

June 30, 2021

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JUNE 30, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

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

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

- 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 June 9, 2021.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of June 9, 2021.

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

- E. Formation of Consent Calendar

- F. Discussion Items

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

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. | <p>NOTICED PUBLIC HEARING:
PUBLIC HEARING TO APPROVE FEES AND CHARGES FOR FISCAL YEAR 2021-22 TAX ROLL OF SAN DIEGO COUNTY SANITATION DISTRICT, CAMPO WATER MAINTENANCE DISTRICT, AND COUNTY SERVICE AREA NO. 137 - LIVE OAK SPRINGS WATER SYSTEM</p> <p>(RELATES TO SANITATION DISTRICT AGENDA NO. 01)</p> |
| 2. | <p>NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2021-22 LEVIES FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ZONES, AND STORMWATER MAINTENANCE ZONES
[FUNDING SOURCES: ASSESSMENT AND SPECIAL TAX LEVIES FROM PROPERTY OWNERS WITHIN PRD ZONES, CSAS, FPDS AND SMZS]</p> <p>(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. 01 AND, FLOOD CONTROL DISTRICT AGENDA NO. 01)</p> |
| 3. | <p>NOTICED PUBLIC HEARING:
PUBLIC HEARING AND CONFIRMATION OF LEVIES FOR MOSQUITO, VECTOR, AND DISEASE CONTROL BENEFIT ASSESSMENT AND MOSQUITO ABATEMENT AND VECTOR CONTROL SERVICE CHARGE FOR FISCAL YEAR 2021-22
[FUNDING SOURCES: MOSQUITO, VECTOR AND DISEASE CONTROL BENEFIT ASSESSMENT, MOSQUITO ABATEMENT AND VECTOR CONTROL SERVICE CHARGE, AVAILABLE VECTOR CONTROL DISTRICT TRUST FUND FUND BALANCE, AND INCOME FROM INTEREST AND OTHER SERVICE CONTRACTS]</p> |
| 4. | <p>CONFIRM FISCAL YEAR 2021-22 LEVIES FOR COMMUNITY FACILITIES DISTRICTS
[FUNDING SOURCES: SPECIAL TAX LEVIES FROM CFD NO. 2008-01, CFD NO. 2013-01, CFD NO. 2019-02, CFD NO. 2019-01, CFD NO. 2019-03, CFD NO. 04-1 AND CFD 09-1 AND ARE PAID BY PROPERTY OWNERS]</p> <p>(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. 02)</p> |

5. SET A HEARING FOR 07/14/2021:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2021-22 LEVIES IN THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO SAN DIEGO AND NO. 2 - JESS MARTIN PARK
6. 2020 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT
7. AUTHORIZATION TO ADVERTISE AND AWARD CONTRACTS FOR CONSTRUCTION FOR FISCAL YEAR 2019-2020 PEDESTRIAN GAP IMPROVEMENT PROJECTS (ALLEN SCHOOL ROAD, TAVERN ROAD, SAN MARINO DRIVE, AND SUNSET ROAD SIDEWALK IMPROVEMENT PROJECTS) [FUNDING SOURCE: PRIOR YEAR AVAILABLE GENERAL FUND FUND BALANCE]
8. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION FOR ROCK SPRINGS ROAD SIDEWALK IMPROVEMENT PROJECT [FUNDING SOURCES: CALIFORNIA DEPARTMENT OF TRANSPORTATION STATE ACTIVE TRANSPORTATION PROGRAM GRANT, AND AVAILABLE PRIOR YEAR ROAD FUND FUND BALANCE] (4 VOTES)
9. TRAFFIC ADVISORY COMMITTEE (06/30/2021 - ADOPT RECOMMENDATIONS; 07/14/2021 - SECOND READING OF ORDINANCES)
10. AUTHORIZATION TO ENTER INTO A MULTI-AGENCY COST-SHARE AGREEMENT FOR PHASE I OF THE LOS PENASQUITOS LAGOON RESTORATION PROJECT [FUNDING SOURCES: GENERAL PURPOSE REVENUE]
11. DEPARTMENT OF PARKS AND RECREATION - APPROVAL OF LEASE WITH OLD TOWN TROLLEY TOURS, INC. FOR THE OPERATION OF THE WHALEY HOUSE SITE (4 VOTES)
12. SET A HEARING FOR 08/18/2021:
HIDDEN MEADOWS - HIDDEN MEADOWS COUNTY PRESERVE - APPROVE ACQUISITION OF APPROXIMATELY 277 ACRES OF OPEN SPACE LAND (PARADIGM DEVELOPMENT L.P.) (6/30/2021 - SET HEARING; 8/18/2021 - HOLD HEARING) [FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]

13. SET A HEARING FOR 08/18/2021:
VALLEY CENTER - PARADISE MOUNTAIN COUNTY PRESERVE- APPROVE
ACQUISITION OF APPROXIMATELY 419 ACRES OF OPEN SPACE LAND
(TITLE INSURANCE & TRUST CO HA NO 398) (6/30/2021 - SET HEARING;
8/18/2021 - HOLD HEARING)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND
FUND BALANCE]
14. ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR THE FORMATION OF
COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PIPER OTAY PRESERVE
MAINTENANCE)
15. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING TO APPROVE FEES AND CHARGES FOR
FISCAL YEAR 2021-22 TAX ROLL OF SAN DIEGO COUNTY
SANITATION DISTRICT, CAMPO WATER MAINTENANCE
DISTRICT, AND COUNTY SERVICE AREA NO. 137 – LIVE OAK
SPRINGS WATER SYSTEM (DISTRICTS: 1 & 2)**

OVERVIEW

The San Diego County Sanitation District (Sanitation District) is an independent special district that provides sanitary sewer service to approximately 36,000 customers in eight service areas in the unincorporated region. The County of San Diego (County) Board of Supervisors serves as the Sanitation District's Board of Directors. The Campo Water Maintenance District (Water District) is a County special district that provides water service to approximately 300 customers in the unincorporated community of Campo in District 2 through two independent service zones, Campo Hills (220 customers) and Rancho del Campo (75 customers). The County Service Area No. 137 - Live Oak Springs Water System (CSA 137) is a County special district that provides water service to approximately 90 customers in the unincorporated community of Boulevard in District 2. Sanitation District annual sewer service charges and annual water service charges for both the Campo Hills zone of the Water District and CSA 137 are collected on the property tax roll. Service charges for the Rancho del Campo zone are billed directly to customers.

On April 12, 2017 (SA1), the Board of Directors of the Sanitation District approved a five-year sewer rate package through Fiscal Year (FY) 2021-22. Today's recommended action is to place these charges on the tax roll for FY 2021-22 and does not change the previously approved five-year sewer rate package. The sewer rate package included a schedule of rates to achieve full cost recovery by FY 2021-22, an annual \$4.0 million capital improvement program, establishment of a \$3.0 million emergency reserve fund, and an annual pass-through adjustment to recover increases in wastewater treatment and disposal charges from the City of San Diego. Per the approved sewer rate schedule in the sewer rate package, sewer service charges for FY 2021-22 for single-family residential customers will increase from \$474.26 to \$516.95 per equivalent dwelling unit (EDU). An EDU is a standard unit of measure based on the average volume of wastewater flow generated by a typical single-family residential dwelling. The Sanitation District Fee Ordinance additionally provides for the collection of a pass-through charge to recover increases in treatment costs paid to the City of San Diego. For FY 2021-22, no increases to previously budgeted treatment costs are anticipated and thus no pass-through charges will be collected in FY 2021-22.

On November 11, 2020 (03), the Board of Supervisors approved a three-year water rate package for Live Oak Springs Water System (CSA 137) through FY 2022-23. Today's recommended action is to place these charges on the tax roll for FY 2021-22 and does not change the previously approved three-year water rate package for Live Oak Springs. The water rate package included a schedule of rates to achieve full-cost recovery of operational costs. Water charges are comprised of two components, a fixed base charge and a variable consumption charge. The approved three-year water rates include a base charge and a consumption charge. The base charge for FY 2021-22 will increase from \$93.22 to \$96.48. The variable consumption charge includes a two-tiered rate structure based on the amount of water a customer uses measured in hundred cubic feet (HCF), where one HCF is equal to

approximately 748 gallons. For Tier 1 (up to 4 HCF per month), the rate will increase from \$10.28 to \$10.64 per HCF. Tier 1 represents typical indoor water usage for a household with two occupants as defined by the California Water Board. For Tier 2 (over 4 HCF per month), the rate will increase from \$12.79 to \$13.24 per HCF.

On April 6, 2011 (01), the Board of Supervisors approved water rates for customers of the Campo Hills zone of the Campo Water District. Today's recommended action is to place these charges on the tax roll for FY 2021-22 and does not change the previously approved water rates for Campo Hills, and the approved FY 2021-22 fixed rate is unchanged from the previous fiscal year at \$1,320 per year for residential and commercial customers. Service charges for both the Sanitation District and the Campo Hills zone of the Campo Water District have historically been collected on the tax roll. Service charges for the 75 customers in the Rancho del Campo zone of the Campo Water District are billed directly to customers on a monthly basis. The CSA 137 service charges for the Live Oak Springs Water System were set and approved based on collection through the tax roll beginning in FY 2021-22. Placing annual service charges on the tax roll minimizes administrative costs by eliminating the need for monthly billing and payment collection, and those savings are passed along to the customers when the annual fee is established.

If the proposed action to place the previously approved Sanitation District and Water District service charges on the tax roll is approved, the Sanitation District Board of Directors and/or Board of Supervisors may respectively choose to make a determination to reduce the proposed charges as described in the tax roll report and that determination shall be final. If the previously approved sewer charges are reduced to match the amount that was collected last year, it would result in reduced revenue for the Sanitation District of approximately \$2,297,987. The reduced revenue would be mitigated by a proportional reduction in preventative maintenance and capital improvement projects in FY 2021-22 for the maintenance of the aging infrastructure, increasing the risk of potential infrastructure failures and sewage spills. If the previously approved water charges for Live Oak Springs Water System (CSA 137) are reduced to match the amount that was collected last year, it would result in reduced revenue of approximately \$5,200. The reduced revenue would be mitigated by a proportional reduction in services in FY 2021-22, such as field reviews of the water system by staff to ensure the water system is operating properly, which would increase the risk of potential infrastructure failures and interruptions in water service. A public hearing is required to levy sewer and water service charges on the property tax roll. This is a request to conduct a public hearing on the San Diego County Sanitation District, Campo Water Maintenance District, and County Service Area No. 137-Live Oak Springs Water System tax roll reports, and to adopt resolutions approving collection of sewer and water service charges on the FY 2021-22 tax roll.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting as Board of Supervisors:

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) as specified under Section 15060 (c)(3) of the state CEQA Guidelines because levying sewer and water service charges on the property tax roll is administrative in nature and is not a project as defined in CEQA Guidelines Section 15378.
2. Adopt a Resolution titled:
RESOLUTION AUTHORIZING WATER SERVICE CHARGES FOR FISCAL YEAR 2021-22 TO BE COLLECTED ON THE TAX ROLL (Attachment C).

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

Adopt a Resolution titled:

RESOLUTION AUTHORIZING SEWER SERVICE CHARGES FOR FISCAL YEAR 2021-22 TO BE COLLECTED ON THE TAX ROLL (Attachment D).

EQUITY IMPACT STATEMENT

The San Diego County Sanitation District, Campo Water Maintenance District, and County Service Area No. 137-Live Oak Springs Water System provide vital water and sewer services to several unincorporated communities of the county. These services protect public health and safety and improve the economic interest of local communities. The proposed resolutions to collect service charges based on approved water and sewer rates on the tax roll minimizes administrative costs by eliminating the need for monthly billing and payment collection, and those savings are passed along equally to customers when the annual fee is established. Based on community feedback received at public meetings during the rate setting process, actions to reduce charges while maintaining a level of service that provides reliable, safe, and sustainable wastewater collection and water supply for the communities, such as collecting service charges on the tax roll, were supported by the majority of community members. The proposed action will have a direct impact on communities throughout the unincorporated areas of Alpine, Boulevard (Live Oak Springs), Campo, East Otay Mesa, Julian, Lakeside, Pine Valley, Spring Valley, and Winter Gardens.

