

December 08, 2021

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, DECEMBER 8, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

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

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

(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, pursuant to Resolution No. 21-176, adopted November 16, 2021.)

- B. Closed Session Report
- C. 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.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of November 17, 2021.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of November 17, 2021.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

- E. 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. | SET A HEARING FOR 01/12/2022:
GENERAL SERVICES - PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) PROGRAM - R.D. HUMASON PROPERTIES LLC (12/8/21 SET HEARING AND 1/12/22 HOLD HEARING)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE FOR THE PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) PROGRAM] |
| 2. | RAMONA AIRPORT - FIFTH AMENDMENT TO LEASE WITH PACIFIC EXECUTIVE AVIATION
[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED LEASE]
(4VOTES) |
| 3. | RAMONA AIRPORT - AMENDMENT TO LEASE WITH STATE OF CALIFORNIA FOR CAL FIRE RAMONA AIR ATTACK BASE
[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED LEASE]
(4 VOTES) |
| 4. | SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS TO EXTEND AUTHORITY FOR DIRECTOR OF AIRPORTS TO SIGN LOW-VALUE LEASES AND LICENSES FOR FIVE YEARS (10/20/21 - FIRST READING; 12/8/21 - SECOND READING) |
| 5. | GENERAL SERVICES - APPROVAL OF THE SIXTEENTH AMENDMENT TO THE OPTION AGREEMENT FOR THE SALE OF A 15.08-ACRE OPEN SPACE EASEMENT TO THE PARKING AUTHORITY OF THE CITY OF NATIONAL CITY
[4VOTES] |
| 6. | ADOPT MCCLELLAN-PALOMAR AIRPORT MASTER PLAN UPDATE, CERTIFY MASTER PLAN ENVIRONMENTAL IMPACT REPORT, AND PROVIDE DIRECTION ON AIRPORT SUSTAINABILITY
[FUNDING SOURCE: PRIOR YEAR AVAILABLE AEF FUND BALANCE]
(4 VOTES) |
| 7. | REPORT BACK ON EXPLORING COMMUNITY BENEFITS AGREEMENTS, RENEWABLE ENERGY PERMIT PROCESSING, AND SEEKING BOARD DIRECTION TO DEVELOP OPTIONS FOR FUTURE CONSIDERATION
[FUNDING SOURCE: EXISTING GENERAL PURPOSE REVENUE] |
| 8. | 2021 SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-63, GENERAL PLAN AMENDMENT INITIAL REVIEW |
| 9. | PUBLIC COMMUNICATION |

**1. SUBJECT: SET A HEARING FOR 01/12/2022:
GENERAL SERVICES - PURCHASE OF AGRICULTURAL
CONSERVATION EASEMENT (PACE) PROGRAM - R.D. HUMASON
PROPERTIES LLC (12/8/21 Set Hearing and 1/12/22 Hold Hearing) .
(DISTRICT: 5)**

OVERVIEW

In 2020 the direct economic output from agricultural production for the San Diego region totaled \$1.81 billion, a 0.8% increase from 2019. Though the value of these commodities increased, the overall acreage devoted to commercial agriculture decreased by nearly 10,000 acres, due to conversions to other land uses. To promote the long-term preservation of agricultural land in the unincorporated area, the County of San Diego's (County) Purchase of Agricultural Conservation Easement (PACE) Program compensates willing property owners for placing perpetual easements on their agricultural property. These easements limit future uses to agricultural operations and reduce future development potential, ensuring agricultural viability for generations to come. Since the inception of the PACE Program in 2011, the County has preserved 2,692 acres of agricultural land.

The PACE Program supports the County's sustainability efforts and commitments to reduce greenhouse gas (GHG) emissions generated from current and future activities within the unincorporated area. The PACE Program implements a GHG emissions reduction measure (T-1.2 Acquire Agricultural Easements) outlined in the 2018 Climate Action Plan (2018 CAP), which was approved by the Board of Supervisors (Board) on February 14, 2018 (1). This measure provided direction to expand the PACE Program eligibility criteria and increase the annual easement acquisition goal from 230 acres to 443 acres to achieve a GHG emissions reduction of 2,330 metric tons of carbon dioxide equivalent by 2030.

On March 3, 2021 (10), the Board adopted the expanded PACE Program with new eligibility and ranking criteria that allow broader participation in the PACE Program while supporting the County's 2018 CAP goals. Although the Superior Court ordered the County to set aside and vacate the 2018 CAP and adopt a new CAP, the County continues its commitment to the environment by implementing the GHG emissions reduction measures identified in the 2018 CAP to meet the State's 2030 GHG emissions reduction target. The PACE Program application process is open year-round to interested property owners. Planning & Development Services (PDS) staff received a signed "willing seller" letter from the property owner of Assessor's Parcel Numbers 132-270-25, 132-270-29, 132-270-36, and 132-270-37, located north of State Route 76 via Rincon Ranch Road to North Mesa Road in Pauma Valley. The property is approximately 239.34 acres in size with an appraised value of \$525,000, and has met the PACE Program eligibility guidelines to place an agricultural conservation easement over the property. If acquired, the conservation easement would add 239.34 acres to the PACE Program for Fiscal Year 2021-22 and increase the total agricultural acreage conserved under the PACE Program since 2011 to 2,932 acres. This conservation easement would retire nine residential units that could be developed. The property is directly adjacent to the draft North County Multiple Species Conservation Plan Priority Conservation Area, therefore acquisition of this agricultural conservation easement supports the preservation of the wildlife urban interface and supports statewide environmental goals and policies by protecting agricultural and natural resources. An equivalent of six metric tons of carbon dioxide emissions will be avoided with this action by preventing residential development on this acreage.

Today's request requires two steps. On December 8, 2021, the Board is requested to set a hearing on January 12, 2022, to consider the purchase of the agricultural conservation easement and direct the Clerk of the Board of Supervisors to provide public notice of the hearing. If the Board takes the actions recommended on December 8, 2021, then on January 12, 2022, after making the necessary findings, the Board is requested to authorize the purchase of the agricultural conservation easement for the appraised value of \$525,000. When the easement value exceeds \$500,000, Board approval is required before finalizing the acquisition.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On December 8, 2021:

1. Set a hearing on January 12, 2022, at which time the Board of Supervisors may consider approval of the purchase of an agricultural conservation easement over Assessor's Parcel Numbers 132-270-25, 132-270-29, 132-270-36, and 132-270-37, from the R.D. Humason Properties, LLC.
2. Direct the Clerk of the Board of Supervisors to provide notice of the January 12, 2022, hearing in accordance with California Government Code Section 25350 and 6063.

