

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
WEDNESDAY, NOVEMBER 8, 2023, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. REGULAR SESSION: Meeting was called to order at 9:03 a.m.

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

ABSENT: (District 4 Seat Vacant)

B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.

Pursuant to Government Code Section 54953, Supervisor Lawson-Remer participated remotely due to just cause for the following reason: health matter. Supervisor Lawson-Remer stated no one over the age of 18 was in the room with her.

C. Closed Session Report

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

E. Approval of the Statement of Proceedings/Minutes for the meeting of October 25, 2023.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of October 25, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

F. Consent Calendar

G. Discussion Items

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | NOTICED PUBLIC HEARING:
BUTTERFIELD TRAILS RANCH - APPROVE ACQUISITION OF APPROXIMATELY 60 ACRES OF LAND (BUTTERFIELD TRAILS, LLC) AND CEQA EXEMPTIONS (10/11/2023 - SET HEARING; 11/8/2023 - HOLD HEARING) |
| 2. | LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION |
| 3. | AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR ALPINE COMMUNITY PARK AND ADOPT A RESOLUTION TO ESTABLISH AN ALL-WAY STOP AT SOUTH GRADE ROAD AND CALLE DE COMPADRES AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT
[FUNDING SOURCE:GENERAL PURPOSE REVENUE FROM FY 21-22, GENERAL PURPOSE REVENUE FROM FY 23-24 AND GENERAL PURPOSE REVENUE FROM FY 18-19] |
| 4. | SET A HEARING FOR DECEMBER 6, 2023:
NEWSOM PARCEL OPEN SPACE VACATION AND AN ADDENDUM TO PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, PDS2022-VAC-22-003; JULIAN COMMUNITY PLAN AREA (11/8/2023 - SET HEARING; 12/6/2023 - HOLD HEARING)
[FUNDING SOURCE:TOM NEWSOM (THE APPLICANT)] |
| 5. | SUNSET REVIEW FOR BOARD POLICY J-16 USE OF PERMANENT ROAD DIVISION ZONES FOR MAINTENANCE OF LOCAL ROADS, AND RELATED CEQA EXEMPTION |
| 6. | NOTICED PUBLIC HEARING:
LOCAL MICROENTERPRISE HOME KITCHEN OPERATION PROGRAM UPDATE AND OPTIONS FOR CONTINUED AUTHORIZATION IN SAN DIEGO COUNTY, COTTAGE FOOD OPERATION PROGRAM OPTIONS, AND RELATED CEQA EXEMPTION (11/8/2023 - Introduction and First Reading; 12/6/2023 - Second Reading)
[FUNDING SOURCE: PERMIT FEES] |
| 7. | PUBLIC COMMUNICATION |

**1. SUBJECT: NOTICED PUBLIC HEARING:
BUTTERFIELD TRAILS RANCH - APPROVE ACQUISITION OF
APPROXIMATELY 60 ACRES OF LAND (BUTTERFIELD TRAILS,
LLC) AND CEQA EXEMPTIONS (10/11/2023 - SET HEARING;
11/8/2023 - HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

On October 11, 2023 (04), the Board of Supervisors set a Hearing for November 8, 2023.

On April 6, 2022 (4), the County of San Diego (County) Board of Supervisors (Board) directed staff to explore the feasibility of acquiring Butterfield Trails Ranch property (Property) in Valley Center for the purpose of establishing a public park and report back to the Board with options for a potential acquisition. Several Valley Center community members, groups, and organizations requested that the Board consider acquiring the Property for use as a County park including Valley Center Community Planning Group, Friends of Hellhole Canyon, Valley Center Trails Association, Valley Center Business Association, Valley Center History Museum & Foundation, Valley Center Vaqueros, Valley Center Stampede Rodeo, Valley Center Art Gallery & Foundation, Valley Center youth groups (Girl Scouts, Boy Scouts, and 4H Club), and Woods Valley Homeowners Association. The approximately 60-acre Property could be developed over time to provide trails, open space, and volunteer opportunities in the core of Valley Center. Residents also expressed an interest in celebrating the community's rural character and cultural heritage on site. Some Valley Center community members have expressed support for having the Valley Center Intergenerational Center at the Property. If the Property is acquired, the proposed active park component on the Property will include future public engagement, design, and CEQA environmental analyses.

The Property was appraised by a County third-party appraiser, Anderson and Brabant, in June 2022 for \$5,000,000 (approximately \$84,200/acre). On June 27, 2023 (17), the Board appropriated \$3,000,000 for the acquisition of the Property. The County executed an Option Agreement with the Seller for the purchase of the Property for the agreed upon value of \$3,000,000. Butterfield Trails, LLC (Seller) has secured funding from a third-party conservation group, who will donate \$2,000,000 towards the purchase price directly to the Seller. Today's request is for the Board to set a hearing for November 8, 2023, to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on November 8, 2023, after making the necessary findings, the Board will be requested to authorize the purchase of the Property from the Seller for the agreed upon purchase price of \$3,000,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$3,186,809. Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Capital Outlay Fund for Capital Project 1026477 Butterfield Ranch Acquisition (\$3,000,000), and in the Department of Parks & Recreation (\$186,809). The annual costs to manage the Property are \$410,664, including ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs will be requested in future Operational Plans.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APNs 189-281-14, -18, 189-012-59, -60, -61, and -62 and associated actions are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301, 15304 and 15316.
2. Authorize the Director, Department of General Services, or designee to exercise the option to purchase APNs 189-281-14, -18, 189-012-59, -60, -61, and -62 for the agreed upon purchase price of \$3,000,000.
3. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 189-281-14, -18, 189-012-59, -60, -61, and -62.