FISCAL IMPACT

Funds for the proposed action are included in the Fiscal Year 2021-22 Operational Plan in the Department of Public Works San Diego County Sanitation District (Sanitation District), Campo Water Maintenance District, and County Service Area No. 137 - Live Oak Springs Water System (CSA 137). The annual sewer and water service charges from customers will generate approximately \$27.3 million in revenue for the Sanitation District, \$0.3 million for the Campo Water Maintenance District, \$0.2 million for CSA 137. Effective July 1, 2021, the sewer rate will reflect the increase approved by the Board of Directors of the Sanitation District on April 12, 2017 (SA1); the CSA 137 water rate will reflect the increase approved by the Board of Supervisors on November 11, 2020 (03); the water rate will reflect no increase for Campo Water Maintenance District per Board of Supervisor adopted ordinance on April 6, 2011 (01). 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. 01)

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 21-092, entitled: RESOLUTION AUTHORIZING WATER SERVICE CHARGES FOR FISCAL YEAR 2021-22 TO BE COLLECTED ON THE TAX ROLL.

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

2. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2021-22 LEVIES
FOR PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE
AREAS AND ZONES, SAN DIEGO COUNTY FIRE PROTECTION
DISTRICT ZONES, AND STORMWATER MAINTENANCE ZONES
(DISTRICTS: 2, 3, & 5)**

OVERVIEW

The County of San Diego (County), San Diego County Flood Control District (Flood Control District), and San Diego County Fire Protection District (Fire District) use special districts as a funding mechanism to provide services, such as private road maintenance, parks, and paramedic services, in a specific area that is defined by a geographical boundary. Services are funded by property owner assessments or special taxes collected through the County tax rolls which helps maintain low administration costs. The method for calculating each district's assessment or special tax is set forth in ordinances adopted when the districts were formed. The assessments or special taxes cannot exceed the maximum amount in the adopted ordinance without an additional vote. At the time of formation, some of the ordinances granted authority for the governing body to increase the maximum rate each subsequent year by an amount tied to a cost escalator. The most commonly used indices are the Consumer Price Index (CPI) and the Construction Cost Index (CCI).

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. Staff reviewed the budget for each district to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year (FY) 2021-22 are needed to fund services, available fund balance is needed for working capital, future services, or facility repair, improvements or replacement, and to ensure compliance with Board Policy B-29. All proposed rates are in accordance with Articles XIII A-D of the California Constitution (Proposition 218) and are within maximum rates set forth in each district's adopted ordinance. Under Proposition 218, voters must approve special district formations and the amount that can be collected from property owners.

Permanent Road Division (County District)

There are 49 Permanent Road Division (PRD) Zones managed by the County Department of Public Works (DPW) that levy assessments or special taxes. Private road maintenance services funded by these PRD Zones are provided in multiple unincorporated communities. The amount each parcel is charged is based on the rate and the number of benefit units assigned to the parcel. Benefit units are based on the level of benefit a parcel receives from the maintenance services and may be based on the parcel size or type of land use. Rates will remain the same in 43 of the 49 PRD Zones that levy assessments or special taxes because revenues can fully fund planned services. Six rate increases are being proposed to fund multi-year maintenance plans for road resurfacing, culvert repairs, and future road replacements:

1. PRD Zone 13A-Pala Mesa is located in the unincorporated community of Fallbrook (District 5). The proposed rate will increase from \$0 to \$50 per benefit unit based on property owner approved rate increase, with an average single-family residence assigned three benefit units, or \$150 annually. Additional revenue will provide funding for planned road, culvert and slope maintenance.

2. PRD Zone 13B-Pala Mesa Zone B (Stewart Canyon) is located in the unincorporated community of Fallbrook (District 5). The proposed rate will increase from \$25 to \$100 per benefit unit based on property owner approved rate increase, with an average single-family residence assigned three benefit units, or \$300 annually. Additional revenue will provide funding for planned road and culvert maintenance.
3. PRD Zone 46-Rocoso is located in the unincorporated community of Lakeside (District 2). The proposed rate will increase from \$30 to \$500 per benefit unit based on property owner approved rate increase, with a single-family residence assigned two benefit units, or 1,000 annually. Additional revenue will provide funding for planned road and culvert maintenance.
4. PRD Zone 99- Via Allondra/Via Del Corvo is located in the unincorporated community of North County Metro (District 5). The proposed rate will increase from \$65 to \$105 per benefit unit based on property owner approved rate increase, with a single-family residence assigned four benefit units, or \$420 annually. Additional revenue will provide funding for planned road and culvert maintenance.
5. PRD Zone 101A-High Ridge Road is located in the unincorporated community of Lakeside (District 2). The proposed rate will increase from \$200 to \$300 per benefit unit based on property owner approved rate increase, with a single-family residence assigned two benefit units, or \$600 annually. Additional revenue will provide funding for planned road maintenance.
6. PRD Zone 1015-Landavo is located in the unincorporated community of North County Metro (District 5). The proposed rate will increase from \$135 to \$255 per benefit unit based on property owner approved rate increase, with a single-family residence assigned one benefit unit, or \$255 annually. Additional revenue will provide funding for planned road maintenance.

County Services Areas (County District)

There are eleven County Services Areas (CSA) funded by assessments managed by multiple County departments based on the services provided. CSAs provide maintenance and operations for parks, landscaping, flood control, open space management, and emergency medical/paramedic in multiple unincorporated communities and six cities. Rates will remain the same in seven of the eleven CSAs that levy assessments because revenues can fully fund planned services. Four rate increases are being proposed:

1. CSA 83A-San Dieguito Local Parks District is managed by the Department of Parks and Recreation and provides park amenities and services in the unincorporated community of 4S Ranch (District 3). The proposed rate will increase from \$133.02 to \$135.01 per benefit unit, with a single-family residence assigned one benefit unit. The increase is due to a 1.50% escalation in the CPI and the additional revenue will be used to fund increased costs for parks maintenance and operations.
2. CSA 26 Zone A-Cottonwood Village is managed by DPW and provides open space fire-fuel management and landscape maintenance services in the unincorporated community of Rancho San Diego (District 2). The proposed rate will increase from \$56.29 to \$100.00 per benefit unit, with the average single-family residence assigned one benefit unit. The properties assigned two benefit units receive additional landscaping services on slopes adjacent to their properties. The increase is based on a property owner approved rate increase, and the additional revenue will fund fire-break services and ensure the CSA has adequate working capital.

3. CSA 17-San Dieguito Emergency Medical Services is managed by the Health and Human Services Agency and provides services to the cities of Del Mar, Solana Beach, Encinitas, and the City of San Diego communities of Del Mar Heights and Del Mar Terrace, the unincorporated communities of Rancho Santa Fe, 4-S Ranch and a portion of Elfin Forest. (Districts 3 & 5). The proposed maximum annual special tax will increase from \$32.28 to \$32.76 per dwelling unit. The increase is due to a 1.50% escalation in the CPI and the additional revenue will ensure the CSA has adequate working capital.
4. CSA 69-Heartland Paramedic Services is managed by the Health and Human Services Agency and provides services to the unincorporated community of Lakeside and the City of Santee (District 2). The proposed maximum annual special tax will increase from \$58.61 to \$59.49 per dwelling unit, with a single-family residence assigned one dwelling unit. The increase is due to a 1.50% escalation in the CPI and the additional revenue will ensure the CSA has adequate working capital.

San Diego County Fire Protection District (Fire District)

There are ten zones in the San Diego County Fire Protection District (SDCFPD) funded by assessments or special taxes managed by the San Diego County Fire Authority that provide funds to supplement the cost of fire protection and emergency medical services across multiple unincorporated communities. Rates will remain the same in nine of the ten zones that levy assessments or special taxes because revenues are adequate to fully fund services; in addition, there is no voter approved cost price escalator. One rate increase is being proposed:

SDCFPD-Palomar Mountain provides services within the unincorporated community of Palomar Mountain (District 5). The proposed maximum annual special tax will increase from \$163.08 to \$165.53 per benefit unit, with a single-family residence assigned one benefit unit. The increase is due to a 1.50% escalation in the CPI, and the additional revenue will be used to fund for firefighting personnel and fire protection equipment and apparatus.

Flood Control District Stormwater Maintenance Zones (Flood Control District)

There are three Stormwater Maintenance Zones (SMZ) funded by assessments managed by the Flood Control District in DPW that provide maintenance of flood control facilities in multiple unincorporated communities. Rates will remain the same in two of the three zones that levy assessments because revenues can fully fund planned services. One rate increase is being proposed:

SMZ No. 4-4249-3-Lake Rancho Viejo is located in the unincorporated community of Fallbrook (District 5): The proposed rate will increase from \$319.48 to \$320.57 per benefit unit, with a single-family residence assigned one benefit unit. The increase is due to a 0.34% escalation in the CCI, and the additional revenue will be used to fund increased costs for stormwater facility maintenance and operations.

This is a request to adopt resolutions to confirm assessments and special taxes and authorize levies for 73 special districts administered by the County, the Fire District, and the Flood Control District. Upon adoption, the assessments and special taxes will be placed on the tax roll for FY 2021-22. These actions are discretionary after consideration of public testimony.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the State CEQA Guidelines because the activity in question addresses funding mechanisms for maintenance of existing facilities and services.
2. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.
3. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A-COTTONWOOD VILLAGE AND CSA 26B-MONTE VISTA ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.
4. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136-SUNDANCE DETENTION BASIN ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.
5. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26-RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128-SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A-SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.
6. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B-DEL MAR, H-SOLANA BEACH, AND F-POWAY ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.
7. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 17-SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT AND NO. 69-HEARTLAND PARAMEDIC SERVICES DISTRICT ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.

Acting as the Board of Directors, San Diego County Fire Protection District:

Adopt a Resolution entitled:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF THE SPECIAL ASSESSMENT SERVICE ZONES ADOPTING SPECIAL ASSESSMENTS AND CONFIRMING REPORTS RE: SPECIAL ASSESSMENTS TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.

Acting as the Board of Directors, San Diego County Flood Control District:

Adopt a Resolution entitled:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACTING AS THE GOVERNING BODY OF STORMWATER MAINTENANCE ZONES 3-4978-1 BLACKWOLF, 4-4249-3 LAKE RANCHO VIEJO, AND 3-5142-1 PONDEROSA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.

EQUITY IMPACT STATEMENT

Levying assessments and special taxes provide funding for special districts and result in additional community services and resources that can improve the health, safety, and economic interests of local communities. Based on community feedback received at public meetings and from conversations between residents and staff in the field and office, residents support continued funding for services through special districts. Levying charges on the FY 2021-22 tax rolls for the County of San Diego, San Diego County Flood Control District, and San Diego County Fire Protection District will have a direct impact on communities throughout the unincorporated areas of the county and incorporated cities of Del Mar, Encinitas, Poway, Santee, Solana Beach, and City of San Diego communities of Del Mar Heights and Del Mar Terrace, including providing fire protection, flood control protection, private road and landscape maintenance, parks, emergency communication services and paramedic services to residents of approximately 164,000 parcels.

FISCAL IMPACT

Revenue from the proposed levies is included in Fiscal Year (FY) 2021-22 Operational Plan for the Department of Parks and Recreation (DPR), San Diego County Flood Control District, and the San Diego County Fire Protection District (Fire District). Revenue from the proposed levies is partially included in the FY 2021-22 Operational Plan in the Departments of Public Works (DPW); Sheriff; and Health and Human Services Agency (HHS); and are based on the approved FY 2020-21 levies.

If approved, the proposed rate increases will result in additional estimated revenue of \$243,544.26 total in DPW for PRD Zone 13A-Pala Mesa (\$52,500), PRD Zone 13B-Stewart Canyon (\$18,875), PRD Zone 46-Rocoso Road (\$48,410), PRD Zone 101A-Hi Ridge Road (\$8,900), PRD Zone 99-Via Allondra/Via Del Corvo (\$6,960), PRD Zone 1015-Landavo Road (\$7,104), and CSA 26 Zone A-Cottonwood Village (\$100,795.26); \$57,624 total in HHS for CSA 17 San Dieguito (\$26,954) and CSA 69 Heartland (\$30,670); \$9,038 in the DPR for CSA 83A San Dieguito 4S Ranch; \$997.68 in the San Diego County Fire Protection District for SDCFPD-Palomar Mountain; and \$309.56 in the San Diego County Flood Control District for SMZ No. 4-4249-3-Lake Rancho Viejo.

If approved, staff will return to the Board to establish appropriations in the FY 2021-22 Operational Plan. The funding sources are assessment and special tax levies from property owners within PRD Zones, CSAs, FPDs and SMZs. There will be no change in net General Fund cost and no additional staff years.