If on December 8, 2021, the Board takes the actions recommended in Items 1-2 above, then on January 12, 2022:

1. Find that the proposed project is categorically exempt from the California Environment Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15325, as it involves the transfer of ownership of land to allow continued agricultural use and preserve existing natural conditions.
2. Authorize the Director, Department of General Services, or a designee, to execute the Real Property Contract for the purchase of an agricultural conservation easement over Assessor's Parcel Numbers 132-270-25, 132-270-29, 132-270-36, and 132-270-37, from the R.D. Humason Properties, LLC for the appraised value of \$525,000.
3. Authorize the Director, Department of General Services, or a designee, to execute all escrow and other related documents necessary to complete the purchase of the agricultural conservation easements over Assessor's Parcel Numbers 132-270-25, 132-270-29, 132-270-36, and 132-270-37.

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) endeavors to protect and promote a healthy environment for the residents and visitors of the San Diego region by ensuring safe, sustainable communities and preserving and enhancing the natural environment in which people live. The Purchase of Agricultural Conservation Easement (PACE) Program supports existing farming operations and social sustainability by protecting and maintaining agricultural resources and other basic resources such as food throughout the unincorporated region. Social sustainability is about identifying and proactively managing impacts on people and communities. The preservation of agricultural lands through the PACE Program creates a more resilient agricultural industry and contributes to ongoing food security in the region without compromising opportunities to perform agricultural activities for current or future farmers. Therefore, relationships and engagement with stakeholders are essential. A variety of mechanisms are used for soliciting applications for the PACE Program, including distribution of materials in local farm supply stores, email updates through PDS listserv, cross-promotion on

other County websites, social media marketing, newspaper advertisements, and working closely with local farming organizations, such as the San Diego County Farm Bureau. Because the PACE Program relies on voluntary participation, stakeholder coordination is integral to its success, and stakeholder outreach and coordination are planned to continue for the foreseeable future.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for PDS. If approved, this request will result in total estimated costs of \$530,000 for the agricultural conservation easement including \$525,000 for property acquisition and \$5,000 for closing and title costs. The funding source is available prior year General Fund fund balance for the Purchase of Agricultural Conservation Easement (PACE) Program. After acquiring the agricultural conservation easement, \$2,877,435 will remain in the PACE Program. 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 Vargas, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, setting a hearing for January 12, 2022.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

2. SUBJECT: RAMONA AIRPORT - FIFTH AMENDMENT TO LEASE WITH PACIFIC EXECUTIVE AVIATION (DISTRICT: 2)

OVERVIEW

Ramona Airport is a general aviation airport, owned and operated by the County of San Diego's (County) Department of Public Works (DPW), within the unincorporated community of Ramona. The airport is a gateway to and from San Diego's east county, providing infrastructure, facilities, and services to corporate and general aviation users. The airport also serves as the CAL FIRE Ramona Air Attack Base (Ramona Air Attack Base) for regional firefighting services. DPW leases land at this airport to aviation businesses that provide aeronautical services, such as aircraft fueling, hangar storage, tie-down storage, aircraft rental, aircraft maintenance, flight instruction, and similar services. Leasing of airport land generates 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 and the surrounding communities, like Ramona.

On July 30, 2003 (14), the Board of Supervisors approved a 24-year, 10-month Aviation Ground Lease with MacKenzie Aviation dba Pacific Executive Aviation (County Contract No. 75704R), commencing January 1, 2002. Pacific Executive Aviation (PEA) provides hangar rentals and aircraft tie-downs for general aviation users, and is home to three commercial subleases, which provide aircraft and aviation electronics maintenance, and flight training. The current lease agreement requires the lease be amended to adjust rent, effective July 1, 2021. The lease requires that rent be adjusted to reflect appraised market rate; provided, however, that rent shall not be reduced. The current rent, per acre per month, is \$1,194. An appraisal of Ramona Airport leasehold rents, prepared in February 2021, indicated a market rate of \$1,143 per acre per month,

which is lower than the current per acre per month rate for this lease. The rent, as of July 1, 2021, will be established at the current rate since the rent renegotiation language indicates that rent shall not be reduced. The rent will then be adjusted annually for the increase in cost of living based on the Consumer Price Index through 2025 (COLA). The lease will again be adjusted based on the market rate in 2026.

Current Rent:	Proposed Rent:
\$1,194 per acre, per month	\$1,194 per acre, per month

Although the rent adjustment was due on July 1, 2021, it was delayed to revise the leasehold area. While working on the adjustments, DPW and PEA determined that the leasehold premises was larger, by 0.255 acres than what was originally agreed on. PEA was inadvertently paying rent on an area that DPW was using for public parking. Given this area is used by DPW and not by PEA, the lease should be adjusted accordingly. As such, the proposed amendment would revise the leasehold premises, effective July 1, 2021, and provide PEA with a rent credit of \$49,715. The rent credit are the actual rents paid for this 0.255-acre area over the period from January 2002 to July 2021. The premises maps and legal description have now been revised.

This is a request for approval of the Fifth Amendment to Aviation Lease with Pacific Executive Aviation, to establish rent for 2021, define the updated COLA calculations through 2025, revise lease premises, and provide a rent credit. All other terms of the leases shall 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 Fifth Amendment to Aviation Lease with MacKenzie Aviation, Inc., a California corporation, dba Pacific Executive Aviation, Contract Number 75704R. **(4 VOTES)**

EQUITY IMPACT STATEMENT

The eight airports owned and operated by the County of San Diego, Public Works, Airports (County Airports) provide vital air transportation hubs, emergency response facilities, and economic engines. The County pursues delivery of services at County Airports and actively works to remove barriers, encourage participation, and provide competitive opportunities for small businesses that traditionally have less working capital and business owners and managers that may be socially and economically underserved, through public outreach and added consideration in our procurement and leasing selection criteria. Pacific Executive Aviation is a small business, as are all the sublease businesses located on this leasehold.

