

August 5, 2020

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
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, AUGUST 5, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. **REGULAR SESSION:** Meeting was called to order at 9:00 a.m.

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

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

- B. Closed Session Report
- C. Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of July 8, 2020.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of July 8, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- E. Formation of Consent Calendar
- F. Discussion Items

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|---|
| 1. | NOTICED PUBLIC HEARING:
YALDA OPEN SPACE VACATION, PDS2019-VAC-19-003; VALLE DE ORO COMMUNITY PLAN AREA (07/08/2020 - SET HEARING; 08/05/2020 - HOLD HEARING) |
| 2. | NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2020-21 LEVIES IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO SAN DIEGO AND NO. 2 - JESS MARTIN PARK |
| 3. | ADMINISTRATIVE ITEM:
NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
BUSINESS PROCESS STREAMLINING MEASURES FOR HAZARDOUS MATERIALS PROGRAM IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH
[FUNDING SOURCE: FEES PAID BY DEH CUSTOMERS] |
| 4. | ADOPT A RESOLUTION TO SUMMARILY VACATE PORTIONS OF NORTH CENTRE CITY PARKWAY IN THE ESCONDIDO AREA AND DECLARE THOSE PORTIONS AS EXEMPT SURPLUS LAND - VACATION NO. 2018-0270
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |
| 5. | TRAFFIC ADVISORY COMMITTEE (08/05/2020 - ADOPT RECOMMENDATIONS; 09/16/2020 - SECOND READING OF AN ORDINANCE) |
| 6. | BORREGO VALLEY AIRPORT - THIRD AND FOURTH AMENDMENTS TO AVIATION LEASES WITH JOHN S. WATKINS AND THIRD AMENDMENT TO AVIATION LEASE WITH LARRY H. STRASBAUGH 1999 REVOCABLE TRUST
[FUNDING SOURCE: MONTHLY RENTAL PAYMENTS FROM THE LESSEES UNDER THE TERMS OF THE NEW AMENDMENTS]
(4 VOTES) |
| 7. | GILLESPIE FIELD - FIRST AMENDMENT TO INDUSTRIAL GROUND LEASE WITH DENTT DEVELOPMENT LLC
(4 VOTES) |
| 8. | NOTICED PUBLIC HEARING:
RESOLUTION TO RESCIND THE HOSKINGS RANCH TENTATIVE MAP AND WILLIAMSON ACT CONTRACT AMENDMENT, LOCATED IN THE JULIAN COMMUNITY PLAN AREA |

9. AUTHORIZATION TO EXECUTE A MULTI-AGENCY COST-SHARE AGREEMENT AND A CONTRACT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY TO INVESTIGATE HUMAN FECAL BACTERIA SOURCES IN THE SAN DIEGO RIVER WATERSHED (4 VOTES)

(RELATES TO SANITATION DISTRICT AGENDA NO. SA2)

10. SET A HEARING FOR 09/16/2020:
OTAY VALLEY REGIONAL PARK TRAIL STAGING AREA ON HERITAGE ROAD IN CHULA VISTA - ACQUISITION OF 2.75 ACRES OF LAND (DIII HERITAGE, LLC) (8/5/2020 - SET HEARING; 9/16/2020 - HOLD HEARING)
[FUNDING SOURCES: GENERAL PURPOSE REVENUE AND AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]
11. RETURN TO THE BOARD OF SUPERVISORS WITH DRAFT ORDINANCE MODIFYING COUNTY CODE FOR INACTIVE PROJECTS AND DEFINITIONS OF INACTIVE PERMIT APPLICATION AND EXTENUATING CIRCUMSTANCES; SUMMARY REVIEW OF REMAINING INACTIVE PROJECTS; AND CRITERIA FOR DENIAL OF INACTIVE PROJECTS
12. APPROVE AND RATIFY REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR ENFORCEMENT OF THE STATE RADIATION CONTROL LAW
[FUNDING SOURCES: REVENUE AGREEMENT WITH CALIFORNIA DEPARTMENT OF PUBLIC HEALTH AND 1991 HEALTH REALIGNMENT REVENUE FROM THE STATE]
13. REVISED BOARD POLICY F-45 PROHIBITING THE USE OF GLYPHOSATE-BASED PRODUCTS ON COUNTY PROPERTY
[FUNDING SOURCES: AVAILABLE GENERAL FUND FUND BALANCE AND BUDGETED IN AWM AS REVENUE FROM CHARGES TO CLIENT DEPARTMENTS]
(4 VOTES)
14. SERVICES AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT
[FUNDING SOURCE: AIR POLLUTION CONTROL DISTRICT FUND AVAILABLE PRIOR YEAR FUND BALANCE]
15. OPENING OUR COUNTY PARKS TO WORSHIP AND WORKOUTS
16. PARTNERSHIP WITH THE SAN DIEGO FOOD SYSTEM ALLIANCE ON SAN DIEGO COUNTY FOOD VISION 2030
[FUNDING SOURCE: GENERAL PURPOSE REVENUE]

17. MEASURES TO PROVIDE ECONOMIC ACCESS AND EQUITY IN THE CANNABIS INDUSTRY
18. CLOSED SESSION (CARRYOVER FROM 08/04/20 AGENDA NO. 24)
19. PUBLIC COMMUNICATION

- SUBJECT: NOTICED PUBLIC HEARING:
YALDA OPEN SPACE VACATION, PDS2019-VAC-19-003; VALLE DE ORO COMMUNITY PLAN AREA (07/08/2020 - SET HEARING;
08/05/2020 - HOLD HEARING) (DISTRICT: 2)**

OVERVIEW

On July 8, 2020 (07), the Board of Supervisors set a Hearing for August 5, 2020.

This is a request for the Board of Supervisors (Board) to evaluate and consider a proposed Open Space Vacation (Vacation) and adopt the Environmental Findings for the Yalda Residence Open Space Vacation project.

The Vacation is a proposal to vacate the entire 24,583.49 square foot open space easement approved by the Board on May 9, 2018 and rededicate a new 24,584.67 square foot open space easement in the same location (an increase of 1.18 square feet) concurrently. This Vacation and subsequent dedication are required to adjust approximately 650.79 square feet within the open space easement to allow for the construction of a new single-family residence that was redesigned after May 9, 2018, while still complying with the Valle de Oro Community Plan. The project site consists of a vacant and undeveloped 0.81-acre parcel and is located directly to the west of 1432 Fuerte Heights Lane within the Valle de Oro Community Plan Area, within unincorporated San Diego county.

Today's request requires two steps: On July 8, 2020, it is requested that the Board set a date for a public hearing on August 5, 2020 and provide public notice of that hearing, which includes signage at the project site. If the Board takes the actions recommended for today, then on August 5, 2020, it is requested that the Board consider and adopt a resolution to vacate the referenced open space easement, record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2019-VAC-19-003, and record the OPEN SPACE EASEMENT (Steep Slopes) concurrently.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt the Environmental Findings, which includes findings that the proposed project meets the conditions for the application of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and 15304 (Attachment C).
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2019-VAC-19-003 (Attachment D).
3. Direct the Clerk of the Board to record the Resolution pursuant to the Streets and Highways Code Section 8325 and record the OPEN SPACE EASEMENT (Steep Slopes) (Attachment E) concurrently.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 20-131, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT PDS2019-VAC-19-003.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

2. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2020-21 LEVIES IN
THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND
LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO
SAN DIEGO AND NO. 2 - JESS MARTIN PARK (DISTRICTS: ALL)**

OVERVIEW

On July 8, 2020 (05), the Board of Supervisors set a Hearing for August 5, 2020.

The County of San Diego (County) uses special districts to provide property owners a mechanism to pay for specific services in a geographically defined area. Assessment amounts are approved by voters within the district boundary and are set forth in ordinances adopted by the Board of Supervisors (Board) when the districts are formed. To levy the assessments on the tax bills a public hearing is required to approve each district's Engineer's Report that describes the budget, assessment rate, apportionment method, and parcel assessment amount. This item is to confirm Fiscal Year (FY) 2020-21 assessments for San Diego County Street Lighting District and Landscape Maintenance District Zones No. 1 - Rancho San Diego and No. 2 - Jess Martin Park.

In light of the COVID-19 pandemic, staff reviewed rates to determine if increases were needed for ongoing operations. It was determined that any increases should be avoided where feasible using available fund balance. Use of unassigned fund balance was strategically applied to allow for reduced collections when possible and only one rate increase is being proposed. All rates and the proposed increase have been previously approved by property owner ballots or registered district voter elections in accordance with Articles XIII A-D of the California Constitution. All proposed rates are within approved maximum rates.

Levying on the tax bill minimizes administrative costs by eliminating the need for annual billing and payment collection. If the proposed action to levy on the tax bill is not approved, the previously approved FY 2019-20 rates would be levied. There would be no reduction in revenue from not placing the assessments on the tax roll, but administrative expenses would increase for annual billing and payment collection. Reduced revenues would be mitigated by reductions in service levels for FY 2020-21. The following is the summary of the proposed levies for FY 2020-21:

San Diego County Street Lighting District

The San Diego County Street Lighting District operates and maintains approximately 10,400 public street lights in the unincorporated region providing property owners quality street light service at a low cost. The district is funded by property owner assessments and a portion of the 1% property tax allocated to the County. In Fiscal Year 2020-21, the rate for the district will be reduced due to hardware and energy costs savings from the LED retrofit project which was completed in 2020. The proposed annual assessment rate will decrease by 25.93%, from \$13.50 to \$10.00, per benefit unit, in accordance with the voter-approved maximum rates for all land use types.