EQUITY IMPACT STATEMENT

The Department of Parks & Recreation Program for acquisition of properties with recreational opportunity is anticipated to result in positive public health impacts by providing recreational outdoor opportunities for the surrounding community and region. The Valley Center Community Plan Area (CPA) is comprised of approximately 94 square miles in the unincorporated area of northern San Diego county outside the City of Escondido and adjacent to one of San Diego county's most traveled commuter corridors, Interstate 15. Valley Center is known for its unique topographic features, agricultural uses, and residential development. The Valley Center CPA is composed of six census tracts and three zip codes with a total population of over 19,000 residents. In this CPA, youth under 18 and older adults ages 55+ comprise nearly two-thirds of the population (SANDAG Demographic and Socioeconomic Estimates, 2020). Acquiring this property would create greater recreation space opportunities for the Valley Center community and San Diego county residents.

SUSTAINABILITY IMPACT STATEMENT

The proposed acquisition supports multiple County Sustainability Goals. In alignment with County of San Diego (County) Sustainability Goal No. 1, any design of Butterfield Trails Ranch (Property) will be guided by extensive public engagement including virtual public meetings, online surveys, and focused outreach with stakeholder groups to involve the community in the development process. Acquisition of the approximately 60-acre Property supports County Sustainability Goal No. 3 and the County's Climate Action Plan by offsetting greenhouse gas emissions by an estimated 50 metric tons of carbon dioxide equivalents per year through park use as opposed to residential development. Additionally, future development of the acquired site as a park will further reduce the need for residents to travel outside their community to access parkland and active recreation opportunities. This has potential to reduce greenhouse gas emissions associated with vehicle trips to areas outside of the local community, thus further supporting County Sustainability Goal No. 3. The proposed acquisition site supports County Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature, and County Sustainability Goal No. 6 by expanding open space adjacent to native ecosystems and habitats.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Capital Outlay Fund and the Department of Parks & Recreation. This request will result in total one-time project costs for the Butterfield Trails Ranch (Property) of \$3,186,809 in FY 2023-24, itemized as follows: \$3,000,000 for Property acquisition, \$65,000 for staff time and appraisal reports to complete the transaction; \$5,000 for closing and title costs; and \$116,809 in one-time land improvement costs, including debris and vegetation management, fence and gates repair, signage, equipment inspection, erosion control, contracted services for well systems, vector control for the pond, and grounds maintenance. The funding source for the Property acquisition is provided by appropriations of \$3,000,000 in the Capital Outlay Fund to provide funding for Capital Project 1026477 Butterfield Ranch Acquisition based on Operating Transfers In from the General Fund (\$2,000,000), and Operating Transfers In from Park Land Dedication Ordinance Area 38 Valley Center (\$577,848), PLD Valley Center Land Acquisition Impact Fee (\$61,458), and PLD Valley Center Improvement Impact Fee (\$360,694). The funding source for staff time, closing, and title costs, and initial stewardship is \$186,809 in FY 2023-24 from District 5 Community Enhancement funding, and additional funding from District 5 in FY 2024-25 to fund stewardship.

Future fiscal impacts include annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at approximately \$410,664, itemized as follows: approximately \$168,100 for annual total operating costs for 2.00 full time equivalent (FTE), and \$242,564 for services and supplies. These ongoing costs and staff will be requested in future Operational Plans.

Future costs associated with the construction and maintenance of the proposed active recreation park component will be identified at a later date. The Department of Parks & Recreation will include proposals for construction on the Capital Improvement Needs Assessment, and operating costs in proposed future Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

2. **SUBJECT: LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

On June 27, 2023 (16), the County of San Diego (County) Board of Supervisors (Board), issued a Proclamation of Local Emergency (Proclamation) as a result of the continued conditions for

detrimental impacts to the environment, economy, and property within San Diego county, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630. The Proclamation further asked the Governor to proclaim a State of Emergency in San Diego County. Government Code section 8630(c) requires local governing bodies to review the need for continuing the local emergency at least once every 60 days until the local emergency is terminated.

On July 19, 2023 (4) and September 13, 2023 (3) the Board found that there is a continuing need for the local emergency. This is a request to find that a review of the local emergency has been conducted and that the local emergency will remain in effect at this time.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proclamation of local emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378(b)(4)&(5) because the action is an administrative action intended to facilitate state and federal funding, does not commit the County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. Find that there is a need to continue the local emergency and that the local emergency shall continue subject to review requirements until terminated pursuant to Government Code section 8630(d).

EQUITY IMPACT STATEMENT

The communities closest to the San Diego International Border, which includes the communities of Imperial Beach, San Ysidro, Otay Mesa and Tijuana River Valley are identified by SB 535 (2012) and also on CalEnviroScreen 4.0 as Environmental Justice communities having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation and poverty rates. By supporting the local emergency proclamation, the County of San Diego remains committed to working with local, state, federal and Mexican authorities to improve conditions for these communities. Local Environmental Justice communities have decades of suffering from various pollution sources, have been advocating and working to raise their concerns to the various agencies, and have also engaged to elevate the need for data collection to document environmental injustices.

SUSTAINABILITY IMPACT STATEMENT

This action aligns with the County of San Diego's sustainability goals to protect the environment and promote our natural resources, diverse habitats and cultivate a natural environment for residents, visitors, and future generations to enjoy.