County Airports connect rural, suburban, and urban communities, businesses, and people by facilitating over 518,000 commercial (using small, 30 to 70 passenger aircraft), corporate (up to approximately 20 passengers), government, and private aircraft operations annually. As bases for CalFire, US Forest Service, Sheriff Aerial Support to Regional Enforcement Agencies, and Mercy Air, County Airports ensure the readiness and rapid response of emergency services for

community members, including underserved communities. County Airports are home to over 100 aeronautical and non-aeronautical businesses. Through rents and user fees, County Airports are 100% self-funded, allowing General Fund revenues to be used for other priorities.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan for the Airport Enterprise Fund. If approved, this request will result in rent revenue of approximately \$69,661 to the Airport Enterprise Fund for FY 2021-22, after a reduction of approximately \$50,503 resulting from the reduced premises (\$788) and rent credit (\$49,715). FY 2022-23 revenues will be approximately \$119,376. The funding source is rental payments from the lessee under the terms of the amended lease. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

3. **SUBJECT: RAMONA AIRPORT - AMENDMENT TO LEASE WITH STATE OF CALIFORNIA FOR CAL FIRE RAMONA AIR ATTACK BASE (DISTRICT: 2)**

OVERVIEW

Ramona Airport is a general aviation airport, owned and operated by the County of San Diego's (County) Department of Public Works (DPW), within the unincorporated community of Ramona. The airport is a gateway to and from San Diego's east county, providing infrastructure, facilities, and services to corporate and general aviation users. The airport also serves as the CAL FIRE Ramona Air Attack Base (Ramona Air Attack Base) for regional firefighting services. DPW leases land at this airport to aviation businesses that provide aeronautical services, such as aircraft fueling, hangar storage, tie-down storage, aircraft rental, aircraft maintenance, flight instruction, and similar services. Leasing of airport land generates 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 and the surrounding communities.

The Ramona Air Attack Base was established in the late 1950s. On February 2, 1999, the Board of Supervisors approved a new 33-year, 5-month lease with the State of California for the continued operation of the air attack base, which is the regional headquarters for CAL FIRE to launch aerial fire suppression response to wildfires. The lease for 8.4 acres of aviation land commenced on February 1, 1999 and is scheduled to terminate on June 30, 2032. Ramona Air Attack Base utilizes different kinds of aircraft for aerial firefighting operations. A large airtanker, which will be used for rapid initial attack on wildland fires, is expected to be relocated to the CAL FIRE base at Ramona Airport at the beginning of 2023. To safely accommodate the aircraft, which has a wide wingspan, CAL FIRE has requested to increase its current ramp space by adding a 0.99-acre portion of the adjacent short-term parking area for visiting aircraft currently operated by the County. This area will allow CAL FIRE to move and fuel the new

aircraft on their leasehold with an increased buffer area between these aircraft and neighboring leaseholders. This use will not negatively impact County's operations, since the aircraft parking previously located in that area can be accommodated on the western end of the airport in another existing aircraft parking area.

This is a request to approve an amendment to the lease with the State of California (County Contract No. 75159R) to increase the Ramona Air Attack Base leased premises, inside of the existing airport boundaries, by approximately 0.99 acres, effective February 1, 2022 through June 30, 2032. The base annual rent, paid at the end of each lease year, will be proportionately adjusted from \$44,813 to \$50,094.

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 public facilities that are being used for similar purposes, involving negligible or no expansion of existing or former use of the added parcel.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the Second Amendment to Lease with the State of California, County Contract Number 75159R. **(4 VOTES)**

EQUITY IMPACT STATEMENT

The eight airports owned and operated by the County of San Diego, Public Works, Airports (County Airports) provide vital air transportation hubs, emergency response facilities, and economic engines. The County pursues delivery of services at County Airports and actively works to remove barriers, encourage participation, and provide competitive opportunities for small businesses that traditionally have less working capital and business owners and managers that may be socially and economically underserved, through public outreach and added consideration in our procurement and leasing selection criteria.

County Airports connect rural, suburban, and urban communities, businesses, and people by facilitating over 518,000 commercial (using small, 30 to 70 passenger aircraft), corporate (up to approximately 20 passengers), government, and private aircraft operations annually. As bases for CalFire, US Forest Service, Sheriff Aerial Support to Regional Enforcement Agencies, and Mercy Air, County Airports ensure the readiness and rapid response of emergency services for community members, including underserved communities. County Airports are home to over 100 aeronautical and non-aeronautical businesses. Through rents and user fees, County Airports are 100% self-funded, allowing General Fund revenues to be used for other priorities.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan for the Airport Enterprise Fund. If approved, this request will result in \$44,813 of the total base revenue to the Airport Enterprise Fund for FY 2021-22, since the annual rent for this lease is paid in arrears. The increased base annual revenues of \$50,094 will be realized in FY 2022-23. The funding source is rental payments from the lessee under the terms of the amended lease. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

4. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS TO EXTEND AUTHORITY FOR DIRECTOR OF AIRPORTS TO SIGN LOW-VALUE LEASES AND LICENSES FOR FIVE YEARS (10/20/21 - FIRST READING; 12/8/21 - SECOND READING) (DISTRICTS: 2 & 5)**

OVERVIEW

On October 20, 2021 (01), the Board of Supervisors took action to further consider and adopt the Ordinance on December 8, 2021.

The County of San Diego (County) operates and maintains eight airports, which are all funded by the Airport Enterprise Fund (AEF), independent of and without cost to the General Fund. The AEF is funded through a combination of rental revenue, user fees, interest, and State and federal grant funding. The Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (Ordinance) includes authority delegated by the Board of Supervisors (Board) to the Director of Airports to sign low-value leases and licenses, those not exceeding 10 years or \$10,000 per month, for five years from the effective date of the Ordinance. The most common lease type issued under this authority is for aircraft parking, which has a high turnover, as pilots relocate to and from County Airports. These leases are requested on short notice and the requirement for Board approval would limit the County's ability to accommodate such requests, potentially adding three months to the processing time and up to \$3,000 in staff costs. Currently, it takes approximately 10 working days and less than \$300 in staff time to process an aircraft parking lease. Licenses under this authority include uses such as aircraft detailing, taxi services, geotechnical monitoring, and surveying.

Per California Government Code §25537, the authority delegated pursuant to the Ordinance, by the Board to the Director of Airports to sign low-value leases and licenses, must be renewed every five years. The current authority expires on January 15, 2022. This is a request to amend the Ordinance to renew the Director of Airports' authority to execute low-value leases and licenses for five years from the new effective date of the Ordinance. Other than the effective date, all other provisions of the Ordinance would remain unchanged.

