COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, MAY 5, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. Roll Call

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 April 7, 2021.

E. Formation of Consent Calendar

F. Discussion Items

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

Supporting documentation and attachments for items listed on this agenda can be viewed online at www.sandiegocob.com or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101.

ASSISTANCE FOR PERSONS WITH DISABILITIES:
Agendas and records are available in alternative formats upon request. Contact the Clerk of the Board of Supervisors office at 619-531-5434 with questions or to request a disability-related accommodation. Individuals requiring sign language interpreters should contact the Countywide ADA Title II Coordinator at (619) 531-4908. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.

LANGUAGE TRANSLATION ASSISTANCE:
Language translation services for public speakers are available upon request to the Clerk of the Board of Supervisors at least 72 hours prior to the meeting (refer to Board Policy A-139 for additional information). Please contact the Clerk of the Board's office at (619) 531-5434 or via e-mail at publiccomment@sdcounty.ca.gov.

Board of Supervisors' Agenda Items

Agenda #	Subject
1.	NOTICED PUBLIC HEARING: SET A HEARING FOR 05/19/2021: APPROVAL OF FEE ADJUSTMENTS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL YEAR 2021-22 AS DIRECTED BY THE BOARD OF SUPERVISORS ON APRIL 7, 2021, AND ASSOCIATED ORDINANCE REVISIONS
2.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR 2021-22 [FUNDING SOURCE: FEES PAID BY PRIVATELY INITIATED LAND DEVELOPMENT PROJECTS AND BUILDING PERMIT APPLICANTS]
3.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: APPROVAL OF COST RECOVERY PROPOSAL IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2021-22 AND ASSOCIATED ORDINANCE REVISIONS [FUNDING SOURCE: OPTION 1: FEES PAID BY HEMP GROWERS FOR PROGRAM-WIDE SERVICES AND ACTIVITIES THAT BENEFIT ALL HEMP GROWERS, SUCH AS INDUSTRY OUTREACH, STAFF TRAINING, INVESTIGATION, ENFORCEMENT, COMPLAINT RESPONSE, PROGRAM DEVELOPMENT AND MONITORING; OPTION 2: FEES PAID BY HEMP GROWERS FOR THE SAME PROGRAM-WIDE SERVICES AND ACTIVITIES MENTIONED IN OPTION, IN ANTICIPATED SUPPLEMENTAL STATE FUNDING, AND EXISTING GENERAL-PURPOSE REVENUE (GPR); AND FEES PAID BY AWM CUSTOMERS]
4.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: TRAFFIC ADVISORY COMMITTEE (04/07/2021 - ADOPT RECOMMENDATIONS; 05/05/2021 - SECOND READING OF ORDINANCES)
5.	SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AMENDMENTS TO THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO MANAGEMENT OF SOLID WASTE, RECYCLABLE MATERIALS AND ORGANIC WASTE, AND REPLACEMENT OF THE NON-EXCLUSIVE SOLID WASTE MANAGEMENT AGREEMENT WITH THE NON-EXCLUSIVE FRANCHISE AGREEMENT [FUNDING SOURCE: SWM FEE, WHICH IS ASSESSED ON EVERY TON OF SOLID WASTE, RECYCLING, ORGANICS, AND MIXED INERT MATERIALS COLLECTED BY FRANCHISE HAULERS]

6. FRAMEWORK FOR OUR FUTURE: RESTRUCTURING COUNTY DEPARTMENTS TO PRIORITIZE SUSTAINABILITY, NATURAL RESOURCES MANAGEMENT, AND EQUITY
[FUNDING SOURCE: PRIOR YEAR AVAILABLE GENERAL FUND FUND BALANCE]

7. HOME IS WHERE THE HABITAT IS: FOSTERING BIODIVERSITY, SUSTAINABILITY, AND EQUITY WITH NATIVE PLANT LANDSCAPING

8. DEPARTMENTAL SUSTAINABILITY PLANNING

9. CONTINUED ITEM FROM 04/07/2021 (05):
FRAMEWORK FOR OUR FUTURE: COOPERATIVE APPROACH TO TRIBAL GOVERNMENTS AND FEE TO TRUST PROPOSALS

10. RELIEF FOR RESTAURANTS: ANNUAL PERMIT FEE WAIVER
[FUNDING SOURCE: AMERICA RESCUE PLAN ACT (ARPA) FUNDS]

11. ADOPT A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING STATE OF CALIFORNIA CANNABIS EQUITY ACT GRANT FUNDING
[FUNDING SOURCE: GENERAL PURPOSE REVENUE]

12. EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS SECURED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS

13. MCCLELLAN-PALOMAR AIRPORT - RESCIND AND VACATE ADOPTION OF THE 2018 MCCLELLAN-PALOMAR AIRPORT MASTER PLAN UPDATE AND DE-CERTIFY PROGRAM ENVIRONMENTAL IMPACT REPORT

14. NOTICED PUBLIC HEARING:
APPEAL OF THE ENVIRONMENTAL DETERMINATION FOR THE NORTH COUNTY ENVIRONMENTAL RESOURCES PROJECT

15. ADOPT THE MITIGATED NEGATIVE DECLARATION, ESTABLISH AND TRANSFER APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR MAPLEVIEW STREET GREEN STREETS PROJECT
[FUNDING SOURCES: AVAILABLE GENERAL FUND FUND BALANCE FROM THE WATERSHED PROTECTION PROGRAM, ONE TIME ONLY GENERAL FUND FUND BALANCE, PROPOSITION 1 STORM WATER GRANT FUNDS FROM THE STATE WATER RESOURCES CONTROL BOARD AND HIGHWAY USER TAX ACCOUNT (HUTA)]
(4 VOTES)

16. GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC HIGHWAY AND PUBLIC DRAINAGE, AND PUBLIC SERVICE EASEMENTS FOR DRAINAGE, EMBANKMENT SLOPES AND A TEMPORARY CONSTRUCTION EASEMENT IN THE OTAY MESA AREA (VACATION NO. 2020-0178)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]

(RELATES TO SANITATION DISTRICT AGENDA NO. SA1)

17. AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SWEETWATER LANE COUNTY PARK ENERGY UPGRADES PROJECT
[FUNDING SOURCE: BUDGETED GENERAL-PURPOSE REVENUE]

1. SUBJECT: NOTICED PUBLIC HEARING:
SET A HEARING FOR 05/19/2021:
APPROVAL OF FEE ADJUSTMENTS IN THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY EFFECTIVE FISCAL YEAR 2021-22 AS DIRECTED BY THE BOARD OF SUPERVISORS ON APRIL 7, 2021, AND ASSOCIATED ORDINANCE REVISIONS (DISTRICTS: ALL)

OVERVIEW
On April 7, 2021 (03), the Board of Supervisors set a Hearing for May 5, 2021.

The Department of Environmental Health and Quality (DEHQ) protects the environment, community, and public health with over 40 programs that prevent disease, promote environmental responsibility, and enforce environmental and public health laws. DEHQ operates environmental health programs that regulate restaurants, public swimming pools, body art, substandard housing, small drinking water systems, septic systems, water wells, and hazardous materials. DEHQ reduces the risk of disease carried by rats and mosquitoes, oversees the cleanup of methamphetamine and fentanyl contaminated properties, and monitors beach and bay water quality. In addition, DEHQ serves as the Certified Unified Program Agency, Solid Waste Local Enforcement Agency, Local Primacy Agency, and is delegated the duties to implement and enforce the powers of a mosquito abatement and vector control district.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board of Supervisors (Board) approval. The last cost recovery package was adopted by the Board on May 1, 2019 (5). Since that time, DEHQ has continued to provide services to the public at the approved rates.

On April 7, 2021 (3), DEHQ presented a cost recovery proposal for fees that would become effective in Fiscal Year (FY) 2021-22 and requested Board direction regarding enforcement of the Small Drinking Water Systems Program by selecting one of three options. The Board adopted option 3 and approved notifying the State Water Resources Control Board (State) of the County's intent to return the Small Drinking Water Systems Program to the State over the next fiscal year. However, the Board did not adopt the proposed fees included in cost recovery proposal, and instead directed staff to return with alternative funding source options, such as federal and/or state stimulus funding, or if not available then General Fund fund balance.

At the direction of the Board, DEHQ is returning to present an updated cost recovery proposal that removes the proposed 137 fee increases, and instead, includes $648,103 in alternative funding to offset the need to increase fees. Pending guidance from the Treasury Department, the funding source is anticipated to be American Rescue Plan Act funds. If replacing these foregone revenues is not an enumerated allowable use of American Rescue Plan Act funds, or if the unrestricted portion of available American Rescue Plan Act funds are instead prioritized for other purposes, the funding source will be prior year available unassigned General Fund fund balance. The updated cost recovery proposal continues to include the use of $1,091,779 in one-time departmental reserve funding to offset increased costs for food facilities and buffer the initial costs associated with adding staff in the Hazardous Material Division until the revenue from bringing an estimated 2,400 unpermitted businesses under permit is received.

Today's request requires two steps. The first request is to approve the first reading of DEHQ's updated cost recovery proposal ordinance amendments that reflect the Board's direction on April 7, 2021 to not include fee increases. If approved on May 5, 2021, the ordinance amendments will be brought back for adoption on May 19, 2021. The request on May 19, 2021 would be to adopt ordinance amendments to the County of San Diego Code of Regulatory Ordinances relating to permit fees and procedures for businesses and health regulated activities in DEHQ effective FY 2021-22.

Today's request also includes a waiver of Board Policy B-29 related to the proposal of permit fees that will not provide full cost recovery, but will instead require alternative funding and/or the use of committed fund balance to compensate, and related to the reduced or waived fees for nonprofit organization food, housing, pool and temporary event permits.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
On May 5, 2021:

1. Find that the adjustments in fees and charges contained in the proposed ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY REGULATORY PROGRAM FEES AND ASSOCIATED ORDINANCE REVISIONS are necessary to meet operating expenses beginning in Fiscal Year 2021-22, and find in accordance with Sections 21080(b)(8) of the California Environmental Quality Act (CEQA) and 15273(a) of the CEQA Guidelines that these adjustments to fees and charges are therefore not subject to CEQA.

2. Direct the Chief Administrative Officer (CAO) to refer to budget this request for consideration during the Fiscal Year 2021-22 budget deliberations and adoption.

3. Set a hearing for May 19, 2021 for consideration and adoption of amendments to the San Diego County Code of Regulatory Ordinances.

4. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* for DEHQ permits.

5. Approve the introduction of the Ordinance, (first reading), read title and waive further reading of an Ordinance entitled:
   ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY REGULATORY PROGRAM FEES AND ASSOCIATED ORDINANCE REVISIONS.

If, on May 5, 2021, the Board takes the actions recommended in items 1 through 4 above then, on May 19, 2021:
Consider and adopt the Ordinance amending the County Code of Regulatory Ordinances (second reading).

FISCAL IMPACT
Funds for this request are not included in the Fiscal Year (FY) 2020-21 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If approved, FY 2021-22 costs are estimated to be $648,103 based on American Rescue Plan Act funds or if costs are not allowed or not prioritized for reimbursement, prior year available unassigned General Fund fund balance, in DEHQ for permit fee offsets and will be referred to budget for consideration during the FY 2021-22 budget deliberations and adoption.

A waiver of Board Policy B-29 is required because the proposed fees do not cover all operating costs. The total unrecovered cost per Board Policy B-29 for foregone permit fee increases that are being offset with alternative funding is $648,103 in FY 2021-22, and if approved, will be funded with American Rescue Plan Act funds. If these costs are an unallowable expense for the American Rescue Plan Act, or if unrestricted funds are prioritized for other purposes, the funding will be prior year available unassigned General Fund fund balance. The total unrecovered cost per Board Policy B-29 for permit fees that are not full cost recovery that are being offset with committed fund balance in Environmental Health Reserves is $1,091,779. Additionally, a waiver of Board Policy B-29 is requested to continue to reduce fees for food, housing, pool and temporary event permits requested by nonprofit organizations. The total unrecovered cost per Board Policy B-29 for these waivers is approximately $822,947 in DEHQ for FY 2021-22 and, if approved, will be funded with General Purpose Revenue.

