

**October 27, 2020**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

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

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

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL BOARD  
REGULAR MEETING  
MEETING AGENDA  
**TUESDAY, OCTOBER 27, 2020, 9:00 AM**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY  
SAN DIEGO, CA 92101

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

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

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

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

C. **ON MOTION** of Member Jacob, seconded by Member Desmond, the Air Pollution Control Board of the San Diego County Air Pollution Control District approved the Statement of Proceedings/Minutes for the meeting of October 14, 2020.

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

**Agenda Items**

<b>Agenda #</b>	<b>Subject</b>
1.	MAINTAINING BUSINESS STABILITY DURING THE COVID-19 CRISIS

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 12)

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

**OVERVIEW**

As a result of the COVID-19 health crisis and the Executive Orders from Governor Newsom to stay at home, the Board of Supervisors (Board) approved Vice-Chairman Jim Desmond's and Supervisor Kristin Gaspar's recommendation on March 24, 2020 (22) to provide food facilities a six-month payment deferral of annual health permit fees, plan check fees, and late fees. Additionally, the Board approved a recommendation directing the Chief Administrative Officer to analyze County requirements that may inhibit businesses from swiftly reopening once the health order is lifted and provide a report back to the Board. The deferral period for these restaurant fees expired on August 31, 2020.

On April 24, 2020, a memo titled, "County of San Diego Requirements That May Inhibit Businesses Impacted by the Coronavirus Global Emergency from Swiftly Reopening Once the Public Health Order is Lifted" (memo) was issued by Sarah E. Aghassi, Deputy Chief Administrative Officer of the Land Use and Environment Group outlining potential solutions to aid businesses and the local economy affected by the COVID-19 health crisis emergency. Potential solutions include permit and inspection fee waivers and deferrals, lease payment deferrals, ordinance amendments, new programs, and extended services. On May 5, 2020 (16, AP1), the Board took unanimous action to implement specific options described in the memo, including the deferral of payment or waiver of payment for certain fees.

The deferral and waiver period for the selected fees expired on September 30, 2020 or will expire on October 31, 2020 or December 30, 2020, depending on the fee. To ensure local businesses can survive the loss of revenue associated with the COVID-19 health emergency and are positioned to recover quickly once the health order is lifted, today's action will extend fee waivers, fee deferrals, lease payment deferrals and continue business assistance programs.

**RECOMMENDATIONS**

**VICE-CHAIRMAN JIM DESMOND AND SUPERVISOR KRISTIN GASPAR**

*Acting as the Board of Supervisors (Recommendations 1-6)*

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Direct the Chief Administrative Officer (CAO) to take the necessary steps to extend the deferral of annual health permit fees, plan check fees, and late fees for restaurants and food facilities as implemented in the March 22, 2020 (24) Board Letter through March 31, 2021.
3. Direct the CAO to take the necessary steps to extend, as described below, the following selection of options as itemized in the May 5, 2020 (16) Board Letter:

**Business Processes Streamlining, Changes or Waivers**

- a) Stay Limited Enforcement of Zoning Ordinance for Impacted Businesses
  - i. Add criteria for restaurants and similar businesses to use parking areas as customer dining/seating
  - ii. Add criteria for curbside pick up for dining establishments

A continuation of the below fee waiver programs until the funding allocated by the action on May 5, 2020 is depleted.

- b) Waiver Building Permit and Plan Check Fees for Remodels
- c) Waiver of Centerline Ordinance Review Costs
  - i. For ministerial permit types only

**Deferral of Fees and/or Permits**

An extension to March 31, 2021 of the deferral period directed by the Board on May 5, 2020 (16) for the below selected fees. The repayment period shall begin on April 1, 2021 and shall otherwise remain the same as earlier directed by the Board.

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

**Lease Agreements**

An extension to March 31, 2021 of the rent-deferral period and moratorium on evictions directed by the Board on April 7, 2020 (4) for renters of County-owned commercial or residential property in the incorporated and unincorporated areas. The repayment period shall begin on April 1, 2021 and shall otherwise remain the same as earlier directed by the Board.

- 4. Adopt a Resolution entitled A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE CONTINUED WAIVER OF FEES FOR BUILDING PERMITS AND PLAN CHECK SERVICES (Attachment A).
- 5. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for services provided under fees.
- 6. For the additional six-month deferral of fees, permits and lease agreements, if the deferrals are not recouped and the costs of the activities are determined to be eligible for COVID-19 health emergency federal or State funding, this should first be applied as the funding source. If not eligible, the funding source is available prior year General Fund fund balance.

***Acting as the Air Pollution Control Board (Recommendation 7)***

- 7. Direct the Air Pollution Control Officer to take the necessary steps to extend, as described below, the following selection of options as itemized in the May 5, 2020 (16, AP1) Board Letter.

**Deferral of Fees and/or Permits**

An extension to March 31, 2021 of the deferral period directed by the Board on May 5, 2020 (16) for the below selected fees. The repayment period shall begin on April 1, 2021 and shall otherwise remain the same as earlier directed by the Board.

a) APCD Permit Renewal Fees

- 8. If the costs for Recommendation 6 and 7 are eligible for COVID-19 health emergency federal or State funding, these funds should be used to recoup costs.

**FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year (FY) 2020-21 Operational Plan for Department of Environmental Health (DEH) and Department of Planning & Development Services (PDS). A six-month deferral of fees, permits, and lease agreements would result in delay cash flows of \$21,386,647. If not recouped and no additional funding is provided, service levels would be impacted by 166.53 staff years. A waiver of Board Policy B-29 is requested because of the proposed fee waivers. If the costs of the activities in these recommendations is determined to be eligible for COVID-19 health emergency federal or State funding, this should first be applied as the funding source. If not eligible, the funding source is available prior year General Fund fund balance. There will be no additional staff years.

**BUSINESS IMPACT STATEMENT**

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

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 12)

**ACTION:**

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

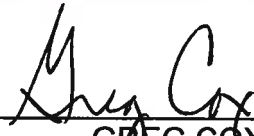
There being no further business, the Air Pollution Control Board of the San Diego County Air Pollution Control District adjourned at 3:44 p.m.

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

Notes: Caro

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

Approved by the Members of the Board, on Tuesday, November 17, 2020.



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GREG COX  
Chairman

Attest:



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ANDREW POTTER  
Clerk of the Board

10/27/2020 AIR POLLUTION CONTROL BOARD