Landscape Maintenance District Zone No. 1 - Rancho San Diego

Landscape Maintenance District Zone No. 1 - Rancho San Diego was established to supplement revenue assessed by County Service Area No. 26 - Rancho San Diego for park operation, maintenance, and improvements within the Rancho San Diego boundary. The proposed maximum annual assessment rate will increase by 2.35%, from \$35.02 to \$35.84, per benefit unit in accordance with a voter-approved annual increase. The district's operating costs exceed revenues and there is insufficient fund balance to support ongoing services. The proposed rate increase will be used for utility, contract, and labor costs for park operations.

Landscape Maintenance District Zone No. 2 - Jess Martin Park

Landscape Maintenance District Zone No. 2 - Jess Martin Park was established to fund ongoing maintenance of amenities and construction of minor capital improvements at Jess Martin Park in the community of Julian. The voters did not approve an annual rate inflator at the time of the district's formation; therefore, the assessment rate will remain at the current amount of \$47.82 per single family home per year.

This action requires two steps. To become effective, the proposed assessments must be confirmed by the Board at an annual public hearing. On July 8, 2020, the actions requested are to approve the Engineer's Reports for the San Diego County Street Lighting District; Landscape Maintenance District Zone No. 1 - Rancho San Diego; and Landscape Maintenance District Zone No. 2 - Jess Martin Park, and to set a public hearing date of July 8, 2020. If the Board takes these actions on July 8, 2020, then at the hearing on August 5, 2020, after hearing public testimony, the Board will be asked to consider adopting resolutions confirming the assessments. Upon approval, the assessments will be placed on the tax roll, so property owners can continue to pay the benefit assessment through their property tax bills. These actions are discretionary after consideration of public testimony.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT.
2. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1.
3. Adopt a resolution entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2.

FISCAL IMPACT

The proposed assessment levies are included in the Fiscal Year (FY) 2020-21 CAO Recommended Operational Plan in the Departments of Public Works and Parks and Recreation. There is a proposed decrease in assessment for the San Diego County Street Lighting District and a proposed increase in assessment for Landscape Maintenance District Zone No. 1 - Rancho San Diego, and no proposed change for Landscape Maintenance District Zone No. 2 - Jess Martin Park for Fiscal Year 2020-21. The proposed decrease in revenue for the San Diego County Street Lighting District from property owner assessments will be \$397,524 in FY 2020-21. The proposed increase in revenue for Landscape Maintenance District Zone No. 1 - Rancho San Diego from property owner assessments will be \$3,781 in FY 2020-21. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting the following:

Resolution No. 20-132, entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT;

Resolution No. 20-133, entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1; and

Resolution No. 20-134, entitled: RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENTS IN LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 3. **SUBJECT: ADMINISTRATIVE ITEM:
NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
BUSINESS PROCESS STREAMLINING MEASURES FOR
HAZARDOUS MATERIALS PROGRAM IN THE DEPARTMENT OF
ENVIRONMENTAL HEALTH (DISTRICTS: ALL)**

OVERVIEW

On July 8, 2020 (10), the Board of Supervisors set a Hearing and introduced the Ordinance for further Board consideration and adoption on August 5, 2020.

As a result of the rapid spread of a novel coronavirus (COVID-19) across the globe, the Health Officer of the County of San Diego (County Health Officer) issued an Order of the Health Officer (Health Order) on March 12, 2020. The Health Order reiterated the Executive Orders issued by Governor Gavin Newsom and included additional guidelines and restrictions for protecting public health in the San Diego region. On March 16, 2020, the County Health Officer issued an Amended Health Order and Emergency Regulations that provided stricter directives to help slow the rate of spread of COVID-19, including social distancing guidelines and required closures or modified levels of service for many businesses. On March 29, 2020,

the County of San Diego (County) announced that the Amended Health Order and Emergency Regulations would be effective indefinitely.

In response to the economic impacts of these orders, the Board of Supervisors (Board) took action to provide relief to the community. On March 24, 2020 (22), the Board approved Vice-Chairman Jim Desmond's and Supervisor Kristin Gaspar's recommendation to direct the Chief Administrative Officer to analyze County requirements that may inhibit businesses from swiftly reopening once the Health Order is lifted and provide a report back to the Board. On April 24, 2020, a memo titled, "County of San Diego Requirements That May Inhibit Businesses Impacted by the Coronavirus Global Emergency from Swiftly Reopening Once the Public Health Order is Lifted" (memo) was issued, outlining potential solutions to aid businesses and the local economy affected by the COVID-19 health crisis emergency. Potential solutions included permit fee waivers and deferrals, lease waivers and deferrals, ordinance amendments, new programs, and extended services. On May 5, 2020 (16), the Board approved Vice-Chairman Jim Desmond's and Supervisor Kristin Gaspar's recommendation to direct the Chief Administrative Officer to implement specific options described in the memo.

Today, the Department of Environmental Health (DEH) is returning to the Board with the ordinance amendments that are necessary to implement the four items identified in the memo that were directed to streamline business processes and reduce costs for DEH customers. They include:

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

As the Certified Unified Program Agency (CUPA), DEH regulates approximately 14,000 businesses throughout the county of San Diego that have hazardous materials, generate hazardous waste, and generate medical waste. In order to protect human health and the environment, the CUPA performs inspections, ensures compliance, and verifies accurate reporting of information in the statewide database known as the California Environmental Reporting System (CERS). CUPA programs are mandated by the California Health and Safety Code, including inspections for Underground Storage Tanks, facilities subject to the Hazardous Materials Business Plan Program, and facilities that generate hazardous waste and medical waste. CUPA programs are supported by revenue from annual permit fees to businesses per the ordinance.

Today's request requires two steps. The first request is to approve the first reading of the ordinance on July 8, 2020. If approved, the ordinance amendments will be brought back for adoption on August 5, 2020. The request on August 5, 2020 would be to adopt ordinance amendments to the County of San Diego Code of Regulatory Ordinances relating to streamlining procedures and adjusting fees for hazardous materials businesses in DEH.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the Ordinance amending Title 6 of the San Diego County Code of Regulatory Ordinances (second reading).

ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST CERTAIN DEPARTMENT OF ENVIRONMENTAL HEALTH REGULATORY REQUIREMENTS RELATED TO HAZARDOUS MATERIALS AND ASSOCIATED ORDINANCE REVISIONS.

FISCAL IMPACT

Costs and revenue from the fee adjustments are included in the Fiscal Year (FY) 2020-21 preliminary operating budget in the Department of Environmental Health (DEH) and are included in the FY 2020-21 CAO Recommended Operational Plan in DEH. These fees are estimated in an amount sufficient to recover full costs as required by Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery. Accordingly, there is no projected unrecovered cost and a waiver of Board Policy B-29 is not needed. If approved, the proposed fee adjustments will result in estimated costs and revenue totaling \$2,180,000 effective FY 2020-21. The funding source is fees paid by DEH customers. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

If approved, these recommendations will streamline requirements for approximately 7,400 businesses and reduce fees while still allowing the Department of Environmental Health to maintain high quality of services that promote and enhance protection of the environment and public health.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10680 (N.S.), entitled: **ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST CERTAIN DEPARTMENT OF ENVIRONMENTAL HEALTH REGULATORY REQUIREMENTS RELATED TO HAZARDOUS MATERIALS AND ASSOCIATED ORDINANCE REVISIONS.**

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: ADOPT A RESOLUTION TO SUMMARILY VACATE PORTIONS OF NORTH CENTRE CITY PARKWAY IN THE ESCONDIDO AREA AND DECLARE THOSE PORTIONS AS EXEMPT SURPLUS LAND - VACATION NO. 2018-0270 (DISTRICT: 5)**

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request to summarily vacate portions of North Centre City Parkway in an unincorporated area of Escondido. The property subject to the vacation is located within the Hidden Meadows Subregional Group Area of the North County Metro Community Planning Area. A vacation of public roads may be requested by the public if the road is found to be excess right of way not required for road purposes. In this instance, the proposed road easement vacation would provide a public benefit resulting from improved use of the land made available by the

vacation, subject to an exempt surplus land declaration and a subsequent conveyance to the adjacent property owner.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate portions of North Centre City Parkway that is excess right-of-way not required for street or highway purposes, declare the excess right-of-way identified as County Parcel No. 2018-0270 surplus to County of San Diego needs, and find that the real property is exempt surplus land in accordance with State of California Government Code Section 54221(f)(1)(E) because it will be conveyed to the applicant, who is an adjacent property owner.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would not have a reasonably foreseeable direct or indirect effect on the environment and is not a project subject to CEQA review as it will only result in the partial summary vacation of portions of public right-of-way that is not needed for public road purposes.
2. Find that the proposed sale is exempt from CEQA pursuant to State CEQA Guidelines Section 15312.
3. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE PORTIONS OF NORTH CENTRE CITY PARKWAY IN THE ESCONDIDO AREA (VACATION NO. 2018-0270).
4. Direct the Clerk of the Board to record the Resolution for Vacation No. 2018-0270 pursuant to State of California Streets and Highways Code Section 8336.
5. Declare County Parcel No. 2018-0270 surplus to the County of San Diego's needs and find that the parcel is "exempt surplus land" pursuant to State of California Government Code Section 54221(f)(1)(E) because the parcel will be conveyed to an adjacent property owner.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Department of General Services and will be included in the Fiscal Year 2020-21 Amended Operational Plan. If approved, this request will result in estimated expenses of \$9,000 to process the proposed vacation and for an appraisal of the land value. The funding source is a deposit from the applicant. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-135, entitled: RESOLUTION TO SUMMARILY VACATE PORTIONS OF NORTH CENTRE CITY PARKWAY IN THE ESCONDIDO AREA (VACATION NO. 2018-0270).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. SUBJECT: TRAFFIC ADVISORY COMMITTEE (08/05/2020 - ADOPT RECOMMENDATIONS; 09/16/2020 - SECOND READING OF AN ORDINANCE) (DISTRICTS: 2 & 5)

OVERVIEW

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide communities in the unincorporated region with a safe and efficient road system. To accomplish this, it is necessary that traffic policies be established and used to provide persons using the road system with consistent and uniform regulations that are effective and can be legally enforced. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County-maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering and traffic condition studies.