Inclusive of all funding sources and programs, the total unrecovered cost per Board Policy B-29 for DEHQ in FY 2021-22 is $2,562,829. In future fiscal years, DEHQ will return to the Board to identify the unrecovered cost and funding sources. There will be no additional staff years.

BUSINESS IMPACT STATEMENT
If approved, these recommendations will allow the Department of Environmental Health and Quality to continue to provide services that promote and enhance protection of the environment and public health, and continue to align fees to the actual costs of services provided to fee payers in each fee category. These important services prevent disease, promote environmental responsibility, and ensure a level playing field for businesses.

**2. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: COST RECOVERY PROPOSAL TO AMEND PORTIONS OF THE ADMINISTRATIVE CODE AND ORDINANCES RELATED TO LAND DEVELOPMENT FEES AND DEPOSITS EFFECTIVE FISCAL YEAR 2021-22 (DISTRICTS: ALL)**

OVERVIEW
On April 7, 2021 (02), the Board of Supervisors took action to further consider and adopt the Ordinances on May 5, 2021.

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

Using cost recovery funding, the Departments provide services that range in diversity and complexity and serve a wide variety of customers. Services include environmental and community character review, health and safety inspections of homes, and inspections of public infrastructure such as roads, parks, and trails. The review of privately initiated land development and building permit applications ensures the safe design and construction of structures and infrastructure to protect the public. Through these services, the County of San Diego (County) balances environmental, community and economic interests to enhance the quality of life for residents and visitors in the unincorporated area of San Diego county.

Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board approval. The last cost recovery package was adopted by the Board on May 1, 2019 (6). Since that time, the Departments have continued to provide services to the public at the approved rates.

The fees proposed today for the Fiscal Year 2021-22 are necessary to address cost increases based on negotiated labor agreements which increased salary and benefit costs on July 1, 2020 and which will increase again on July 1, 2021, and to ensure compliance with Board Policy B-29 except where the Board has previously directed the waiver of fees. Approximately 75% of the Departments costs are prescribed, such as negotiated salary and benefit increases, retirement, central support, and facilities while 25% of the department's costs such as services and supplies, capital assets, and salary savings when positions are vacant are discretionary, meaning costs are determined by the Departments based on operational needs. The fees proposed for Fiscal Year (FY) 2021-22 will be necessary to address cost increases based on retirement costs, negotiated labor agreements, and to ensure compliance with Board Policy B-29, except where the Board has previously authorized the waiver or reduction of cost-based fees. In response to the economic impacts of the COVID-19 pandemic, the Departments did not move forward with presenting the Board with a cost recovery proposal for the current FY 2020-21, and this cost recovery proposal represents two years of cost increases. The Departments are committed to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

For PDS, the average proposed flat fee increase requested in this cost recovery proposal is equivalent to a 3.7% increase, the average intake deposit change is a 4.0% increase, and the average hourly rate change is a 4.3% increase. For DPW, there is a 4.2% change to the average proposed flat fee, the average intake deposit is a 3.5% increase, and the average hourly rate is a 3.8% increase. DPR does not use fees or deposits and is only proposing to update its hourly rates; the proposed average hourly rate change is an 8.4% increase. These increases include retirement costs, negotiated salary and benefit increases, and additional staffing in the PDS Building Services Division replacing work currently being performed by contract staff to ensure life and safety issues continue to be addressed, reviewed, and inspected in a timely and cost-effective manner. The Departments have worked to contain costs where possible and have applied approximately $1.1 million in operational savings from streamlining measures and efficiencies. PDS has implemented cost savings programs such as online payments, expansion of online permit applications, and text message building inspection management Without this cost containment, building fees would have needed to increase an additional 6% and planning and land development hourly rates would increase by 1% on average.

Today's request also includes a waiver of Board Policy B-29 in PDS related to appeals, fees for rebuilding structures damaged or destroyed by a natural disaster, plan review and building fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act Permits, Accessory Dwelling Units, Residential Renewal Energy Permits, COVID-19 related Building and Land Development permit fees, and Urban Agriculture Incentive Zone program. The Board has previously directed these fees to be waived and provide General Purpose Revenue appropriations to facilitate access to the appeal process, assist homeowners impacted by natural disasters, and to strengthen support and promotion of sustainable building practices and additional housing units.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
Consider and adopt the following Ordinances entitled:
ORDINANCE AMENDING PORTIONS OF THE ADMINISTRATIVE CODE RELATING TO FEES AND DEPOSITS FOR THE DEPARTMENTS OF PLANNING & DEVELOPMENT SERVICES, PUBLIC WORKS, AND PARKS AND RECREATION
(Attachment A, on file with the Clerk of the Board); and,

ORDINANCE AMENDING PORTIONS OF ADMINISTRATIVE CODE SECTIONS 451-467 REGARDING DEPOSITS ASSOCIATED WITH THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS (Attachment C, on file with the Clerk of the Board).

FISCAL IMPACT
The proposed increases to fees and deposits will be included in the Fiscal Year (FY) 2021-22 CAO Recommended Operational Plan in Planning & Development Services (PDS), the Department of Public Works (DPW), or the Department of Parks and Recreation (DPR). If approved, the proposed fee and deposit adjustments will result in additional estimated costs and revenue of $1.0 million in PDS, $213,000 in DPW, and $2,682 in DPR, effective FY 2021-22. The funding source is fees paid by privately initiated land development projects and building permit applicants.

A waiver of Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) is requested to continue previously directed fee waivers, including appeal fees, fees for rebuilding structures damaged or destroyed by natural disasters, plan review and permit fees for the Green Building Incentive Program, Homeowner and Business Owner Relief Act Permits, Accessory Dwelling Units, Residential Renewal Energy Permits, COVID-19 related Building and Land Development permit fees, and Urban Agriculture Incentive Zone program. These are proposed to be less than full cost recovery and a waiver of Board Policy B-29 is requested since the proposed fees do not cover all operating costs. The total unrecovered cost per Board Policy B-29 is approximately $5.1 million for Fiscal Year 2021-22 and will be funded with General Purpose Revenue. There will be no additional staff years. In future fiscal years, the Departments will return to the Board to identify unrecovered costs and funding sources.

If approved, funds for this request will be included in the Fiscal Year 2021-22 CAO Recommended Operational Plan in PDS, DPW, and DPR.

BUSINESS IMPACT STATEMENT
These recommendations would enable Planning & Development Services, the Department of Public Works, and the Department of Parks and Recreation to maintain high-quality services. These services enhance the livability of communities and ensure the health and safety of residents by facilitating new land development, providing sufficient recreational opportunities, and protecting natural resources. When individuals pay for services they receive, it ensures that public tax dollars do not subsidize individual projects.

3. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: APPROVAL OF COST RECOVERY PROPOSAL IN THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES EFFECTIVE FISCAL YEAR 2021-22 AND ASSOCIATED ORDINANCE REVISIONS (DISTRICTS: ALL)

OVERVIEW
On April 7, 2021 (04), the Board of Supervisors took action to set a hearing for May 5, 2021 to consider and adopt the Ordinance.

This is a request for the Board of Supervisors (Board) to adopt the Department of Agriculture, Weights and Measures' (AWM) cost recovery proposal that includes fees and hourly rates for services related to Pest Exclusion, Direct Marketing, Price Verification, and Industrial Hemp Cultivation (IHC) programs. This proposal provides the necessary resources and allows AWM to continue providing services that support a diverse agricultural community, public health and safety, a fair marketplace, and a sustainable environment for the San Diego region.

Board Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Exceptions require specific Board of Supervisors (Board) approval. The last cost recovery package was adopted by the Board on May 1, 2019 (4). Since that time, AWM has continued to provide services to the public at the approved rates.

The fees proposed today for the Fiscal Year 2021-22 are necessary to address cost increases based on negotiated labor agreements which increased salary and benefit costs on July 1, 2020 and which will increase again on July 1, 2021, and to ensure compliance with Board Policy B-29. Approximately 88% of AWM's costs are prescribed, such as negotiated salary and benefit increases, retirement, and facilities while 12% of the department's costs such as services and supplies, capital assets, and salary savings when positions are vacant are determined by the department based on operational needs. The fees proposed for Fiscal Year (FY) 2021-22 will be necessary to address cost increases based on retirement costs, negotiated labor agreements, anticipated mandates and regulatory changes, and to ensure compliance with Board Policy B-29. In response to the economic impacts of the COVID-19 pandemic, AWM did not move forward with presenting the Board with a cost recovery proposal for the current FY 2020-21, and this cost recovery proposal represents two years of cost increases. AWM is committed to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

The average fee adjustment in this cost recovery proposal is equivalent to a 4.4% increase. AWM has applied cost savings derived from operational efficiencies and County of San Diego and State funding where applicable to mitigate the fee adjustments. AWM has worked to contain costs where possible through business process improvements to enhance efficiency and leveraging technology to streamline operations, improve customer service, and increase compliance. Some of the cost containment measures include expansion of online payment, virtual video inspections, and mobile field inspection apps. AWM also streamlined operational processes through consolidated field inspections and developed additional compliance resources for better industry engagement. Technology and efficiencies have saved $188,146. The total amount of $425,976 in State supplemental funding is applied to offset cost increases for the agricultural programs. Without the operational efficiencies and the State and County funding, fees would have needed to increase an additional 4.2% on average.

For the IHC Program, AWM proposes to establish a new annual business license fee (license fee) to cover the annual cost of services and activities not reimbursed by the State or the IHC hourly rate and to maintain quality services. There are two options for the Board's consideration. Option 1 is full cost recovery, and the license fee would be $1,502. In Option 2, the license fee would be $200 due to proposed offsets of $48,174 in anticipated State supplemental funding and $48,174 in existing General-Purpose Revenue (GPR) for a total of $96,348. The offsets in Option 2 are recommended due to the evolving and complex regulatory nature of this emerging industry. The total amount of additional revenues from all proposed fee increases are $201,262 if Option 1 for the IHC Program is selected and $104,914 if Option 2 is selected.

Today's proposal requests four actions from the Board. The first is to adopt the ordinance amendments in the San Diego County Administrative Code Section 364.3 relating to the fees and hourly rates for Pest Exclusion, Direct Marketing, Industrial Hemp Cultivation, Apiary Certification, Verification of Agriculture, Price Verification, and Weights and Measures Devices Programs. The second is to select Option 1 or 2 for the Industrial Hemp Cultivation License fee. The third is to approve a waiver of Board Policy B-29 for a total of $188,259 if Option 1 is selected and $236,433 if Option 2 is selected. This is consistent with the Board's historical support of the agricultural industry, and to serve as required matching funds for the State supplemental funding. The last is to approve first reading of AWM's cost recovery proposal on April 7, 2021. If approved, the ordinance amendments will be brought back for adoption on May 5, 2021. In accordance with Board Policy B-29, AWM will return to the Board when adopted fees no longer achieve full cost recovery.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
Consider and adopt the following Ordinance amending Section 364.3 of the San Diego County Administrative Code, relating to fees charged by AWM (second reading):
AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES.

FISCAL IMPACT
The proposed increases to fees will be included in the Fiscal Year (FY) 2021-22 CAO Recommended Operational Plan in the Department of Agriculture, Weights and Measures (AWM).

If approved, the fee adjustments for Export Certification, Direct Marketing, Price Verification, Verification of Agriculture, Apiary Certification, and the Industrial Hemp Cultivation hourly rate will result in additional estimated costs and revenue of $90,114 in AWM effective FY 2021-22. The funding source is fees paid by AWM customers.

Option 1 of the proposed new license fee will result in projected additional costs of $111,148 and projected additional revenue of $111,148 in FY 2021-22. The funding source is fees paid by hemp growers for program-wide services and activities that benefit all hemp growers, such as industry outreach, staff training, investigation, enforcement, complaint response, program development and monitoring. The fiscal impact for approving all AWM fees, if Option 1 is selected, will result in additional estimated costs and revenue of $201,262. The funding source is fees paid by AWM customers. There will be no change in net General Fund cost and no additional staff years.