This action requires two steps. On October 20, 2021, the Board is requested to approve introduction of an Ordinance to amend the schedule to renew the Director of Airports' authority to execute low-value leases and licenses for five years from the new effective date of the Ordinance. If the Board takes action on October 20, 2021, then on December 8, 2021, the Board would be requested to consider and adopt the proposed Ordinance amending the schedule. This will allow for the required minimum 30-day notice between Board actions.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 of the CEQA Guidelines because CEQA does not apply to the establishment or approval of rates and charges by a public agency which are for the sole use and purpose of meeting operating expenses; and adopt the findings made pursuant to CEQA Guidelines Section 15273.
2. Consider and adopt the Ordinance for the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (second reading) entitled: AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS.

EQUITY IMPACT STATEMENT

The eight airports owned and operated by the County of San Diego (County Airports) provide vital air transportation hubs and emergency response facilities, and serve as economic engines, supporting airport users as well as the region's residents. County Airports pursues delivery of these services in a fair and equitable manner and actively works to remove barriers, encourage participation, and provide competitive opportunities for small businesses that traditionally have less working capital and business owners and managers that may be socially and economically-disadvantaged, through public outreach and added consideration in our procurement and leasing selection criteria.

As part of the National Plan of Integrated Airport Systems, County Airports connects rural, suburban, and urban communities, businesses, and people by facilitating over 518,000 commercial, corporate, government, and private aircraft operations annually. As bases for CAL FIRE, US Forest Service, Sheriff ASTREA (Aerial Support to Regional Enforcement Agencies), and Mercy Air, County Airports ensures the readiness and rapid response of emergency services for community members, including underserved communities. County's airports are home to over 100 aeronautical and non-aeronautical businesses. Through rents and user fees, County Airports is 100% self-funded, allowing General Fund revenues to be used for other priorities.

FISCAL IMPACT

Funds for this request are included in Department of Public Works, Airport Enterprise Fund's Fiscal Year 2021-22 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 Vargas, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10763 (N.S.), entitled: AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

5. SUBJECT: GENERAL SERVICES - APPROVAL OF THE SIXTEENTH AMENDMENT TO THE OPTION AGREEMENT FOR THE SALE OF A 15.08-ACRE OPEN SPACE EASEMENT TO THE PARKING AUTHORITY OF THE CITY OF NATIONAL CITY (DISTRICT: 1)

OVERVIEW

On October 17, 1978 (78), the Board of Supervisors (Board) accepted an easement (Easement) for open space and/or park and recreational purposes for public use on 15.08 acres of land owned by the Parking Authority of the City of National City (Parking Authority). The Easement prohibits construction of any building or structure, but reserves to the Parking Authority the right to develop the land for a public park and recreational purposes, subject to County approval. The Easement is located at the southwest corner of Sweetwater Road and Bonita Center Road in National City on property identified as Assessor's Parcel Number 564-47-11-00 (Property). The Easement was accepted pursuant to a Cooperation Agreement between the Parking Authority, City of National City and the County of San Diego (County) related to the development of the Plaza Bonita Shopping Center and the funding of improvements to portions of the County's Sweetwater Regional Park. Development of the Easement area as a local park never occurred, and the land has remained unimproved open space.

On June 4, 1996 (18), the Board directed County staff to take all necessary actions to vacate and sell the Easement interest and dedicate the revenue to the improvement of Sweetwater Regional Park. This action was in response to a request from the Parking Authority to vacate the Easement so that the Property could be developed for commercial purposes in exchange for compensation to be paid by the Parking Authority to the County for the value of the Easement. On March 21, 2007 (9), the Board approved an option agreement (Option) to sell the Easement to the Parking Authority for \$3,000,000. On January 30, 2008 (12), the Board approved the sale of the Easement and made necessary environmental findings as the responsible agency under the California Environmental Quality Act pursuant to an Environmental Impact Report provided by the Parking Authority as the lead agency.

Due to ongoing changes in market conditions and the development potential of the Property, the sale of the Easement was never completed, and the Option was amended administratively to extend the term through December 31, 2021. The Parking Authority requested to amend the Option to revise the sale price based on current market conditions and site development costs for the useable portion of the Property. In response to the Parking Authority's request, County staff conducted a review of the Property in October 2020 and determined that the current market value of the Easement was \$2,100,000. On December 8, 2020 (19), the Board approved an amendment to the Option for the sale of the Easement at \$2,100,000. The Board made necessary environmental findings and authorized the Director of General Services to take all necessary actions to complete the transaction, including but not limited to, the execution of appropriate deeds, documents, escrow instructions, and any amendments to the Option. Under the terms of the Option, the revenue resulting from the sale is planned for deposit in DPR Trust Fund #61412, and would be used for improvements to and potential land acquisitions for the Sweetwater Regional Park and surrounding area. Improvements to the 500-acre regional park will provide active and passive recreation opportunities to residents and visitors throughout the region.

Today's request is for the Board to make the necessary environmental findings and approve an amendment to the Option for the sale of the Easement to extend the term of the Option from December 31, 2021 to December 31, 2023, and authorize the Director of General Services to take all necessary actions to complete the transaction including, but not limited to, the execution of documents necessary to complete the sale, including any amendments to the Option.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) as specified under Section 15060 (c)(2) and Section 15378 as it has no potential to result in a direct or reasonably foreseeable indirect change to the environment.
2. Approve and authorize the Director, Department of General Services to execute an amendment to the Option to extend the term to December 31, 2023. **(4 VOTES)**
3. Authorize the Director of General Services to take all necessary actions to complete the transaction including, but not limited to, the execution of documents necessary to complete the sale, including any amendments to the Option.

EQUITY IMPACT STATEMENT

The revenue resulting from the sale would be used for improvements to and potential land acquisitions for the Sweetwater Regional Park and the surrounding area. This will result in updated recreational amenities for the communities of Spring Valley, Bonita, and the region. It is anticipated that increased trail access and additional updated recreational areas will have a positive health impact on all demographics in the county, including members of all equity seeking groups.