If the Board does not adopt the resolutions, the proposed assessments and special taxes cannot be placed on the tax rolls for FY 2021-22. Without the revenue, services for each district would be reduced unless other funding sources are identified. Services for flood control facilities, private road maintenance, parks, and landscape services would be reduced, and maintenance would be deferred. For public safety communications systems, structural fire protection, and emergency medical services, fund balance would be leveraged to fill the gap, which would impact funding available for working capital.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO.01;
AND, FLOOD CONTROL DISTRICT AGENDA NO. 01)

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, adopting the following: Resolution No. 21-093, entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22;

Resolution No. 21-094, entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTY SERVICES AREAS CSA 26A-COTTONWOOD VILLAGE AND CSA26B-MONTE VISTA ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22;

Resolution No. 21-095, entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136-SUNDANCE DETENTION BASIN ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22;

Resolution No. 21-096, entitled:

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26-RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128-SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A-SAN DIEGUITO LOCAL PARK DISTRICTS 4S RANCH ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22;

Resolution No. 21-097, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B-DEL MAR, H-SOLANA BEACH, AND F-POWAY ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22; and,

Resolution No. 21-098, entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 17-SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT AND NO. 69-HEARTLAND PARAMEDIC SERVICES DISTRICT ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22;

And, directed the Chief Administrative Officer to return to the Board within 180 days with options to amend the policy to ensure the Permanent Road Division Zones are adequately funded to ensure satisfactory road maintenance and repair to sustain a specific Pavement Condition Index (PCI) level as determined by staff.

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

3. **SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING AND CONFIRMATION OF LEVIES FOR
MOSQUITO, VECTOR, AND DISEASE CONTROL BENEFIT
ASSESSMENT AND MOSQUITO ABATEMENT AND VECTOR
CONTROL SERVICE CHARGE FOR FISCAL YEAR 2021-22
(DISTRICTS: ALL)**

OVERVIEW

The Department of Environmental Health and Quality's (DEHQ) Vector Control Program (VCP) protects residents and visitors from health risks associated with vectors, such as mosquitoes, rodents and ticks that can transmit vector-borne diseases including West Nile virus, Zika, dengue, plague, hantavirus, Lyme disease and tularemia. Title 6, Division 4, Chapter 2, of the San Diego County Code of Regulatory Ordinances defines "vector" to mean an animal capable of transmitting the causative agent of human disease. "Vector" also includes eye gnats. The VCP conducts mosquito abatement throughout the San Diego region, performs surveillance and testing of vectors that can cause human disease, and educates the public on actions to prevent vectors, protect themselves from vectors, and report breeding sources. Each year DEHQ has a goal to ensure the incidence of locally-acquired West Nile virus remains below 1 case per 100,000 persons, and in calendar year 2020 there were zero locally-acquired cases.

The services performed by VCP are supported through the Mosquito, Vector, and Disease Control Benefit Assessment and the Mosquito Abatement and Vector Control Service Charge. The benefit assessment rate is evaluated annually and must be approved by the Board of Supervisors (Board).

On June 24, 2020 (5), the Board approved the Engineer's Report, confirming the assessment diagram and assessment and ordering the continuation of assessments for the Mosquito, Vector, and Disease Control Benefit Assessment for Fiscal Year (FY) 2020-21. According to Article XIID of the State Constitution (Proposition 218), approved by the California voters in November 1996, property owners may approve a benefit assessment through a mail ballot measure and in subsequent years, the governing body may continue or adjust the levy on properties within the limitations set by the ballot measure.

The Engineer's Report defines the proposed benefit assessment by outlining program components, costs, and assessment required based on the program size. The benefit assessment would provide funding for mosquito, vector, and disease surveillance and control services throughout the San Diego region. The benefit can be measured, in part, by the number of people who live on, work at, visit or otherwise use the property, because the people ultimately determine the value of the benefits by choosing to live, work, and/or recreate in the area.

DEHQ has determined no changes will be required in the Mosquito, Vector, and Disease Control Benefit Assessment amount for FY 2021-22. DEHQ was able to contain costs associated with increases in retirement and negotiated labor contracts by applying savings realized from under-filled positions and vacancies. In addition, the program has implemented efforts to maximize efficiencies, and leveraged technology to streamline operations and improve service to customers, successfully containing program costs over recent years. Although there are no proposed changes to the rate, the Board must still approve the current rate for the benefit assessment for FY 2021-22.

This is a request to adopt a resolution to approve the Engineer's Report, confirm the assessment diagram and assessment, and order the levy of assessments for the Mosquito, Vector, and Disease Control Benefit Assessment for FY 2021-22. The proposed single-family equivalent dwelling rate is \$8.37 which is the same as the adopted rate of \$8.37 for FY 2019-20 and FY 2020-21.

The Board is also being asked to approve a resolution adopting service charges and confirming reports regarding levies for Mosquito Abatement and Vector Control Service Charge which was adopted by the Board prior to Proposition 218. The existing service charge for FY 2020-21 would be levied within the authorized rate structure with no change in the rates of \$3.00 (Coastal Subregion), \$2.28 (Inland Suburban Subregion), and \$2.28 (Inland Rural Subregion).

Upon adoption, the Mosquito, Vector, and Disease Control Benefit Assessment and the Mosquito Abatement and Vector Control Service Charge will be placed on the tax roll for FY 2021-22. If the benefit assessment and service charge are not approved, the VCP would not be able to provide existing levels of service or maintain activities to reduce the risk to public health from vector-borne diseases, which includes timely investigations of complaints and referrals from County Public Health Services, reduced outreach and education efforts, and delayed responses to requests for VCP services. These delays would increase the potential for local transmission of mosquito-borne diseases and would result in a higher abundance of mosquitoes in the San Diego region.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 21080(b)(8) of the Public Resources Code and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt from CEQA, because it modifies and approves a charge to meet the operating

expenses and necessary financial reserves for an existing program, specifically the County Vector Control Program as described herein and in the Engineer's Report.

2. Adopt a Resolution entitled:

RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING ENGINEER'S REPORT, CONFIRMING ASSESSMENT DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF ASSESSMENTS FOR FISCAL YEAR 2021-22 FOR THE SAN DIEGO COUNTY VECTOR CONTROL PROGRAM'S MOSQUITO, VECTOR AND DISEASE CONTROL BENEFIT ASSESSMENT.

3. Adopt a Resolution entitled:

RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS EXERCISING THE POWERS OF THE MOSQUITO ABATEMENT AND VECTOR CONTROL DISTRICT ADOPTING SERVICE CHARGES AND CONFIRMING REPORTS REGARDING LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.

EQUITY IMPACT STATEMENT

The Department of Environmental Health and Quality (DEHQ) assumes that the confirmation of levies for Mosquito, Vector, and Disease Control Benefit Assessment and Mosquito Abatement and Vector Control Service Charge for Fiscal Year (FY) 2021-22 would result in continued protection of public health from the risks of vector borne diseases. Based on available data from the Engineer's Report and DEHQ Vector Control Program surveillance and control activities, which indicate the program is effective in reducing the transmission of vector borne diseases, DEHQ assumes that the impact of the confirmation of levies for Mosquito, Vector, and Disease Control Benefit Assessment and Mosquito Abatement and Vector Control Service Charge for FY 2021-22 will have a positive impact throughout the San Diego region. DEHQ proposes to continue the implementation of an integrated vector management approach which incorporates the most effective strategies to reduce mosquitoes with the least impact to humans and the environment, and empower the public to take preventive measures to protect themselves, their family and their community.

FISCAL IMPACT

Funds for these recommendations are included in the Fiscal Year (FY) 2021-22 Operational Plan in the Department of Environmental Health and Quality (DEHQ). If approved, the proposed actions will result in no significant increased costs and revenue totaling \$12.4 million. The funding sources are the Mosquito, Vector and Disease Control Benefit Assessment (\$7.8 million), Mosquito Abatement and Vector Control Service Charge (\$2.5 million), available Vector Control District Trust Fund fund balance (\$1.9 million), and income from interest and other service contracts (\$0.2 million). Subsequent years' assessments will be based on the Vector Control Program budget, approved annually by the Board of Supervisors, and included in future years Operational Plans.

If the Board does not approve the Engineers Report, the proposed Benefit Assessment and Service Charges cannot be placed on the tax roll for FY 2021-22. Without the funds generated by the assessment and service charges, DEHQ would need to use available Vector Control District Trust Fund fund balance of \$5.6 million and would need to identify an additional source of revenue to cover the remaining gap of \$6.8 million to be included in a future quarterly adjustment. Trust Fund monies are generally reserved for funding vector-related abatement when direct action by the County is necessary, hiring temporary staff and

purchasing supplies to mitigate a public health threat or responding to catastrophic events that require additional monitoring and control efforts for vectors. If these services are not funded, there would be a reduction of vector surveillance, reduction of mosquito treatment, reduction of complaint investigations and request for services, and elimination or reduction of education outreach. Trust Fund monies are generally reserved for funding vector-related hiring temporary staff and purchasing supplies to mitigate a public health threat, responding to catastrophic events that require additional monitoring and control efforts for vectors, and abatement when direct action by the County is necessary. The reduction in services and education, and the increased turnaround time for test results could result in an increased risk of vector-borne diseases, complaints, and mosquito activity in the region.

Today's actions will result in no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Mosquitoes and other vectors hinder, annoy, and harm residents, businesses, and visitors. A vector-borne disease outbreak and other related public health risks would have a negative effect on agriculture, business, tourism, and residential activities in the county.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting the following:

Resolution No. 21-099, entitled:

RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING ENGINEER'S REPORT, CONFIRMING ASSESSMENT DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF ASSESSMENTS FOR FISCAL YEAR 2021-22 FOR THE SAN DIEGO COUNTY VECTOR CONTROL PROGRAM'S MOSQUITO, VECTOR AND DISEASE CONTROL BENEFIT ASSESSMENT; and,

Resolution No. 21-100, entitled:

RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS EXERCISING POWERS OF THE MOSQUITO ABATEMENT AND VECTOR CONTROL DISTRICT ADOPTING SERVICE CHARGES AND CONFIRMING REPORTS REGARDING LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2021-22.

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

4. SUBJECT: CONFIRM FISCAL YEAR 2021-22 LEVIES FOR COMMUNITY FACILITIES DISTRICTS (DISTRICTS: 1, 2, 5)

OVERVIEW

The County of San Diego manages five Community Facility Districts (CFD) throughout the region. In addition, the San Diego County Fire Protection District manages two CFDs. A CFD is established to create a funding mechanism for public facilities and services such as streets, sewer facilities, stormwater facilities, fire protection, parks, and libraries. Through this funding mechanism, these public facilities and services are paid for by those who benefit the most from the services rather than the general taxpayer and are typically constructed as part of

the development process for new or infill housing to support the residents of those housing developments.

The method for calculating the levies can be based on a variety of factors, including parcel acreage or use type (single-family or multi-family). The rate is established in each community facility district's Rate and Method of Apportionment (RMA) as adopted by the Board of Supervisors. The RMA provides the methodology to determine the maximum annual special tax allowable for each district. Any changes to an RMA require voter approval. CFDs are levied annually on each parcel's tax bill, reducing the cost to the ratepayer by eliminating the administrative costs that arise from annual billing and payment collection. The annual adoption of a resolution is required to provide for the levies of a special tax for CFDs on the tax rolls.

Today's request is for the County of San Diego Board of Supervisors and San Diego County Fire Protection District Board of Directors, acting as the Governing Body of the CFDs, to adopt resolutions to authorize the Fiscal Year (FY) 2021-22 levies for CFD No. 2008-01 (Harmony Grove Village), CFD No. 2013-01 (Horse Creek Ridge Maintenance), CFD No. 2019-02 (Sweetwater Place Maintenance), CFD No. 2019-01 (Meadowood Maintenance), CFD No. 2019-03 (Park Circle Maintenance), CFD No. 04-1 (Lake Morena, Jacumba, Jamul, and Lyons Valley), and CFD No. 09-1 (East Otay Mesa). Upon approval, the annual levies will be placed on the tax roll so that the property owners can continue to pay the levy through their property tax bills.

If today's actions are approved, levies will be adopted for seven CFDs. All proposed levies are within approved maximum rates in accordance with the RMAs for each district. RMAs are established as part of the CFD creation and any amendments to an RMA require voter approval. In light of the COVID-19 pandemic, staff have reviewed rates to mitigate revenue shortfalls, and determined the increases described below are needed for ongoing operations. If the proposed actions to levy on the tax bill are not approved, the previously approved FY 2020-21 rates will be levied. There would be no reduction in revenue from not placing the collection of the service fees on the tax roll, but administrative expenses would increase for annual billing and payment collection. If the rates are not increased as proposed, maintenance would be impacted, resulting in future costly repairs and available fund balance would be used to mitigate any shortfalls for FY 2021-22.

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. Staff reviewed each district's budget to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year 2021-22 are needed to fund costs for services, and available fund balance is needed for working capital, future services, or facility repair, improvements, or replacement, and to ensure compliance with Board Policy B-29.

The following is the summary of proposed levies for FY 2021-22:

Community Facilities District 2008-01 (Harmony Grove Village).