Option 2 of the proposed license fee will result in projected additional costs of $111,148 and projected additional revenue of $14,800 in FY 2021-22. The funding sources are $14,800 in fees paid by hemp growers for the same program-wide services and activities mentioned in Option 1, $48,174 in anticipated supplemental State funding, and $48,174 in existing General Purpose Revenue (GPR). A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery* (Board Policy B-29) would be required under Option 2 since the proposed fees do not cover all the operating costs. The total unrecovered cost per Board Policy B-29 is approximately $48,174 for FY 2021-22 and, if approved, will be funded with existing GPR and anticipated supplemental State funding as already noted. The fiscal impact for approving all AWM fees, if Option 2 is selected, will result in additional estimated costs and revenue of $104,914. The funding sources are fees paid by AWM customers. There will be no additional staff years.

A waiver of Board Policy B-29 is required since the proposed fees do not cover all operating costs. The total unrecovered cost per Board Policy B-29 for FY 2021-22 is approximately $188,259 if Option 1 is selected and $236,433 if Option 2 is selected and if approved, will be funded with existing GPR. There will be no additional staff years. If approved, the proposed fee and hourly rate adjustments will be included for AWM in the FY 2021-22 CAO Recommended Operational Plan. In future fiscal years, AWM will return to the Board to identify unrecovered costs and funding sources.

BUSINESS IMPACT STATEMENT

If approved, these recommendations would enable the Department of Agriculture, Weights and Measures to continue providing services that support a diverse agricultural community, public health and safety, a fair marketplace, and a sustainable environment.

4. SUBJECT: ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: TRAFFIC ADVISORY COMMITTEE (04/07/2021 - ADOPT RECOMMENDATIONS; 05/05/2021 - SECOND READING OF ORDINANCES) (DISTRICTS: 2 & 5)

OVERVIEW

On April 7, 2021 (08), the Board of Supervisors took action to further consider and adopt the Ordinance on May 5, 2021.

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) in the 1960s as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide communities in the unincorporated region with a road system that strives to enhance safety and reduce congestion. To accomplish this, traffic policies are established to provide persons using the road system with consistent and uniform regulations. In order to be effective, these policies are designed to be legally enforceable so that the majority of motorists will comply. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County of San Diego (County) maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering and traffic condition studies.

The TAC recommends the Board act on ten items from the December 11, 2020, TAC meeting agenda:

District	Item	Location	Action
2	2-A	Julian Avenue, Lakeside	Certify the 35 miles per hour (MPH) speed limit
2	2-B	Julian Avenue, Lakeside	Reduce the 40 MPH speed limit to 35 MPH and certify
2	2-C	Jamacha Boulevard, La Presa	Certify the 45 MPH speed limit
2	2-D	Jamacha Boulevard, La Presa	Certify the 50 MPH speed limit
2	2-E	Jamacha Boulevard, Casa de Oro	Certify the 50 MPH speed limit
5	5-A	Camino del Rey, Bonsall	Reduce the 50 MPH speed limit to 45 MPH and certify
5	5-B	Camino del Rey, Bonsall	Certify the 45 MPH speed limit
5	5-C	Camino del Rey, Bonsall	Establish and certify a 45 MPH speed limit
5	5-D	Valley Center Road, Valley Center	Relocate endpoint of the speed zone and certify the 60 MPH speed limit
5	5-E	Valley Center Road, Valley Center	Relocate endpoint of the speed zone and certify the 45 MPH speed limit

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

The Board's action on Items 2-A, 2-C, 2-D, 2-E, and 5-B does not revise the San Diego County Code of Regulatory Ordinances (County Code) due to no recommended changes to the existing speed limits and therefore does not require a second hearing. Board direction on April 7, 2021 would allow implementation by DPW. The Board's action on Items 2-B, 5-A, 5-C, 5-D, and 5-E would introduce an ordinance to amend and establish speed limit zones. These actions would revise County Code and requires two steps. On April 7, 2021, the Board would consider the TAC items. If the Board takes action as recommended on April 7, 2021, then on May 5, 2021, a second reading and adoption of ordinances amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE
District 2:
Item 2-A. Julian Avenue from Prospect Avenue to Los Coches Road in Lakeside - Certify the existing 35 miles per hour (MPH) speed limit for radar enforcement.

Item 2-B. Julian Avenue from Los Coches Road to Lake Jennings Park Road in Lakeside – Reduce the existing 40 MPH speed limit to 35 MPH and certify the speed limit for radar enforcement.

Item 2-C. Jamacha Boulevard from La Presa Avenue to a point 1,000’ east of Omega Street in La Presa - Certify the existing 45 MPH speed limit for radar enforcement.

Item 2-D. Jamacha Boulevard from a point 1,000’ east of Omega Street to Sweetwater Springs Boulevard in La Presa - Certify the existing 50 MPH speed limit for radar enforcement.

Item 2-E. Jamacha Boulevard from Sweetwater Springs Boulevard to State Route 94 in Casa de Oro - Certify the existing 50 MPH speed limit for radar enforcement.

District 5:
Item 5-A. Camino del Rey from State Route 76 to Via Maria Elena in Bonsall - Reduce the existing 50 MPH speed limit to 45 MPH and certify the speed limit for radar enforcement.

Item 5-B. Camino del Rey from Via Maria Elena to a point 1,030’ east of Mile Post 2/Via Mariposa in Bonsall - Certify the existing 45 MPH speed limit for radar enforcement.

Item 5-C. Camino del Rey from a point 1,030’ east of Mile Post 2/Via Mariposa to Old Highway 395 in Bonsall - Establish and certify a 45 MPH speed limit for radar enforcement.

Item 5-D. Valley Center Road from the Escondido City Limit (north of Lake Wohlford Road) to a point 260’ south of Banbury Drive in Valley Center - Relocate the northern endpoint of the speed zone to Ridge Ranch Road and certify the existing 60 MPH speed limit for radar enforcement.

Item 5-E. Valley Center Road from a point 260’ south of Banbury Drive to Cole Grade Road in Valley Center - Relocate the southern endpoint of the speed zone to Ridge Ranch Road and certify the 45 MPH speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER
1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County-maintained roadways, resulting in negligible or no expansion of existing or former use.

2. Adopt the Traffic Advisory Committee’s recommendations.

3. Approve the introduction, read title, and waive further reading of the following Ordinance: ORDINANCE AMENDING SECTIONS 72.161.35., 72.161.35.4, 72.169.74.7., 72.175.1., DELETING SECTION 72.169.4., AND ADDING SECTION 72.169.74.14. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

If, on April 7, 2021, the Board takes action as recommended, then, on May 5, 2021:
Consider and adopt the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.35., 72.161.35.4, 72.169.74.7., 72.175.1., DELETING SECTION 72.169.4., AND ADDING SECTION 72.169.74.14. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year 2020-21 Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

5. SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AMENDMENTS TO THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO MANAGEMENT OF SOLID WASTE, RECYCLABLE MATERIALS AND ORGANIC WASTE, AND REPLACEMENT OF THE NON-EXCLUSIVE SOLID WASTE MANAGEMENT AGREEMENT WITH THE NON-EXCLUSIVE FRANCHISE AGREEMENT (DISTRICTS: ALL)

OVERVIEW
On April 7, 2021 (10), the Board of Supervisors took action to further consider and adopt the Ordinance on May 5, 2021.

The County of San Diego (County) Board of Supervisors (Board) adopted a Strategic Plan to Reduce Waste (Strategic Plan) on April 26, 2017 (2) and a Climate Action Plan (CAP) on February 14, 2018 (1). These plans were adopted to reduce the County's greenhouse gas (GHG) emissions, make the best use of local natural resources, and reduce the need for new landfills. A key element of these plans was to set a waste diversion goal for the unincorporated county; initially set at 75% by 2025 in the Strategic Plan, it was subsequently increased to 80% by 2030 in the County's 2018 CAP. Achieving this goal, the fourth-largest emission reduction measure in the 2018 CAP, would account for nearly 9% of the total emission reductions needed. The Board also approved the development of a Climate Action Plan that will establish actions to meet a goal of net zero carbon emissions for the unincorporated county by 2035-2045 on January 13, 2021 (5) and approved the development of a framework for a Regional Sustainability Plan, which will include a goal of zero carbon emissions for the entire region by 2035 on January 27, 2021 (3).

An important component of waste diversion is the recycling of organic waste, which includes biodegradable materials such as yard trimmings, food scraps, fibers (paper and cardboard), wood waste, and manure. These materials are highly recyclable and can be incorporated in value-added products, such as recycled paper or cardboard, compost, mulch and/or converted into energy. Landfilling organic waste leads to the anaerobic breakdown of that material, which creates methane, making landfills a top GHG emitter.

For these reasons, the state adopted one of the most significant waste diversion laws in California in the last 30 years, Senate Bill 1383 Short-Lived Climate Pollutants (SB 1383). Together with the County waste diversion goals, SB 1383 drives increased recovery of recyclable materials and organic waste. To reduce methane emissions resulting from organic waste disposal, SB 1383 established targets to achieve a 50% reduction by 2020 in the level of the statewide organic waste disposal from the 2014 baseline, and a 75% reduction by 2025, as well as a statewide goal to recover 20% of edible food that is currently discarded. SB 1383 also requires jurisdictions to adopt an organic waste diversion ordinance and implement a suite of comprehensive organics recycling programs on or by January 1, 2022.

To reduce GHG emissions, increase waste diversion in the unincorporated county, and comply with SB 1383, the Department of Public Works proposes amending the existing County Solid Waste Ordinance (Ordinance). To incorporate SB 1383 program requirements and engage franchise haulers in achieving the County's waste diversion and emission reduction goals, DPW proposes to replace its existing Non-Exclusive Solid Waste Management Agreement (SWMA) with haulers collecting solid waste, recyclable, and organic materials, adopted by the Board on May 13, 1997 (59), with an updated Non-Exclusive Franchise Agreement (NEFA) that includes expanded performance standards and new program requirements.

Proposed Ordinance Amendment
The proposed Ordinance amendment would result in the following key changes:

- Adding new types of materials to be recycled;
- Updating franchise agreement for hauling waste;
- Requiring certification to collect recyclable materials;
- Establishing minimum collection service;
- Establishing minimum recycling and organic waste collection container capacity volume;
- Establishing a waiver process for waste hauler subscription requirements;
- Establishing requirements for food donation/recovery;
- Establishing enforcement standards as defined by the State; and
- Establishing reporting requirements by organic waste processing facilities, food recovery organizations and services, and self-haulers.

Proposed Non-Exclusive Franchise Agreement (NEFA)
The proposed NEFA would replace the existing agreement and includes many measures needed to improve waste diversion and comply with State law. The NEFA would incorporate the Strategic Plan recommendations and SB 1383 required programs, including:

- Adding residential and commercial food scrap collection;
- Providing three-container collection services (including solid waste, recyclables, and organics collection) for customers in densely-populated areas;
- Establishing minimum cart sizes to collect recyclables and organics for single-family customers and minimum multi-family and commercial service levels;
- Establishing minimum diversion requirements;

- Establishing contamination monitoring;
- Expanding education obligations;
- Establishing waste diversion standards for those hauling construction and demolition (C&D) materials;
- Requiring adequate processing capacity for collected recyclable and organic materials;
- Reducing emissions by requiring use of alternative fuel vehicles by July 2029; and
- Increasing reporting requirements.

The Strategic Plan also recommended performance standards to support increased diversion and implementation of required programs, along with accountability for non-achievement, including liquidated damages and default provisions. When parties agree to liquidated damages, they agree to the amount that will be paid in the event of a particular violation of the contract. The NEFA establishes a specified amount of liquidated damages intended to compensate the County for costs incurred as a result of a hauler's failure to implement required programs such as education and outreach. To support increased diversion, establishing diversion goals with liquidated damages for non-achievement was recommended. Since the development of the Strategic Plan in 2017, there have been changes to the operating environment that have caused a reconsideration of this approach, such as a shift away from acceptance of recyclable materials overseas, and the introduction of SB 1383 programmatic requirements.