The TAC recommends the Board act on six items from the April 24, 2020, TAC meeting agenda:

District	Item	Location	Action
2	2-A	Creeksford Drive, Lakeside	Certify the 35 MPH speed limit
5	5-A	Miller Road, Valley Center	Reduce the 45 MPH speed limit to 40 MPH and certify
	5-B	Palm Canyon Drive, Borrego Springs	Certify the 45 MPH speed limit
	5-C	Palm Canyon Drive, Borrego Springs	Certify the 35 MPH speed limit
	5-D	Palm Canyon Drive, Borrego Springs	Certify the 40 MPH speed limit
	5-E	Palm Canyon Drive, Borrego Springs	Relocate and certify a 50 MPH speed limit

Approval of Items 2-A and 5-A through 5-E would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

The Board’s action on Items 2-A and Items 5-B through 5-D does not require a second hearing, and Board direction on August 5, 2020 would allow implementation by DPW. The Board’s action on Items 5-A and 5-E would introduce an ordinance to decrease a speed limit

and relocate a speed limit zone, respectively, would revise the San Diego County Code of Regulatory Ordinances (County Code), and requires two steps. On August 5, 2020, the Board would consider the TAC item. If the Board acts on August 5, 2020, then on September 16, 2020, a second reading and adoption of an ordinance amending County Code would be necessary to implement the Board's direction.

**RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE**

District 2:

Item 2-A. Creekford Drive from Winter Gardens Boulevard to Riverview Avenue in Lakeside - Certify the existing 35 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Miller Road from Valley Center Road to Cole Grade Road in Valley Center – Reduce the 45 MPH speed limit to 40 MPH and certify the speed limit for radar enforcement.

Item 5-B. Palm Canyon Drive from Montezuma Valley Road/Hoberg Road to Ocotillo Circle/Country Club Road in Borrego Springs - Certify the existing 45 MPH speed limit for radar enforcement.

Item 5-C. Palm Canyon Drive from Ocotillo Circle/Country Club Road to Christmas Circle Drive in Borrego Springs - Certify the existing 35 MPH speed limit for radar enforcement.

Item 5-D. Palm Canyon Drive from Christmas Circle Drive to Di Giorgio Road in Borrego Springs - Certify the existing 40 MPH speed limit for radar enforcement.

Item 5-E. Palm Canyon Drive from Di Giorgio Road to Borrego Valley Road in Borrego Springs - Relocate the east end of the 50 MPH speed zone to a point 1,500' east of Borrego Valley Road and certify the speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control issues on County maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.
3. Approve the introduction, read title, and waive further reading of the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.25.4. AND 72.169.82. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A & 5-E).

If, on August 5, 2020, the Board takes action as recommended, then, on September 16, 2020: Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.25.4. AND 72.169.82. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A & 5-E).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Department of Public Works Road Fund and will be included in the Fiscal Year 2020-21 Amended Operational Plan. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on September 16, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

6. **SUBJECT: BORREGO VALLEY AIRPORT - THIRD AND FOURTH AMENDMENTS TO AVIATION LEASES WITH JOHN S. WATKINS AND THIRD AMENDMENT TO AVIATION LEASE WITH LARRY H. STRASBAUGH 1999 REVOCABLE TRUST (DISTRICT: 5)**

OVERVIEW

Borrego Valley Airport is a general aviation airport owned and operated by the County of San Diego's (County) Department of Public Works (DPW). Borrego Valley Airport is a general aviation airport located in the desert community of Borrego Springs. The airport serves the Borrego Springs community by providing facilities for general aviation and aerobatic competitions as well as government uses, such as search and rescue, parks management, and law enforcement. Leasing of airport property generates lease revenue within the Airport Enterprise Fund, which is used by DPW to ensure that all County airports are properly maintained and safe for airport users.

On January 7, 2004 (6), the Board of Supervisors (Board) approved a 30-year aviation ground lease for aircraft storage hangars with John S. Watkins. On September 15, 2010 (9), the Board approved two 30-year aviation ground leases for aircraft storage hangars; an additional lease with John S. Watkins and one with Larry H. Strasbaugh 1999 Revocable Trust. These leases require that rent be readjusted to reflect market rent every five years, with the next adjustment due to be effective in September 2020. Due to the economic effects of the COVID-19 pandemic, rent payments accruing under these leases, between March 4, 2020 and September 30, 2020, may be deferred in accordance with the Resolution of the Board of Supervisors, at the option of lessees. To date, neither of these lessees has sought to defer rents.

This is a request to approve the Third and Fourth Amendments to aviation ground leases with John S. Watkins and the Third Amendment to the aviation ground lease with Larry H. Strasbaugh 1999 Revocable Trust at Borrego Airport. These amendments will adjust rent to fair market rates as required by the leases every five years. The new rents were proposed based on appraised market rate, and both Watkins and Strasbaugh are supportive of the adjustments. The amendments would also update the lease provision related to compliance with laws to current standards. All other terms of the leases would remain unchanged.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease amendments are categorically exempt from CEQA review as they allow for the continued leasing of existing facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the three amendments with John S. Watkins and Larry H. Strasbaugh 1999 Revocable Trust. (County Contract Nos. 75727R, 503252, 503253) **(4 VOTES)**

FISCAL IMPACT

Funds from this request are partially included in the Fiscal Year 2020-21 preliminary operating budget for the Airport Enterprise Fund. If approved, this request would result in additional revenue of \$385 in Fiscal Year 2020-21 over the budgeted amount of \$9,420 and will be included in the Fiscal Year 2020-21 Amended Operational Plan. The funding source for the additional revenue is monthly rental payments from the lessees under the terms of the new amendments. Due to the economic effects of the COVID-19 pandemic, rent payments accruing under these leases, between March 4, 2020 and September 30, 2020, may be deferred in accordance with the Resolution of the Board of Supervisors, at the option of lessees. To date, neither of the lessees included in this action have requested rent deferral. As such, the increased revenues are not expected to be deferred; however, if this changes, deferred revenues would not impact services as use of existing AEF fund balance can offset deferred rents until they are realized. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: GILLESPIE FIELD - FIRST AMENDMENT TO INDUSTRIAL GROUND LEASE WITH DENTT DEVELOPMENT LLC (DISTRICT: 2)**

OVERVIEW

Gillespie Field is a general aviation airport, owned and operated by the County of San Diego's (County) Department of Public Works (DPW), located within the municipal limits of the City of El Cajon (City). The airport is a gateway to and from San Diego's east county providing infrastructure, facilities and services to corporate and general aviation. Along with aviation-related facilities, Gillespie Field includes three off-airport industrial parks with airport-compatible uses. DPW leases land at these industrial parks at market rate to multiple businesses. Leasing of airport land generates lease revenue for the Airport Enterprise Fund, which is used by DPW to ensure that all County airports are properly maintained and safe for airport users.

On May 3, 2017 (10), the Board of Supervisors approved two 55-year industrial ground leases with Dentt Development LLC (Dentt), a California limited liability company, to develop a vacant site at Marshall Avenue in two phases, represented by each of the two leases. For each phase of the development, the County agreed to temporarily relieve the developer from paying rents for a period of time pre-construction. Dentt started paying rent for the Phase 1 lease in December 2018, and in 2019 successfully completed the Phase 1 construction. The rent abatement period for the Phase 2 lease ended on May 31, 2020. However, due to the delay of the Phase 2 planning and approval process, resulting from reduced City services due to the COVID-19 pandemic, the developer was unable to start the construction on time. Dentt has re-confirmed its commitment to finish the development and has requested the County to extend the rent abatement period on the Phase 2 lease. To accommodate such request and to assist the developer in completing the project, staff has prepared a lease amendment.

