project with the benefit of not having to prepare an in-depth VMT analysis with identified mitigation specific to that project. Projects could instead rely on the County's program. However, if the Board were to approve a partial mitigation option or a program that does not fully mitigate VMT impacts, a CEQA Statement of Overriding Considerations will need to be considered as part of the EIR.

A County VMT mitigation program can help shape where development is focused within the unincorporated area, such as near jobs, transit and services to reduce travel and GHG emissions and concentrate infrastructure investment where it will have the greatest benefit. The development of a VMT mitigation program will be integrated and closely aligned with other County efforts, such as the County Climate Action Plan (CAP) update, the Development Feasibility Analysis (DFA), Sustainable Land Use Framework (Framework), and draft Inclusionary Housing Ordinance. Although these efforts have unique purposes and objectives, they all help support strategies to achieve state and regional housing and sustainability goals through local policies.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) and 15378(b)(5) of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Receive the update and information on potential VMT mitigation program options, including proceeding with the analysis of land use densities in Transit Opportunity Areas (TOAs).
3. Direct staff to return in Fall 2024 with the results of the analysis on the proposed VMT mitigation program options.

EQUITY IMPACT STATEMENT

Reducing or offsetting Vehicle Miles Traveled (VMT) through a VMT mitigation program will reduce environmental and public health impacts associated with transportation, including noise, air pollution and safety issues, particularly in underserved communities. Supporting infrastructure development in more dense communities, particularly where there has been historic disinvestment, helps improve equity by serving more people with the greatest need. These areas are also opportunities for additional future housing, which will be supported by infrastructure that allows for safe walking and mobility for people of all ages, abilities and means.

SUSTAINABILITY IMPACT STATEMENT

The development of a VMT mitigation program will further the County of San Diego's commitment to sustainability through alignment with the County's Strategic Initiative of Sustainability. A mitigation program could provide mitigation options for development in focused areas, which will reduce VMT and associated greenhouse gas emissions combating climate change. Focusing housing in areas closer to jobs and services will also protect natural habitat and sensitive species by developing in more urban infill areas, which is a key sustainability initiative. The mitigation program would also provide additional opportunities for housing and VMT reducing infrastructure that align with the County's Equity Initiatives regarding Housing, including the addition of bike lanes and sidewalks in existing communities to ensure infrastructure is provided along with housing opportunities that meet the needs of the community.

FISCAL IMPACT

There is no fiscal impact associated with receiving the report presented today. Funds in the amount of \$2,900,000 are included in Fiscal Year (FY) 2024-25 CAO Recommended Operational Plan Change Letter in Planning & Development Services (PDS) for the development of a VMT mitigation program and to fund the Environmental Impact Report. The funding source is one-time General Purpose Revenue.

Funds in the amount of \$7,137,466 are included in the FY 2024-25 CAO Recommended Operational Plan Change Letter for PDS associated with the development of three related efforts, the Sustainable Land Use Framework, Program Environmental Impact Report (PEIR) for Removing Barriers to Housing, and the Development Feasibility Analysis (DFA). The funding source is one-time General Purpose Revenue. There may be fiscal impacts associated with future related recommendations which staff would return to the Board for consideration and approval. If density increases are directed as part of the VMT mitigation program in the fall, additional funding may be needed depending on the scale of the proposed changes. Staff can explore if additional funding is needed for the density increases or if they can be covered by the funding for the Sustainable Land Use Framework, PEIR, and DFA. Upon return by staff in Fall 2024, funding for any needed future costs will be identified by the department. Once funding is identified, the Department will return to the Board with a mid-year action to adjust the budget if necessary and/or incorporate in future budgets should funding become available. At this time, there is no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

A VMT mitigation program could help facilitate additional development and support the development, construction and housing sectors.

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Desmond, the Board of Supervisors continued the item and directed the Interim County Administrative Officer to consult with Counsel and report back, in an appropriate format, regarding County VMT analysis, including how the County uses CEQA guidelines section 15183 to review development projects. Report back to the Board of Supervisors at the June 5, 2024 meeting on the complete information of how recent legal cases would affect the implementation of the VMT mitigation program. Direct staff to assess/explore the village build out and bring back all VMT mitigation program options in the report back.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

ABSENT: Lawson-Remer

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

OVERVIEW

Robert Germann spoke to the Board regarding concerns of leaded fuel at Gillespie Field and support for Cindy Chavez as Chief Administrative Officer for the County of San Diego.

JP Theberge spoke to the Board regarding concerns of battery storage facilities.

Ashey Robertson Bedard spoke to the Board regarding concerns of battery storage facilities.

Gilbert Chavez spoke to the Board regarding concerns of tiny homes in Spring Valley.

Michael Brando spoke to the Board regarding previous public comment and horse abuses in Rancho Santa Fe.

Consuelo spoke to the Board regarding concerns of battery storage facilities.

Paul the Bold spoke to the Board regarding climate change.

Jim Ellis spoke to the Board regarding topics addressed to the Board during public comments.

Terri Skelly spoke to the Board regarding mental health challenges from marijuana use.

Kevin Stevenson spoke to the Board regarding climate change and actions that took place at the Board meeting on May 21, 2024.

Angelica Camargo spoke to the Board regarding concerns of tiny homes being built in her area.

Scott Sutherland spoke to the Board regarding concerns of battery storage facilities.

Jeff Wehner spoke to the Board regarding programs that support unhoused individuals.

David Covarubias spoke to the Board regarding concerns of safety from homeless individuals.

William Stanhope spoke to the Board regarding drought conditions in California.

Angelica Mendoza spoke to the Board regarding concerns of tiny homes being built in residential areas.

Shahrokh Saadat Nejad spoke to the Board regarding help in investigating murders of his family members.

Diane Grace spoke to the Board regarding banning the sale of flavored tobacco products.

Megan Stuart spoke to the Board regarding concerns of secondhand smoke.

Becky Rapp spoke to the Board regarding concerns of marijuana consumption in youth.

Kathleen Lippitt spoke to the Board regarding stakeholders within the marijuana industry.

Peggy Walker spoke to the Board regarding concerns of marijuana commercialization.

Kelly McCormick spoke to the Board regarding concerns of adolescent marijuana use.

Truth spoke to the Board regarding concerns of animal neglect.

Ann Riddle spoke to the Board regarding a workshop on the social equity cannabis program.

Audra spoke to the Board regarding concerns of battery storage facilities.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 2:46 p.m.

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

Consent: Valdivia

Discussion: Zurita


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

Approved by the Board of Supervisors, on Wednesday, June 5, 2024.



NORA VARGAS
Chair

Attest:



ANDREW POTTER
Clerk of the Board

05/22/2024