In response to these changes and concerns from stakeholders, staff developed an approach that retains liquidated damages but shifts the focus to implementation of program requirements, which will drive diversion goal achievement. Additionally, for haulers that fail to meet diversion goals, a Corrective Action Plan process would be utilized to bring them into compliance. The number and type of program requirements can be increased through this process. This targeted approach to achieving diversion goals incorporates SB 1383 and County programmatic requirements and uses liquidated damages to address any program shortfalls.

The proposed NEFA will enlist franchise haulers' support to implement the SB 1383 required programs and to achieve the County's sustainability goals of 75% waste diversion goal by 2025 and 80% by 2030. As it will take time for haulers to ramp up to achieve their diversion goals, implement new programs, work with their customers, and make refinements as needed, it is critically important that the proposed franchise agreement be adopted as soon as possible. Additionally, to comply with the SB 1383 requirements, franchise haulers' organics recycling programs must be implemented prior to the State's January 1, 2022 deadline. If the Board selects to add new diversion or emission reduction programs or goals during the update to the Climate Action Plan or at some future date, the proposed ordinance and agreement includes provisions to update the NEFA.

Today's request is for the Board to adopt an Ordinance amending the County Code to increase diversion of organic waste from landfill disposal and to adopt the proposed NEFA to replace the current SWMA. The proposed actions require two steps. On April 7, 2021, it is requested that the Board approve introduction of the Ordinance amendment and replacement of the SWMA with a NEFA. If the Board takes action on April 7, 2021, then on May 5, 2021, the Board may adopt the Ordinance and NEFA.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Consider and adopt the following Ordinance amendment with an operative date of July 1, 2021:
   ORDINANCE AMENDING SECTIONS 68.501 THROUGH 68.507 AND 68.521 THROUGH 68.572, REPEALING SECTION 68.582, ADDING SECTIONS 68.524, 68.530, 68.550 THROUGH 68.554, 68.565 THROUGH 68.567, 68.573 THROUGH 68.576, 68.580, 68.581, 68.591 THROUGH 68.593, 68.600, 68.610 THROUGH 68.612 OF THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO MANAGEMENT OF SOLID WASTE, RECYCLABLE MATERIALS AND ORGANIC WASTE.

2. Approve the replacement of existing Non-Exclusive Solid Waste Management Agreement with the Non-Exclusive Franchise Agreement in substantially the form attached hereto as Attachment C, effective July 1, 2021.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year (FY) 2021-22 CAO Recommended Operational Plan Change Letter in the Department of Public Works. If approved, this request will result in Solid Waste Management (SWM) fee revenues of $4,000 in FY 2020-21 and costs of $250,000 for two additional staff years and SWM fee revenues of $8,000 in FY 2021-22. The funding source for the additional staff years is also the SWM fee, which is assessed on every ton of solid waste, recycling, organics, and mixed inert materials collected by franchise haulers. There may be a slight increase in SWM fee revenue from newly-franchised construction and demolition (C&D) debris haulers that previously did not pay a SWM fee on hauling C&D debris. Staff have analyzed the SWM fee and have determined that the fee does not exceed the operational costs of the DPW Solid Waste Planning and Recycling Section. Program cost increases in FY 2021-22 are related to two Recycling Specialist II positions to be requested as a part of future Operational Plans for the DPW Waste Planning and Recycling Fund. There will be no change in net General Fund cost.

BUSINESS IMPACT STATEMENT
During the development of the County's Strategic Plan to Reduce Waste in 2015-2017, staff conducted numerous community presentations and surveys to request feedback from residents, businesses, institutions, reuse and recycling businesses, franchise haulers, and environmental non-profit organizations regarding proposed new waste diversion programs. Staff held three stakeholder workshops to receive industry and public input and comments on the proposed Non-Exclusive Franchise Agreement (NEFA) on May 21, 2018; November 14, 2018; and September 1, 2020. Additionally, staff held four stakeholder workshops to receive industry and public input and comments on the Solid Waste Ordinance amendments on September 1, 2020; December 3, 2020; February 4, 2021 and March 11, 2021. To the extent possible, feedback from these presentations, workshops, and surveys were incorporated into the proposed NEFA and Ordinance amendments respectively.

The State requirements to add organic material collection has the potential to increase service costs for customers. Those that recycle more, manage materials onsite or self-haul may reduce the impacts of the new requirements. Businesses that donate edible food would lower their organic waste collection costs and would be eligible to receive tax deductions. Staff will offer technical assistance to residents and businesses to add recycling and organics services in the most cost-effective manner. The proposed Ordinance amendment and adoption of a NEFA will further County goals of diverting waste from landfills and maximizing efficient use of natural resources. Diverting organic waste from landfills would also create green jobs and value-added local products, such as renewable natural gas, soil amendments, and electricity from biomass. The proposed changes would also increase the available amount of edible food available to feeding agencies. These outcomes would ensure compliance with State mandates, support public and environmental health, and create financial incentives to reduce waste and greenhouse gas emissions.

6. SUBJECT: FRAMEWORK FOR OUR FUTURE: RESTRUCTURING COUNTY DEPARTMENTS TO PRIORITIZE SUSTAINABILITY, NATURAL RESOURCES MANAGEMENT, AND EQUITY (DISTRICTS: ALL)

OVERVIEW

The County of San Diego supports numerous natural resources and sustainability actions. These programs are currently dispersed and overseen by different departments, coordinated by the Land Use and Environment Group (LUEG) and Finance and General Government Group (FG3). This organizational structure for sustainability and natural resources efforts has worked in the past, but as more programs are implemented across the County enterprise, there arises a greater need for coordination. Further, new environmental justice and equity programs are being developed that require greater coordination.

Concern for the sustainability of our relationship with our environment has always and necessarily been a preoccupation of San Diegans. San Diego County is the most biodiverse county in the country and San Diegans grow up in intimate interaction with the natural world, spending summers on our beaches, hiking in our mountains, deserts, and canyons, riding bikes around our bays and horses in our foothills. We are also, however, uniquely vulnerable to environmental risks, including drought, flooding, and, above all, fire. With few natural freshwater lakes or aquifers, we are heavily dependent on water that falls as snow in the Sierra Nevada and the far-off Rocky Mountains and must be conveyed hundreds of miles to us in order to sustain our communities. The accumulation of greenhouse gases (GHGs) in our atmosphere and the associated global climate crisis is projected to significantly increase the severity of these and other environmental risks.

San Diegans have also historically chosen to build out into our open spaces, rather than up, with freeway-oriented suburban growth in perennial conflict with habitat preservation. As a result, issues of environmental sustainability and natural resource management have been implicitly or explicitly central to much of the County's decision-making, and the County has made these issues the object of explicit consideration and policy development.

Sustainability-related responsibilities are distributed throughout every department and staff position in the County. More formally, there are specifically designated departmental level (for example, Department of Environmental Health and Quality, Department of Parks and Recreation, and the San Diego County Fire Authority), manager level (including Sustainable Groundwater Management Act (SGMA), Conservation, Climate Action Plan, and Sustainability within the LUEG Planning & Development Services (PDS)), program level (for example, the Energy and Sustainability Program in the Department of General Services), and cross-departmental (for example, the Electric Vehicle Roadmap which spans PDS and Department of General Services) units within the County that are mandated to fulfill sustainability-related responsibilities.

However, as vital as the work done by these units and by County staff more broadly is, the increasing ambition of our environmental, social, and economic sustainability goals necessitate some degree of institutional reorganization. In particular, the County's sustainability work must be organized to advance the equity and environmental justice priorities historically neglected by our society.

Given the complexity of the challenges-and recognizing the wide variety of ways in which comparable jurisdictions have attempted to structure their sustainability efforts-the Board is asked to authorize the Director, Department of Purchasing and Contracting, to award a contract to develop County sustainability actions, environmental justice, and natural resource management planning and implementation across the County enterprise and direct the Deputy Chief Administrative Officer (DCAO) to return to the Board within 270 days for Board decision. At that point in time, an implementation strategy will be considered and Board action taken towards implementation.

RECOMMENDATION(S)
CHAIR NATHAN FLETCHER AND SUPERVISOR TERRA LAWSON-REMER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(3) and 15378(b)(5).

2. In accordance with Section 401, Article XXIII of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting, pending approval of the Fiscal Year 2021-22 Operational Plan, to issue a competitive solicitation or solicitations for services to assess the capacity of the current organizational and staffing structure of departments across the County enterprise to achieve the County's sustainability goals, consult with relevant stakeholders, and to propose organizational changes that maximize sustainability and equity, and promote comprehensive natural resource management, and upon successful negotiations and determination of a fair and reasonable price, award a contract or contracts and amend the contract(s) as needed to reflect changes to services and funding.

3. Direct the Deputy Chief Administrative Officer to return to the Board within 270 days with options and recommendations for Board consideration.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year 2021 - 22 CAO Recommended Operational Plan in the Land Use and Environment Group Executive Office. If approved, this request will result in costs of $150,000 and the funding source is prior year available General Fund fund balance. There will be no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

7. SUBJECT: HOME IS WHERE THE HABITAT IS: FOSTERING BIODIVERSITY, SUSTAINABILITY, AND EQUITY WITH NATIVE PLANT LANDSCAPING (DISTRICTS: ALL)

OVERVIEW
San Diego County is the most biodiverse county in the United States and one of the most vulnerable to development, fire, and climate change. The struggle between conservation and

development has produced decades of fierce conflict over land use in the region, pitting defenders of our dwindling, fragmented ecosystems against the inexorable advance of suburban sprawl. As urban development converts native ecosystems to office complexes and neighborhoods, residential and commercial landscaping has become a dominant feature of regional land use.

Dedicating a significant portion of these artificial landscapes to native plant habitat presents an extraordinary opportunity to obtain a wide range of natural, social, cultural, and economic benefits.

Native plant landscaping can provide numerous ecological benefits, including: 1) preserving regional biodiversity, especially rare and endangered species endemic to the region, 2) providing habitat for native animals, birds, and insects, 3) widening wildlife corridors and reducing habitat fragmentation, 4) inhibiting the establishment and spread of invasive plant species, and 5) reducing the introduction of plant pathogens on imported, non-native nursery stock.

For the San Diego region in particular, our mesa/canyon topography means that many of our yards and commercial and public landscapes share their borders with intact open spaces and wildlife corridors, thus greatly increasing the habitat services that native landscaping can provide to local wildlife.

Landscaping with bioregionally appropriate native plants can also increase drought tolerance, reduce water consumption, improve fire resistance and resilience, and buffer our green spaces against climate change. Furthermore, because native plants can reduce the consumption of carbon-intensive inputs like imported water and synthetic fertilizers, and increase carbon sequestration, native plant landscaping can contribute to the County's climate action strategy.

The unique maintenance requirements, specialty knowledge required to design gardens to function effectively as habitat, and higher cost of native container stock have traditionally been impediments to accessibility. Steadily increasing use of natives, however, has introduced economies of scale and reduced per unit production costs, and the internet has greatly facilitated the diffusion of knowledge and support networks. An effective native plant landscaping policy can send a clear signal to nurseries, landscape professionals, and consumers, which can further reduce costs and other barriers to entry.

A native plant landscaping policy designed around equity, adequately funded, and informed by indigenous knowledge and tradition can also make the landscaping industry more inclusive, more democratic, and more accessible to residents in historically underrepresented communities. While the cultivation, planting, and care of native plants involves specialized knowledge, training, and experience, an effective policy can provide support for the training and professional development of landscaping professionals and foster a strong market for local expertise and locally-produced nursery stock with relatively low barriers to entry and capital requirements.

An integrated native plant landscaping policy also offers substantial co-benefits to the children of our region: 1) providing opportunities for collaborations with local school districts to inculcate a deeper understanding of our climate, seasons, and ecology, and the ways that climate change is affecting their interconnections, 2) fostering a stewardship ethic, whereby children learn to respect and take responsibility for the well-being of their local environment, and 3) providing children with a sense of regional identity rooted in our uniquely rich native flora and fauna.

An effective native plant landscaping policy can also help to foster a unique, local landscaping aesthetic that is not only pleasing to residents, but distinctive and attractive to visitors.