This is a request to approve the first amendment to the industrial ground lease with Dentt Development LLC, Contract 317032. The amendment would retroactively extend the rent abatement until the start of construction, defined as the date on which a building permit is issued by the City, or June 1, 2021, whichever is earlier. Upon the expiration of the extended abatement period, the monthly rent of \$14,464 would begin to accrue. The amendment would also update the lease provision related to compliance with laws to current standards. All other terms of the lease would remain unchanged.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease amendment is categorically exempt from CEQA review, as it consists of leasing of existing facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the First Amendment to Industrial Ground Lease with Dentt Development LLC. (County Contract No. 317032) **(4 VOTES)**

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Department of Public Works, Airport Enterprise Fund. If approved, this request would result in a loss of anticipated annual lease revenue of up to \$159,104 in Fiscal Year 2020-21 for the Airport Enterprise Fund, which would be included in the Fiscal Year 2020-21 Amended Operational Plan. If approved, the amount of lease payments since June 1, 2020 would be credited towards the Lessee's account (\$14,464). All impacts from the loss of revenue as a result of this action would be offset by available cash reserves included in the fund balance in the Airport Enterprise Fund. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. **SUBJECT: NOTICED PUBLIC HEARING:
RESOLUTION TO RESCIND THE HOSKINGS RANCH TENTATIVE
MAP AND WILLIAMSON ACT CONTRACT AMENDMENT,
LOCATED IN THE JULIAN COMMUNITY PLAN AREA
(DISTRICT: 2)**

OVERVIEW

On October 19, 2016 (3), the Board of Supervisors (Board) approved the Hoskings Ranch project (Project), consisting of a Tentative Map for a 24-lot agricultural subdivision, an amendment to the existing Williamson Act Contract, and certification of an Environmental Impact Report. The Project site is located at the southwest intersection of State Route 78/79 and Pine Hills Road, in the Julian Community Planning Area. The applicant proposed a Tentative Map to subdivide 1,416.5 acres of agricultural grazing and breeding lands into 24 agricultural lots ranging in size from 40 to 62 acres. The amendment to the Williamson Act Contract would reduce the minimum lot size from 160 acres to 40 acres for a portion of the Project.

Subsequent to the approval of the project, on November 21, 2016, a Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief was filed with the Superior Court of San Diego (Court). The Plaintiffs challenged that the project approval violated the Subdivision Map Act and Williamson Act by permitting a residential, rather than an agricultural subdivision. On December 11, 2017, the Court issued a Minute Order which ruled in favor of the Board's approval of the project and the petition was denied.

On March 8, 2018, an appeal was filed with California's Fourth District Court of Appeals against the judgement of the Court. The Court of Appeals found that the Board's approval of the project was not supported by substantial evidence that the project complied with Section 66474.4 of the Subdivision Map Act and intent of the Williamson Act. The Court of Appeals ruled that the Court's decision be reversed, and the County of San Diego was directed to vacate its approval of the tentative map of the proposed Hoskings Ranch subdivision.

Today's request is for the Board to adopt a resolution to rescind the Hoskings Ranch project approvals.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Adopt proposed Resolution titled RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING AND VACATING RESOLUTION CONDITIONALLY APPROVING TENTATIVE MAP NO. 5312 RPL3, THIRD AMENDMENT TO LAND CONSERVATION CONTRACT (AP 15-01) AND RELATED ENVIRONMENTAL FINDINGS to effect all of the following:

- a. Rescind and vacate the environmental findings, which included the certification of an Environmental Impact Report (EIR), which were adopted on October 19, 2016.
- b. Rescind and vacate the Resolution titled: RESOLUTION OF THE SAN DIEGO COUNTY CONDITIONALLY APPROVING TENTATIVE MAP NO. 5312 RPL3, adopted on October 19, 2016.
- c. Rescind and vacate the THIRD AMENDMENT TO LAND CONSERVATION CONTRACT (AP 15-01) to reduce the Williamson Act Contract's minimum lot size on a 161-acre portion of the Hoskings Ranch from 160 acres to 40 acres, adopted on October 19, 2016.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 20-136, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING AND VACATING RESOLUTION CONDITIONALLY APPROVING TENTATIVE MAP NO. 5312 RPL3, THIRD AMENDMENT TO LAND CONSERVATION CONTRACT (AP 15-01) AND RELATED ENVIRONMENTAL FINDINGS.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 9. **SUBJECT: AUTHORIZATION TO EXECUTE A MULTI-AGENCY COST-SHARE AGREEMENT AND A CONTRACT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY TO INVESTIGATE HUMAN FECAL BACTERIA SOURCES IN THE SAN DIEGO RIVER WATERSHED (DISTRICTS: 2, 3 & 4)**

OVERVIEW

On June 12, 2019, the San Diego Regional Water Quality Control Board (San Diego Water Board) identified the County of San Diego (County), the San Diego County Sanitation District (Sanitation District), and eight other public agencies as responsible parties required to comply with Investigative Order No. R9-2019-0014 (Order). The Order requires the 10 responsible parties to submit technical and monitoring reports to identify and quantify the sources of human fecal material entering the Lower San Diego River Watershed. Today's request is to execute a contract with the Southern California Coastal Water Research Project Authority (SCCWRP), a public research agency, to complete the required water quality studies and technical reports on behalf of all responsible parties. Today's action also requests authorization to execute an agreement with the responsible parties to equitably share the costs of conducting the required work.

The San Diego Water Board issued the Order in response to water quality data collected from the San Diego River and its tributaries indicating the presence of human fecal material in the watershed, which poses a potential health risk to people recreating in local surface waters such as rivers and the ocean. The Order alleges that potential sources of this human fecal material could be spills and leaks from the sanitary sewer system, faulty septic systems, illegal discharges to storm drains, waste from homeless encampments, and treated effluent from a water reclamation plant. The San Diego Water Board identified that the 10 named parties are all agencies responsible for controlling one or more of the alleged sources. The intent of the Order is to identify which of the alleged sources are the most significant so that appropriate control measures can be applied to prevent future discharges.

The responsible parties formed a Steering Committee to assist in developing a robust study work plan that satisfies Order requirements. The Steering Committee includes representatives from each responsible party as well as San Diego Coastkeeper, the San Diego River Park Foundation, and San Diego Water Board staff. In addition, a Technical Advisory Committee (TAC) made up of scientists and engineers with expertise in water quality, public health, microbiology, and hydrology, was convened to provide technical feedback on the proposed study design. The San Diego Water Board accepted the proposed work plan and schedule on May 22, 2020, following several rounds of comments and input from the Steering Committee and TAC.

The Steering Committee, including the San Diego Water Board, the responsible parties, and the environmental advocacy groups collectively agreed that SCCWRP is uniquely qualified to implement the approved study work plan and to prepare the technical reports required by the Order. SCCWRP scientists have specialized expertise and play a leading role internationally in deploying novel approaches to the evaluation of sources of bacteria, particularly human fecal material, in waterways. They will be called upon to develop and deploy study methods rarely attempted before, i.e., attempting to measure leakage rates from sewer pipes.

Based on extensive experience managing water quality studies, the County volunteered to serve as the administrative lead party responsible for contracting with and overseeing SCCWRP's work. Under the proposed *Cost-Share Agreement - San Diego Regional Water Quality Control Board San Diego River Investigative Order: Technical and Monitoring Reports* (Agreement), total costs to complete the required water quality studies and reports will not exceed \$5,195,440 through Fiscal Year 2024-25. The Agreement establishes methods to calculate each responsible party's fair share contribution and would ensure reimbursement to the County of up to \$4,014,500 over the life of the project, including \$162,740 from the Sanitation District. Therefore, the County's share of total project costs will not exceed \$1,180,940 through Fiscal Year 2024-25.

Today's action would authorize the Director of Public Works to execute the Agreement and to negotiate future extensions and modifications, as necessary. Today's action would also authorize the Department of Purchasing and Contracting to negotiate and award a contract to SCCWRP for implementation of the approved work plan according to Board Policy A-87 based on SCCWRP's unique qualifications to carry out the required study elements and subject to successful negotiations and determination of a fair and reasonable price.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors:

1. Find that the proposed activity is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15306 of the state CEQA Guidelines because the Cost-Share Agreement and the proposed agreement with Southern California Coastal Water Research Project are intended for data collection purposes, which would not result in serious or major disturbances to an environmental resource.
2. Authorize the Director, Department of Public Works, or their designee, to execute an agreement on behalf of the County of San Diego with the Cities of San Diego, Santee, El Cajon and La Mesa; Padre Dam Municipal Water District; San Diego State University; the San Diego Metropolitan Transit System; and the California Department of Transportation to provide revenue to the County of up to \$4,014,500 to offset the costs of complying with San Diego Regional Water Quality Control Board Order No. R9-2019-0014 to investigate and quantify human sources of fecal bacteria in the Lower San Diego River Watershed, and to take all actions necessary to fulfill the County's obligations under the agreement, including negotiating future extensions and modifications to the agreement as necessary.
3. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director, Department of Purchasing and Contracting, to enter into negotiations with the Southern California Coastal Water Research Project Authority (SCCWRP) and, subject to successful negotiations and a determination of a fair and reasonable price, award a contract to conduct an investigation to quantify human sources of fecal bacteria in the Lower San Diego River Watershed to SCCWRP for up to five years, and to amend the contract as needed to reflect changes to requirements and funding, subject to approval of the Director, Department of Public Works, or his/her designee.
4. Establish appropriations of \$162,740 in the Department of Public Works, General Fund, Watershed Protection Program for the fair share cost of the Cost Share Agreement based on an Operating Transfer In from the San Diego County Sanitation District. **(4 VOTES)**

Acting as the Board of Directors of the San Diego County Sanitation District:

1. Transfer existing appropriations of \$162,740 from the San Diego County Sanitation District, Capital Improvement Project 1023524 Preliminary WPP CIP Costs, to Operating Transfer Out within the San Diego County Sanitation District to provide funds for the fair share cost of the Cost Share Agreement. **(4 VOTES)**
2. Authorize the Director, County of San Diego, Department of Public Works, acting on behalf of the Sanitation District, or their designee, to execute an agreement on behalf of the Sanitation District with the Cities of San Diego, Santee, El Cajon and La Mesa; Padre Dam Municipal Water District; San Diego State University; the San Diego Metropolitan Transit System; and the California Department of Transportation to provide revenue to the County to offset the costs of complying with San Diego Regional Water Quality Control Board Order No. R9-2019-0014 to investigate and quantify human sources of fecal bacteria in the Lower San Diego River Watershed, and to take all actions necessary to fulfill the County's obligations under the agreement, including negotiating future extensions and modifications to the agreement as necessary.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Department of Public Works, General Fund, under the Watershed Protection Program, and in the Sanitation District. If approved, this request will result in County expenditures on behalf of all parties of \$1,872,499 in Fiscal Year 2020-21 offset by revenue of \$1,599,587; expenditures of \$1,798,000 in Fiscal Year 2021-22 offset by revenue of \$1,414,140; expenditures of \$999,939 in Fiscal Year 2022-23 offset by revenue of \$720,919; expenditures of \$515,001 in Fiscal Year 2023-24 offset by revenue of \$272,126; and expenditures of \$10,001 in Fiscal Year 2024-25 offset by revenue of \$7,728, for a total five-year expenditure of \$5,195,440 offset by revenue of \$4,014,500, for a net cost to the County of \$1,180,940 through Fiscal Year 2024-25.

If approved, net County costs of \$272,912 will be included in the Fiscal Year 2020-21 Amended Operational Plan in the Department of Public Works, General Fund based on available prior year General Fund fund balance. Funding for Fiscal Years 2021-22 through 2024-25 will be included in future Operational Plans based on available one-time funds. Total County expenditures through Fiscal Year 2024-25 will not exceed \$5,195,440, which will be partially offset by revenue from other agencies in an amount up to \$4,014,560 (including \$162,740 in revenue from the Sanitation District), or 70% of total project costs, for a net County cost of \$1,180,940 through Fiscal Year 2024-25. There will be no change in net General Fund cost and no additional staff years.

A waiver of Board Policy B-29 is not required because the County is only responsible for those costs Department of Public Works staff has determined are fairly charged to the County. The total unrecovered cost allowed per Board Policy B-29 in Fiscal Year 2020-21 is \$272,912 and would be funded by available prior year General Fund fund balance.

San Diego County Sanitation District Fair Share Cost

Funds from the San Diego Sanitation District to support its fair share of total project costs are included in the Fiscal Year 2020-21 preliminary operating budget in the San Diego County Sanitation District based on unspent appropriations in Capital Improvement Project 1023524 Preliminary WPP CIP Costs. If approved, \$162,740 would be transferred from Capital Improvement Project 1023524 to Operating Transfers Out within the San Diego County Sanitation District and would be included in the Fiscal Year 2020-21 Amended Operational Plan. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Today's proposed actions benefit local business and the community at large by identifying sources of water quality contamination so that sources of pollution can be eliminated, which contributes to a healthy environment.

(RELATES TO SANITATION DISTRICT AGENDA NO. SA2)

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 10. SUBJECT: SET A HEARING FOR 09/16/2020:
OTAY VALLEY REGIONAL PARK TRAIL STAGING AREA ON
HERITAGE ROAD IN CHULA VISTA - ACQUISITION OF 2.75 ACRES
OF LAND (DIII HERITAGE, LLC) (8/5/2020 - SET HEARING; 9/16/2020
- HOLD HEARING) (DISTRICT: 1)**

OVERVIEW

The Otay Valley Regional Park (OVRP) encompasses a conceptual planning area of nearly 9,000 acres along the Otay River in South County. The regional park offers a variety of recreational amenities including a multi-use trail network, picnic facilities, and a ranger station. The County of San Diego (County) and the cities of San Diego and Chula Vista entered into a Joint Exercise of Powers Agreement in 2005 for the coordinated planning, acquisition, design, operations, and maintenance of this regional park. The three jurisdictions collaborated to create one regional park for the greater benefit of the region.

The County identified a 2.75-acre parcel (Property) within the OVRP planning area, located on the east side of Heritage Road and south of Main Street in Chula Vista, for inclusion into OVRP. The parcel is adjacent to County-owned OVRP land and will provide contiguous access for park users. The Property is immediately adjacent to land on which a future trail is planned, making it an ideal site for a potential staging area.

Today's request is for the Board of Supervisors (Board) to set a hearing for September 16, 2020 to consider approval of the purchase of the 2.75-acre property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on September 16, 2020, after making the necessary findings, the Board will be requested to authorize the purchase of 2.75 acres of land (Assessor's Parcel Number 644-050-11) from DIII Heritage, LLC for the appraised value of \$1,025,000. The total one-time County cost, including property acquisition, appraisal, staff time, and initial stewardship, is \$1,078,000 and will be funded by General Purpose Revenue (\$450,000) and available prior year General Fund fund balance (\$628,000) budgeted in the Capital Outlay Fund.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On August 5, 2020:

1. Set a hearing for September 16, 2020, at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase Assessor's Parcel Number (APN) 644-050-11 from DIII Heritage, LLC for the appraised value of \$1,025,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of the September 16, 2020 hearing via publication and posting as required by law.

If, on August 5, 2020, the Board takes the actions recommended in Items 1-2 above, then on September 16, 2020:

1. Find that the proposed acquisition of APN 644-050-11 is exempt from the California Environmental Quality Act (CEQA) pursuant to (a) Public Resources Code section 21080.28 and CEQA Guidelines section 15325 for the preservation of land for park purposes and (b) CEQA Guidelines section 15004(b)(2) and section 15004(b)(2)(A) because an agency may designate a preferred site for CEQA review and enter into land acquisition agreements prior to completing CEQA review and the Board of Supervisors hereby conditions any future use of the site upon CEQA compliance.
2. Authorize the Director, Department of General Services, to exercise the option to purchase APN 644-050-11 at the appraised value of \$1,025,000.
3. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase of APN 644-050-11.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Capital Outlay Fund for Capital Project 1022912 OVRP Heritage Staging Area Zone A. Funding for this acquisition was included in the Fiscal Year 2019-20 Operational Plan and unspent. If approved, appropriations will be included in the Fiscal Year 2020-21 Amended Operational Plan, resulting in total costs of \$1,078,000 for Capital Project 1022912 OVRP Heritage Staging Area Zone A. Costs are itemized as follows: \$1,025,000 for property acquisition; \$45,000 for the appraisal and staff time to complete the transaction; \$3,000 for closing and title costs; and \$5,000 in one-time land protection costs. The funding sources are General Purpose Revenue (\$450,000) and available prior year General Fund fund balance (\$628,000).

Once developed, staffing, operations, and maintenance of this area will be the responsibility of the City of San Diego per the existing Joint Exercise of Powers Agreement for the Otay Valley Regional Park.

There will be no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for September 16, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

11. SUBJECT: RETURN TO THE BOARD OF SUPERVISORS WITH DRAFT ORDINANCE MODIFYING COUNTY CODE FOR INACTIVE PROJECTS AND DEFINITIONS OF INACTIVE PERMIT APPLICATION AND EXTENUATING CIRCUMSTANCES; SUMMARY REVIEW OF REMAINING INACTIVE PROJECTS; AND CRITERIA FOR DENIAL OF INACTIVE PROJECTS (DISTRICTS: ALL)

OVERVIEW

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group annually reviews expiring Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code. This process ensures relevant policies and provisions are updated and renewed, while obsolete policies and code provisions are removed.

On November 20, 2019 (9), the Board considered five options for amending Board Policy I-137: Processing Inactive Projects (Policy I-137). The intent of Policy I-137 is to increase efficiency and decrease costs for customers by developing a program that reduces the costs of processing privately initiated discretionary permit applications with a history of inactivity and the ongoing administrative management of these permit applications.

The Board amended and selected Option 5, which required a draft ordinance to modify the County Regulatory Code (County Code) to establish that an inactive permit application be withdrawn after two consecutive years of inactivity. The permit applicant (Applicant) may request a two-year extension of an inactive permit application, and has the option to request another extension of the inactive permit application for an additional two years due to extenuating circumstances (for a total length of time not to exceed six years). Option 5 also required modifying the County Code to include definitions of the terms “inactive permit application” and “extenuating circumstances” to explain when an inactive permit application would be extended for a period of up to six years.

The Board also directed staff to review the remaining 124 idle permit applications, notify Applicants of the option to withdraw their projects within 60 days, and to return to the Board with proposed criteria by which the Director of PDS (Director) could recommend denial of an inactive permit application. To date, 85 percent (106 out of 124) of the permit applications were either withdrawn, placed in idle, or reactivated.