FISCAL IMPACT

There is no fiscal impact associated with this request to continue the emergency. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

Increased beach water closures resulting from sewage impacts have a direct effect for the surrounding community due to decreased tourism, patronage of local businesses, and opportunities for youth recreation and camps. By continuing a local emergency, the County of San Diego will be able to engage businesses and non-profit service providers that have been impacted by the restricted access to local beaches and oceans with the goal of assisting in identifying ways to connect them to any state or federal relief programs.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

3. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR ALPINE COMMUNITY PARK AND ADOPT A RESOLUTION TO ESTABLISH AN ALL-WAY STOP AT SOUTH GRADE ROAD AND CALLE DE COMPADRES AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT (DISTRICT: 2)**

OVERVIEW

The unincorporated community of Alpine encompasses approximately 108 square miles with a population of 17,609. Alpine currently has no County of San Diego (County) managed parks and only 1.83 acres of parkland per 1,000 residents, falling well short of the County General Plan goal of providing 10 acres of parkland per 1,000 residents. To support the community's current and future recreational needs, the Department of Parks and Recreation (DPR) will construct a 25-acre park on an undeveloped 98-acre property, approved by the Board of Supervisors for purchase by DPR in 2019. The addition of the 25 acres of parkland will increase the parkland ratio to approximately 3.2 acres of parkland per 1,000 residents. The future park is the result of over a decade of work in partnership with community stakeholders and hundreds of properties evaluated. The proposed park property, which is adjacent to and north of South Grade Road and east of Tavern Road, was acquired to develop a portion as an active park and conserve the majority of the property as open space. Active recreation is planned for 25 of the 98 acres and will connect to trails located on Wright's Field, a publicly accessible nature preserve owned and managed by Back County Land Trust. The remaining 73 acres will remain as open space preserve and will serve as a natural barrier between the park and non-accessible areas of Wright's Field.

Following the purchase of the property, DPR facilitated an extensive community-driven design process to shape the new park, including 5 public meetings, several online surveys, stakeholder meetings, and community events. Amenities planned for the park were derived from this community outreach and in adherence to goals outlined in the Parks Master Plan. The Alpine Community Park project will be constructed in phases. Phase 1 of the project will include the construction of utilities, northern site development and grading, a dog park, playgrounds, picnic areas, an equestrian staging area, a community garden, sports courts, park office and restrooms, a

volunteer pad, and parking. Future phases will include the remainder of site development, utilities, and grading, a multi-purpose grass area, baseball field, all-wheel area, bike skills course, fitness stations, multi-purpose building, a second restroom, and additional trails and parking. This project will also establish an all-way stop at South Grade Road and Calle de Compadres.

Today's proposed actions will adopt and certify the Alpine Community Park Environmental Impact Report (EIR) and the Mitigation, Monitoring, and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) for the construction and operation of the Alpine Community Park. Today's proposed actions will also adopt a resolution that amends a master resolution to establish an all-way crossing to support pedestrian and bicyclist crossing at the South Grade Road and Calle de Compadres intersection. Further, the proposed actions will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for an estimated Phase 1 construction cost of \$11,400,000, including an all-way stop and contingency. Additional project funds of \$10,600,000 will be used for related project costs, including acquisition, design, environmental monitoring, restoration, inspection, construction management, and project administration for a total Phase 1 project cost of \$22,000,000. The total Alpine Community Park project is estimated to cost \$45,575,000 for all phases and construction of all amenities. The request for funding for completion of the park is in future years. The Board of Supervisors (Board) is also requested to designate the Director, DPR, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects. Phase 1 construction will begin in Spring 2024 and is expected to be completed in Winter 2025. Ongoing costs for operation and maintenance, the addition of 2.0 full-time staffing positions, start-up costs, and funding sources will be included and identified in the FY 2025-26 Operational Plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Certify that the Environmental Impact Report (EIR) for the Alpine Local Park project (State Clearinghouse #2021030196), dated December 16, 2022, on file with the Department of Parks and Recreation (Attachment B) has been completed in compliance with California Environmental Quality Act (CEQA) and State CEQA Guidelines, that the EIR was presented to the Board of Supervisors and that the Board of Supervisors has reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the findings concerning mitigation of significant environmental effects pursuant to Section 15091 of the CEQA Guidelines (Attachment C).
3. Adopt the Mitigation, Monitoring, and Reporting Program prepared in accordance with Public Resources Code section 21081.6 and CEQA Guidelines 15091(d) (Attachment D).
4. Adopt the "Statement of Location and Custodian of Record of Proceedings" (Attachment E).

5. Find, in accordance with California Manual on Uniform Traffic Control Devices that an all-way stop control at the intersection of South Grade Road and Calle de Compadres in Alpine is appropriate to support an equestrian/pedestrian/bicycle crossing through the intersection.
6. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY and RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO. (Attachment F)
7. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code and Public Contract Code section 22160-22169, with respect to contracting for the construction of the Alpine Local Park project.
8. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of Alpine Local Park project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

At present, Alpine is deficient in both parkland and active recreation opportunities to meet the current and growing needs of its diverse community members and achieve the County of San Diego's (County's) General Plan goal of 10 acres of parkland per 1,000 residents. Development of the site will add 25 acres to County-owned active recreation parkland bringing the ratio to approximately 3.2 acres per 1,000 residents, and enable the Department of Parks and Recreation to better serve residents of Alpine by expanding access to opportunities to recreate outdoors within their own community.

SUSTAINABILITY IMPACT STATEMENT

The proposed Alpine Community Park will result in sustainability enhancements to the County of San Diego (County) by contributing to all seven of the County Sustainability Goals: engage the community; provide just and equitable access; transition to a green, carbon-free economy; protect health and well-being; protect water; protect ecosystems, habitats, biodiversity, and soil health; and reduce pollution and waste.