The County of San Diego does not currently have any guidelines in place for bioregionally appropriate native plants for either public or private development. The San Diego Regional Biodiversity Working Group is a consortium of many of the region's foremost experts in landscape ecology, habitat conservation, and San Diego native plants, including representatives from the California Native Plant Society, San Diego Botanic Garden, and San Diego Canyonlands, with the expertise and knowledge of native plants to identify best practices and strategies for prioritizing native plants.

This letter therefore instructs the Chief Administrative Officer to collaborate with the San Diego Regional Biodiversity Working Group to develop options for a comprehensive Native Plant Landscaping Policy for both public and private landscaping, with guidelines, requirements, incentives, and equity-based resources and training, to circulate for stakeholder and public input, and to return to the board by year's end with options.

RECOMMENDATION(S)
SUPERVISOR TERRA LAWSON-REMER AND CHAIR NATHAN FLETCHER

1. Find that the proposed actions are exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines because the proposed actions do not commit the County to any definitive course of action and have no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. Subsequent actions would be reviewed pursuant to CEQA and presented to the Board for consideration prior to implementation.

2. Direct the Chief Administrative Officer to collaborate with the San Diego Regional Biodiversity Working Group to develop a comprehensive Native Plant Landscaping Policy for both public and private property, including guidelines, reasonable requirements for County facilities and new developments with accommodations for recreational and other socially desirable uses, incentives for retrofits, and equity-based resources and training to ensure diverse participation among landscaping professionals and residents.

3. Direct the Chief Administrative Officer to engage with a diverse range of interested stakeholders and the public in the development of board options.

4. Direct the Chief Administrative Officer to return to the Board by the end of 2021 with options for a new San Diego County Native Plant Landscaping Policy.

FISCAL IMPACT
There is no fiscal impact associated with these recommendations. The fiscal impacts associated with implementing the options for the San Diego County Native Plant Landscaping Policy will be presented to the Board by the end of 2021.

BUSINESS IMPACT STATEMENT
N/A

8. SUBJECT: DEPARTMENTAL SUSTAINABILITY PLANNING (DISTRICTS: ALL)

OVERVIEW

Sustainability emerged in the late 20th century as a way of conceptualizing the interconnectedness and interdependence of global environmental, social, and economic crises. The United Nation's 1987 'Our Common Future' Report (often called the Brundtland Report from Prime Minister Gro Harlem Brundtland, Chair of the reporting commission) defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." The Report, and decades of subsequent elaboration, have situated our environmental crises within the context of social and economic relationships of deep inequality and unequal access to rights, resources, markets, and institutions.

Given its holistic framing of environmental, social, and economic crises, sustainability policy involves a wide variety of cross-cutting analyses and priorities including, but not limited to, the transition from fossil fuel to renewable energy production, investment in mass transit and mode shift from internal combustion personal transport, environmental justice, habitat protection, preservation of biodiversity, protection of our oceans and coastlines, access to parks and open space, waste reduction, reduction of the carbon intensity of food production and distribution, climate resilience, equitable access to social institutions, political decision-making, and the opportunity to sustain oneself and one's family in health, security, and dignity.

Bringing the region as a whole into alignment with principles of sustainability is thus a complex, costly, and multi-decadal process. It will necessarily involve substantial changes to land use, energy production, transmission, and distribution, housing design and construction, and many other aspects of social and economic life. The elements of the County that are under direct purview of the County Administration-including facilities, staff, organization, day to day operations, policies, and processes-are, however, the most accessible means available to us to effect the transformation of our region.

Ensuring the sustainability of the County's own departments has multiple direct benefits to our larger efforts to increase the social, economic, and environmental sustainability of our region, including 1) achieving rapid, significant greenhouse gas emission reductions, habitat preservation, and other social and economic benefits by ensuring that the County's 18,000 employees are working in ways and in facilities that maximize the sustainability of their work, 2) signaling to the private sector the kinds of funding and policy priorities that the County is likely to favor in the future, 3) incubating sustainability-advancing strategies, institutions, and relationships that can be adapted and adopted by the private sector and society at large, and 4) providing leadership to diverse organizations and communities committed to transforming regional social, economic, and ecological systems.

The County of San Diego has adopted a wide variety of sustainability-supportive plans and programs, including the Zero Net Energy Portfolio Plan, Guidance on Green Infrastructure, Electric Vehicle Roadmap, Active Transportation Plan, Strategic Plan to Reduce Waste, Borrego Valley Groundwater Sustainability Plan, 2011 General Plan, 2018 Climate Action Plan, Purchase of Agricultural Conservation Easement (PACE) Program, and South County Multiple Species Conservation Program (MSCP) Plan. Each of these have been designed, implemented, and administered by multiple County Departments, including Public Works, Parks and Recreation, Agriculture, Weights & Measures, Planning and Development Services, Environmental Health and Quality, Purchasing and Contracting, General Services, Real Estate Services, and the County Fire Authority.

The Climate Action planning process, with its constituent measures, has provided the impetus for streamlining many of these efforts. This Board letter aims to further enhance this long-term planning by directing a uniform, enterprise-wide process of assessing sustainability on a department-by-department basis and drafting specific but interdependent plans for bringing departments into alignment with County sustainability goals. To develop this plan, departments are asked to reevaluate day to day operations and propose innovative ways to become more sustainable.

This letter therefore instructs the Chief Administrative Office to direct all County departments and programs to develop Department Sustainability Plans in collaboration with a consultancy experienced in sustainability and sustainability planning, to assign an appropriate member of each department to serve as a liaison with retained consultancy and assume responsibility for the coordination and completion of the respective Department Sustainability Plan, to return to the Board within 6 months with completed plans for Board approval, and to report back to the Board on an annual basis to demonstrate the progress towards achieving sustainability in County facilities and operations.

RECOMMENDATION(S)
VICE-CHAIR NORA VARGAS AND SUPERVISOR TERRA LAWSON-REMER

1. Find that the proposed project (the direction to staff in this letter) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(3) and 15378(b)(5).

2. Direct the Chief Administrative Officer (CAO) to:
   a. Direct all County Departments and programs to develop and implement sustainability (as defined above) plans. Each plan should assess existing sustainability practices and identify new opportunities in all aspects of internal and external facing operations, existing policies, programs, and practices and must aim to create comprehensive strategies to achieve sustainability. This should include an assessment of environmental justice components applicable to their work in coordination with the Director of the Office of Equity and Racial Justice (OERJ). This assessment would serve as the baseline and help measure progress as the Departmental Sustainability Plan is developed.

   b. Assign an appropriate member of each department to serve as a liaison with retained consultancy and to assume responsibility for the coordination and completion of the respective Department Sustainability Plan. Report back to the Board of Supervisors regularly with progress reports and return within 6 months with final Departmental Sustainability Plans.

c. Report back on an annual basis to demonstrate the progress towards achieving sustainability in County facilities and operations.

3. In accordance with Section 401, Article XXIII of the County Administrative Code, authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation or solicitations for sustainability consultancy services to support County staff's development of sustainability plans and, upon successful negotiations and determination of a fair and reasonable price, award a contract or contracts and amend the contract(s) as needed to reflect changes to services and funding.

FISCAL IMPACT

The fiscal impact is anticipated to be minimal. If any additional staffing is required, the Land Use and Environment Group Executive Office will return to the Board. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

9. SUBJECT: CONTINUED ITEM FROM 04/07/2021 (05): FRAMEWORK FOR OUR FUTURE: COOPERATIVE APPROACH TO TRIBAL GOVERNMENTS AND FEE TO TRUST PROPOSALS (DISTRICTS: ALL)

OVERVIEW

On April 7, 2021 (05), the Board of Supervisors continued the item to May 5, 2021.

The San Diego region is built on Kumeyaay land and has a rich Native American history. San Diego County has more Tribal Governments than any other county in the nation. The unincorporated area of San Diego county is home to nineteen Native American reservations represented by eighteen Tribal Governments. Establishing government-to-government relations with each local Native American Tribal Government are necessary to ensure delivery of efficient services and improved quality of life for respective residents and the communities. In the San Diego region, statistics show that the Indian gaming industry has created more than 10,000 jobs in the region, resulting in a $1 billion industry with approximately $263 million in goods and services purchased annually and $500 million in payroll. In addition, Tribal Governments fund mutual aid agreements for numerous emergency services, such as fire protection, law enforcement, and ambulance services, which are available to the general public.

The Tribal Governments have a federal process to secure land that they own into their reservations under the fee-to-trust (FTT) process. On March 29, 1994 the Board of Supervisors approved blanket opposition to all additional FTT applications proposed by Tribal Governments in San Diego County through Resolution No. 94-115. Since that action, County staff have opposed all FTT applications regardless of case-by-case information and merits of the request. On June 13, 2001, the Board of Supervisors adopted strict criteria for tribes to obtain liquor licenses for their facilities through Resolution No. 01-162. Many of the required criteria go above and beyond liquor license requirements at similar establishments off-reservation.

Today's actions include repealing the previously approved resolutions opposing tribes processing FTT applications and strict criteria to obtain liquor licenses. FTT applications and liquor licenses would still be reviewed and commented on by the County on a case-by-case basis. It also establishes a tribal liaison position to further the government-to-government relationship with each of the region's eighteen Tribal Governments.

RECOMMENDATION(S)
SUPERVISOR JIM DESMOND AND VICE-CHAIR NORA VARGAS

1. Find that the proposed project is not subject to the California Environmental Quality Act (CEQA) because it is not a project as defined in Sections 15060(c)(3) and 15378(b)(5) of CEQA Guidelines.

2. Adopt a resolution titled:
   RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO REPEALING COUNTY RESOLUTIONS No. 94-115 AND No. 01-162.

3. Direct the Chief Administrative Officer to:
   a. Work in cooperation with Tribal Governments and surrounding communities to address and minimize off-reservation impacts of fee-to-trust applications.

   b. Review and comment on fee-to-trust applications for Tribal Lands on a case-by-case basis, consistent with other interjurisdictional project requests for cities and governmental agencies. The County shall consider the economic benefits to the county from the project that is the subject of the application.

   c. Review and comment on Liquor License applications consistent with other liquor license applications throughout the unincorporated area.

   d. Work in collaboration with the Tribal Governments to establish a Tribal Liaison position to include in Fiscal Year 2021-2022 budget.

FISCAL IMPACT
N/A

BUSINESS IMPACT STATEMENT
N/A

10. SUBJECT: RELIEF FOR RESTAURANTS: ANNUAL PERMIT FEE WAIVER (DISTRICTS: ALL)

OVERVIEW
Restaurants have been disproportionally impacted from the statewide closures and restrictions on the food service industry due to COVID-19. According to the San Diego Association of Governments (SANDAG), restaurants were among the hardest hit early in the pandemic during the first week in April 2020, with foot traffic down between 60% and 77%. As of January 2021, with the San Diego region in the purple tier, activity at various businesses remained down, between 26% to 61% percent below pre-COVID-19 level. With the Governor's recent announcement of likely ending the tiered system by summer, restaurants will finally be able to operate at their allowed capacities. This hard-hit industry will have the opportunity to rehire their

workforce and rebound. These actions will provide the necessary relief to the restaurant and food-service industry to ensure swift recovery, this includes the waiving of Department of Environmental Health and Quality (DEHQ) annual permit fees.

Today's action will direct the Chief Administrative Officer to waive DEHQ restaurant annual permit fees for Fiscal Year (FY) 2021-2022.

RECOMMENDATION(S)
SUPERVISOR JIM DESMOND

1. Waive Board Policy B-29, Fees, Grants, and Revenue Contracts, Department Responsibility for Full Cost Recovery to waive Fiscal Year 2021-2022 permit fees for the restaurant industry.

2. Direct the Chief Administrative Officer to return within 30 days with a resolution that includes a fee waiver for permit fees incurred by the restaurant industry pertaining to the Department of Environmental Health and Quality.