The Harmony Grove Village subdivision is located within the San Dieguito Community Plan area in District 5. The proposed maximum annual special tax will increase from \$1,336,523.38 to \$1,362,972.40 for Special Tax A, Improvement Area No. 1, will increase from \$1,112,931.50 to \$1,136,804.46 for Special Tax A, Improvement Area No. 2 and will increase

from \$801,282.36 to \$836,625.92 for Special Tax B, all in accordance with the RMA, adopted June 25, 2008 (9). A rate decrease is proposed for Special Tax A, but revenues reflect the adjusted rates and an increase in the number of taxable parcels. The net increase for Special Tax B is needed to fund costs related to operations and maintenance of storm drain structures, public parks, recreation facilities and open space, and street lighting; emergency response facilities and services provided by Rancho Santa Fe Fire Protection District; and CFD administration. Special Tax A funds the administration and costs related to construction of public facilities being built by the developer, through a bond series approved by the Board on December 5, 2017 (23) and December 10, 2019 (25).

Community Facilities District 2013-01 (Horse Creek Ridge Maintenance).

The Horse Creek Ridge subdivision is located within the Fallbrook Community Plan area in District 5. The proposed maximum special tax will increase from \$467,215.44 to \$514,936.64 for Special Tax A, from \$190,662.20 to \$210,111.70 for Special Tax B, and from \$143,573.10 to \$158,224.14 for Special Tax C, all in accordance with the RMA, adopted January 29, 2014 (1). This increase is needed to fund increased costs to operate and maintain a regional sports park complex, staging area and park trails, onsite and offsite open space, fire services, and detention basins within the CFD.

Community Facilities District 2019-02 (Sweetwater Place Maintenance). The Sweetwater Place subdivision is located within the Spring Valley Community Plan area in District 2. The proposed maximum special tax will increase from \$32,225.28 to \$125,317.16 in accordance with the RMA, adopted May 1, 2019 (2). This increase is needed to fund increased costs to operate and maintain a two-acre public park within the CFD.

Community Facilities District 2019-01 (Meadowood Maintenance).

The Meadowood subdivision is located within the Fallbrook Community Plan area in District 5. The proposed maximum special tax will be \$11,573.94 for Special Tax A, \$6,668.76 for Special Tax B and \$4,905.18 for Special Tax C in accordance with the amended RMA, adopted May 6, 2020 (3). FY 2021-22 is the first year the special taxes will be levied, and the taxes are needed to fund the cost to operate and maintain a park, park trails, fire services, and stormwater drainage and treatment facilities within the CFD.

Community Facilities District 2019-03 (Park Circle Maintenance).

The Park Circle subdivision is located within the Valley Center Community Plan area in District 5. The proposed maximum special tax will be \$58,762.08 in accordance with the RMA, adopted June 5, 2019 (1). FY 21-22 is the first year the special tax will be levied, and the tax is needed to fund the cost of operations and maintenance of a public park within the CFD.

Community Facilities District 04-1

(CFD 04-1) Located in southeast San Diego county in District 2, CFD 04-01 encompasses approximately 4,548 acres of land. The proposed maximum special tax will increase from \$17,677.16 to \$18,442.42 for Special Tax A, and \$1,265.60 to \$676.06 for Special Tax B, in accordance with the RMA, adopted January 6, 2004. While the proposed special tax rate increase will be applied to Special Tax B, the collection amount decrease is due to the special tax application as a one-time fee in the first year following development. The increase is needed to fund fire protection and emergency medical services.

Community Facilities District 09-1 (East Otay Mesa)

(CFD 09-1) Located in the southwestern portion of San Diego county in District 1, CFP 09-1 encompasses approximately 3,068 acres of land. The proposed maximum special tax rate will increase from \$162,273.18 to \$162,157.92 for Special Tax A, and \$1,247,825.98 to \$1,283,919.50 for Special Tax B in accordance with the RMA, adopted September 22, 2009. This CFD was established to finance a fire station and fire services, as well as both a temporary and permanent substation for the San Diego County Sheriff's Department. These services and facilities are necessary to serve the approximately 60 parcels within the boundaries of the CFD, 210 of which are currently developed. While the proposed special tax increase will be applied to Special Tax A, the collection amount decrease is due to the lease payment for the Temporary Sheriff's Substation. It is anticipated that the permanent substation for the Sheriff will be complete in Fiscal year 2021-22 and therefore the temporary lease for the Sheriff's substation will no longer be needed. The increase is needed to fund the operation and maintenance of fire facilities and staffing within the CFD.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the adoption of five resolutions to authorize levies during Fiscal Year 2021-22 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3), 15378(b)(4), (b)(5) and 15273(b) of the State CEQA Guidelines and incorporate the findings attached hereto as Attachment O.
2. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.
3. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.
4. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.
5. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.

6. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.

Acting as the Board of Directors, San Diego County Fire Protection District:

1. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 04-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.
2. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 09-1 AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.

EQUITY IMPACT STATEMENT

Levying special taxes that fund special districts would result in additional community services and resources that improve the health, safety, and economic interests of local communities. Based on available data from community feedback received at public meetings and daily interactions with residents which indicate residents support continued funding for services through special districts, services provided through the levying charges on the FY 2021-22 tax rolls will have a positive impact on communities throughout the unincorporated areas of the county, including providing fire protection, flood control protection, parks, and paramedic services to residents of approximately 1,614 parcels.

FISCAL IMPACT

The proposed special tax levies are included in the Fiscal Year (FY) 2021-22 Operational Plan for the Department of Public Works, Department of Parks and Recreation, and San Diego County Fire Protection District. If approved, the proposed rate increases will result in additional estimated revenue of \$35,343.56 in the Department of Public Works for CFD No. 2008-01 Harmony Grove Village: and \$256,823.58 in the Department of Parks and Recreation for CFD No. 2013-01 Horse Creek Ridge Maintenance (\$81,821.74), CFD No. 2019-02 Sweetwater Place Maintenance (\$93,091.88), CFD No. 2019-01 Meadowood Maintenance (\$23,147.88) and CFD No. 2019-03 Park Circle Maintenance (\$58,762.08). If approved, the proposed rates for the San Diego County Fire Protection District will result in estimated additional revenue of \$36,153.98 for CFD No. 04-01 (\$175.72) and CFD 09-1 (\$35,978.26). If approved, the cumulative proposed rate increases will result in additional estimated total revenue of \$328,321.12 to the County. The funding sources are special tax levies from CFD No. 2008-01, CFD No. 2013-01, CFD No. 2019-02, CFD No. 2019-01, CFD No. 2019-03, CFD No. 04-1 and CFD 09-1 and are paid by property owners. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. 02)

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting the following:

Resolution No. 21-101, entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-01 (HARMONY GROVE VILLAGE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22;

Resolution No. 21-102, entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2013-01 (HORSE CREEK RIDGE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22;

Resolution No. 21-103, entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22;

Resolution No. 21-104, entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22; and,

Resolution No. 21-105, entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2019-03 (PARK CIRCLE MAINTENANCE) AUTHORIZING THE LEVY OF SPECIAL TAXES FOR FISCAL YEAR 2021-22.

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

5. **SUBJECT: SET A HEARING FOR 07/14/2021:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2021-22 LEVIES IN
THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT AND
LANDSCAPE MAINTENANCE DISTRICT ZONES NO. 1 - RANCHO
SAN DIEGO AND NO. 2 - JESS MARTIN PARK (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) uses special districts as a funding mechanism to provide landscape maintenance and street lighting services in specific areas defined by a geographical boundary. Services are funded by property owner assessments which are collected through the County tax rolls to help maintain low administrative costs. The method for calculating each district's assessment is set forth in ordinances adopted when the districts were formed. The assessments cannot exceed the maximum amount in the adopted ordinance without an additional vote. At the time of formation, some of the ordinances granted authority for the

Board of Supervisors to increase the maximum rate each subsequent year by an amount tied to a cost escalator, the index for the Landscape Maintenance District Zone is the Consumer Price Index (CPI).

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* directs departments to recover the full cost of services provided to agencies or individuals. Staff reviewed the budget for each district to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year (FY) 2021-22 are needed to fund costs for services and available fund balance is needed for working capital, future services, or facility repair, improvements or replacement, and to ensure compliance with Board Policy B-29. All proposed rates are in accordance with Articles XIII A-D of the California Constitution (Proposition 218) and are within maximum rates set forth in each district's adopted ordinance. Under Proposition 218, voters must approve special district formations and the amount that can be collected from property owners.

San Diego County Street Lighting District

The San Diego County Street Lighting District is managed by the County Department of Public Works (DPW) to fund operations and maintenance of public street lights across the unincorporated region. The district funds electricity costs for 10,416 lights, with DPW providing maintenance for 6,730 (65%) lights with district funds. SDG&E provides maintenance for the remaining 3,686 (35%) lights. DPW completed an LED retrofit in 2020, reduced energy use resulting in cost savings and reduced greenhouse gas emissions. The cost savings will be passed to ratepayers and the proposed annual assessment rate will decrease from \$10.00 to \$7.00 (30%), per benefit unit. The amount each parcel is charged is based on the number of benefit units assigned to the parcel. Benefit units are based on the level of benefit a parcel receives from the street lights, which depends on the type of land use the number of dwelling units, with a single-family residence assigned one benefit unit.

Landscape Maintenance District Zone No. 1 - Rancho San Diego

Landscape Maintenance District Zone No. 1 - Rancho San Diego is managed by the Department of Parks and Recreation (DPR) to supplement funding for park operation, maintenance, and improvements within the unincorporated community of Rancho San Diego (District 2). The proposed maximum annual assessment rate will increase from \$35.84 to \$36.38 per benefit unit. The amount each parcel is charged is based on the number of benefit units assigned to the parcel. Benefit units are based on the level of benefit a parcel receives from the parks and is based on the type of land use the number of dwelling units, with a single-family residence assigned one benefit unit. The increase is due to a 1.50% escalation in the CPI and the additional revenue will support ongoing services. Without the additional revenue, services will be reduced and maintenance will be deferred, resulting in future more-costly repairs.

Landscape Maintenance District Zone No. 2 - Jess Martin Park

Landscape Maintenance District Zone No. 2 - Jess Martin Park is managed by DPR to fund ongoing maintenance of amenities and construction of minor capital improvements at Jess Martin Park in the unincorporated community of Julian (District 2). The proposed maximum annual special assessment rate will remain at the current amount of \$47.82 per benefit unit, with a single-family residence assigned one benefit unit.

This is a request to adopt resolutions to confirm assessments and authorize levies for three special districts administered by the DPW and DPR. Upon adoption, the assessments and special taxes will be placed on the tax roll for FY 2021-22. These actions are discretionary after consideration of public testimony.

RECOMMENDATION(S)

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 State CEQA Guidelines because the activity in question addresses funding mechanisms for maintenance of existing street light and landscape facilities and services.
2. Accept and approve the Engineers' Reports for the San Diego County Street Lighting District and Landscape Maintenance District Zones No. 1 - Rancho San Diego and No. 2 - Jess Martin Park.
3. Adopt a Resolution entitled:
RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS FOR THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT and set a hearing for July 14, 2021.
4. Adopt a Resolution entitled:
RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1, and set a hearing for July 14, 2021.
5. Adopt a Resolution entitled:
RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2, and set a hearing for July 14, 2021.

If, on June 30, 2021 the Board takes the actions recommended in Items 1-5, then on July 14, 2021 a public hearing will be conducted, and the following recommendations will be considered:

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

EQUITY IMPACT STATEMENT

Levying assessments provides funding for special districts and results in additional community services and resources that can improve the health, safety, and economic interests of local communities. Based on community feedback received at public meetings and daily interactions with residents, such as conversations with residents in the field and office, residents support

continued funding for services through special districts. Levying charges on the FY 2021-22 tax rolls for the County of San Diego and San Diego County Street Lighting District will have a direct impact on communities throughout the unincorporated areas of the county including providing street lighting and park services to residents of approximately 117,000 parcels.

FISCAL IMPACT

The proposed assessment levies are included in the Fiscal Year (FY) 2021-22 Operational Plan in the Departments of Public Works and Parks and Recreation. There is a proposed decrease in assessment for the San Diego County Street Lighting District and a proposed increase in assessment for Landscape Maintenance District Zone No. 1 - Rancho San Diego, and no proposed change for Landscape Maintenance District Zone No. 2 - Jess Martin Park for FY 2021-22. The proposed decrease in revenue for the San Diego County Street Lighting District from property owner assessments will be \$352,616 in FY 2021-22. The proposed increase in revenue for Landscape Maintenance District Zone No. 1 - Rancho San Diego from property owner assessments will be \$3,781 in FY 2021-22. There will be no change in net General Fund cost and no additional staff years.