Today’s request is for the Board to consider amendments to the Zoning Ordinance and Subdivision Ordinance and the draft criteria by which the Director could recommend denial of inactive permit applications. If the Board directs the Director to proceed with amendments to the Zoning Ordinance and the Subdivision Ordinance to establish a procedure for closure of inactive permit applications, then staff will provide the amendments for public review, take the amendments to the Planning Commission for a recommendation, and bring them back to the Board for consideration.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with the definitions in Section 15060(c)(3) and 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the Board of Supervisors Policy I-137 do not constitute a project since they are administrative actions that will not result in direct or indirect physical changes in the environment. Further, pursuant to CEQA Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Direct staff to proceed with finalizing the amendments to the Zoning Ordinance and the Subdivision Ordinance to establish a procedure for closure of Inactive Permit Applications and return to the Board for approval, as proposed in Attachments A and B.
3. Amend Policy I-137 to establish the requirements for the remaining idle projects, as proposed in Attachment C.
4. Establish the criteria by which the remaining projects that have had no response from the Applicants will move forward to the appropriate decision maker for denial due to inadequate progress as authorized by CEQA Guidelines Section 15109, or by Section 362 of Article XX of the San Diego County Administrative Code, Schedule B, 5 and 6.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. Applicants are responsible for paying all costs associated with processing idle projects. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

12. **SUBJECT: APPROVE AND RATIFY REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR ENFORCEMENT OF THE STATE RADIATION CONTROL LAW (DISTRICTS: ALL)**

OVERVIEW

Radiation is energy that travels in invisible waves or rays. Although radiation is naturally present in the environment, it can have either beneficial or harmful effects, depending on its use and control. The Radiation Control Law (California Health and Safety Code §§ 114960 – 115273) establishes regulations for sources of radiation. It requires radioactive materials are used and stored in a way that eliminates unnecessary exposure and protects the public and radiation workers.

The California Department of Public Health (CDPH) is designated as the agency responsible for enforcement of the Radiation Control Law; however, CDPH may enter into agreements with agencies to conduct local regulatory oversight. Since 1986, the Department of Environmental Health (DEH) has entered into an agreement with CDPH to enforce the Radiation Control Law in the San Diego region. DEH's Radiological Health Program protects the environment and the residents of San Diego county from the harmful effects of radiation by overseeing more than 2,700 facilities with x-ray machines and 125 facilities with radioactive material use.

On June 21, 2017 (15) the Board of Supervisors approved and authorized the DEH Director to execute a three-year revenue agreement with CDPH to enforce the Radiation Control Law in San Diego county for the period of July 1, 2017 through June 30, 2020.

This is a request for DEH to enter into a one-year revenue agreement with CDPH in the amount of \$1,113,404 to continue local enforcement of the Radiation Control Law for the period of July 1, 2020 through June 30, 2021. A waiver of Board Policy, B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is requested in the amount of \$83,487 because DEH does not receive full cost reimbursement for this agreement. Additionally, each year DEH receives a fixed amount of ongoing 1991 Health Realignment revenue from the State (\$83,487) that will be used to offset the remaining costs for the Radiological Health Program. This accounts for expenditures not allowable under the revenue agreement, including County support costs which are capped under the revenue agreement. In addition, ratification is requested as delayed receipt of the State agreement prevented DEH from bringing this agreement to the Board at least 60 days before the effective date of the agreement and work began before the agreement was in place, as required by Board Policy B-29. The County of San Diego received a final revenue agreement from the CDPH on July 17, 2020.

If approved by the Board, these recommendations authorize the DEH Director, or their designee, to execute a revenue agreement with CDPH in the amount of \$1,113,404 for the period of July 1, 2020 through June 30, 2021 to fund the Radiological Health Program, and adopt a resolution authorizing DEH to receive the funds.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3), since it can be seen with certainty that there is no possibility this project may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15308, since it is an action taken by a regulatory agency to assure the protection of the environment.
2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, with respect to full cost recovery for the implementation of this agreement.
3. Ratify acceptance and authorize the Director, Department of Environmental Health, or their designee to execute a one-year revenue agreement with the California Department of Public Health, Radiologic Health Branch to enforce the State Radiation Control Law in San Diego County, in the amount of \$1,113,404 for the period July 1, 2020 through June 30, 2021.

4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH/RADIOLOGIC HEALTH BRANCH FOR ENFORCEMENT OF THE RADIATION CONTROL LAW FOR FISCAL YEAR 2020-21.
5. Authorize the Director, Department of Environmental Health, or their designee to execute any amendments, extensions, and/or revisions thereof that will allow the County to more closely achieve full cost recovery, or that do not materially impact or alter either the program or funding level.

FISCAL IMPACT

Funds for this request will be included in the Fiscal Year 2020-22 CAO Recommended Operational Plan in the Department of Environmental Health. If approved, this request will result in program costs and revenue of \$1,196,891. The funding sources are a revenue agreement with California Department of Public Health (\$1,113,404) and 1991 Health Realignment revenue from the State (\$83,487). A waiver of Board Policy, B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, is requested in the amount of \$83,487 for program costs not covered by the revenue agreement including County support costs which are capped under the State revenue agreement. 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 Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-137, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH/RADIOLOGIC HEALTH BRANCH FOR ENFORCEMENT OF THE RADIATION CONTROL LAW FOR FISCAL YEAR 2020-21.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

13. **SUBJECT: REVISED BOARD POLICY F-45 PROHIBITING THE USE OF GLYPHOSATE-BASED PRODUCTS ON COUNTY PROPERTY (DISTRICTS: ALL)**

OVERVIEW

On February 26, 2020 (3), the County of San Diego (County) Board of Supervisors (Board) directed staff to amend the County's Integrated Pest Management Program through revisions to Board Policy F-45 (Policy F-45), to prohibit the use of glyphosate-based products and to prioritize the use of organic alternatives on all County-owned, maintained, and leased property and return to the Board with the revised policy for adoption. This change to the Policy will affect weed management performed by County departments and contractors on County-owned and maintained property, as well as businesses with leases and other agreements for use of County property.

The Department of Agriculture, Weights and Measure (AWM) is the primary department that performs chemical weed control on non-landscaped County-owned and maintained property. In calendar year 2019, AWM treated approximately 3,000 acres with glyphosate-based products at various County sites, including roadsides, rights of way, airports, wastewater facilities, flood control areas, parks, and open space, at an annual cost of about \$300,000. During the same period, the amount of the herbicide glyphosate applied by staff within the departments of Parks & Recreation (DPR) and Public Works (DPW) to control weeds as compared to AWM was about 1%, or about 30 acres.

Under the revised Policy F-45, the prohibition of glyphosate and prioritizing organic alternatives will also apply to landscape and habitat management contractors of the Department of General Services (DGS), DPR, and DPW. DPR utilizes contractors to conduct habitat management on 1,236 acres of land throughout the region. Landscaped areas on County-owned properties are maintained through contracts on a total of approximately 265 acres. Weed management on County-owned and maintained property is necessary to maintain infrastructure, reduce fire risk, support safety, and remove invasive weeds.

In addition, the County leases property to business owners and organizations for uses such as commercial agricultural operations, horticulture, an ecological reserve, and facilities at County airports. Staff will work with leaseholders to implement Board direction on the use of glyphosate-based products.

To prepare for continuing to provide these weed management services using a glyphosate-free approach, staff conducted a search for alternative herbicides prioritizing organic products. Staff reviewed literature and looked to the University of California Cooperative Extension and other jurisdictions, such as the City of Irvine (Attachment A, B, C, D) and County of Los Angeles (Attachment E) for information. After the analysis, staff identified ten organic and two inorganic potential alternative herbicides.

Since the original Board direction earlier this year, the region has experienced impacts as a result of the global coronavirus (COVID-19) pandemic. In consideration of these impacts, staff is also providing three additional options for the Board's consideration. These additional options include the exclusion of leaseholders and other organizations with agreements for the use of County property from a glyphosate-free Board policy, implementation of pilot projects utilizing organic herbicides on select County properties, or maintaining Policy F-45 as currently written.

Regardless of which option the Board approves today, staff will monitor and continuously evaluate the approach to weed management, including the identification and review of new alternatives, to ensure delivery of quality weed management to maintain infrastructure, reduce fire risk, and support public safety and the environment. If adjustments to the IPM Program are needed, staff will return to the Board with recommendations related to alternative methods, costs, and staff needs to ensure countywide weed management is conducted in a safe and efficient manner.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15308 of the California Environmental Quality Act (CEQA) that the proposed project is categorically exempt from CEQA review because it involves actions by regulatory agencies for protection of the environment.
2. Select one of the following options and direct staff to:
 - 2a. Option A: Adopt revised Board Policy F-45, *Pesticide Use Reduction* to prohibit the use of glyphosate-based products and prioritize the use of organic alternatives on all County owned, maintained, and leased property (Attachments F and G).
 - 2b. Option B: Adopt revised Board Policy F-45, *Pesticide Use Reduction* to prohibit the use of glyphosate-based products and prioritize the use of organic alternatives on all County-owned and maintained property, with the exclusion of leaseholders and other organizations with agreements for use of County-owned property (Attachments H and I).
 - 2c. Option C: Maintain Board Policy F-45, *Pesticide Use Reduction* as is currently written and direct staff to implement pilot projects utilizing organic herbicides at County-owned and maintained property, such as roadsides/rights of way, wastewater facility, flood control, and/or park sites and report back in 15 months to the Board on implementation at select sites. AWM will contract with the University of California Cooperative Extension (UCCE) to monitor the pilot program, compile the data, and write the report. The report will contain costs, effectiveness, herbicides, frequency of applications, and other applicable data.
 - 2d. Option D: Maintain Board Policy F-45, *Pesticide Use Reduction* as is currently written.
3. If Option A or B is selected, establish appropriations of \$2,499,040 in the Departments of Public Works, General Fund (\$2,012,132), Parks and Recreation, General Fund (\$70,323), and General Services, General Fund (\$141,585) for the increased cost of contracted Department of Agriculture, Weights and Measures (AWM) weed management activities and in AWM (\$275,000) for the purchase of specialized vehicles based on available General Fund fund balance; and \$2,082,498 in AWM for the increased cost of glyphosate-free weed management products and increased staffing costs associated with weed management activities based on charges to client departments in Fiscal Year 2020-21. **(4 VOTES)**
4. If Option A or B is selected, approve the request to add 6.00 staff years to support AWM and direct the Department of Human Resources to classify the positions at the appropriate level.
5. If Option C is selected, establish appropriations of \$60,000 in AWM to contract with UCCE for monitoring and reporting of the pilot program based on available General Fund fund balance in Fiscal Year 2020-21. **(4 VOTES)**