FISCAL IMPACT
Funds for this request are not included in the Fiscal Year 2021-2022 Chief Administrative Officer (CAO) Recommended Operational Change Letter in the Department of Environmental Health and Quality (DEHQ). The waiver of restaurant industry annual permit fees will reduce revenues by approximately $7,500,000 in DEHQ. Pending guidance from the Treasury Department, the funding source will be the America Rescue Plan Act (ARPA) funds. If fee waivers are unallowable expenses for ARPA, DEHQ will return to the Board to propose General Fund fund balance to reimburse the fee waiver in the amount of $7,500,000. There will be no change in new General Fund cost, and no additional staff years.

BUSINESS IMPACT STATEMENT
Waiving the restaurant annual permitting fees will directly benefit the struggling restaurant industry and will allow for a more rapid recovery effort from industry.

11. SUBJECT: ADOPT A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING STATE OF CALIFORNIA CANNABIS EQUITY ACT GRANT FUNDING (DISTRICTS: ALL)

OVERVIEW
On January 27, 2021 (4), the County of San Diego (County) Board of Supervisors (Board) directed the Chief Administrative Officer to develop a Zoning Ordinance amendment that allows for a variety of cannabis uses. The Board also directed staff to develop a new Social Equity Program and secure grant funding to support implementation that will include numerous elements to prioritize equity, access, and business opportunities to help rectify the injustices caused by the War on Drugs and be in place prior to issuance of the first permit. The Board requested that all program components (a Social Equity Program, a Zoning Ordinance amendment, and a permitting system) be developed concurrently to create a comprehensive Socially Equitable Cannabis Permitting System.

On March 3, 2021 (11), the Board directed the Office of Equity and Racial Justice (OERJ) to lead the development of the framework and strategy, including grant funding options, needed to initiate a Social Equity Program and coordinate this with the land use permitting system being developed by Planning & Development Services. In addition, the Board directed staff to return to the Board in 90 days with a progress report, and return to the Board in 180 days with an update on stakeholder input, ordinance development, and Social Equity Program options for Board consideration.

This is a request for the Board to adopt a Resolution authorizing the OERJ to accept grant funding from the Cannabis Equity Act Grant ($75,000) of the Governor's Office of Business and Economic Development. This request will also authorize the Director of the OERJ, or their designee, to conduct all negotiations and submit all documents that may be necessary to accept these grants and to execute the grant agreements. The acceptance of grant funds does not commit the County to any program, policy or legislative action, and any future discretionary projects will be subject to review under CEQA.

The grant award will support the County in hiring a qualified consultant to conduct a comprehensive equity assessment that will review and analyze local historical rates of arrests and conviction for cannabis law violations, identify the impacts that the ban on cannabis has had on local communities, and demonstrate how the population has been negatively impacted by the War on Drugs. The County will also use the funding to conduct community outreach, assess best practices, and work with local stakeholders to inform the research and program development. Upon the completion of the assessment and the community engagement, the remainder of the funding will be utilized to synthesize the findings and inform the creation of a comprehensive Socially Equitable Cannabis Permitting Program.

A waiver of Board Policy B-29 *Fees, Grants Revenue Contracts - Department Responsibility for Cost Recovery*, is requested because the proposed grant funding may not offset all operating costs. Unrecovered costs per Board Policy B-29 are not known at this time but up to $215,000 would be funded by available funds within the Land Use and Environment Group Executive Office for the development of the Social Equity Program; the funding source is General Purpose Revenue. Unrecovered grant costs will be included in the Fiscal Year 2021-22 CAO Recommended Operational Plan Change Letter in the Office of Equity and Racial Justice. There will be no change in net General Fund cost and no additional staff years.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery which requires full cost recovery for services provided under these grants.

3. Authorize the Director, Office of Equity and Racial Justice, or their designee, as agent of the County to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests; and to execute grant agreements upon award of grant funds, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels.

4. Adopt a Resolution entitled:
   RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING STATE OF CALIFORNIA CANNABIS EQUITY ACT GRANT FUNDING.

FISCAL IMPACT
There is no fiscal impact associated with today's actions to accept grant funds from the State of California, Governor's Office of Business and Economic Development. If approved, today's actions would authorize the Office of Equity and Racial Justice to accept grant funding of $75,000. Matching funds are not a requirement for this grant. A waiver of Board Policy B-29 Fees, Grants Revenue Contracts - Department Responsibility for Cost Recovery, is requested because the proposed grant funding may not offset all operating costs. Unrecovered costs per Board Policy B-29 are not known at this time but up to $215,000 would be funded by available funds within the Land Use and Environment Group Executive Office for the development of the Social Equity Program; the funding source is General Purpose Revenue. Unrecovered grant costs will be included in the Fiscal Year 2021-22 CAO Recommended Operational Plan Change Letter in the Office of Equity and Racial Justice. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

12. SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS SECURED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS (DISTRICTS: 1 & 5)

OVERVIEW
The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on private development subdivisions. Subdivision developers, as conditions of their permits, are often required to construct specific improvements that benefit the public, such as roads and storm drainage systems. In many cases, these improvements are accepted by the County of San Diego (County) into the County-maintained system to be owned, operated, and maintained by the Department of Public Works in perpetuity. Subdivision Improvement Agreements and their security requirements protect the County by ensuring any required improvements are constructed for approved and mapped subdivisions. In the event of a default by the applicant, this security can be used to finance completion of the required improvements. However, under certain circumstances, the County is able to grant a time extension that allows the applicant additional time to complete construction, while simultaneously preserving the County's rights to have the public improvements constructed by the developer.

This is a request for the Board of Supervisors (Board) to approve two-year extensions of performance completion dates for the following subdivisions in Districts 1 and 5:

1. TM 5087-1, Orchard Run Unit 1, located in the Valley Center area. This project has 58 residential lots, 3 private street lots and 2 open space lots, and the overall area is 20.95 acres.

2. TM 5087-2, Orchard Run Unit 2, located in the Valley Center area. This project has 70 residential lots, 6 private street lots, 10 open space lots, 1 recreation center lot, 1 water reclamation plant lot, and the overall area is 64.54 acres.

3. TM 5355-1, Carriage Hill, located in the Sweetwater Community Planning Area. This project has 19 residential lots, 1 private street lot, 1 homeowners association lot, and the overall area is 10.67 acres.

Staff has determined the two-year extensions to complete improvements are warranted due to ongoing construction activities for the projects, requests from each of the developers to extend the time for completion, the County's continued interest in receiving the improvements, and the absence of negative impacts associated with later delivery. Therefore, staff is recommending the County accept the delayed completion of the public improvements. Staff has also determined that there is adequate improvement security (i.e., capacity through a bond or other financial instrument) for each of the subdivision maps to guarantee completion of remaining work for each agreement recommended for extension, should that become necessary in the future.

Today's request is for the Board to approve the extension of the performance completion dates in subdivision agreements for developments referenced by Tentative Map No. 5087-1, Tentative Map No. 5087-2, and Tentative Map No. 5355-1 to May 5, 2023.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of the performance completion dates in subdivision agreements to complete subdivision improvements is not a "project" as defined in Section 15378 of the state CEQA Guidelines.

2. Extend, to May 5, 2023, the performance completion dates in subdivision agreements for developments referenced by Tentative Map No. 5087-1, Tentative Map No. 5087-2, and Tentative Map No. 5355-1.

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
N/A

13. SUBJECT: MCCLELLAN-PALOMAR AIRPORT - RESCIND AND VACATE ADOPTION OF THE 2018 MCCLELLAN-PALOMAR AIRPORT MASTER PLAN UPDATE AND DE-CERTIFY PROGRAM ENVIRONMENTAL IMPACT REPORT (DISTRICT: 5)

OVERVIEW
The McClellan-Palomar Airport (Palomar Airport) is owned and operated by the County of San Diego and located in the City of Carlsbad. The airport provides general aviation, corporate, and limited commercial services; serves as a gateway to resorts and tourist attractions; and is utilized by regional businesses and residents. Based on an economic vitality study prepared for Palomar Airport, the 34 businesses and activities related to the airport support over 2,600 jobs and generate over $350 million in economic benefit for the surrounding local communities, including Carlsbad, San Marcos, Vista, Oceanside, and Encinitas. Palomar Airport opened in 1959 prior to the development of the surrounding residential communities and was annexed into the City of

Carlsbad in 1978. Palomar Airport is a federally funded public use airport, and while the County owns and operates the ground facilities, aircraft in flight are under the jurisdiction of the Federal Aviation Administration (FAA).

The FAA uses an Airport Reference Code (ARC) to establish safety-related design criteria based on the Critical Design Aircraft - the fastest and widest aircraft that use the airport. The ARC is an alpha-numeric designation based on the aircraft's approach speed (A, B, C, D, or E), and wingspan and tail height (I, II, III, IV, V or VI), whereby A-I aircraft are slower and smaller than E-VI. With over 700 annual takeoffs and landings per year, the Gulfstream 650 is Palomar Airport's Critical Design Aircraft and has a D-III designation. While the airport currently only meets B-II criteria, the Master Plan Update included airfield improvements to meet D-III safety-related design standards.

On December 16, 2015 (3), the County Board of Supervisors (Board) directed staff to update the Palomar Airport Master Plan. The FAA sets forth the framework for preparing airport master plans to align facility improvements over a 20-year period based on the needs of current and future users, with an emphasis on safety. Palomar Airport has two previous master plans. The most recent one, completed in 1997, had reached the end of its 20-year planning period. In addition to considering the findings of a 2013 Feasibility Study presented to the Board on September 25, 2013 (2), which studied a longer runway for Palomar Airport, the Board also directed staff to focus the Master Plan update on a C/D-III Airport Reference Code (ARC) classification to incorporate the needs of current airport users, as the preferred alternative.

The primary focus of this Palomar Airport Master Plan Update (MPU) was to identify safety improvements for those aircraft currently using the airport. As part of the MPU, the FAA determined that the Gulfstream 650 is Palomar Airport's Critical Design Aircraft and has a D-III designation. The MPU provided options, not for an expansion of the airport, but for reconfiguration of the airfield facilities within the existing fence line to better accommodate aircraft currently using the airport and the aircraft expected to use the airport in the future. This is especially important because the County cannot control what aircraft fly into Palomar Airport, but County can improve safety for those that do.

After an extensive planning and public outreach process, with over 30 stakeholder groups, multiple Palomar Airport Advisory Committee (PAAC) meetings, a dedicated project website, stakeholder presentations with user groups, community groups, and cities, three well-attended public workshops, and almost 2,200 emails to interested parties, on October 10, 2018 (1) the Board certified the Programmatic Environmental Impact Report (PEIR) and provided direction on the classification of the Palomar Airport Final Master Plan Update (MPU), selecting the D-III Modified Standards Compliance Alternative with the option for allowing a phased runway extension up to 800 feet.

Upon adoption of the MPU and certification of the Final PEIR, Citizens for a Friendly Airport filed a petition for Writ of Mandate and complaint on November 6, 2018 challenging the Board's decision (Case No. 37-2018-00057624), alleging there were deficiencies in the Final PEIR, and the County needed to obtain an amendment to a Conditional Use Permit (CUP) for Palomar Airport issued by the City of Carlsbad.

On January 26, 2021, the Superior Court filed a Minute Order (Attachment B) upholding the Final PEIR analysis and dismissing the claims, except on two items. Specifically, the Superior Court ruled that the County adequately analyzed the effects on traffic, greenhouse gas/climate change, energy, and that the PEIR used an appropriate threshold of significance for noise and adequately analyzed potential noise from commercial and non-commercial aircraft operations. While the Superior Court determined the noise analysis completed for the PEIR was generally adequate, the Court found the Final PEIR should have included supplemental noise analysis for areas farther from the airport, specifically for areas where residents reported noise concerns during the public comment period, such as the city of Vista which is located more than five miles from the Airport. Staff has begun conducting this analysis, and it will be completed within six months. In addition, the Superior Court ruled that an amendment to the CUP with the City of Carlsbad is required to implement the D-III Modified Standards Compliance Alternative.