FISCAL IMPACT

If the sale of the Easement is completed, this request will result in revenue of \$2,100,000. Sale proceeds from the Parking Authority of the City of National City are anticipated after Fiscal Year 2021-22, as the timing for the closing of the sale is contingent upon receiving entitlements. Pursuant to the Option to Purchase Agreement, the proceeds from the sale of the easement will be used for improvements to and possible land acquisitions for Sweetwater Regional Park, and staff will return to the Board to appropriate funds as necessary. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Development of the property for commercial purposes will benefit the South County by providing jobs, new construction activity of over \$10 million, and property and sales tax revenue to the City of National City and the County.

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, and directed the Chief Administrative Officer to negotiate a new option agreement with the National City Parking Authority, reserving the revenue for improvements to Sweetwater Regional Park and/or park improvements in park deficient communities in National City, to supersede this option agreement, and report back to the Board before the existing option agreement is executed or expires.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

6. **SUBJECT: ADOPT MCCLELLAN-PALOMAR AIRPORT MASTER PLAN UPDATE, CERTIFY MASTER PLAN ENVIRONMENTAL IMPACT REPORT, AND PROVIDE DIRECTION ON AIRPORT SUSTAINABILITY (DISTRICT: 5)**

OVERVIEW

McClellan-Palomar Airport (Palomar) is located in the City of Carlsbad and is one of eight airports owned and operated by the County of San Diego (County), at no cost to the General Fund. Palomar was constructed on County-owned property, and when it opened in 1959, the surrounding area consisted mainly of agricultural uses. Over the last 60 years, light industrial, commercial, and recreational uses have developed around the airport. The City of Carlsbad annexed the airport in 1978, citing economic benefits including significant tax revenues for the City and increased services for the County. Today, the airport serves the community and region as a vital air transportation hub, an emergency services facility, and an economic engine that supports 2,590 local jobs and generates \$72 million in tax revenues and \$461 million in economic activity annually.

Palomar is a federally funded public-use airport and part of the national air transportation system. The Federal Aviation Administration (FAA) regulates this system and by federal law, airport owners and operators, such as the County, cannot restrict the size or type of aircraft landing or taking off from an airport. The FAA provides airports with guidance to safely accommodate the types of aircraft that use an airport, which is the foundation for the safety enhancements identified in the Palomar Master Plan Update (MPU). The FAA generally provides up to 90% grant funding for safety improvements; however, an approved and current Airport Layout Plan, which is included as part of the Master Plan, is required to be eligible for funding.

On December 16, 2015 (3), the County Board of Supervisors (Board) directed staff to update the Master Plan for Palomar. The Master Plan is a 20-year planning road map for airport capital improvements that emphasizes safety. The most recent Master Plan for Palomar, completed in 1997, had reached the end of its 20-year planning period. On September 25, 2013 (2), the Board considered the findings of a 2013 Feasibility Study, which studied a longer runway. The Board directed staff to focus the MPU on safety improvements for the aircraft currently using the airport while remaining within the existing airport property boundaries.

On October 10, 2018 (1) the Board approved the MPU and certified the Program Environmental Impact Report (PEIR). On November 6, 2018, a petition for Writ of Mandate and complaint was filed by Citizens for a Friendly Airport, challenging the Board's decision. On January 26, 2021, the Superior Court (Court) filed a Minute Order upholding the Final PEIR analysis and dismissing the claims, except on two items. While the Court determined the PEIR's noise analysis was generally adequate, the Court found the Final PEIR should have included supplemental noise analysis for areas farther from Palomar. In addition, the Court ruled that an amendment to the conditional use permit (CUP) with the City of Carlsbad must be sought if the design status of the airport is changed to accommodate the design critical aircraft.

On March 4, 2021, the Court ordered the County to set aside all approvals associated with the October 10, 2018, decision, which included the approval of the MPU, certification for the Final PEIR, and related actions, within 60 days. On May 5, 2021 (13), the Board rescinded the MPU and de-certified the PEIR and related environmental findings pursuant to the Court's order.

The County has now completed the additional noise analysis, as directed by the Court, and updated the PEIR and MPU to address the potential need for an amendment to the CUP. Staff has also developed options for the Board's consideration that would demonstrate the County's leadership in sustainability.

This is a request for the Board to: (1) select the airport design standard for Palomar, including a potential runway extension, which will increase federal grant funding eligibility, and allow the County to pursue safety enhancement projects to protect aircraft currently using Palomar. The Board will select either: (2A) adopt the MPU and take the actions in Item 3 below relating to the Final PEIR, or (2B) not adopt the MPU.

If Recommendation 2A is selected to adopt the MPU, then, together with its action to adopt the MPU, the Board must (3) certify the associated Final PEIR and supporting documents, which, with the added noise analysis, is consistent with the direction of the Superior Court.

(4) If the MPU and associated Final PEIR are adopted and certified, provide direction to staff on sustainability options, with staff's recommendation being to pursue an airport system-wide sustainability plan that will position the County to become a leader in aviation-based sustainability across the region.

If Recommendation 2B is selected to not adopt the MPU, then the Board will direct staff to evaluate other airport classifications; return to the Board for further direction upon evaluation and establish appropriations based on prior year Airport Enterprise Fund (AEF) Balance of \$1,100,000.

(5) If the MPU is not adopted, the Board can also direct staff to prepare a new Master Plan for Palomar Airport and provide direction on the inclusion of a sustainability plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

See the Background Section of the Board Letter under Airport Design Standards and Attachment H for additional details on the Airport Master Plan Update options.

1. Select the airport design standard, including a potential runway extension:

Airport Design (Pick One)	AND	Runway Extension (Pick One)
Option A. B-II Enhanced Facility: Current design enhanced with installation of an Engineered Material Arresting System (EMAS), which is like a runaway truck ramp for aircraft AND		1. None
		2. 200 feet
		3. Up to 900 feet
Option B. B-II Enhanced Facility Now and Condition D-III Modified Standards Compliance in the Future: Same as Option A, and adding future D-III design standards conditioned on addressing the Conditional Use Permit and Runway Protection Zone requirements and returning to the Board to consider D-III design standards and a runway extension option AND		1. None
		2. 200 feet
		3. Up to 900 feet
Option C. D-III Modified Standards Compliance: This alternative reconfigures the airport to meet the D-III design standards. It would shift the runway 123 feet to the north to provide the required separation between the runway and taxiway and includes the installation of EMAS on both ends of the runway AND		1. 370 feet
		2. 800 feet

2. McClellan-Palomar Airport Master Plan Update:

Option A. Adopt the McClellan-Palomar Airport Master Plan Update based on the option selected above under Recommendation 1 related to airport design standard, including a potential runway extension, together with the actions in Item 3 below.