If the Board of Supervisors does not adopt the resolutions, the proposed assessments cannot be placed on the tax rolls for FY 2021-22. Without the funds generated by the assessments, services for street lighting and landscape maintenance would be greatly reduced unless other funding sources are identified.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting the following:

Resolution No. 21-106, entitled:

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS FOR THE SAN DIEGO COUNTY STREET LIGHTING DISTRICT;

Resolution No. 21-107, entitled:

RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 1;

Resolution No. 21-108, entitled:

RESOLUTION OF INTENTION TO ORDER OPERATION, MAINTENANCE AND IMPROVEMENTS FOR LANDSCAPE MAINTENANCE DISTRICT ZONE NO. 2; and, set a hearing for July 14, 2021.

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

6. SUBJECT: 2020 MULTIPLE SPECIES CONSERVATION PROGRAM SOUTH COUNTY SUBAREA PLAN ANNUAL REPORT (DISTRICTS: ALL)

OVERVIEW

San Diego county has one of the most diverse habitats in the United States, with over 200 rare, threatened, or endangered species inhabiting the region. To protect the region's biodiversity, in 1997, the County of San Diego (County) partnered with 11 other jurisdictions, community stakeholders, and the United States Fish and Wildlife Service and California Department of Fish and Wildlife (Wildlife Agencies) to develop the Multiple Species Conservation Program (MSCP). The MSCP is a long term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within San Diego county. On October 22, 1997 (1), the County Board of Supervisors (Board) adopted the 50-year MSCP South County Subarea Plan, which includes unincorporated areas in the southwestern portion of the county.

In addition to the adopted South County Subarea Plan, there are two additional MSCP planning areas in the region; the draft North County Plan, and future East County Plan. On October 28, 2020 (6), the Board directed staff to develop a plan for the draft North County Plan Area, like the plan that is currently in place for the South County Subarea Plan. The draft North County Plan will cover the northwestern portion of the county. The eastern portion of the county is covered by the future East County Plan. The County's partnership with the Wildlife Agencies, through the MSCP, ensures that the County's rich biodiversity is conserved while allowing development to occur through the County's permitting process. Through the MSCP program, development applicants can rely on the County's permit under the Federal Endangered Species Act, State Endangered Species Act, and State Natural Communities Conservation Planning Act, eliminating the need for individual permitting under these regulations.

The South County Subarea Plan Implementing Agreement (IA) between the County and Wildlife Agencies, became effective on March 17, 1998. Per the IA, the County prepares an annual report that includes information about habitat gained through acquisitions or dedications of open space, habitat lost due to development, and the management and monitoring efforts performed to ensure the assembled MSCP Preserve is functioning successfully. The 2020 MSCP South County Subarea Plan Annual Report (Annual Report) summarizes habitat gains and losses as well as County management and monitoring programs within the South County Subarea Plan boundaries for the period of January 1, 2020 through December 31, 2020.

The Department of Parks and Recreation (DPR) implements the MSCP Program in all three MSCP planning areas through land acquisition, management, and monitoring of open space lands to ensure preservation of sensitive species and habitat. The South County Subarea Plan requires the County, Wildlife Agencies, and partnering agencies to conserve 98,379 acres within 50 years. In 2020, 665 acres of land were added to the South County Subarea Plan Preserve (Preserve) through County and partnering agency acquisitions. The County has successfully implemented the South County Subarea Plan for 23 years, assembling 79,853 acres of the Preserve, which represents 81% of the 98,739-acre conservation goal.

As reported in the Annual Report, since 1998 and through December 31, 2020, the County has acquired approximately 23,300 acres of open space lands within the County's adopted MSCP South County Subarea, the draft North County, and future East County Plan Areas. During this time, approximately \$213 million has been spent on County acquisitions in all three MSCP

Plan areas, of which approximately \$118 million is from County funding and \$95 million is from partnering organizations and grants. Since 1998 through December 31, 2020, the County's contribution towards the Preserve is approximately 13,200 acres and includes baseline acquisitions made prior to 1998 and acquisitions after 1998 through December 31, 2020.

The Annual Report highlights the monitoring efforts conducted for sensitive plant and animal species within the South County Subarea Plan boundaries that ensures long-term viability of habitat and species. In addition, the Annual Report highlights land stewardship activities for open space lands, such as installing fencing and signage, patrolling open space, managing public access areas, removing invasive species, and planting trees and vegetation. Through implementation of the County's 2018 Climate Action Plan, conservation of open space lands from 2015-2020 has reduced greenhouse gas emissions by an equivalent of 6,553 metric tons of carbon dioxide. Today's requested action is to receive the 2020 Annual Report.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Board of Supervisors action is exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(c)(3) and 15378(b)(5).
2. Receive the 2020 Multiple Species Conservation Program South County Subarea Plan Annual Report (Year 23) (Attachment A).

EQUITY IMPACT STATEMENT

Acceptance of the 2020 Multiple Species Conservation Program (MSCP) South County Subarea Plan Annual Report will ensure continuation of accessible recreational and educational experiences related to the natural and cultural resources of San Diego county residents and visitors with diverse ideas, perspectives, and backgrounds. It is anticipated that the requested action and continued implementation of the MSCP will have a positive impact on all equity-seeking groups, including Black, Indigenous, People of color (BIPOC), women, people with disabilities, immigrants, youth, and the LGBTQ community by improving water and air quality and providing residents and visitors an opportunity to engage in experiences with San Diego county's open spaces and recreational opportunities.

FISCAL IMPACT

There is no fiscal impact associated with the Board of Supervisor's acceptance of the 2020 Multiple Species Conservation Program South County Subarea Plan Annual Report. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

7. SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD CONTRACTS FOR CONSTRUCTION FOR FISCAL YEAR 2019-2020 PEDESTRIAN GAP IMPROVEMENT PROJECTS (ALLEN SCHOOL ROAD, TAVERN ROAD, SAN MARINO DRIVE, AND SUNSET ROAD SIDEWALK IMPROVEMENT PROJECTS) (DISTRICTS: 1, 2, & 5)

OVERVIEW

The County of San Diego’s (County) Department of Public Works (DPW) maintains nearly 2,000 miles of County-maintained roads in the unincorporated region, including the construction and maintenance of pedestrian facilities such as sidewalks. Sidewalks and related pedestrian facilities encourage active mobility such as walking, promote healthy communities, and improve safety by reducing conflicts between vehicles and pedestrians. Sidewalks also promote effective street drainage by channeling stormwater into the drainage system.

On April 8, 2015 (08), the Board of Supervisors approved a grant for the Active Transportation Program (ATP) from the San Diego Association of Governments. As part of the ATP grant, DPW conducted a Pedestrian Gap Analysis (PGA) utilizing health and socioeconomic data from the Health and Human Services Agency, site visits to assess sidewalk conditions along over 400 miles of public roads, and distance from land uses such as schools and libraries. Data was used to identify locations where added sidewalk could enhance walkability in areas that attract large numbers of pedestrians.

DPW reviewed the PGA data and identified four locations, collectively referred to as the Fiscal Year 2019-2020 Pedestrian Gap Improvement Projects (Project) that were prioritized based on factors including existence of safe and walkable pedestrian access, existing condition of the sidewalks and pedestrian access ramps, income level, underserved community status, and community input. The Fiscal Year designation refers to when the Project received funding to start engineering design. The Project will construct approximately 6,150 feet of new sidewalks by filling sidewalk gaps at locations identified in the PGA, listed in the table below. The Project will improve the communities by enhancing pedestrian safety, accessibility, and walkability in areas that attract many pedestrians around schools and parks.

Additionally, two of the four locations have low California Healthy Places Index (HPI) scores. HPI is a metric used to explore local factors that predict life expectancy and compare community conditions across the State. The HPI score combines 25 community characteristics, such as housing, education, economic, and social factors, and is used to compare community conditions shaping health outcomes for residents. Communities are rated on a scale of 0 to 100 where scores closer to 100 indicate healthier community conditions and scores closer to 0 indicate less healthy community conditions. The two locations are noted below.

Community	District	Project Site Location
Bonita	1	Allen School Road from Allen School Lane to Loma Paseo (approximately 880 feet)
*Alpine	2	East side of Tavern Road from Joan MacQueen Middle School to Arnold Way (approximately 3600 feet)
North County Metro	5	East side of San Marino Drive from Calle Del Arroyo to Lake San Marcos Drive (approximately 420 feet)

*Borrego Springs	5	North side of Sunset Road 550 feet west of Christmas Circle to Christmas Circle and south side of Palm Canyon Drive 580 feet west of Christmas Circle to Christmas Circle (approximately 1250 feet)
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**HPI below 50%*

This is a request to approve the advertisement and subsequent award of multiple construction contracts to the lowest responsive and responsible bidder for the Project. The construction contracts are scheduled to begin in winter 2021-2022 and be completed by the end of summer 2022. The total cost for construction of the four individual locations is estimated at \$1,285,000, including 15% contingencies to cover unexpected costs that may arise during the construction project.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the FY 2019-2020 Pedestrian Gap Improvement Projects are independently and collectively exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of the CEQA Guidelines because they involve minor alteration of existing public roads and drainage facilities involving negligible or no expansion of an existing or former use.
2. Authorize the Director of Purchasing and Contracting to advertise and award a construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the FY 2019-2020 Pedestrian Gap Improvement Project.
3. 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.

EQUITY IMPACT STATEMENT

Installing concrete sidewalks, curbs, and gutters is an important mobility element that supports both effective drainage on County-maintained roads and enhances safety and walkability within the unincorporated communities. To serve the community more proportionally, DPW utilizes data from the County’s Pedestrian Gap Analysis, community input, along with information gathered from California’s Healthy Places Index to identify capital improvement projects. DPW uses the collected data to proportionately distribute projects through the unincorporated region. While vehicles and pedestrians alike benefit from these improvements, underserved communities that may rely more heavily on sidewalks as the primary mode of transportation can be disproportionately impacted by gaps in pedestrian facilities. As a result, DPW evaluates the proposed projects to ensure it is inclusive of underserved communities in the region. It is anticipated these actions will have a positive impact on equity by providing pedestrian facilities where they are needed most.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of Public Works (DPW) Road Fund. If approved, the Project construction costs are estimated at \$1,285,000. This estimated amount includes 15% contingency funds that are

set aside to cover unexpected costs that may arise during the construction project. The funding source is prior year available General Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County of San Diego construction contracts are competitively and publicly 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.

ACTION:

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

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

8. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION FOR ROCK SPRINGS ROAD SIDEWALK IMPROVEMENT PROJECT (DISTRICT: 5)**

OVERVIEW

Rock Springs Road is a two-lane road located in the unincorporated community of North County Metro that traverses between the City of Escondido and City of San Marcos. Rock Springs Road provides primary access to and from Rock Springs Elementary School and currently has no sidewalks and limited paved shoulders for pedestrians to walk along the roadway. There are also adjacent drainage swales that run parallel to the edge of the road which further restrict pedestrian travel along the roadway. The Rock Springs Road Sidewalk Improvement Project (Project) proposes to construct concrete curb, gutter, and sidewalk on the north side of Rock Springs Road from Rock Springs Elementary School to Highlands Heights Lane. The Project provides a designated sidewalk and prevents cars from parking in areas with limited shoulder to promote pedestrian travel and enhance pedestrian safety along this roadway.

In 2014, the County of San Diego (County) Department of Public Works (DPW) led a multi-department effort that included the Department of Parks and Recreation, Planning & Development Services, and the Health & Human Services Agency (HHS), to collaboratively apply for ATP funds through SANDAG to develop an Active Transportation Plan for the unincorporated county. The project was selected for funding by SANDAG and on April 8, 2015 (08), the Board of Supervisors approved the ATP grant to implement the county-wide active transportation plan. As part of the county-wide active transportation plan, DPW conducted a Pedestrian Gap Analysis (PGA) utilizing health and socioeconomic data from HHS, site visits to assess sidewalk conditions along over 400 miles of public roads, and distance from land uses such as schools and libraries. Data was used to identify locations where added sidewalk could enhance walkability in areas that attract large numbers of pedestrians. Locations were prioritized based on factors such as income level, underserved community status, physical conditions and existence of sidewalk, pedestrian access, and community input.

DPW routinely looks for opportunities to apply for grant funding for sidewalks that were identified in the PGA and was successful in obtaining an additional ATP grant award directly through the State, based on Safe Route to School Infrastructure Project designation criteria defined in the ATP. ATP funding approval was received on June 27, 2018 for preliminary engineering and right of way acquisition and approval for construction funding was received on March 24, 2021. The ATP grant was specifically for this location and therefore, this sidewalk project is separated as a stand-alone item for the Board's consideration.