Throughout the planning and design process of the park, the community and stakeholders have been engaged to contribute their ideas on the recreational amenities and programming they would like to see. This project will additionally add climate resiliency features including 167 new trees at full build-out, native gardens, water efficient irrigation, and a collection of bioswales and detention basins.

This project is contributing to the health and wellbeing of Alpine, a park-deficient community with limited access to recreational amenities. The Project will increase the community's tree canopy and plants, while using an automatic, weather-based irrigation system that will be adjust based on weather events.

The full site-built features of the park include installation of 5 dual electric vehicle charging stations and solar photovoltaic panels that are anticipated to offset 163,000 kilowatt hours per year of the total electricity usage of the park. These sustainable building features will help reduce the park's greenhouse gas emissions from building operations and vehicles visiting the park.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2023-24 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs and revenue of \$22,000,000 for the Capital Project 1021897 Alpine Local Park. Construction costs for Phase 1 are estimated at \$11,400,000 including contingency. The remaining \$10,600,000 in project funding is used for acquisition, design, construction management, environmental review, mitigation, restoration, and project administration. The funding source is General Purpose Revenue from FY 21-22 (\$10,500,000), General Purpose Revenue from FY 23-24 (\$5,000,000) and General Fund fund balance from FY 18-19 (\$6,500,000). There will be no change in net General Fund cost and no additional staff years.

Upon completion of this project, ongoing operations are estimated at \$373,712 annually, which will include staffing, utility costs, maintenance supplies and services. An estimated \$175,890 will fund 2 additional full-time staff, and \$197,822 will cover ongoing services and supplies costs. The park is projected to open in FY 2025-26, and these costs will be included in future Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

This item was continued to December 6, 2023 at the request of the Chief Administrative Officer.

4. **SUBJECT: SET A HEARING FOR DECEMBER 6, 2023: NEWSOM PARCEL OPEN SPACE VACATION AND AN ADDENDUM TO PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, PDS2022-VAC-22-003; JULIAN COMMUNITY PLAN AREA (11/8/2023 - SET HEARING; 12/6/2023 - HOLD HEARING) (DISTRICT: 2)**

OVERVIEW

Planning & Development Services (PDS) is processing a request from Tom Newsom (the Applicant(see Attachment B, Ownership Disclosure) to vacate a Biological Open Space Easement and Limited Building Zone Easement Vacation (Vacation) (see Attachment B, Open Space Area to be Vacated and Rededicated) which is located on a privately owned parcel in the Julian Community Plan Area, within unincorporated San Diego County (see Attachment A, Vicinity Map). The Vacation is proposed within a vacant and undeveloped 4.4-acre parcel that is located south of Winn Ranch Road, approximately 1,100ft east of Highway 79. The applicant is currently in the permitting process with PDS to develop a single-family home on the parcel. Currently, 2.56-acres of the property are Biological Open Space and 1.32-acre has a Limited

Building Zone Easements that were recorded May 7, 2007 (Attachment F, Recorded Biological Open Space and Limited Building Zone Easements), in accordance with the Tentative Parcel Map Decision of Approval (TPM-20571RPL). Concurrently, a rededication is proposed for a 2.59-acre Biological Open Space Easement and a 1.28-acre Limited Building Zone Easement in the parcel.

On September 19, 2002, the County Department of Environmental Health and Quality approved a septic layout (Percolation Test Report No. P03463, see Attachment F). In 2007 the property owner at that time, submitted an application for Tentative Parcel Map (TPM-20571RPL) that would divide the property into four lots. During the approval process for the Tentative Parcel Map, there was a clerical oversight, and the Biological Open Space Easement was placed over the already approved septic location. Today, the applicant, who is also the new property owner, is requesting the Vacation and a rededication of the open space to correct the easement configuration so that the applicant may construct the septic system in the location originally approved by the County of San Diego. The parcel's terrain does not allow for a septic system to be located anywhere else except where it was approved in 2002, as there are numerous rock sediment boulders, making it unsuitable for septic system development (Attachment F). Relocating the easement will allow for a septic system, consisting of an underground septic tank, a distribution box, baffles, and a drain field to be used for the single-family home project being developed.

A rededication of the easement will reconfigure 2.59-acre Biological Open Space Easement and 1.28-acre Limited Building Zone Easement to ensure the parcel's continued compliance with the previously approved Mitigated Negative Declaration (MND) mitigation measures. The proposed rededication, which requires easements restricting certain uses of the property to support the conservation of sensitive habitat lands, must be recorded by the Clerk of the Board.

Today's request requires two steps: November 8, 2023, it is requested that the Board set a date for a public hearing on December 6, 2023, 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 December 6, 2023, it is requested that the Board consider and adopt a resolution to vacate the referenced open space easements, record A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT PDS2022-VAC-22-003, and record the BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT concurrently.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On November 8, 2023, take the following actions:

1. Set a public hearing on December 6, 2023, at 9:00 a.m. to consider vacating the 2.56-acre Biological Open Space Easement and 1.32-acre Limited Building Zone Easement (doc no. 2007-0311635 and 2007-0311636) and replacing it with a 2.59-acre Biological Open Space Easement and 1.28-acre Limited Building Zone Easement (Attachment B).
2. Direct the Clerk of the Board of Supervisors (Clerk) to provide notice of the hearing via publication and posting as required by law.