OR

Option B. Do Not Adopt the McClellan-Palomar Airport Master Plan Update (Attachment H) and direct staff to evaluate other airport classification options and return to the Board for further direction upon evaluation AND establish appropriations of \$1,100,000 in the Airport Enterprise Fund (AEF) Spending Plan to provide funds for the evaluation of other airport classification options based on prior year available AEF fund balance. (4 VOTES)

3. If Recommendation 2A is selected, then certify and adopt the McClellan-Palomar Airport Master Plan Update Environmental Documents together with its action to adopt the MPU:

If the Board adopts the McClellan-Palomar Airport Master Plan Update (Attachment H), then certify that the Final Program Environmental Impact Report (PEIR), SCH No. 2016021105 has been completed in compliance with California Environmental Quality Act (CEQA) and CEQA Guidelines, that the Final PEIR was presented to the Board, that the Board reviewed and considered the information contained therein, and that the Final PEIR reflects the independent judgment and analysis of the Board (Attachment B); **AND**

- A. Adopt the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of CEQA Guidelines (Attachment C); **AND**
 - B. Adopt the Statement of Location and Custodian of Record (Attachment E); **AND**
 - C. Adopt the decision and explanation regarding recirculation of draft PEIR (Attachment F); **AND**
 - D. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of CEQA Guidelines (Attachment G).
4. If Recommendation 2A is selected to Adopt the McClellan-Palomar Airport Master Plan Update, then provide direction on a sustainability plan by selecting one of the following options:

Option A. Direct staff to prepare a McClellan-Palomar Airport Sustainability Plan

OR

Option B. Direct staff to prepare a County Airports System Sustainability Plan with a priority on implementing sustainability measures for McClellan-Palomar Airport [*Staff Recommendation*]

5. If Recommendation 2B is selected to Not Adopt the McClellan-Palomar Airport Master Plan, provide direction on the inclusion of a sustainability plan with a new Master Plan:

Direct staff to prepare a new Master Plan for McClellan-Palomar Airport with Integrated Sustainability AND establish appropriations of \$4,500,000 in the Airport Enterprise Fund (AEF) Spending Plan to provide funds for development of a Master Plan for McClellan-Palomar Airport with Integrated Sustainability based on prior year available AEF fund balance. **(4 VOTES)**

EQUITY IMPACT STATEMENT

The eight airports owned and operated by the County of San Diego, Public Works, Airports (County Airports) provide vital air transportation hubs, emergency response facilities, and economic engines. The County pursues delivery of services at County Airports and actively works to remove barriers, encourage participation, and provide competitive opportunities for small businesses that traditionally have less working capital and business owners and managers that may be socially and economically underserved, through public outreach and added consideration in our procurement and leasing selection criteria.

County Airports connect rural, suburban, and urban communities, businesses, and people by facilitating over 518,000 commercial (using small 30 to 70 passenger aircraft), corporate (up to approximately 20 passengers), government, and private aircraft operations annually. As bases for CalFire, US Forest Service, Sheriff Aerial Support to Regional Enforcement Agencies, and Mercy Air, County Airports ensure the readiness and rapid response of emergency services for community members, including underserved communities. County Airports are home to over 100 aeronautical and non-aeronautical businesses. Through rents and user fees, County Airports are 100% self-funded, allowing General Fund revenues to be used for other priorities.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan for the Master Plan Update (MPU). If the current MPU is approved with an accompanying sustainability plan, this request will result in no change in the Airport Enterprise Fund (AEF) for FY 2021-2022.

If the Board directs staff to not adopt the Palomar Airport Master Plan, evaluate other airport classification options and return to the Board for further guidance upon evaluation (Recommendation 2B) or to prepare a new Master Plan with integrated sustainability (Recommendation 5), this request will result in costs of up to \$4.5 million in consultant services and staff costs for FY 2021-22. The funding source is the prior year available AEF fund balance. There will be no change in net General Fund cost and no additional staff years.

The proposed actions will not commit the County to construct any facilities or improvements and will not financially obligate the County. Staff will return to the Board at a future date for approval to advertise and award construction contracts as projects are fully designed, and for any necessary appropriations as funding becomes available for implementing the Board's selected MPU alternative. It is expected the projects will be completed in phases over the 20-year planning period, and staff will seek authorization to apply for federal and State grants in future years.

BUSINESS IMPACT STATEMENT

The Federal Aviation Administration (FAA) identifies Palomar as a National Primary Commercial Service Airport in the National Plan of Integrated Airports System, indicating both its national significance and its eligibility for federal grant funding for airport improvements. The FAA-certified Palomar for air carrier service in 1996, which grants airlines the authority to offer scheduled flights to the community and the greater San Diego region. The FAA-certified smaller, less-active airports, like Palomar, to become commercial service airports that offer regional service for 30 to 70 passenger aircrafts, with the focus to make services affordable for the region without compromising safety and operational capabilities. After Palomar was certified for Regional Service, airlines offered flights to Los Angeles and Phoenix using small, 30-passenger aircraft. This Regional Service at Palomar increased to an annual peak of 78,519

passengers in 2000. Beginning in 2008, airlines began to discontinue the use of this type of aircraft. The newer regional aircraft cannot operate at Palomar due to its short runway length, and Regional Service ended in 2015.

With continued interest of residents and stakeholders, the MPU contemplated future Regional Service at Palomar. However, there are several factors that limit Regional Service, such as the runway length, design standards, pavement strength, aircraft parking areas, and passenger terminal capacity. The runway length and design standards are the most critical. Palomar has a single 4,897-foot runway. Within the contiguous United States, there are no airports with runways less than 5,000 feet that have commercial air service.

Regional Service using small, regional, 30 to 70 passenger aircraft could provide additional revenues to the Airport Enterprise Fund (AEF) from commercial landing fees, parking, and fuel flowage; restaurant and rental car concessions; and vehicle parking. Also, the FAA currently allocates \$150,000 in Airport Improvement Program Entitlement grant funding to Palomar annually, which would increase to a minimum of \$1 million, if Palomar were to have over 10,000 commercial passengers per year, using small, passenger aircraft. The FAA also allows commercial service airports to collect a Passenger Facility Charge (PFC) from airlines to help pay for needed capital improvements. PFCs could generate up to \$2 million in additional revenue annually.