FISCAL IMPACT

Funds for Options A or B are not included in the Fiscal Year (FY) 2020-21 preliminary operating budget in Agriculture, Weights and Measures (AWM), the Department of Public Works (DPW), the Department of Parks and Recreation (DPR) and the Department of General Services (DGS). If approved, Options A or B will result in additional costs and revenue of \$2,499,040 and the addition of 6.0 staff years in AWM in FY 2020-21. Start-up costs for weed management activities in FY 2020-21 include \$2,012,132 in the DPW, General Fund, \$70,323 in the DPR, General Fund and \$141,585 in the DGS, General Fund, and for the purchase of two specialized sprayer-equipped vehicles for weed management by AWM (\$275,000). Ongoing increased costs include alternative herbicides and weed management activities (\$1,118,915) and the addition of 6.0 staff years in AWM (\$963,583). The funding sources in Fiscal Year 2020-21 are available General Fund fund balance (\$2,499,040) and budgeted in AWM as revenue from charges to client departments (\$2,082,498). If approved, costs and revenue will be included in the FY 2020-21 Amended Operational Plan, and in future years Operational Plans in AWM, DPW, DPR, and DGS.

Funds for Option C are partially included in the FY 2020-21 preliminary operating budget in the DPW (\$40,000) and DPR (\$10,000) operating budgets for weed control. Implementation of Option C would result in additional approximate one-time costs of \$60,000 in AWM for a contract with UCCE for monitoring and reporting of a pilot program. The funding source is available General Fund fund balance (\$60,000). If approved, additional costs and revenue will be included in the FY 2020-21 Amended Operational Plan in AWM. There will be no additional staff years.

There is no fiscal impact associated with the approval of Option D. 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 Jacob, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended adopting the following:

1. Found in accordance with Section 15308 of the California Environmental Quality Act (CEQA) that the proposed project is categorically exempt from CEQA review because it involves actions by regulatory agencies for protection of the environment.
2. Selected Option C: Maintain Board Policy F-45, Pesticide Use Reduction as is currently written and direct staff to implement pilot projects utilizing organic herbicides at County-owned and maintained property, such as roadsides/rights of way, wastewater facility, flood control, and/or park sites and report back in 15 months to the Board on implementation at select sites. AWM will contract with the University of California Cooperative Extension (UCCE) to monitor the pilot program, compile the data, and write the report. The report will contain costs, effectiveness, herbicides, frequency of applications, and other applicable data, as well as an analysis of the estimated costs to agricultural businesses.

3. Established appropriations of \$60,000 in AWM to contract with UCCE for monitoring and reporting of the pilot program based on available General Fund fund balance in Fiscal Year 2020-21.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

14. SUBJECT: SERVICES AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT (DISTRICTS: ALL)

OVERVIEW

The San Diego County Air Pollution Control District (APCD) is an independent local air pollution control district pursuant to the California Health and Safety Code. The APCD is a separate legal entity but has functioned operationally within the organizational structure of the County and has received services from County officers and employees. California Assembly Bill 423 (Gloria, 2019), amended the California Health and Safety Code to require the composition of the APCD Board to include County, City and public members as of March 1, 2021. Because of the change in the composition of the APCD Board, on March 1, 2021, the APCD will cease to be part of the County organizational structure. The County and the APCD wish to memorialize the performance and payment of services provided by the County currently and those that will be provided after March 1, 2021.

Today's proposed action would authorize the Chief Administrative Officer to execute the services agreement with the APCD.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer, or designee, to execute the services agreement with the San Diego Air Pollution Control District for services provided by the County of San Diego.

FISCAL IMPACT

Funds and staffing for this request will be included in the Fiscal Year 2020-21 CAO Recommended Operational Plan in the Finance and General Government Group and Air Pollution Control District. If approved, this request will result in costs and revenue of \$1,223,681 in Fiscal Year 2020-21. The costs are related to services provided by County Counsel, Auditor & Controller, Department of Human Resources, County Technology Office and other County departments to the APCD and allocated through the A-87 Cost Allocation Plan. The funding source is Air Pollution Control District Fund available prior year fund balance. There will be no change in net General Fund cost. Implementation of AB 423 also will require an estimated 5.0 additional staff years in the APCD beginning in Fiscal Year 2020-21 and will be included in future Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**15. SUBJECT: OPENING OUR COUNTY PARKS TO WORSHIP AND WORKOUTS
(DISTRICTS: ALL)**

OVERVIEW

On July 13, 2020, the State of California announced sweeping closures to indoor operations to places of worship, restaurant dining, gyms and fitness-oriented businesses and other business uses. These restrictions were put in place to slow the further spread of the coronavirus and to reduce impacts to hospitalizations.

The County of San Diego has implemented recent measures to help businesses mitigate their impacts from Covid-19. One example is our Zoning Ordinance Enforcement Flexibility which is intended to assist small businesses with flexible options to stay open during the pandemic by utilizing outside areas such as parking lots for outdoor dining or other business activities.

Today's action would expand on those efforts and open our reservable public areas at county parks to places of worship such as churches, gyms and fitness-oriented businesses to conduct their operations outside. This action will also streamline the application process and waive any fees associated with obtaining a permit to reserve park space. Day use parking fees, equipment rental fees, and utility costs beyond normal park use are still applicable. Department of Parks and Recreation (DPR) will review all applications to determine if the requests meet the fee waiver criteria, are compatible with ongoing park activities, can operate with the available infrastructure in the park and not cause damage to the natural environment or landscape, and can adhere to DPR rules and regulations.

RECOMMENDATION(S)

SUPERVISOR DIANNE JACOB

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) according to Sections 15060(c)(3) and 15378(b)(4) and (5) of the State CEQA Guidelines because the actions are fiscal and organizational activities that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, or a direct or indirect physical change in the environment.
2. Direct the Chief Administrative Officer to streamline the permit process for park reservations to any place of worship such as churches, gym and fitness-oriented business that have been impacted by the recent closures to their places of worship and physical business locations by executive order of the State of California and local public health order of the County of San Diego.
3. Direct the Chief Administrative Officer to implement guidelines within the permit process to address commercial business and/or liability insurance, Covid-19 safety protocols and guidelines, State and local county orders, and mitigation measures as applicable to reduce or eliminate impacts to other park users and physical park land.

4. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate any permit fees for places of worship, gyms and fitness-oriented businesses that have been impacted by the recent closures to their places of worship and physical business locations by executive order of the State of California and local public health order of the County of San Diego.
5. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE WAIVER OF PERMIT FEES FOR PARK RESERVATIONS FOR PLACES OF WORSHIP SUCH AS CHURCHES, GYMS AND FITNESS-ORIENTED BUSINESSES THAT HAVE BEEN IMPACTED BY THE RECENT CLOSURES TO THEIR PLACES OF WORSHIP AND PHYSICAL BUSINESS LOCATIONS BY EXECUTIVE ORDER OF THE STATE OF CALIFORNIA AND LOCAL PUBLIC HEALTH ORDER OF THE COUNTY OF SAN DIEGO.
6. Direct the Chief Administrative Officer to report back to the Board of Supervisors within 90 days, the fiscal impact associated with the fee waivers through this action and any additional recommendations necessary.

FISCAL IMPACT

Currently, the Department of Parks and Recreation (DPR) generates approximately \$80K in annual revenue from places of worship and fitness-oriented businesses that use park space. The fiscal impact is unknown at this time, however DPR will be monitoring and will pursue CARES Act funding as appropriate. In addition, DPR will report back to the Board within 90 days with an updated status on the fiscal impact and provide future recommendations if needed.

BUSINESS IMPACT STATEMENT

This action will help support individuals, families, churches, places of worship and fitness-oriented businesses impacted by Covid-19.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-138, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE WAIVER OF PERMIT FEES FOR PARK RESERVATIONS FOR PLACES OF WORSHIP SUCH AS CHURCHES, GYMS AND FITNESS ORIENTED BUSINESSES THAT HAVE BEEN IMPACTED BY THE RECENT CLOSURES TO THEIR PLACES OF WORSHIP AND PHYSICAL BUSINESS LOCATIONS BY EXECUTIVE ORDER OF THE STATE OF CALIFORNIA AND LOCAL PUBLIC HEALTH ORDER OF THE COUNTY OF SAN DIEGO.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

16. SUBJECT: PARTNERSHIP WITH THE SAN DIEGO FOOD SYSTEM ALLIANCE ON SAN DIEGO COUNTY FOOD VISION 2030 (DISTRICTS: ALL)

OVERVIEW

On June 21, 2016 (27), the Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to develop and implement the “*Live Well San Diego* Food System Initiative” (Food System Initiative), allowing the County to take on a greater role throughout the region in the advancement of a healthy, safe, and thriving food system. A recent success of the Food System Initiative is the development of the State of the Food System Report for the San Diego Region, which identifies challenges and opportunity areas throughout the food system as well as metrics that provide a snapshot of the different sectors of the local food system.