If on November 8, 2023, the Board takes action recommended in items 1-2, then on December 6, 2023:

1. Adopt the environmental findings, which include findings in accordance with Section 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines that there are no substantial changes in the Vacation or in the circumstances under which the Vacation is undertaken that involve significant new environmental impacts which were not considered in the previously adopted Mitigated Negative Declaration (MND) dated February 24, 2004, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the MND was adopted (Attachment C).
2. Adopt the Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING BIOLOGICAL OPEN SPACE AND LIMITED BUILDING ZONE EASEMENTS PDS2022-VAC-22-003 (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 BIOLOGICAL OPEN SPACE EASEMENT AND LIMITED BUILDING ZONE EASEMENT (Attachment E) concurrently.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2023-24 Operational Plan in Planning & Development Services. If approved, this request will result in estimated costs and revenue of \$16,415 for the Open Space Vacation and will cover the staff time involved with preparing the resolution, public notice, board letter, and public hearing documents. The funding source for this project is provided by Tom Newsom (The Applicant). There will be no change in net General Fund cost and no additional staff years.

EQUITY IMPACT STATEMENT

The Newsome Vacation (Vacation) will result in a 2.59-acre Biological Open Space Easement and a 1.28-acre Limited Building Zone Easement which will preserve land and biological resources within San Diego County and Julian Community on a 4.4- acre private property. The proposed easement vacation is unnecessary for current or future public use as a public service easement. The location of the property will contribute to preserving biological resources within the Julian Community and assist with long-term preservation of biological resources within San Diego County. The preservation of this land will enhance the quality of the environment within the region by contributing to sustainability and conservation of land in perpetuity that promotes an environment where communities can prosper.

SUSTAINABILITY IMPACT STATEMENT

The purpose of this Vacation is to rectify an oversight that occurred in the creation of a parcel from a recorded 2007 Parcel Map, the Vacation proposes to vacate a Biological Open Space Easement and Limited Building Zone Easement and concurrently rededicate a Biological Open Space Easement and Limited Building Zone Easement. At Vacation completion, there will be an overall increase in the amount of Biological Open Space on the parcel. The Vacation does not present a substantial change to the previously approved project as it will conserve sensitive habitat lands in perpetuity.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, and set a Hearing for December 6, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

- 5. SUBJECT: SUNSET REVIEW FOR BOARD POLICY J-16 USE OF PERMANENT ROAD DIVISION ZONES FOR MAINTENANCE OF LOCAL ROADS, AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices, that obsolete policies and Code provisions are removed, and that policy language is revised for clarity. Board Policy J-16, *Use of Permanent Road Division Zones for Maintenance of Local Roads* (Board Policy J-16) has a sunset review date of December 31, 2023. A Permanent Road Division (PRD) is a type of special district that provides private road maintenance services and is governed under Streets and Highways Code Section 1160, et seq. Board Policy J-16 establishes procedures for how residents may form or dissolve PRD Zones for the maintenance of private roads, limits and repayment terms of loans from the County's PRD loan program, and cost recovery for formation costs. PRD Zones are formed at the request of property owners or as a condition of development. The authorized services, maximum rate, and how annual charges are calculated for each parcel (rate methodology) are established in the district ordinances at the time the district is formed, and are approved by the Board of Supervisors.

The PRD Program is administered by the Department of Public Works (DPW) and provides maintenance services to approximately 100 miles of private roads in multiple unincorporated communities. These roads are located in 67 separate PRD Zones that provide road maintenance and repair services for approximately 5,800 parcels. Regular road maintenance helps keep the overall repair costs down, protects the residents' investments in their properties, and enhances road and community safety by providing maintained access to homes for daily trips and disaster egress.

Today's proposed actions include Board approval of amendments and to establish a new sunset date of December 31, 2030, for Board Policy J-16. Recommended revisions to the policy include providing clarity on the roles and responsibilities of the road committee members as volunteers supporting their road maintenance, extending repayment term for funds loaned to PRD Zones, and increasing the maximum loan limit PRD Zones can borrow from the County's PRD loan program. The Board could approve all staff recommended amendments, some proposed

amendments, or approve other options, including clarifying the role and responsibilities of the road committee members as formal County advisory committees, establishing a 5-year repayment term for funds loaned to PRD Zones for formation and rate increase costs, or not amending Board Policy J-16.

In addition, this item includes updates on Board direction to ensure PRD Zones are adequately funded for satisfactory road maintenance and repair in order to sustain a specific Pavement Condition Index (PCI) rating. The proposed changes to Board Policy J-16 in this action reflect input received during public outreach events and are designed to enhance customer service, transparency, and improved road conditions in the PRD Program. The proposed amendments do not impact current PRD rates.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Sections 15060(c)(3) and 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend Board of Supervisors Policy J-16 does not constitute a project since it is administrative in nature and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that if the activity were a project that the actions are exempt from CEQA review because 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. Approve amendments as recommended by staff and establish the sunset review date of 12-31-2030 for Board Policy J-16: Use of Permanent Road Division Zones for Maintenance of Local Roads.

EQUITY IMPACT STATEMENT

The Permanent Road Division (PRD) Program provides private road maintenance services throughout the unincorporated area. Today's action continues the County's commitment to providing increased stakeholder engagement and programs that enhance communities. The Department of Public Works conducted extensive outreach to engage property owners within the PRD Program. Property owners expressed the desire for enhanced customer service, transparency, community participation in road committees, and commitment to minimizing cost impacts.