The Project will improve the community by enhancing pedestrian safety, accessibility, and walkability near the Rock Springs Elementary School in an area that attract many pedestrians, and the grant application was supported by the Sheriff Department and California Highway Patrol. Staff provided project information to Rock Springs Elementary School administration, and the school is in support of the improvements. In addition to being identified in the PGA, Rock Springs Road is in an underserved community based on the California Healthy Places Index (HPI), which is a metric used to explore local factors that predict life expectancy and to compare community conditions across the State. The project location has an HPI below 50%.

This is a request to establish appropriations and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Project. Construction funds for this Project were granted on March 24, 2021. Construction is scheduled to begin winter 2021 and be completed by the end of summer 2022. The construction cost is estimated at \$1,383,000, including 5% contingency to cover unexpected costs that may arise during the construction project. The funding sources are the California Department of Transportation State ATP grant (\$755,000), and available prior year Road Fund fund balance (\$628,000).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Rock Springs Road Sidewalk Improvement Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because it involves the minor alteration of existing public road involving negligible or no expansion of an existing or former use.
2. Establish appropriations of \$755,000 in the Department of Public Works Road Fund Fiscal Year 2021-22 Detailed Work Program for the Rock Springs Road Sidewalk Improvement Project based on revenue from the California Department of Transportation. **(4 VOTES)**
3. Authorize the Director of Purchasing and Contracting to advertise and award a construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the Rock Spring Road Sidewalk Improvement Project.
4. 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.

EQUITY IMPACT STATEMENT

Installing Concrete sidewalks, curbs, and gutters is an important mobility element that supports both effective drainage on County-maintained roads and enhances safety and walkability within the unincorporated communities. To more proportionally serve the community, DPW utilizes data from the County's Pedestrian Gap Analysis, community input, along with information gathered from California's Healthy Places Index to identify capital improvement projects. DPW uses the collected data to proportionately distribute projects through the unincorporated region. While vehicles and pedestrians alike benefit from these improvements, underserved communities that may rely more heavily on sidewalks as the primary mode of transportation can be disproportionately impacted by gaps in pedestrian facilities. As a result, DPW evaluates the proposed projects to ensure it is inclusive of underserved communities in the region. It is anticipated these actions will have a positive impact on equity by providing pedestrian facilities where they are needed most.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2021-22 Operational Plan in the Department of Public Works (DPW) Road Fund. If approved, total estimated construction cost will be \$1,383,000. This estimated amount includes 5% contingency funds that are set aside to cover unexpected costs that may arise during the construction project. The funding sources are the California Department of Transportation State Active Transportation Program grant (\$755,000), and available prior year Road Fund fund balance (\$628,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

When approved by the Board for advertising and award, County construction contracts are competitively and publicly bid and help stimulate the local economy. All workers employed on public works projects must be paid the higher of either (a) prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project, or (b) Davis-Bacon Act locally prevailing wage rates for federally funded contracts determined by the U.S. Department of Labor.

ACTION:

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

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

9. **SUBJECT: TRAFFIC ADVISORY COMMITTEE (06/30/2021 - ADOPT RECOMMENDATIONS; 07/14/2021 - SECOND READING OF ORDINANCES) (DISTRICTS: 2 & 5)**

OVERVIEW

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) 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 nine items from the March 12, 2021, TAC meeting agenda:

District	Item	Location	Action
2	2-A	Old Highway 80, Pine Valley	Certify the 45 miles per hour (MPH) speed limit and correct the ordinance title
2	2-B	Old Highway 80, Pine Valley	Certify the 35 MPH speed limit
2	2-C	Alpine Boulevard, Alpine	Relocate the mid-block crosswalk 580 feet west from its current location 660 feet west of Boulders Road to a new location 710 feet east of Tavern Road
5	5-A	Aliso Canyon Road, Rancho Santa Fe	Certify the existing 45 MPH speed limit and approve an ordinance authorizing the existing speed limit
5	5-B	El Mirlo, Rancho Santa Fe	Certify the 35 MPH speed limit
5	5-C	Kauana Loa Drive, Escondido	Reduce the 40 MPH speed limit to 35 MPH and certify
5	5-D	Hutchison Street, Vista	Certify the 40 MPH speed limit
5	5-E	Gum Tree Lane, Fallbrook	Extend west endpoint of the speed zone from Stage Coach Lane to Mission Road (500 feet) and the east endpoint of the speed zone from Hamilton Lane to Live Oak Park Road (3,700 feet) and certify a 35 MPH speed limit
5	5-F	Potter Street and Elder Street, Fallbrook	Establish an all-way stop intersection

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

Approval of Item 2-C would support the safe crossing of pedestrians by informing drivers of potential pedestrian crossings at a location between distant intersections. Properly marked and posted mid-block crosswalks can help to reduce the number of pedestrian-related collisions by alerting motorists of possible crossing at a location of increased pedestrian demand.

Approval of Item 5-F would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at the intersection. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring that reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

The Board's action on Items 2-B, 5-B, 5-D, and 5-F does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second hearing. Board direction on June 30, 2021 would allow implementation by DPW. The Board's action on Items 2-A, 5-A, 5-C, and 5-E would introduce an ordinance to amend speed limit zones and action on Item 2-C would introduce an ordinance to relocate a mid-block crosswalk. These actions would revise County Code and require two steps. On June 30, 2021, the Board would consider the TAC items. If the Board takes action as recommended on June 30, 2021, then on July 14, 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. Old Highway 80 from Mile Post 4.5 to 380 feet west of Pine Valley Road (Mile Post 5.0) in Pine Valley - Certify the existing 45 MPH speed limit for radar enforcement. Revise the ordinance title to reflect the community of Pine Valley and to reflect the existing speed limit of 45 MPH.

Item 2-B. Old Highway 80 from 380 feet west of Pine Valley Road to 800 feet east of Oak Lane in Pine Valley - Certify the existing 35 MPH speed limit for radar enforcement.

Item 2-C. Alpine Boulevard at 660 feet west of Boulders Road in Alpine - Relocate the mid-block crosswalk by 580 feet to the west to a point that is 710 feet east of Tavern Road.

District 5:

Item 5-A. Aliso Canyon Road from El Camino del Norte to Avenida del Duque in Rancho Santa Fe - Certify the existing 45 MPH speed limit for radar enforcement. Approve an ordinance to authorize the existing 45 MPH speed limit.

Item 5-B. El Mirlo from Rancho Santa Fe Road to Via de Fortuna in Rancho Santa Fe - Certify the existing 35 MPH speed limit for radar enforcement.

Item 5-C. Kauana Loa Drive from Country Club Drive to Oak View Way/Escondido City Limit in Harmony Grove - Reduce the existing 40 MPH speed limit to 35 MPH and certify the 35 MPH speed limit for radar enforcement.

Item 5-D. Hutchison Street from 1,000 feet west of Harris Drive to East Vista Way in Vista - Certify the existing 40 MPH speed limit for radar enforcement.

Item 5-E. Gum Tree Lane from Stage Coach Lane to Hamilton Lane in Fallbrook - Relocate the west endpoint of the speed zone from Stage Coach Lane to Mission Road, and the east endpoint of the speed zone from Hamilton Lane to Live Oak Park Road and certify a 35 MPH speed limit for radar enforcement.

Item 5-F. Potter Street and Elder Street in Fallbrook - Establish an all-way stop intersection.

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. Adopt the following Resolutions:
RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 5-F);
and,

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 5-F).

4. Approve the introduction, read title, and waive further reading of the following Ordinances:
ORDINANCE AMENDING SECTIONS 72.169.94.1., 72.161.40.4., AND 72.169.75.1. AND ADDING SECTION 72.161.44.2. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 5-A, 5-C & 5-E); and,

ORDINANCE AMENDING SECTION 72.181.1. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO (Item 2-C).

If, on June 30, 2021, the Board takes action as recommended, then, on July 14, 2021:

Consider and adopt the following Ordinances:

ORDINANCE AMENDING SECTIONS 72.169.94.1., 72.161.40.4., AND 72.169.75.1. AND ADDING SECTION 72.161.44.2. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 5-A, 5-C & 5-E); and,

ORDINANCE AMENDING SECTION 72.181.1. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO (Item 2-C).

EQUITY IMPACT STATEMENT

The review of traffic signs and roadway markings is an important task that supports vehicle safety on County-maintained roads. Adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of the majority of drivers. The Department of Public Works Traffic Advisory Committee performs reviews of regulatory traffic control devices such as signs and markings and also relies on various community engagement methods such as the Tell Us Now! mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns. The review locations focus on road users’ safety and elevates issues that are important in underserved communities.

FISCAL IMPACT

There is no fiscal impact for this request. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting the following:

Resolution No. 21-109, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN SAN DIEGO COUNTY;

Resolution No. 21-110, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY; and, took action to further consider and adopt the Ordinances on July 14, 2021.

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

- 10. **SUBJECT: AUTHORIZATION TO ENTER INTO A MULTI-AGENCY COST-SHARE AGREEMENT FOR PHASE I OF THE LOS PEÑASQUITOS LAGOON RESTORATION PROJECT (DISTRICTS: 2 & 3)**

OVERVIEW

The Los Peñasquitos Watershed includes portions of the cities of Poway, Del Mar, San Diego, and the unincorporated area of San Diego county. Urbanization over many decades within the Los Peñasquitos Watershed has altered the natural landscape and led to a gradual buildup of sediment in the Los Peñasquitos Lagoon (Lagoon). The resulting loss of salt marsh habitat has reduced the Lagoon’s capacity to support a variety of plant and animal species. In 2012, the San Diego Regional Water Quality Control Board adopted a Total Maximum Daily Load (TMDL) regulation that sets a limit on the amount of sediment the Lagoon can receive while still meeting water quality standards. The TMDL also assigns responsibility for Lagoon restoration to the agencies with land use jurisdiction in the watershed. Responsible agencies include the County of San Diego (County), the California Department of Transportation (Caltrans), and the cities of Del Mar, Poway, and San Diego. The TMDL requires restoration of 84 acres of salt marsh habitat by December 31, 2034.

Phase I of the Lagoon Restoration Project is being led by the City of San Diego and will result in the restoration of 23 acres of salt marsh habitat, with a total estimated cost of \$35,225,452. The County and the other responsible agencies have negotiated an agreement to share the costs of this project based on each agency’s respective footprint within the Los Peñasquitos Watershed. Most of the 1,856 acres of County unincorporated area within the Watershed is located east of Interstate 15 as shown in Attachment B. The dominant land use within the unincorporated area is Open Land and Forest/Park, followed by Rural Residential, then Agriculture which makes up a small component of this area. Although costs are anticipated to vary based on actual construction bids, the County’s cost share for Phase I is not expected to exceed \$855,274, which represents 2.43% of the total cost. The scope of Phase II of the

Lagoon Restoration Project will be determined at a later date based on monitoring results and lessons learned from Phase I.

In addition to helping achieve regulatory compliance, the Lagoon Restoration Project will provide additional environmental and health benefits. For example, a functioning salt marsh has the capacity to capture atmospheric carbon, which contributes to greenhouse gas reduction. Reconfiguring the Lagoon to decrease the amount of time freshwater flows remain in the non-tidal zone will also reduce water ponding, which restricts potential mosquito breeding areas. Lagoon restoration also provides an opportunity for future enhancements along the Lagoon perimeter such as improvements to public access areas, which could include added pedestrian trails with interpretive displays on the salt marsh and Lagoon ecosystems.

This is a request to authorize the Director of Public Works, or designee, to enter into a Cost-Share Agreement for Phase I of the Los Peñasquitos Lagoon Restoration Project (Agreement) with the cities of Del Mar, Poway, and San Diego, and to negotiate future extensions and modifications to the Agreement as necessary. If approved, this request will result in total estimated costs to the County of \$855,274 through Fiscal Year 2026-27.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that entering into a multi-agency cost-share agreement would have a significant effect on the environment.
2. Authorize the Director of the Department of Public Works, or designee, to enter into the Los Peñasquitos Lagoon Phase I Restoration Cost Share Agreement with the cities of Del Mar, Poway, and San Diego and to take all action necessary to fulfill the County's obligations under the Agreement, including, without limitation, authorizing payment requests for work and negotiating modification or amendments to the Agreement as needed to ensure successful implementation of the Agreement.

EQUITY IMPACT STATEMENT

The Department of Public Works strives to preserve, enhance, and promote quality of life and environmental resources through the implementation of programs and projects that improve regional water quality while simultaneously complying with mandatory federal and State stormwater regulations such as the Total Maximum Daily Load for Sediment in Los Peñasquitos Lagoon (TMDL). Portions of the Los Peñasquitos Watershed are designated as "Underserved Communities" per the criteria established by the Land Use and Environment Group for Community Needs Assessments. Additionally, CalEnviroScreen 3.0 shows that the number of water quality impairments in the proposed restoration project area is 72% higher for the affected census tract compared to all California census tracts. Contributing towards the cost to restore 23 acres of salt marsh habitat within the Los Peñasquitos Lagoon (Lagoon) will allow for the successful reestablishment of salt marsh habitat which will provide a healthy ecosystem for aquatic wildlife, enhance the well-being of the surrounding community, and provide residents and visitors throughout the region with recreational opportunities.