In addition to more and closer air travel options, Regional Service at Palomar using small, regional, 30 to 70 passenger aircraft also has potential economic benefits to employees, businesses, and municipalities in North County and the region. The McClellan-Palomar Airport Economic Impact Analysis Report determined that, without Regional Service using small, regional, 30 to 70 passenger aircraft, Palomar currently supports 2,590 jobs and generates \$461 million in economic activity and \$72 million in tax revenue. Without further development, Palomar would support an estimated 3,380 jobs and generate \$596 million in economic activity and \$94 million in tax revenues in 2036. The MPU presented today forecasted the ability of the airport to accommodate up to 575,000 passengers annually, on small, regional, 30 to 70 passenger aircraft. In this scenario, Palomar's economic activity would almost double, with an estimated 6,720 jobs and generate \$1.0 billion in annual economic activity and \$160 million in annual tax revenues.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took the following actions:

1. Certified and adopted the McClellan-Palomar Airport Master Plan Update Environmental Documents together with its action to adopt the MPU (Ref. Board Letter Recommendation 3):
Certified that the Final Program Environmental Impact Report (PEIR), SCH No. 2016021105 has been completed in compliance with California Environmental Quality Act (CEQA) and CEQA Guidelines, that the Final PEIR was presented to the Board, that the Board reviewed and considered the information contained therein, and that the Final PEIR reflects the independent judgment and analysis of the Board; **AND**
 - A. Adopted the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of CEQA Guidelines (Attachment C); **AND**

- B. Adopted the Statement of Location and Custodian of Record (Attachment E);
AND
 - C. Adopted the decision and explanation regarding recirculation of draft PEIR (Attachment F); **AND**
 - D. Adopted the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of CEQA Guidelines (Attachment G).
2. Selected the airport design standard, including a potential runway extension (Ref. Board Letter Recommendation 1):
- Option B. B-II Enhanced Facility Now and Condition D-III Modified Standards Compliance in the Future: Same as Option A, and adding future D-III design standards conditioned on addressing the Conditional Use Permit and Runway Protection Zone requirements and returning to the Board to consider D-III design standards and a runway extension option; **AND**
- Runway Extension of 200 feet that allows a variance of up to 10% if needed.
3. Selected the McClellan-Palomar Airport Master Plan Update (Ref. Board Letter Recommendation 2):
- Option A. Adopted the McClellan-Palomar Airport Master Plan Update based on the option selected under Board Letter Recommendation 1 related to airport design standard, including a potential runway extension, together with the actions in Item 1 above.
4. Provided direction on a sustainability plan by selecting (Ref. Board Letter Recommendation 4):
- Option B. Directed staff to prepare a County Airports System Sustainability Plan with a priority on implementing sustainability measures for McClellan-Palomar Airport
5. Directed the Chief Administrative Officer to submit a letter to the Federal Aviation Administration (FAA) and work with the local congressional delegation that requests the following:
- a. Establishment of quiet hours
 - b. If quiet hours are unable to be acquired, establish a fee structure that increases fees for aircraft flying during quite hours

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

7. SUBJECT: REPORT BACK ON EXPLORING COMMUNITY BENEFITS AGREEMENTS, RENEWABLE ENERGY PERMIT PROCESSING, AND SEEKING BOARD DIRECTION TO DEVELOP OPTIONS FOR FUTURE CONSIDERATION (DISTRICTS: ALL)

OVERVIEW

On February 10, 2021 (2), the Board of Supervisors (Board) directed staff to return with further analysis on a zoning ordinance update for renewable energy projects and research other related items, including community benefits agreements (CBAs). CBAs are agreements where developers provide community benefits in exchange for community support, public subsidies, or both. These can be agreements between developers, community groups, and public agencies. CBAs can be facilitated through community benefit programs established by local land use authorities where developers pay a fee that is used to provide a community benefit. Various community benefits can be offered through CBAs, such as affordable housing production, park and recreation development opportunities, childcare facilities, workforce development, local hiring, and apprenticeships. CBAs can be used for various land development projects, and within California, they are increasingly used for renewable energy facilities.

CBAs have become a topic of discussion related to recent solar and industrial/warehouse/distribution facilities projects in the unincorporated area. These discussions emphasized the importance of consideration of CBAs for development projects. They also called attention to the need for further policy guidance for staff related to CBAs, and the potential to expand CBAs to other types of development projects.

Today staff is providing the research on CBAs and seeking Board direction to develop options for additional consideration based on these findings. Staff is also seeking Board direction regarding whether to expand the use of CBAs beyond renewable energy projects to include additional types of development projects in the unincorporated area. If directed by the Board, staff will further investigate the feasibility, criteria, and resources needed for the County to create CBA programs, policies, and guidelines to incentivize and streamline community improvements and community input in land use decisions and return with options. Options to be explored could include one or more of the following:

- A mandatory community benefits program in which developers would pay fees to fund community benefits and projects;
- A voluntary community benefits program that would provide developers an option to pay fees to fund community benefits and projects;
- Guidelines for the County to facilitate CBAs between developers and community members;
- Guidelines for the types of development projects that would be subject to CBAs;
- Guidelines to negotiate and enter into CBAs with developers, including identification of a potential menu of incentives that the County could offer in return for commensurate community benefits; and/or
- A Board Policy that would allow Community Planning and Sponsor Group members to participate in community benefit negotiations.

Lastly, on November 3, 2021 (3), the Board directed staff to identify and return with recommendations on staffing options to meet the needs of processing renewable energy projects. Staff from the departments responsible for processing renewable energy project permits collaborated to determine the resources that would be needed to support and expedite permit processing for renewable energy projects. In total, staff believes no additional staff are required, but San Diego County Fire will require the reclassification of an existing position with existing funding in order to provide the expertise needed to adequately review these projects.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with State CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption.
2. Direct staff to investigate the feasibility and resources needed for the County to establish CBA programs, policies, and/or guidelines and return to the Board within 180 days with options for additional consideration and direction. The options could include one or more of the following (see Attachment C for an Action Sheet outlining these options):
 - a. A mandatory community benefits program in which developers would pay fees to fund community benefits and projects;
 - b. A voluntary community benefits program that gives developers an option to pay fees to fund community benefits and projects;
 - c. Guidelines for the County to facilitate Community Benefits Agreements (CBA) between developers and community members;
 - d. Guidelines for the types of development projects that would be subject to CBAs;
 - e. Guidelines for the County to negotiate and enter into CBAs with developers, including identification of potential incentives that the County could offer in return for community benefits; and/or
 - f. A Board policy that would allow Community Planning and Sponsor Group members to participate in community benefit negotiations.