SUSTAINABILITY IMPACT STATEMENT

Today's action to amend Board of Supervisors Policy J-16 supports the County's Sustainability Goals to protect the environment, and health and well-being of residents. Working with communities in the unincorporated area contributes to the County of San Diego Sustainability Goals by engaging the community and fostering sustainable communities. Performing road work in a timely manner prevents more costly repairs in the future, supporting the County Sustainability Goals by considering the full life cycle of products and building resilience within communities. Well-maintained roads also reduce costly vehicle maintenance and operation resources, thereby supporting the Sustainability Goal of protecting the health and well-being of everyone in the region.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Road maintenance improves the condition of roads and allows cars to travel to underserved communities to bring workers to job centers. County of San Diego construction contracts are competitively and publicly advertised and bid and help stimulate the local economy. All workers employed on Public Works projects must be paid prevailing wages as determined by the California Department of Industrial Relations in accordance with the type of work and location of the project.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

6. **SUBJECT: NOTICED PUBLIC HEARING:
LOCAL MICROENTERPRISE HOME KITCHEN OPERATION
PROGRAM UPDATE AND OPTIONS FOR CONTINUED
AUTHORIZATION IN SAN DIEGO COUNTY, COTTAGE FOOD
OPERATION PROGRAM OPTIONS, AND RELATED CEQA
EXEMPTION (11/8/2023 - Introduction and First Reading; 12/6/2023 -
Second Reading) (DISTRICTS: ALL)**

OVERVIEW

The California Retail Food Code (State law) establishes uniform health and sanitation standards at the State level for the regulation of retail food operations (food facilities) to prevent foodborne illness. State law defines a food facility as an operation that stores, prepares, serves, sells, or otherwise provides food for human consumption at the retail level, and includes restaurants, mobile food trucks, grocery stores, delis, food carts, schools, and Cottage Food Operations. The Department of Environmental Health and Quality (DEHQ) is the local enforcement agency of State law for all 18 incorporated cities (local jurisdictions), as well as the unincorporated communities in the region. DEHQ implements a regulatory Food Program conducting inspections at more than 15,000 food facilities annually, focusing on compliance with State law and reviewing food handling practices to protect public health and prevent the incidence of foodborne illness.

Prior to 2012, California required that food sold to consumers must be produced at inspected commercial kitchens. In 2013, the California Homemade Food Act allowed certain low-risk food products not requiring refrigeration, such as bread, pie, fruit jam, and dried food, to be made in private home kitchens and sold as a fully packaged and labeled product to consumers. This operation, commonly known as Cottage Food Operation (CFO), provides an opportunity for home cooks to start a small business. In accordance with State law, DEHQ implemented a CFO program in 2013.

In 2019, the enactment of Assembly Bill 626 (AB 626), *California Retail Food Code: Microenterprise Home Kitchen Operation* established a Microenterprise Home Kitchen Operation (MEHKO) as a new type of home-based food service facility in State law. When authorized, MEHKO home cooks can prepare and sell a wide range of foods in a home kitchen (like a mini restaurant), including foods, such as meat, fish, poultry, and dairy products, that require time and temperature control in order to prevent bacteria growth that can lead to foodborne illness. State law limits MEHKO operators on the number of meals that can be prepared and sold, the type of food preparation that is allowed, as well as the maximum number of employees and gross annual sales. MEHKO operators cannot operate or be permitted until authorization is granted by the governing body of the local enforcement agency. The County of San Diego Board of Supervisors (Board), as the governing body of DEHQ, has the authority to authorize a local MEHKO program for the entire San Diego region, which includes both the unincorporated communities and all 18 incorporated cities.

On January 26, 2022 (3), the Board adopted an ordinance that temporarily authorized a local MEHKO Program for the region for a period of two years. This ordinance became effective February 25, 2022 and expires February 25, 2024. The Board also directed staff to implement a public education program for aspiring MEHKO operators on food safety, following the adoption of the MEHKO ordinance. Additionally, the Board directed staff to assess the temporary program by:

- Working with all jurisdictions within the region, on a voluntary basis, to gather data related to MEHKO implementation during the temporary authorization, including but not limited to potential community impacts such as traffic, noise, wastewater, and code or nuisance complaints as well as food safety related data such as number of permitted MEHKO operators, complaints or reports of foodborne illness, and retail food safety compliance.
- Providing informational/educational trainings for city staff and operational leads in all jurisdictions in the region to share best practices to reduce, prevent and/or address nuisance activity, and possible approaches related to local land use nuisance regulations.
- Analyzing potential community impacts and collect data on nuisance complaints related to impacts from MEHKO operators in the unincorporated communities.

Planning & Development Services (PDS), oversees land use compliance for MEHKO operators in the unincorporated area. While State law preempts local zoning regulations do not apply to MEHKO operators, statute does allow for enforcement of local noise and nuisance regulations as well as a prohibition on signs at a MEHKO. DEHQ and PDS have collaborated since the authorization of the temporary, local MEHKO Program. As of October 16, 2023, there are 61 permitted MEHKO operators in the region. To date, the MEHKO Program has been successful with limited concerns from community members.

Since the authorization of a temporary, local MEHKO Program in 2022, Senate Bill 972 (SB 972), *California Retail Food Code*, was enacted on January 1, 2023. SB 972 modified State law to allow home-based businesses, including CFO and MEHKO, additional opportunities to expand their businesses through the use of compact mobile food operations (carts). Per State law, these opportunities to expand CFO or MEHKO businesses, must be approved by the Board.

Additionally, on July 21, 2023, Assembly Bill 1325 (AB 1325), *Microenterprise Home Kitchen Operation*, was enacted as urgency legislation, modifying State law again and increased the limit on the number of individual meals that a MEHKO can prepare and sell from 60 to 90 individual meals per week, and raising the maximum amount of verifiable gross annual sales that a MEHKO can have, from no more than \$50,000 to no more than \$100,000, without the Board having to take action.