The non-profit Los Peñasquitos Lagoon Foundation (LPLF) updated the Los Peñasquitos Lagoon Enhancement Plan in 2018 which laid out the initial concepts for Lagoon restoration in accordance with the requirements of the TMDL. As part of this process the LPLF held six

public workshops to invite stakeholder involvement and input early in the planning process for the Lagoon Enhancement Plan update. The workshops were open to the public and designed to capture perspectives and priorities about improvements to the Lagoon's habitats, public access, sustainability, and public safety issues related to vector-borne disease from mosquito breeding areas within the Lagoon. Ultimately, the workshops were successful in drawing input from various stakeholder groups, including local community members, interested individuals and groups, landowners, local municipalities, and regional planning authorities.

Participating in the Cost-Share Agreement for Phase I of the Los Peñasquitos Lagoon Restoration Project is critical to achieving regulatory mandates associated with the restoration of salt marsh habitat within the Lagoon required by the State-mandated TMDL. In addition to the environmental benefits associated with Lagoon restoration, compliance with these mandates helps to limit potential liability for additional costs associated with potential fines and penalties which could have a negative impact on the County's ability to use those funds for other activities that benefit our residents.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the Department of Public Works General Fund. If approved, this request will result in total estimated costs of \$855,274 through Fiscal Year 2026-27. The funding source is General Purpose Revenue. Funding for future fiscal years will be included in future Operational Plans for the Department of Public Works, General Fund. There will be no change in net General Fund cost and no additional staff years required. Caltrans is not included in this cost-share agreement; however, fair share contributions from Caltrans will be provided after commencement of construction activities consistent with California Transportation Commission requirements that limit the use of their funding to capital expenditures. Caltrans' assigned percentage was distributed proportionally amongst the responsible agencies named in the agreement and each responsible agency's cost share will be reduced accordingly during Fiscal Year 2023-24, or whenever construction is initiated.

BUSINESS IMPACT STATEMENT

Today's proposed actions benefit local business and the community at large by mitigating sources of water quality contamination so that historical salt marsh habitat may be restored which will contribute to enhanced community recreational opportunities and a healthy environment.

ACTION:

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

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

**11. SUBJECT: DEPARTMENT OF PARKS AND RECREATION –
APPROVAL OF LEASE WITH OLD TOWN TROLLEY TOURS, INC.
FOR THE OPERATION OF THE WHALEY HOUSE SITE
(DISTRICT: 4)**

OVERVIEW

The County of San Diego (County) owns the Whaley House and grounds located at the intersection of San Diego Avenue and Harney Street in the City of San Diego. The property features the Whaley House Museum, Derby-Pendleton House, Verna House Cottage and two other structures. The site is included in both the California and San Diego Historic Registry. The property has been operated as a museum and cultural attraction since 1960. The previous lease with Save Our Heritage Organisation expired on November 20, 2020 and they vacated the property. Under the previous lease, Save Our Heritage Organisation operated the museum and performed routine maintenance and groundskeeping and the County provided major maintenance. Estimated annual attendance was 90,000 visitors per year.

Prior to the expiration of the previous lease in November 2020, County staff conducted a competitive solicitation process by issuing a Request for Proposals seeking interested parties to operate and provide all repairs and maintenance for property under a new lease agreement. A primary objective was for the lessee to continue operating the facility as a museum and cultural attraction, preserve the historic significance of the property and provide a public education component. Proposals to lease the property were submitted by Save Our Heritage Organisation and Old Town Trolley Tours, Inc.

The proposal submitted by Old Town Trolley Tours, Inc. provided the best value to the County with a balanced approach of protecting the historical authenticity of the property, tourism development, payment of rent and assuming obligations to provide all repairs and maintenance. Under the previous lease no rent was paid. Estimated rent during the initial ten years of the proposed lease with Old Town Trolley Tours, Inc. is \$465,682. Old Town Trolley Tours, Inc. is a subsidiary of Historic Tours of America, which has roots in restoration, maintenance of historic structures in compliance with the historic registry requirements and historic attraction operations. They have had success with maintaining other historical properties under a lease and paying rent to a property owner with revenue generated from operating the property.

Today's request is for the Board approval of a 10-year lease with two 10-year options to extend the term between the County and Old Town Trolley Tours, Inc. and to authorize the Director, Department of General Services to execute the lease and take any other actions necessary to administer the lease, including approval of options to extend the term.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed lease is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines since it pertains to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

2. Approve and authorize the Director, Department of General Services to execute the lease with Old Town Trolley Tours, Inc. and take any other actions necessary to administer the lease, including approval of the options to extend the term of the lease, if appropriate.
(4 VOTES)

EQUITY IMPACT STATEMENT

Approval of the lease with Old Town Trolley Tours, Inc. for the operation of the Whaley House Museum and grounds will ensure continuation of an accessible recreational and educational experience related to the history, culture, and identity of San Diego County residents and visitors with diverse ideas, perspectives and backgrounds. It is anticipated that the proposed lease will have a positive impact on all equity-seeking groups to include, Black, Indigenous, People of color (BIPOC), women, people with disabilities, immigrants, youth and the LGBTQ community by providing residents and visitors an opportunity to engage in recreational interests.

FISCAL IMPACT

If the lease with Old Town Trolley Tours, Inc. is executed, the resulting revenue will be included in the Department of Parks and Recreation to offset operating expenses. The estimated rent to the County during the initial ten-year term of the lease is \$465,682. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

12. **SUBJECT: SET A HEARING FOR 08/18/2021:
HIDDEN MEADOWS - HIDDEN MEADOWS COUNTY PRESERVE -
APPROVE ACQUISITION OF APPROXIMATELY 277 ACRES OF
OPEN SPACE LAND (PARADIGM DEVELOPMENT L.P.) (6/30/2021 –
SET HEARING; 8/18/2021 - HOLD HEARING) (DISTRICT: 5)**

OVERVIEW

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego county by preserving significant natural resources. A core aspect of DPR's conservation program is the acquisition, management and monitoring of open space lands that supports the preservation of sensitive species and habitat. The County of San Diego (County) has identified an approximately 277-acre property (Property) north of Mountain Meadow County Preserve and east of Keys Creek Preserve in Hidden Meadows. This acquisition meets the criteria for conservation due to the high-quality habitat and biodiversity, biological connectivity, access, and value. Acquisition of the Property would contribute to greenhouse gas reductions by approximately 325 metric tons of carbon dioxide equivalents per year. The County executed an Option Agreement with Paradigm Development L.P. (Seller) for the purchase of the Property for the appraised value of \$3,462,000 (\$12,500/acre).

The unincorporated county is comprised of three Multiple Species Conservation Program (MSCP) Plan Areas: the adopted South County Subarea Plan, the draft North County Plan, and the future East County Plan. Each MSCP Plan has been or will be designed to meet the needs of the habitats and species located within the respective Plan Area's unique geography. The Property is within the MSCP draft North County Plan Area. The MSCP is a long term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within the region. The County has acquired approximately 13,200 acres within the draft North County MSCP Plan Area. DPR implements the MSCP through open space acquisition, land management, and biological monitoring of sensitive habitats and species. Acquiring the Property would further protect the region's biodiversity and supports implementation of the County's 2018 Climate Action Plan and efforts to improve water quality.

DPR currently owns and/or manages 55,500 acres of open space and park lands. As reported in the 2020 MSCP Annual Report, since 1998 and through December 31, 2020, the County has acquired approximately 23,300 acres of open space lands within the County's adopted MSCP South County Subarea, the draft North County, and future East County Plan Areas. In 2021, the County has acquired over 2,100 acres of open space land in the future East County Plan Area. As of June 2021, DPR has acquired approximately 25,400 acres of open space lands in all three MSCP Plan Areas since the start of MSCP implementation in 1998.

As reported in the 2020 MSCP Annual Report, from 1998 through December 2020, approximately \$213 million has been spent on County acquisitions in all three MSCP Plan areas, of which approximately \$118 million is from County funding and \$95 million is from partnering organizations and grants. From January 2021 through June 2021, approximately \$7.7 million has been spent on County acquisitions in the future East County Plan Area, of which approximately \$6.4 million is from County funding and \$1.3 million is from partnering organizations and grants to acquire over 2,100 acres of open space land.

DPR staff will have legal and physical access for DPR staff to the property for land stewardship, monitoring, and management activities. To maximize efficiency and monitoring of the Property, additional access through adjacent parcels is being pursued. The Board is requested to authorize DGS to execute all licenses, consents and/or access agreements with adjacent property owners as needed to obtain additional access.

Today's request is for the Board of Supervisors (Board) to set a hearing for August 18, 2021 to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on August 18, 2021, after making the necessary findings, the Board will be requested to authorize the purchase of the Property from Paradigm Development L.P. (Seller) for the appraised value of \$3,462,000 (approximately \$12,500 per acre). The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$3,882,500. Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. The annual costs to manage the Property are \$126,500, including the addition of 0.5 FTE Park Ranger who will lead ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs and staffing needs will be requested in the FY 2022-23 Operational Plan.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

On June 30, 2021:

1. Set a hearing for August 18, 2021, at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase of Assessor Parcel Numbers (APNs) 185-102-11, -12, -13, and -14 and a portion of 185-090-80 from Paradigm Development L.P. for the appraised value of \$3,462,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of the August 18, 2021 hearing via publication and posting as required by law.

If, on June 30, 2021, the Board takes the actions recommended in Items 1-2 above, then on August 18, 2021:

1. Find that the proposed acquisition of APNs 185-102-11, -12, -13, and -14 and a portion of 185-090-80 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15313 (Acquisition of Lands for Wildlife Conservation Purposes) and 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources).
2. Authorize the Director, Department of General Services, or designee to exercise the option to purchase APNs 185-102-11, -12, -13, and -14 and a portion of 185-090-80 for the appraised value of \$3,462,000.
3. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 185-102-11, -12, -13, and -14 and a portion of 185-090-80.
4. Authorize the Director, Department of General Services, or designee to execute all license agreements, consent agreements, and access agreements necessary to acquire additional access to the proposed acquisition Property through the adjacent parcels.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation Conservation Program's acquisition of properties with high-quality habitat is anticipated to result in positive public health impacts by improving water and air quality for all equity-seeking groups including Black, Indigenous, People of color (BIPOC), women, people with disabilities, immigrants, youth and the LGBTQ community. The acquisition of the Property will contribute acreage to multiple sustainability efforts, including expanding the draft MSCP North County Plan preserve area by 277 acres and reducing greenhouse gas reductions by 325 metric tons of carbon dioxide equivalents per year.

FISCAL IMPACT

There is no impact in Fiscal Year (FY) 2020-21. Funds for this request are included in the FY 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. If approved, this request will result in total project costs and revenue for the Property of \$3,882,500 itemized as follows: \$3,462,000 for Property acquisition, plus \$85,000 for staff time and appraisal reports to complete the transaction; \$4,500 for closing and title costs; \$331,000 in one-time land improvement costs, which includes \$280,000 for the preparation of a Resource Management Plan and initial species monitoring and \$51,000 to conduct initial stewardship that features signage, access control, vegetation management, erosion control, and small tools and other supplies and services and on-going management. The funding source is

available prior year General Fund fund balance (\$3,882,500). There will be no change in net General Fund cost and no additional staff years in FY 2021-22.

Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$126,500, itemized as follows: Approximately \$500 for fixed charge assessments; \$16,000 for adaptive management and biological monitoring; \$73,500 for annual total operating costs for managing the site; and \$36,500 for the addition of 0.5 full-time equivalent (Park Ranger) positions. Ongoing costs, staffing, and funding sources will be included and identified in the FY 2022-23 Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, setting a hearing for August 18, 2021.

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

13. **SUBJECT: SET A HEARING FOR 08/18/2021:
VALLEY CENTER – PARADISE MOUNTAIN COUNTY PRESERVE-
APPROVE ACQUISITION OF APPROXIMATELY 419 ACRES OF
OPEN SPACE LAND (TITLE INSURANCE & TRUST CO HA NO 398)
(6/30/2021 – SET A HEARING; 8/18/2021 – HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego county by preserving significant natural resources. A core aspect of DPR's conservation program is the acquisition of open space lands that supports the preservation of sensitive species and habitat. The County of San Diego (County) has identified an approximately 419-acre property (Property) southwest of Hellhole Canyon Preserve in Valley Center. This acquisition meets the criteria for conservation due to the high-quality habitat and biodiversity, biological connectivity, access, and value. Acquisition of the Property would contribute to greenhouse gas reductions by approximately 492 metric tons of carbon dioxide equivalents per year. County executed an Option Agreement with Title Insurance & Trust Co H A No 398 (Seller) for the purchase of the Property for the appraised value of \$3,100,000 (\$7,400/acre).