The development of the State of the Food System Report was possible thanks to the collaboration of dozens of organizations including government agencies, research and education institutions, nonprofit organizations, and industry groups. A key partner in this effort was the San Diego Food System Alliance (Alliance), which uses the power of collaboration to cultivate a healthy, sustainable, and just food system in San Diego County. The Alliance has been a crucial partner of the County’s Food System Initiative and the County’s continued collaboration with the Alliance and its network of partners is necessary to pursue opportunities identified in the State of the Food System Report. The Alliance is currently working to engage community members, industry professionals, and stakeholders to develop the San Diego County Food Vision 2030 (Food Vision 2030), which builds on and complements the efforts initiated by the State of the Food System Report.

Food Vision 2030 is a 10-year strategic plan that will guide collective action toward a healthy, sustainable, and just food system in our region. Food Vision 2030 will build on the data and opportunities identified on the State of the Food System Report and will summarize the strengths, weaknesses, opportunities, and threats relating to how we grow, produce, process, distribute, consume, and manage disposal and recovery of food. In addition, the plan will present high priority goals, objectives, and strategies along with a shared measurement system to track progress over the next decade. The overall goal is for Food Vision 2030 to inform planning, policy, program, and investment opportunities to improve the regional food system in San Diego County.

Due to the complementary work of the Food System Initiative and the Alliance to improve the regional food system and to the alignment of Food Vision 2030 and the County’s State of the Food System Report, today’s action seeks to capitalize on these efforts by directing the Chief Administrative Officer to enter a memorandum of understanding (MOU) with the Alliance.

The MOU will formalize the collaboration of the County and the Alliance on Food Vision 2030 and other food system-related efforts that benefit the San Diego region and will identify responsibilities and deliverables for both parties.

RECOMMENDATION(S)

CHAIRMAN GREG COX AND SUPERVISOR NATHAN FLETCHER

Direct the Chief Administrative Officer to enter a Memorandum of Understanding with the San Diego Food System Alliance to partner in the development of Food Vision 2030 and on food system-related efforts that benefit the food system in the San Diego region.

FISCAL IMPACT

Funds for this request will be included in the Fiscal Year (FY) 2020-21 CAO Recommended Operational Plan for the Land Use and Environment Group Executive Office. If approved, this request will result in costs of \$50,000 in FY 2020-21. The funding source is General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years. As funding and other collaborative opportunities become available, the MOU may be amended and the funding would be included in future operational plans.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

17. SUBJECT: MEASURES TO PROVIDE ECONOMIC ACCESS AND EQUITY IN THE CANNABIS INDUSTRY (DISTRICTS: ALL)

OVERVIEW

For thousands of San Diegans, access to medical and recreational cannabis is a necessary and legal part of their healthcare needs. Cannabis is used as a healthcare supplement by San Diegans experiencing anxiety, recovering from cancer, and suffering from chronic pain. However, for residents in the unincorporated county, those healthcare needs are not being met.

Californians overwhelmingly voted to allow both recreational and medical cannabis, but the Board of Supervisors has blocked access. There is currently no pathway for recreational cannabis access in the unincorporated area, and the five existing medical cannabis facilities have been ordered to close by 2022. Under the current regime approved by the Board in 2017, no new permits for medical cannabis facilities can be issued.

This has led to a healthcare crisis for residents of the unincorporated county in need of safe and legal products - a crisis exacerbated by the COVID-19 pandemic. Further, the over-criminalization of Black and Brown communities for cannabis crimes is an injustice that needs to be addressed in our region.

Today’s action would direct Planning & Development Services to develop Zoning Ordinances that allow for a suite of uses, including retail, cultivation, manufacturing, distribution or a combination of these uses through a microbusiness license, as well as repeal County Zoning Ordinance Sections 6935 (Medical Marijuana Collective Facilities) and 6976 (Prohibition of Marijuana Facilities - Medical or Non-Medical).

I am also asking the Chief Administrative Officer to develop a new Cannabis Permitting Program for the County of San Diego that will include numerous elements to prioritize social equity, access and business opportunities. A Social Equity Program will rectify the injustices caused by the War on Drugs and be in place prior to the issuance of the first permit. To spur economic recovery, Labor Peace Agreements will be required for every tenth employee at a given cannabis facility. I have asked for ingestible cannabis products to be sold in the

unincorporated area, recognizing the need for alternative methods of consumptions that do not exacerbate respiratory concerns. And, the Chief Administrative Officer will be asked to research cannabis taxation opportunities and provide recommendations to the Board.

I am requesting that these components be developed concurrently to create a comprehensive cannabis program, with a return back to the Board of Supervisors in 180 days.

RECOMMENDATION(S)

SUPERVISOR NATHAN FLETCHER

- A. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) as specified under Sections 15060(c)(3) and 15378 of the CEQA Guidelines.
- B. Direct the Chief Administrative Officer to:
 1. Develop Zoning Ordinances that would allow for the following:
 - a. Cannabis Retail allowed in areas zoned commercial and industrial.
 - b. Cannabis Cultivation allowed in areas zoned for agriculture.
 - c. Cannabis Manufacturing allowed in areas zoned for industrial.
 - d. Cannabis Distribution allowed in areas zoned for industrial.
 - e. Cannabis Microbusiness license (engaging in three of the four commercial cannabis activities (Retail, Cultivation, Manufacturing, Distribution)) in areas zoned for agriculture or industrial.
 - f. Setbacks of 600 feet from any K-12 school that is operational at the time of the permit.
 - g. Repeal County Zoning Ordinance Sections 6935 (Medical Marijuana Collective Facilities) and 6976 (Prohibition of Marijuana Facilities - Medical or Non-Medical).
 2. Develop amendments to the County of San Diego Regulatory Code Sections 21.2501 and 21.2503 (a) and develop a new cannabis permitting system that:
 - a. Allows existing and new cannabis facilities to obtain a County operating permit for one of the following permit categories: Medicinal or Recreational Retail (Storefront and/or Delivery), Cultivation, Manufacturing, and Distribution; or a County operating permit for a Microbusiness license which would include three of the four permitting categories (Retail, Cultivation, Manufacturing, Distribution).
 - b. Contains a "Social Equity Program" that provides individuals with past cannabis arrests and/or convictions, and those that were low income and lived in high arrest communities or "Disproportionately Impacted Areas" by providing such individuals with greater opportunities to secure a County operating permit.
 - c. Requires the issuance of Labor Peace Agreements for every tenth employee.
 - d. Follows all applicable State laws and regulations.

3. Allow for the sale of ingestible cannabis products, including edible and drinkable products.
4. Develop cannabis taxing options and recommendations.
5. Return back to the Board in 180 days.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

Today's action supports small businesses by allowing cannabis facilities to access permits to operate in the County and expand their businesses.

ACTION:

A motion was introduced by Supervisor Fletcher to approve the recommendations.

(The motion failed due to lack of a second.)

**18. SUBJECT: CLOSED SESSION (CARRYOVER FROM 08/04/20 AGENDA NO. 24)
(DISTRICTS: ALL)**

OVERVIEW

On August 4, 2020 (24), the Board of Supervisors continued the item to August 5, 2020.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Shane Cavanaugh, et al. v. County of San Diego, et al.; United States District Court, Southern District, No. 18-cv-2557-BEN-LL
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Colleen Garot v. County of San Diego, et al.; United States District Court, Southern District, No. 19-cv-1650-H-AGS
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Edwin Meeks v. County of San Diego.; Workers' Compensation Appeals Board, San Diego District No. ADJ11212419
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Todd Donohoe, et al. v. Lavender Hill Properties LLP, et al.; San Diego County Superior Court No. 37-2017-00048857-CU-PA-NC
- E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases - 1)

- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Golden Door Properties, LLC, et al. v. County of San Diego; San Diego County Superior Court No. 37-2018-00054559-CU-TT-CTL
- G. PUBLIC EMPLOYEE ANNUAL REVIEW
(Government Code section 54957)
Title: Clerk of the Board of Supervisors
- H. PUBLIC EMPLOYEE ANNUAL REVIEW
(Government Code section 54957)
Title: County Counsel

ACTION:

County Counsel reported that for Closed Session on August 5, 2020, the Board of Supervisors took the following action:

Item 24F: Golden Door Properties, LLC, et al. v. County of San Diego, et al., with three Board members voting "AYE," and Supervisors Jacob and Fletcher voting "NO," authorized County Counsel to file a petition for review with the California Supreme Court challenging the court of appeal's decision finding that the County's document retention policies fail to comply with the California Environmental Quality Act.

19. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Due to the COVID-19 emergency, public comments on non-agenda items were received electronically and read into the record. The following individuals submitted comments:

Jennifer Dunaway provided comments to the Board regarding distance learning.

David Myers provided comments to the Board regarding Don Steuer's retirement.

Tobin Style provided comments to the Board regarding allocations of the CARES act to the Small Business Stimulus Grants.

Rosemary Bystrak provided comments to the Board regarding signage and notices in public spaces.

Martha Welch provided comments to the Board regarding conditions in County jails.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:50 p.m. in memory of William Tulloch.

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

Consent: Santiago
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 September 16, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

08/05/2020