Authorization for the temporary local MEHKO Program will sunset on February 25, 2024, at which point MEHKO operators will no longer be able to operate in the region if the Board takes action to decline the continuation of a local MEHKO Program. Today, staff are providing a report on the status of the temporary local MEHKO Program and related Board direction and requesting the Board provide direction regarding authorization of a local MEHKO Program. Based on input received during stakeholder outreach and data collected throughout the implementation of the temporary local MEHKO Program, staff recommends the Board authorize the continuation of a local MEHKO Program for the entire San Diego region. Additionally, staff are requesting the Board consider providing direction regarding changes to the CFO Program based on recent State law changes.

On November 8, 2023, if the Board takes action to authorize the continuation of a local MEHKO Program (Option 2a), it is requested that they also provide direction on the additional opportunities for MEHKO (Options 3 through 6). There is flexibility regarding how the Board may approach Options 5 and 6 and can provide specific direction regarding number of meals and gross annual sales limits for MEHKO operators with carts. The Board is also requested to take action on the CFO Program (Option 7). Any and all Board actions on Options 2a, 3, 4, and 7 should be included in the ordinance amending the County of San Diego Code of Regulatory Ordinances (County Code). If the Board takes action to affirmatively decline to authorize a local MEHKO Program (Option 2b), then MEHKO operators will no longer be able to operate in the region beginning February 25, 2024, and it is requested that an ordinance be adopted to remove references to a temporary MEHKO Program included in sections of Title 6 of County Code.

Adoption of any of the proposed ordinances requires two steps. On November 8, 2023, the Board is requested to approve the first reading of an ordinance. If approved, the selected ordinances will be brought back for adoption on December 6, 2023.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On November 8, 2023:

1. Find that the proposed activities are exempt from California Environmental Quality Act (CEQA) as specified under Section 15061(b)(3) of the State CEQA Guidelines, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect.
2. Receive options for authorization of a local Microenterprise Home Kitchen Operation (MEHKO) Program and provide direction on either Option 2a or 2b.

- a. Option 2a. Authorize a Microenterprise Home Kitchen Operation Program and approve the introduction of the Ordinance, (first reading): ORDINANCE AUTHORIZING A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO. *(Staff Recommendation)*

OR

- b. Option 2b. Decline to Authorize a Microenterprise Home Kitchen Operation Program and approve the introduction of the Ordinance, (first reading): ORDINANCE DECLINING TO AUTHORIZE A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO AND REMOVING PRIOR REFERENCES TO A TEMPORARY MEHKO PROGRAM.
3. If the Board selects Option 2a, consider providing direction on Option 3: whether to allow the sale of non-potentially hazardous food or produce for up to two carts operated by a MEHKO, with sales from a cart not counting towards the meal and gross annual sales limitations established in the cart and the introduction of the Ordinance, (first reading): ORDINANCE AMENDING THE REGULATORY CODE RELATING TO MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO TO ALLOW THE SALE OF NON-POTENTIALLY HAZARDOUS FOOD WITH CARTS. *(Staff Recommendation)*
 4. If the Board selects Option 2a, consider providing direction on Option 4: whether to allow MEHKO operators to serve as a commissary for up to two carts operated by the MEHKO, if the business can demonstrate that it is capable of supporting the preparation and storage of the food being sold from the cart and the storage and cleaning of the cart and approve the introduction of the Ordinance, (first reading): ORDINANCE AMENDING THE REGULATORY CODE RELATING TO MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO TO ALLOW MEHKO TO SERVE AS A COMMISSARY. *(Staff Recommendation)*
 5. If the Board selects Option 2a, consider providing direction on Option 5: whether to increase the number of individual meals a MEHKO operating a cart can prepare and sell. According to State law, MEHKO operators can serve a maximum of 30 meals per day and no more than 90 meals per week. The Board has flexibility to set a higher amount of meals per day and meals per week for MEHKO operators with carts.
 6. If the Board selects Option 2a, consider providing direction on Option 6: whether to increase the amount of gross annual sales that a MEHKO operating a cart can earn from \$100,000 to an amount higher than allowed in State law, to a maximum amount as determined by the Board.

7. Receive option for the Cottage Food Operation (CFO) Program and consider providing direction regarding Option 7: whether to allow the sale of non-potentially hazardous food or produce for up to two carts operated by a CFO, with sales from a cart not counting towards the gross annual sales limitations established in State law of \$150,000 and approve the introduction of the Ordinance, (first reading): **ORDINANCE AMENDING THE REGULATORY CODE RELATING TO COTTAGE FOOD OPERATION (CFO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO TO ALLOW THE SALE OF NON-POTENTIALLY HAZARDOUS FOOD WITH CARTS.** (*Staff Recommendation*)
8. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for MEHKO and CFO permit fees.

If, on November 8, 2023, the Board takes actions on the Options above then, on December 6, 2023:

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

EQUITY IMPACT STATEMENT

Continuing to permit and regulate home-based food business, such as Microenterprise Home Kitchen Operation (MEHKO) and/or Cottage Food Operation (CFO), in the region would result in economic benefits to local communities and home cooks from a wide variety of backgrounds. Data from Riverside County, the first county to adopt a MEHKO program, found that MEHKO operators were 85% people of color and 60% women. Currently, there are 565 CFO and 61 MEHKO home based food businesses in the San Diego region. Home based food businesses create opportunities for self-reliance and empowerment for local community members, such as immigrants, by increasing their family income and contributing positively to the local economy.