EQUITY IMPACT STATEMENT

Community Benefits Agreements (CBAs) programs, policies, and guidelines further incentivize and streamline community improvements and community input in land use decisions. As the County continues to prioritize more equitable communities and smart growth designs, CBAs would support the County's efforts by aligning land use decisions with negotiated community benefits.

FISCAL IMPACT

There is no fiscal impact associated with receiving the report back on Community Benefits Agreements (CBA) as presented today. Should the Board of Supervisors (Board) direct staff to develop CBA Guidelines or Program Options, staff will present estimated costs to further develop selected options, fee studies, and consultant support upon returning to the Board within 180 days. There is no fiscal impact associated with receiving the report back on resources and staffing needs to support and expedite the permitting process for renewable energy projects as

presented today for the Departments of Planning & Development Services, Environmental Health and Quality, Parks and Recreation, and Public Works. There will be no change in net General Fund cost and no additional staff years for these departments.

San Diego County Fire (County Fire) will require the reclassification of an existing position with existing funding to provide the expertise needed to adequately review renewable energy projects. Funds for the reclassification of the existing 1.0 FTE to support and expedite the permitting process for renewable energy projects as presented today are included in the Fiscal Year 2021-2022 Operational Plan for County Fire. This request will result in costs and revenue of \$24,611 in FY 2021-2022. The funding source is existing General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

1. In accordance with State CEQA Guidelines section 15061(b)(3), found that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption.
2. Directed staff to investigate the feasibility and resources needed for the County to Establish CBA programs, policies, and/or guidelines and return to the Board within 180 days with options for additional consideration and direction. The options include the following:
 - a. Guidelines for the County to facilitate mandatory Community Benefits Agreements (CBA) between developers and community members, including items such as prevailing wage, local hire, job outreach to disadvantaged communities, other items as appropriate including a focus on the nexus between the negative impact on the community and the project being proposed (Ref. Board Letter Recommendation 2C);
 - b. Guidelines for the types of development projects that would be subject to CBAs, including renewable energy projects, warehouse, hospitals, business parks, large scale housing, and other type projects deemed to have a significant impact (Ref. Board Letter Recommendation 2D);
 - c. Guidelines for the County to negotiate and enter into CBAs with developers, including identification of potential incentives that the County could offer in return for community benefits (Ref. Board Letter Recommendation 2E).

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

8. **SUBJECT: 2021 SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-63,
GENERAL PLAN AMENDMENT INITIAL REVIEW
(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.

California State law requires each county and city to adopt a general plan “for the physical development of the county or city, and any land outside its boundaries which in the planning agency’s judgment bears relation to its planning” (Gov. Code § 65300). State law also recognizes that, from time to time, the General Plan must be amended to make changes to accommodate public and private projects, to update information and policies, or to comply with State regulations. Private General Plan Amendments (GPA) are typically processed concurrently with a discretionary permit, including a wide range of projects such as a large-scale residential subdivision to a small-scale commercial project. Board Policy I-63 establishes guidelines for processing proposed amendments to the County General Plan sought by private parties by requiring preliminary applications for potential GPAs. The existing process provides a mechanism to review proposed GPAs under two pre-application types consisting of an optional Initial Consultation as well as a required Major Pre-Application. An Initial Consultation is intended to provide a high-level review of a potential project, while a Major Pre-Application is conducted to provide a more detailed review to identify major project issues, reviews from multiple County departments, and requirements for environmental studies.

The request for this item is for the Board to consider options for sunset review of Board Policy I-63, per the requirements of Board Policy A-76, *Sunset Review Process*.

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 conduct the Sunset Review of Board of Supervisors Policy I-63 do not constitute a project since they are administrative actions that will not result in direct or indirect physical changes in the environment. Further, in accordance with 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. The Board may select from any of the options A-C listed below and on the action sheet, Attachment B.

Option A: Retain the existing version of Board Policy I-63

Option B: Rescind Board Policy I-63

Option C: Provide direction to staff to return to the Board at a later date with amendment options for Board Policy I-63 for the Board’s consideration.

EQUITY IMPACT STATEMENT

County departments are guided by several Regulatory Codes, Administrative Codes, and Board Policies in order to serve the region and customers consistently and equitably. The periodic review of County codes and policies ensures that departments keep documents up to date, provide clarifying language, and continue to guide departmental practices.

FISCAL IMPACT

There is no fiscal impact. 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 Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

1. In accordance with the definitions in Section 15060(c)(3) and 15378(b)(5) of the California Environmental Quality Act (CEQA) Guidelines, found that actions to conduct the Sunset Review of Board of Supervisors Policy I-63 do not constitute a project since they are administrative actions that will not result in direct or indirect physical changes in the environment. Further, in accordance with CEQA Guidelines Section 15061(b)(3), found 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. Adopted Option C: Provided direction to staff to return to the Board at a later date with amendment options for Board Policy I-63 for the Board's consideration.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Summer Light spoke to the board regarding the San Marcos Landfill.

Robert Germann spoke to the Board regarding living wages.

Consuelo spoke to the Board regarding a member of parliament.

Katie Meyer spoke to the Board regarding the climate.

Mark Wilcox spoke to the Board regarding marijuana storefronts and the impact on children.

KB Strange spoke to the Board regarding the ban on sales of flavored tobacco products.

Ann Riddle spoke to the Board regarding behavioral health and the prevention of drug abuse.

Becky Rapp spoke to the Board regarding marijuana use during pregnancy.

Kelly McCormick and Kathleen Lippitt spoke to the Board regarding marijuana use and the effects on mental health.

Paul Henkin spoke to the Board regarding vaccine mandates.

Rita Clement spoke to the Board regarding water shortages for agriculture.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 4:34 p.m.

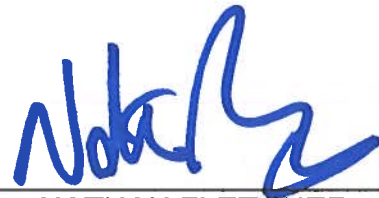
ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Ruffier

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, January 12, 2022.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

12/08/2021