Subsequently, on March 4, 2021, the Superior Court filed a Writ of Mandate (Attachment C) ordering the County to set aside all approvals associated with the October 10, 2018 approval of the MPU, certification for the Final PEIR, and related actions within 60 days. Currently, the County is in the process of supplementing the Final PEIR's noise analysis with the additional review, as directed by the Superior Court. On April 7, 2021, the Board decided to not appeal the Superior Court's decision.

Today's request is for the Board to rescind and vacate the MPU and to de-certify the Final PEIR and related environmental findings pursuant to the Court's order.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. De-certify the Final PEIR, SCH No. 2016021105 that was presented to the Board of Supervisors on October 10, 2018 for the McClellan-Palomar Airport Master Plan Update.

2. Rescind and vacate the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of the State CEQA Guidelines.

3. Rescind and vacate the Statement of Location and Custodian of Record.

4. Rescind and vacate the decision and explanation regarding recirculation of the draft PEIR.

5. Rescind and vacate the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of the State CEQA Guidelines.

6. Rescind and vacate the 2018 McClellan-Palomar Airport Master Plan Update.

7. Rescind and vacate direction on the classification of the Palomar Airport final Master Plan Update alternative and associated options, selecting D-III Modified Standards Compliance Alternative with Option #7a.2: allowing a runway extension up to 800 feet in addition to the improvements included on Option #7a.1.

8. Direct staff to return for a future Board hearing to present options and get direction on how to proceed with the McClellan-Palomar Airport Master Plan Update.

FISCAL IMPACT
There is no fiscal impact associated with these recommendations. If approved, this request will result in no change in the Airport Enterprise Fund (AEF) for Fiscal Year 2020-2021. There will be no change in net General Fund cost and no additional staff years. While there are no appropriations associated with today's action, there will be fiscal impacts to the AEF to be determined when the Board provides future direction on how to proceed with the McClellan-Palomar Airport Master Plan Update.

BUSINESS IMPACT STATEMENT
N/A

14. SUBJECT: APPEAL OF THE ENVIRONMENTAL DETERMINATION FOR THE NORTH COUNTY ENVIRONMENTAL RESOURCES PROJECT (DISTRICT: 5)

OVERVIEW
This is a request for the Board of Supervisors (Board) to consider an appeal of the Zoning Administrator's environmental determination that the North County Environmental Resources Project (Project) qualifies for a California Environmental Quality Act (CEQA) Section 15183 exemption. In accordance with Sections 86.401 through 86.406 of the San Diego County Administrative Code, the Section 15183 environmental determination can be appealed to the Board. However, the Project and permit approvals are not before the Board for consideration as they are decisions of the Director of Planning & Development Services (PDS), which can be appealed to the Planning Commission but cannot be appealed to the Board; therefore, the Project approvals have been stayed until the Board determines whether the Section 15183 environmental determination is in compliance with CEQA. The Project is a recycling facility that would recycle: 1) tree waste chipping and grinding; 2) wood and construction debris; and 3) concrete, asphalt, and inert material from demolition projects. The Project site is located west of Interstate 15, directly south of Mesa Rock Road, and within the Twin Oaks Community Sponsor Group Area of the North County Metropolitan Subregional Plan Area. The Project site consists of six contiguous parcels totaling 139.5 acres. However, the Project would be constructed on 18 acres in the southeast portion of the site, approximately 0.25 miles south of Mesa Rock Road. The Project includes construction of two steel buildings with an associated parking lot, one 100,000-gallon water tank, a security trailer, truck scales, and up to twenty storage containers.

The Project includes a Site Plan which is required for community design review and a Boundary Adjustment to adjust lot lines within the Project site. As part of the discretionary review, the County of San Diego (County) is required to evaluate the Project's impact on the environment in compliance with CEQA. As part of the CEQA review, there are different environmental determinations that can be made, including a determination that a project qualifies for an exemption or, if a project is not exempt, preparation of a Negative Declaration/Mitigated Negative Declaration or Environmental Impact Report (EIR). Staff evaluated the Project, including review of technical reports, and determined the Project qualified for a CEQA Guidelines Section 15183 exemption.

On June 25, 2020, the Zoning Administrator agreed with staff's determination and found the Project in conformance with Section 15183 of the CEQA Guidelines, which applies to projects that are consistent with a community plan, zoning, and General Plan policies for which an Environmental Impact Report (EIR) was certified. Projects that are consistent with the adopted

General Plan land uses for which an EIR was certified do not require additional environmental review unless there are impacts peculiar to the project and that were not addressed as significant impacts in the certified EIR. The Project was found to be consistent with Section 15183 of the CEQA Guidelines because the proposed use is consistent with the General Plan Land Use Designation and Zoning Use Regulations, and no peculiar or significant impacts beyond what was already identified in the General Plan EIR would result from implementation of the Project, in part because uniform development standards and policies being applied would substantially mitigate the effects of the Project.

The Zoning Administrator's environmental determination is being appealed by four groups: the Twin Oaks Valley Community Sponsor Group, Hidden Meadows Community Sponsor Group, City of Escondido, and Montreux Homeowners Association. The four appeal applications raise a total of 24 points of appeal. Responses to all points of appeal are included in Attachment B, with this Board Letter providing a focused response to the three primary concerns as follows:

1. Compliance with CEQA Guidelines Section 15183,

2. Reliance on the General Plan EIR, and

3. Location of the Project within the draft North County Multiple Species Conservation Plan area.

Planning & Development Services recommends that the appeals be denied as the department has not identified any deficiencies in the environmental review of the Project. The General Plan EIR analyzed industrial development at the Project site. Staff have determined that the appeals have not identified any new significant or "peculiar" impacts not identified in the General Plan EIR that would require additional environmental review, and the Project complies with all requirements of Section 15183. A significant impact generally occurs when a project's environmental impacts exceed County thresholds, and a "peculiar" circumstance or impact, although not identified in CEQA, generally occurs where there is a physical change belonging exclusively or especially to a project or if it is a characteristic of only the particular project.

The Board cannot approve or deny the Project and can take one of the following options at this meeting:

1. Deny the appeal and uphold the Zoning Administrator's environmental determination of the project which found the Project in conformance with CEQA in accordance with Section 15183 as detailed in the revised Statement of Reasons for Exemption from Additional Review and 15183 Checklist included in Attachment I.

2. Grant the appeal and remand the 15183 environmental determination to the Zoning Administrator for reconsideration including any additional direction from the Board. The Board may direct that the 15183 analysis be revised or that a new environmental document be prepared for the Project, such as an EIR or Negative Declaration/Mitigated Negative Declaration.

If the appeal is granted and the environmental determination is remanded, the Project's environmental documents will be reconsidered by the Zoning Administrator, and additional environmental analysis will be performed, which could require additional public review. Further, any new environmental determination could be appealed to the Board again.

RECOMMENDATION(S)
PLANNING COMMISSION
On February 5, 2021, the Planning Commission considered four appeals of the North County Environmental Resources Project (Project) that raised a total of 34 points of appeal, with four primary concerns related to the environmental determination, noise impacts, potential for future unpermitted activity, and hours of operations. The appeal before the Planning Commission was to consider the Director's Decision of approval of the Project and the Planning Commission made the following decisions:

1. Denied the Appeals filed by the Twin Oaks Valley Community Sponsor Group (CSG), Hidden Meadows CSG, City of Escondido, and Montreux Homeowners Association.

2. Upheld the Zoning Administrator's adoption of the Environmental Finding that the Project conforms with CEQA, in accordance with Section 15183, because the proposed use is consistent with the Zoning Use Regulations and General Plan and there will be no peculiar impacts upon implementation.

3. Upheld the Director's Decision approving Site Plan (PDS2008-3500-08-015) and Boundary Adjustment with a Certificate of Compliance (PDS2013-BC-0019) with the following additional conditions to the Site Plan approval: 1) limit the hours of operation to 7 AM to 7 PM, and 2) require the submittal of semi-annual reports during the first two years of project operations detailing the daily tonnage of materials crushed and/or grinded on site, number of outbound truck shipments per day, and heavy equipment used during each one-hour period.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES
The Board of Supervisors (Board) is only considering the 15183 environmental determination, which includes the environmental analysis, mitigation to reduce impacts, and a finding that the Project is exempt from further environmental review in compliance with CEQA Guidelines Section 15183. The California Environmental Quality Act (CEQA) requires that environmental determinations be appealable to the elected decision-making body. The Project and permit approvals are not before the Board for consideration because they are decisions of the Director of PDS which, pursuant to the County Zoning Ordinance, can be appealed to the Planning Commission, but cannot be appealed to the Board. The Board cannot approve or deny the Project and is only considering the 15183 environmental determination. If the appeal is granted, the Board may direct that a new environmental document be prepared, such as an EIR or Negative Declaration/Mitigated Negative Declaration, or that the 15183 analysis be revised.

The Project permits include a Site Plan and Boundary Adjustment with a Certificate of Compliance (Boundary Adjustment) and will allow the construction and operation of the Project. The Site Plan is required because the site has a "B" Special Area Designator due to its location within the Interstate 15 (I-15) Design Review Corridor, which requires community design review. The Boundary Adjustment is required because the applicant is proposing to adjust lot lines between two parcels within the Project site. The Site Plan and Boundary Adjustment are Director's decisions, which were appealed to the Planning Commission and upheld. These permits are stayed until the Board considers the 15183 environmental determination.

If the appeal is denied by the Board, the Director's approval of the Site Plan and Boundary Adjustment as modified by the Planning Commission shall remain effective. PDS recommends that the Board make the following determinations, including an additional recommendation related to providing indemnification:

1. Deny the appeals of the environmental determination for the reasons discussed in this Board Letter.

2. Uphold the environmental determination of the Zoning Administrator finding the project in conformance with Section 15183 of the California Environmental Quality Act (CEQA) because the proposed use is consistent with the General Plan and Zoning Use Regulations and no peculiar or significant impacts not already identified in the General Plan Environmental Impact Report (EIR) would result from implementation of the Project, in part because uniform development standards and policies being applied would substantially mitigate the effects of the Project. (Attachment C). The Director's decision of approval of the Project shall remain effective as modified by the Planning Commission to limit the hours of operation from 7 AM to 7 PM and require the submittal of semi-annual reports during the first two years of project operations detailing the daily tonnage of materials crushed and/or grinded on site, number of outbound truck shipments per day, and heavy equipment used during each one-hour period.

3. Require Hilltop Group, Inc. to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement (Attachment L). If litigation is filed challenging the Board's action on the Project, require Hilltop Group, Inc. to provide security in the amount of $750,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed.

FISCAL IMPACT
N/A

BUSINESS IMPACT STATEMENT
N/A

15. SUBJECT: ADOPT THE MITIGATED NEGATIVE DECLARATION, ESTABLISH AND TRANSFER APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR MAPLEVIEW STREET GREEN STREETS PROJECT (DISTRICT: 2)

OVERVIEW
Federal and state laws require local governments to control pollution that enters waterways through streets, storm drains, and other features of the Municipal Separate Storm Sewer System (MS4). In 2013, the San Diego Regional Water Quality Control Board (RWQCB) updated the Regional MS4 Permit (2103 Permit). Among other requirements the 2013 Permit mandated responsible parties to develop Watershed Management Area (WMA) Water Quality Improvement Plans (WQIP) for each of the region's watersheds and established Total Daily Maximum Load (TMDL) limitations for pollutants impacting waterbodies and their beneficial uses, such as water recreation, wildlife habitat and preservation of rare and endangered species.

The 2013 Permit also established a TMDL of fecal indicator bacteria (bacteria) for the San Diego River WMA due to elevated levels of fecal coliform and *enterococci* detected in water monitoring results. The TMDL limitations require a reduction of bacteria from MS4 runoff during both dry and wet weather conditions.

An estimated 34.7% reduction of bacteria loads is needed to meet RWQCB compliance requirements and is expected to take place incrementally through 2031, which is the compliance target set by the RWQCB. The County of San Diego (County) has established a goal of reducing bacteria in the stormwater conveyance system through implementation of Best Management Practices (BMP), commonly referred to as green infrastructure. Green infrastructure is used to treat runoff to improve water through infiltration, retention, and natural processes. Some examples of green infrastructure include biofiltration channels, tree wells and dispersion areas. To meet the 34.7% reduction requirement, the County will use quantitative modeling estimates and bacteria load monitoring results from where storm drains empty into water bodies to install BMPs and reduce the bacteria load. Once green infrastructure is installed, water quality monitoring results will be used to determine compliance with the final bacterial TMDL goal.