SUSTAINABILITY IMPACT STATEMENT

If authorized, the local Microenterprise Home Kitchen Operation (MEHKO) would promote new, home-based businesses, supporting the County of San Diego (County) Strategic Initiative of creating policies to reduce and eliminate poverty, promoting economic sustainability for all, by providing just and equitable access to vulnerable populations in partnerships with communities. Additionally, authorizing a MEHKO Program in the region would support the County Strategic Initiative of protecting and promoting our agricultural resources by protecting the health and wellbeing of everyone in region by expanding the market for healthy, sustainable, and local food.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If the Board of Supervisors (Board) authorizes Microenterprise Home Kitchen Operation (MEHKO) (Option 2a), this request will result in estimated costs and revenue of \$184,000 in FY 2023-24. It is anticipated that Options 3 through 7 will have no fiscal impact. The funding source is permit fees. There will be no change in net General Fund cost and no additional staff years associated with these options.

A waiver of Board Policy B-29 is requested because the current fees do not cover all operating costs. The total unrecovered cost, per Board Policy B-29, for these permits is approximately \$9,600 for MEHKO (\$2,004) and Cottage Food Operation (CFO) (\$7,596) in DEHQ for FY 2023-24 and, if approved, will continue to be funded with existing departmental funds.

There is no fiscal impact if the Board declines to authorize a MEHKO Program (Option 2b), and there will be no change in net General Fund and no additional staff years associated with this option. The current resources will be allocated to other food programs.

BUSINESS IMPACT STATEMENT

Due to the high start-up costs for restaurants, it is challenging for many cooks to benefit independently from their labor, skills, and limited resources, reducing an opportunity to produce a viable income. Alternatively, home cooks may choose to operate illegally, which can be treated as a criminal act. Continuing to allow home-cooked food sales through the continuation and expansion of home-based businesses, such as MEHKO and CFO Programs, will have the following positive impacts:

- Regulate unsafe private kitchen practices that may cause foodborne illness when food is cooked at unpermitted facilities;
- Promote food justice in communities that do not have access to healthy and affordable food options;
- Enable home cooks, who are mostly underrepresented groups such as women, immigrants, and people of color, to use their skills to generate income.

If continuation and expansion of home-based businesses is authorized by the Board of Supervisors, it will allow home cooks of all socioeconomic levels the opportunity to start a home-based business, preparing and serving food to the public throughout the region.

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Anderson, the Board of Supervisors closed the Hearing and took the following actions:

1. Found that the proposed activities are exempt from California Environmental Quality Act (CEQA) as specified under Section 15061(b)(3) of the State CEQA Guidelines, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect.
2. Received options for authorization of a local Microenterprise Home Kitchen Operation (MEHKO) Program and provided direction to adopt Option 2a.
Option 2a. – Authorize a MEHKO Program. Authorized a Microenterprise Home Kitchen Operation Program and approved the introduction of the Ordinance, (first reading): **ORDINANCE AUTHORIZING A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO.**

3. **Option 3 – Authorize MEHKO Businesses to Sell Non-Potentially Hazardous Food with Carts.** Approved the sale of non-potentially hazardous food or produce for up to two carts operated by a MEHKO, with sales from a cart not counting towards the meal and gross annual sales limitations established in the cart and the introduction of the Ordinance, (first reading): ORDINANCE AMENDING THE REGULATORY CODE RELATING TO MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO TO ALLOW THE SALE OF NON-POTENTIALLY HAZARDOUS FOOD WITH CARTS.
4. **Option 4 – Authorize MEHKO Businesses as a Commissary for Carts.** Approved MEHKO operators to serve as a commissary for up to two carts operated by the MEHKO, if the business can demonstrate that it is capable of supporting the preparation and storage of the food being sold from the cart and the storage and cleaning of the cart and approved the introduction of the Ordinance, (first reading): ORDINANCE AMENDING THE REGULATORY CODE RELATING TO MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO TO ALLOW MEHKO TO SERVE AS A COMMISSARY.
5. **Option 5 – Increase the Number of Meals Allowed for MEHKO Businesses Operating a Cart.** Increased the number of individual meals a MEHKO operating a cart can prepare and sell to 80 meals per day and no more than 200 meals per week.
6. **Option 6 – Increase the Gross Annual Sales Allowed for MEHKO Businesses Operating a Cart.** Increased the amount of gross annual sales that a MEHKO operating a cart can earn to \$150,000.
7. **Option 7 – Authorize CFO Businesses to Sell Non-Potentially Hazardous Food with Carts.** Approved the sale of non-potentially hazardous food or produce for up to two carts operated by a CFO, with sales from a cart not counting towards the gross annual sales limitations established in State law of \$150,000 and approved the introduction of the Ordinance, (first reading): ORDINANCE AMENDING THE REGULATORY CODE RELATING TO COTTAGE FOOD OPERATION (CFO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO TO ALLOW THE SALE OF NON-POTENTIALLY HAZARDOUS FOOD WITH CARTS.
8. Waived Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery for MEHKO and CFO permit fees.
9. The Board of Supervisors will consider the adoption of the Ordinance(s) amending the County Code of Regulatory Ordinances on December 6, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Desmond
 ABSENT: (District 4 Seat Vacant)

7. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Robert Germann spoke to the Board regarding a stalking video.

Consuelo spoke to the Board regarding government actions.

Becky Rapp spoke to the Board regarding the negative impacts of the marijuana industry.

Kathleen Lippitt spoke to the Board regarding harm reduction programs.

Terri-Ann Skelly spoke to the Board regarding drug prevention awareness to youth.

Nancy Logan spoke to the Board regarding the negative effects of marijuana products.

Ann Riddle spoke to the Board regarding the harmful effects of marijuana use.

Paul the Bold spoke to the Board regarding translation services at Board meetings and water sewage treatment.

Truth spoke to the Board regarding governmental politics.

Audra spoke to the Board regarding reproductive rights and pregnancy centers.

Peggy Walker spoke to the Board regarding substance abuse and addiction.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:52 a.m.

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

Consent: Vizcarra

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.