The unincorporated county is comprised of three Multiple Species Conservation Program (MSCP) Plan Areas: the adopted South County Subarea Plan, the draft North County Plan, and the future East County Plan. Each MSCP Plan has been or will be designed to meet the needs of the habitats and species located within the respective Plan Area's unique geography. The Property is within the MSCP draft North County Plan Area. The MSCP is a long term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within San Diego county. The County has acquired approximately 13,200 acres within the draft North County MSCP Plan Area. DPR implements the MSCP through open space acquisition, land management, and biological monitoring of sensitive habitats and species. Acquiring the Property would further protect the

region's biodiversity and supports implementation of the County's 2018 Climate Action Plan and efforts to improve water quality.

DPR currently owns and/or manages 55,500 acres of open space and park lands. As reported in the 2020 MSCP Annual Report, since 1998 and through December 31, 2020, the County has acquired approximately 23,300 acres of open space lands within the County's adopted MSCP South County Subarea, the draft North County, and future East County Plan Areas. In 2021, the County has acquired over 2,100 acres of open space land in the future East County Plan Area. As of June 2021, the County has acquired approximately 25,400 acres of open space lands in all three MSCP Plan Areas since the start of MSCP implementation in 1998.

As reported in the 2020 MSCP Annual Report, from 1998 through December 2020, approximately \$213 million has been spent on County acquisitions in all three MSCP Plan areas, of which approximately \$118 million is from County funding and \$95 million is from partnering organizations and grants. From January 2021 through June 2021, approximately \$7.7 million has been spent on County acquisitions in the future East County Plan Area, of which approximately \$6.4 million is from County funding and \$1.3 million is from partnering organizations and grants to acquire over 2,100 acres of open space land.

Today's request is for the Board of Supervisors (Board) to set a hearing for August 18, 2021 to consider approval of the purchase of the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on August 18, 2021, after making the necessary findings, the Board will be requested to authorize the purchase of the Property from Title Insurance & Trust Co H A No 398 for the appraised value of \$3,100,000 (approximately \$7,400 per acre). The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$3,603,300. Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. The annual costs to manage the Property are \$111,500, including the addition of 0.5 FTEs Park Ranger who will lead ongoing stewardship, fire abatement, and supervision of the preserve. These ongoing costs and staffing needs will be requested in the FY 2022-23 Operational Plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On June 30, 2021:

1. Set a hearing for August 18, 2021, at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase of Assessor Parcel Numbers (APNs) 190-040-24, 190-061-02, -03, -32, -33, -34, -35, 190-062-08, -09, -10, 190-172-05, -13, -14, -15 and -16 from Title Insurance & Trust Co H A No 398 for the appraised value of \$3,100,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of the August 18, 2021 hearing via publication and posting as required by law.

If, on June 30, 2021, the Board takes the actions recommended in Items 1-2 above, then on August 18, 2021:

1. Find that the proposed acquisition of APNs 190-040-24, 190-061-02, -03, -32, -33, -34, -35, 190-062-08, -09, -10, 190-172-05, -13, -14, -15 and -16 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15313 (Acquisition of Lands for

Wildlife Conservation Purposes) and 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources).

2. Authorize the Director, Department of General Services, or designee to exercise the option to purchase Assessor Parcel Numbers 190-040-24, 190-061-02, -03, -32, -33, -34, -35, 190-062-08, -09, -10, 190-172-05, -13, -14, -15 and-16 for the appraised value of \$3,100,000.
3. Authorize the Director, Department of General Services, or designee to execute all escrow and related documents necessary to complete the purchase of APNs 190-040-24, 190-061-02, -03, -32, -33, -34, -35, 190-062-08, -09, -10, 190-172-05, -13, -14, -15 and-16.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation Conservation Program's acquisition of properties with high-quality habitat is anticipated to result in positive public health impacts by improving water and air quality for all equity-seeking groups including Black, Indigenous, People of color (BIPOC), women, people with disabilities, immigrants, youth and the LGBTQ community. The acquisition of the Property will contribute acreage to multiple sustainability efforts, including expanding the draft MSCP North County Plan preserve area by 419 acres and reducing greenhouse gas reductions by 492 metric tons of carbon dioxide equivalents per year.

FISCAL IMPACT

There is no impact in Fiscal Year (FY) 2020-21. Funds for this request are included in the FY 2021-22 Operational Plan of the Multiple Species Conservation Program Acquisition Fund. This request will result in total project costs for the Property of \$3,603,300 itemized as follows: \$3,100,000 for property acquisition, plus \$60,000 for staff time and appraisal reports to complete the transaction; \$4,300 for closing and title costs; \$439,000 in one-time land improvement costs, including \$320,000 for the preparation of a preserve specific Resource Management Plan and initial species monitoring and \$119,000 to conduct initial stewardship that features signage, access control, vegetation management, erosion control, vehicle, radio communications, and small tools and other supplies and services and on-going management. The funding source is available prior year General Fund fund balance (\$3,603,300). Total annual ongoing costs for assessments, monitoring, and operations and management of the Property are estimated at \$111,500 itemized as follows: Approximately \$500 for fixed charge assessments; \$20,000 for adaptive management and biological monitoring; \$54,500 for annual total operating costs for managing the site; and \$36,500 for the addition of 0.5 full-time equivalent (Park Ranger) positions. Ongoing costs, staffing, and funding sources will be included in the FY 2022-23 Operational Plan.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, setting a hearing for August 18, 2021.

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

14. SUBJECT: ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PIPER OTAY PRESERVE MAINTENANCE) (DISTRICT: 1)

OVERVIEW

This is a request for the Board of Supervisors (Board) to initiate proceedings for Community Facilities District (CFD) No. 2021-01. A CFD is a special district used to obtain funding to pay for public services. The proposed CFD will provide perpetual funding for the ongoing management and maintenance of an 11.9-acre grassland open space site within the Otay Ranch Preserve (Preserve) through the levy of an annually adjusted special tax on property owners in the Piper Otay Project (Project).

On February 5, 2010 (3), the Planning Commission approved Tentative Map 5527RPL2 to subdivide a 24.84-acre undeveloped parcel in the East Otay Mesa Business Park Specific Plan Subarea 1, located west of State Route 125 and north of Otay Mesa Road, into 13 industrial lots ranging in size from 1.03 to 2.61 acres. Since the Project will have environmental impacts on 23.4 acres of grassland habitat, a condition of Project approval requires conservation and management of grassland habitat. The developer proposed to satisfy the condition in three parts, including paying \$63,000 into the Otay Mesa Grassland Mitigation Fund; conveying 10-acre of land in Otay Ranch to the U.S. Fish and Wildlife Service; and conveying two mitigation parcels totaling 11.9-acres to the Otay Ranch Preserve Owner/Manager. The Preserve will be managed by County of San Diego (County) Department of Parks and Recreation staff, acting as the Preserve Owner/Manager, as authorized by a Joint Powers Agreement between the City of Chula Vista and the County. A third party will be contracted to provide the services to maintain and manage the 11.9-acre mitigation parcels. The preserve lands being purchased are habitat for the burrowing owl, a federally listed endangered species.

The proposed CFD has been reviewed by staff, and the total effective special tax rate was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum total effective tax rate of 1.86 percent of the estimated sales price of subject properties. The effective tax rate in the CFD will be 1.55 percent, which is less than 1.86 percent. The developer submitted funds to cover two years of management and maintenance of the 11.9-acre open space site by the Preserve Owner/Manager until CFD funds are available.

As set by State law, the CFD formation process requires three hearings. The first hearing is for the Board to initiate the CFD formation process. A second hearing, scheduled for August 18, 2021, will be for the Board to provide the public an opportunity to comment on the formation of the CFD and complete the first reading of the ordinance authorizing a new tax. A third hearing, scheduled for September 1, 2021, will be for the Board to conduct a second reading of the ordinance to adopt the new tax, if approved by a two-thirds vote of the qualified electors. A qualified elector is either a property owner or registered voter within a proposed CFD. If the area within the CFD boundary is uninhabited, the State Mello-Roos Act specifies that the qualified elector is the sole property owner. In this case, the qualified elector is the sole property owner.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the Final Environmental Impact Report (EIR) for the Piper Otay project dated July 27, 1994 on file with Planning & Development Services (PDS) as Environmental Review Number 93-19-6 and Addendums thereto dated October 6, 2009 and September 8, 2017 on file with PDS as Environmental Review Numbers PDS2009-ER-93-19-006AA and PDS2017-ER-93-19-006ZZ, respectively were completed in compliance with California Environmental Quality Act (CEQA) and the State and County of San Diego CEQA Guidelines; that the Board of Supervisors has reviewed and considered the information contained therein and the current Addendum thereto dated April 30, 2021 and on file with PDS as Environmental Review Number PDS2021-ER-21-00-003 prior to approving the project; and

Find that the currently proposed actions are within the scope of the Final EIR as amended by the Addendums; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the certified EIR and Addendums, nor a substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the Final EIR (CEQA Guidelines Section 15162) was certified as explained in the Environmental Review Update Checklist Form dated April 30, 2021 on file with PDS as Environmental Review Number PDS2021-ER-21-00-003.

2. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PIPER OTAY PRESERVE MAINTENANCE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT AND ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PIPER OTAY PRESERVE MAINTENANCE) (Attachment B, on file with the Clerk of the Board).
3. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR THE INCLUSION IN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PIPER OTAY PRESERVE MAINTENANCE) (Attachment C, on file with the Clerk of the Board).

EQUITY IMPACT STATEMENT

The proposed Piper Otay CFD is a public funding mechanism that provides perpetual revenue through an annual tax levy to maintain two mitigation parcels located in Otay Ranch Preserve (Preserve). CFDs are a tool that can be used for the successful management of habitat, particularly in Otay Ranch. CFDs assure financial obligations by the project proponent to fund improvements or services provided by the CFD, relieving the financial burden on the government agency. Funding for the Preserve contributes to the Multiple Species Conservation Program (MSCP). The MSCP preserves San Diego's native habitats and wildlife for future

generations. Preserving this land in perpetuity will increase carbon sequestration and improve air quality by capturing air pollutants and increased water quality through reduced erosion. Improving air and water quality in these preserve areas will contribute to the community and public health in the surrounding urbanized areas, some of which are designated “disadvantaged” communities by CalEPA for the purpose of Senate Bill 535.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2021-22 Operational Plan in Planning & Development Services and the Department of Parks and Recreation. All staff time and consultant costs incurred to establish and form the Piper Otay Preserve Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by CRP/PDC Piper Otay Owner, LLC (Developer). The Developer is responsible for all County of San Diego and consultant costs incurred in establishing and forming this CFD.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied to support the full cost of land operation and management and administrative costs of lands conveyed to the Otay Ranch Preserve as mitigation for non-native grasslands impacted by the Piper Otay Project, at the time of CFD formation and in future years. In FY 2021-22, when the special tax is scheduled to begin, the maximum annual special tax levy is projected to be \$1,679 per acre on regular taxable property within the CFD boundary. Additionally, the amount of the CFD special tax is consistent with Board Policies I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, and is projected to fully fund ongoing administration costs for the CFD, estimated at approximately \$15,000 annually in FY 2021-22 dollars.

The special tax will include annual adjustments estimated to fully offset any increases in operation and management costs and ongoing administration costs of the CFD. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

This item was withdrawn at the request of the Applicant.

15. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Kathleen Lippitt, Kelly McCormick, Lauren Faulstich, and Trina Preece provided comments to the Board regarding the impact marijuana has on youth.

Mark Wilcox provided comments to the Board regarding concerns about impacts of marijuana businesses and the environment.

Jean Duffy and KB Strange provided comments to the Board regarding marijuana cultivation and retail establishments.

Diane Grace provided comments to the Board regarding drivers under the influence of marijuana on backcountry roads.

Nancy Logan provided comments to the Board regarding environmental concerns about marijuana growers in Borrego Springs.

Lauren Baker provided comments to the Board regarding the effects of second-hand smoke from marijuana.

Malik Thornton provided comments to the Board regarding housing costs in San Diego.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:15 a.m. in memory of Jodi Hubbard, Donna Fallon, Dr. Thomas Brennock Day, and Clifton Eugene Trammel.

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

Consent: Rodriguez

Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday, July 14, 2021.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

06/30/2021