As part of the effort to reduce bacteria, the County identified the Mapleview Street Green Streets Project (Project) in the unincorporated community of Lakeside as a suitable location for water quality improvements after close review of local land uses, storm drain system discharge points, regional benefits to the San Diego River, and elevated pollutant levels measured in water quality sampling. The Project was selected using WQIP prioritization maps that identify project and BMP opportunities in the San Diego River Watershed, drainage-specific modeling efforts, and excess right-of-way (ROW) sufficient to accommodate green infrastructure.

The Project proposes to improve water quality through implementation of green infrastructure, provide improved stormwater flows to adapt to climate change, and retain runoff to reduce the likelihood of flooding. Retention of stormwater runoff provided by the green infrastructure elements in combination with the replacement of sections of undersized drainage pipes will assist in making the drainage area more resilient to changes in runoff due to climate change.

The proposed improvements also include landscaped areas and new Americans with Disabilities Act compliant sidewalks and pedestrian access ramps along Mapleview Street between Vine Street and Pino Drive to align with the County's efforts for reducing pedestrian gaps. Additionally, 2018 Climate Action Plan Measure T-2.1 Improve Roadway Segment as Multi-Modal supports sidewalk improvements in the vicinity of water quality enhancements as they encourage other modes of mobility. These water quality enhancements will assist the County in complying with MS4 Permit requirements and will improve water quality and pedestrian access in an underserved community.

This is a request to adopt the environmental documentation, establish and transfer appropriations and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Mapleview Street Green Streets Project. If approved, construction is scheduled to begin fall 2021 and to be completed summer 2022. The construction cost is estimated at $2,950,000, including contingencies, and the funding sources are available General Fund fund balance for green street infrastructure and sidewalk improvements, a State Water Resources Control Board Proposition 1 Storm Water Grant, and Highway User Tax Account funds, for roadway storm drain improvements.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find, based on the whole record, that there is no substantial evidence that the project will have a significant effect on the environment. Consider the Mitigated Negative Declaration, on file with the Department of Public Works dated February 10, 2021, State Clearinghouse #2020070430 (Attachment C), together with comments received during public review (Attachment D), and adopt the Mitigated Negative Declaration, finding that it reflects the independent judgment and analysis of the Board of Supervisors.

2. Adopt the Mitigation Monitoring and Reporting Program (Attachment E) prepared in accordance with Public Resources Code section 21081.6 and authorize the Director of the Department of Public Works to ensure compliance with the Mitigation Monitoring and Reporting Program.

3. Find that the Mapleview Street Green Streets Project is consistent with the Multiple Species Conservation Program, the County Subarea Plan, and the Biological Mitigation Ordinance (County Code, section 86.501 et seq.), as explained in the Findings of Conformance with the Multiple Species Conservation Program (Attachment F).

4. Establish appropriations of $1,500,000 in the Department of Public Works Road Fund Fiscal Year 2020-21 Detailed Work Program for Mapleview Green Streets based on a State Water Resources Control Board Proposition 1 Storm Water Grant. **(4 VOTES)**

5. Transfer appropriations of $810,000 within the Department of Public Works (General Fund), from Services & Supplies to Operating Transfer Out.

6. Transfer appropriations of $810,000 from the Department of Public Works General Fund, Operating Transfer Out, to the Department of Public Works Road Fund, Services & Supplies based on an Operating Transfer In from the Department of Public Works General Fund. **(4 VOTES)**

7. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and to take any other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for Mapleview Green Streets Project.

8. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT
Funds for this request are partially included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works, General Fund and Road Fund Detailed Work Program. If approved, construction costs for the Mapleview Street Green Streets Project are estimated at $2,950,000, including contingencies. The funding sources are available General Fund fund balance from the Watershed Protection Program ($810,000), One time only General Fund fund balance ($355,000), Proposition 1 Storm Water Grant funds from the State Water Resources Control Board ($1,500,000) and Highway User Tax Account (HUTA) ($285,000). There will be no additional staff years.

BUSINESS IMPACT STATEMENT
County construction contracts are competitively bid and help stimulate the local economy. All workers employed on public works projects must be paid the prevailing wages determined by the Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

16. SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC HIGHWAY AND PUBLIC DRAINAGE, AND PUBLIC SERVICE EASEMENTS FOR DRAINAGE, EMBANKMENT SLOPES AND A TEMPORARY CONSTRUCTION EASEMENT IN THE OTAY MESA AREA (VACATION NO. 2020-0178) (DISTRICT: 1)

OVERVIEW
The Asset Management Division of the Department of General Services is processing a request to summarily vacate easement interests dedicated to the County of San Diego (County). A summary vacation is a streamlined process by which a public road or public service easement is abandoned through one action where public noticing is not required. These may be requested by the public if the easement interests are found to be excess to County needs and are not required for the purposes for which they were obtained. The following easement interests are requested to be vacated:

1. Irrevocable Offer of Dedication (IOD) for public highway easement

2. IOD for public drainage channel easement

3. Drainage easements

4. Incidental highway easement rights for embankment slopes and drainage

5. Temporary construction easement

Associated actions include quitclaiming easements dedicated to the San Diego County Sanitation District (District). Quitclaiming is a process to give up all right, title, and interest in a particular property. Quitclaiming incidental sewer easement rights may be requested by the public if the rights are found to no longer be required for District purposes. The following interests are requested to be quitclaimed:

1. Incidental sewer easement rights for excavation and embankment slopes and drainage

2. Temporary construction easement

All of the easement interests are located in the unincorporated East Otay Mesa Community Plan Area. In many cases the vacation and quitclaim can be a public benefit through improved use of the land made available by the vacation and quitclaim.

The IODs and easements are no longer needed because these items have been determined to be excess by the County and District, and there are no other public facilities within the IODs or easements that would be affected by this vacation.

Today's request is for the Board of Supervisors (Board) to adopt a resolution to summarily vacate the IODs for public highway and drainage channel, drainage easements, incidental highway easements for embankment slopes, and temporary construction and drainage easements.

If authorized by the Board, acting as the Board of Directors of the District, the Director of the Department of General Services, or an authorized designee, will execute and record a deed to quitclaim the District's interest in the incidental sewer easements for excavation and embankment slopes and drainage and temporary construction easement described and depicted in Attachment B.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER
Acting as Board of Supervisors:

1. Find that the Environmental Impact Report (EIR) dated July 27, 1994 on file with the Department of Planning & Development Services (PDS) as Environmental Review Log Number 93-19-6 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Director of PDS has reviewed and considered the information contained therein and the Addendum thereto dated March 17, 2021 on file with Planning & Development Services as Environmental Review Number PDS2020-ER-93-19-006ZZP before approving the project; and

   Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts that were not considered in the previously certified EIR dated July 27, 1994, 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 EIR was certified as explained in the Addendum Environmental Review Update Checklist dated March 17, 2021.

2. Adopt a Resolution entitled:
   RESOLUTION TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC HIGHWAY AND PUBLIC DRAINAGE, AND PUBLIC SERVICE EASEMENTS FOR DRAINAGE, EMBANKMENT SLOPES, AND A TEMPORARY CONSTRUCTION EASEMENT IN THE OTAY MESA AREA (VACATION NO. 2020-0178**)**.

3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2020-0178-A pursuant to State of California Streets and Highways Code Section 8336.

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

1. Find that the Environmental Impact Report (EIR) dated July 27, 1994 on file with the Department of Planning & Development Services (PDS) as Environmental Review Log Number 93-19-6 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Director of PDS has reviewed and considered the information contained therein and the Addendum thereto dated March 17, 2021 on file with the Department of Planning and Development Services as Environmental Review Number PDS2020-ER-93-19-006ZZP before approving the project; and Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts that were not considered in the previously certified EIR dated July 27, 1994, 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 EIR was certified as explained in the Addendum Environmental Review Update Checklist dated March 17, 2021.

2. Find that the incidental sewer easement rights and temporary construction easement are no longer required for District purposes.

3. Approve and authorize the Director, Department of General Services, or authorized designee, to execute and record a quitclaim deed for the incidental sewer easement rights and temporary construction easement described and depicted in Attachment B.

FISCAL IMPACT
Funds for this request are included in the Fiscal Year 2020-21 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of $4,000 to process the summary vacation and proposed quitclaim. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT
N/A

(RELATES TO SANITATION DISTRICT AGENDA NO. SA1)

17. SUBJECT: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SWEETWATER LANE COUNTY PARK ENERGY UPGRADES PROJECT (DISTRICT: 2)

OVERVIEW
The Department of Parks and Recreation (DPR) operates Sweetwater Lane County Park in the unincorporated community of Spring Valley. 2019 Census data for the Spring Valley Census-Designated Place (CDP) demonstrates that 12.5% of this CDP population is in poverty. According to a study conducted by the San Diego Association of Governments (SANDAG) in 2019, the unincorporated Spring Valley community has one of the highest percentage of students on free and reduced lunch with over 77% of students qualifying for the program. The Sweetwater Lane County Park sports facilities offer opportunities for these students to engage in healthy active recreation programming which may not otherwise be available.

The 11-acre Sweetwater Lane County Park includes artificial turf ballfields, a concession stand and light towers for night games, a perimeter walking path with exercise stations, a children's play area, and an existing parking lot with 110 parking spaces. The Sweetwater Lane County Park has an active recreation user population at a total of 70,000 annual park visits with year-round tournaments and practices during evening hours, when many people are not working or in school. The sport field lighting, which is the key to extending park use into those evening hours, consumes the majority of the electricity used at the site each year which is an annual cost of $114,418.50.

As part of an ongoing effort to promote sustainability and reduce its's carbon footprint, DPR has implemented photovoltaic energy generation projects in nine county parks with the highest energy usage. The Sweetwater Lane County Park Energy Upgrades project will construct freestanding carports with solar panel roofs in the existing parking lot to offset the energy consumption of the park. DPR will include two Electric Vehicle (EV) charging stations in the bidding and construction documents as additive alternates. Additive alternates will be included with the construction contract if the bids received for the base contract and additive alternates are below the total amount of funding available for construction. In addition to the energy offset, the carports will provide shade and increase localized cooling. If approved, the project is anticipated to offset 90% to 100% of the electrical energy consumption (and annual cost of $102,967.65 to $114,418.50) with on-site generated solar power. The project is also estimated to reduce greenhouse gas emissions by 0.08 metric tons, which supports implementation of Measure E-2.4 of the County's 2018 Climate Action Plan to increase renewable energy on-site at County facilities and to reduce emissions from fossil fuel-generated electricity.

Today's proposed actions will authorize the Director of Department of Purchasing and Contracting to advertise and award a contract for the construction of the Sweetwater Lane County Park Energy Upgrades project for an estimated $1,355,000, including contingency. The remaining $145,000 in project funding will be used for inspection, construction management, and project administration. The total project cost of $1,500,000 was included in the Fiscal Year 2020-2021 Operational Plan based on General Purpose Revenue. If approved, construction is expected to begin summer 2021 and be completed in fall 2021.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines sections 15301, 15303, 15304 and 15311.

2. Authorize the Director of 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, with respect to contracting for the construction of the Sweetwater Lane County Park Energy Upgrades project.

3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer responsible for administering the construction contract of the Sweetwater Lane County Park Energy Upgrades project in accordance with Section 430.4 of the County Administrative Ordinances and Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this project are included in the Fiscal Year 2020-21 Operational Plan in Capital Project 1023728 Sweetwater Lane County Park Electrical Upgrades. If approved, this request will result in costs of $1,500,000 for Capital Project 1023728 Sweetwater Lane County Park Energy Upgrades. Construction costs are estimated at $1,355,000, including contingency. The remaining $145,000 in project funding will be used for design, inspection, construction management, and project administration. The total project cost is $1,500,000, and the funding source is budgeted General Purpose Revenue.

Upon completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A