



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

KRISTIN GASPAR
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: July 11, 2018 and July 25, 2018

04

TO: Board of Supervisors

SUBJECT

AN ORDINANCE REPEALING AND REPLACING THE PARK LANDS DEDICATION ORDINANCE OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO PARK LANDS DEDICATION, UPDATE OF RELEVANT BOARD POLICIES, CREATION OF A NEW BOARD POLICY AND CREATION OF NEW LOCAL PARK PLANNING AREA ACCOUNTS (DISTRICTS: ALL)

OVERVIEW

The County of San Diego's mission includes providing a world-class park system that helps build strong and sustainable communities. Parks and recreation facilities are key components of the County's *Live Well San Diego* vision; they give residents space to exercise, recreate and gather which supports physical and mental well-being. One of the ways the County provides parks for its growing population is through the Parks Lands Dedication Ordinance (PLDO), which requires new residential subdivisions to dedicate park land for its new residents and/or pay fees to the County so that parks can be developed.

Since the PLDO was initially approved in 1972, there have been changes to state law, County goals and policies, park design best practices and community needs that impact the development of the County's park system. On June 27, 2018 (2), staff proposed repeal of the existing PLDO and replacement with a new ordinance and process, provided the Board with recommendations for the new PLDO, and received direction to draft a new PLDO with updated fees and associated policies. Staff has drafted the new PLDO and program documents pursuant to Board direction.

Today's request requires two steps: if the Board approves the first reading of the new PLDO ordinance on July 11, 2018, then the ordinance will be brought back for adoption on July 25, 2018. This request also includes updates to two Board policies, creation of a new Board Policy, and establishment of the necessary number and types of funds to account for collected PLDO fee revenue.

RECOMMENDATIONS

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not subject to the California Environmental Quality Act (CEQA) because it is not a project pursuant to CEQA Guidelines section 15378 and is

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also exempt from CEQA pursuant to Section 15061(b)(3) because it can be seen with certainty that the action will not result in a significant impact on the environment.

2. Approve the introduction of the Ordinance Repealing and Replacing the San Diego County Code of Regulatory Ordinances Title 8, Division 10, Chapter 1 Relating to Park Lands Dedication and Payment of Fees (first reading), read title and waive further reading.

If on July 11, 2018 the Board of Supervisors takes the action recommended above related to the introduction of the Ordinance, then, on July 25, 2018:

1. Consider and adopt the Ordinance repealing and replacing San Diego County Code of Regulatory Ordinances Title 8, Division 10, Chapter 1 Relating to Park Lands Dedication and Payment of Fees (second reading).
2. Approve modifications to the following Board Policies:
 - a. Board Policy F-26: Utilization of PLDO Fees and Interest
 - b. Board Policy I-44: Procedure for Designing New County-Owned Community/Local Parks
3. Adopt new Board Policy G-19: Design Guidelines and Standards for County Parks and Recreational Facilities.
4. Direct the Auditor and Controller to establish the necessary number and types of funds for Park In-Lieu fees collected to fund the acquisition of park land, developing new, or rehabilitating existing park or recreation facilities with interest earnings allocated and distributed to each fund established.
5. Direct the Auditor and Controller to establish the necessary number and types of funds for Park Land Improvement Impact fees collected to fund the development of new, or expansion of existing park or recreation facilities, with interest earnings allocated and distributed to each fund established.
6. Direct the Auditor and Controller to establish the necessary number and types of funds for Park Land Acquisition Impact fees collected to fund the acquisition of park land with interest earnings allocated and distributed to each fund established.
7. Authorize the Department of Parks and Recreation and Auditor and Controller to take all actions necessary to close out the current Parkland Dedication funds.

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8. Consider and adopt a Resolution entitled, RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO THE ADOPTION OF PARK IN-LIEU FEES.
9. Consider and adopt a Resolution entitled, RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO THE ADOPTION OF PARK LAND ACQUISITION AND PARK LAND IMPROVEMENT IMPACT FEES.
10. Direct that operative date for the above Ordinance, Resolutions, and Board Policies be January 1, 2019.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. If approved, there will be no change in net General Fund cost and no additional staff years. PLDO fees provide a funding source to acquire, develop and/or rehabilitate park land and facilities. Future projects proposed for the use of PLDO funds will be recommended to the Board only after all one-time capital, and ongoing operations and maintenance costs and funding have been identified.

BUSINESS IMPACT STATEMENT

This PLDO program update provides more flexibility to developers dedicating new parks, while balancing the needs of the community and park users. The new PLDO includes fee changes for developers paying fees.

ADVISORY BOARD STATEMENT

On April 13, 2018, the Parks and Recreation Advisory Committee recommended that the Board direct staff to draft a new Park Land Dedication Ordinance pursuant to the staff recommendations contained herein. (Ayes - 7, Noes - 0, Vacant - 1, Absent - 2)

BACKGROUND

The Department of Parks and Recreation's mission is to enhance the quality of life in San Diego county by providing exceptional parks and recreation experiences and preserving significant natural resources. Parks and recreation are also key components of all three *Live Well San Diego* strategies: Building Better Health, Living Safely and Thriving. Providing adequate recreational opportunities is also part of the County's General Plan goal to provide 15 acres of regional parks and 10 acres of local parks per 1,000 residents. The County provides the majority of its parkland through County and other government funding and by partnering with other public and private agencies to develop, operate and maintain recreational facilities. About one eighth of County parkland is provided through residential development and the Park Land Dedication Ordinance (PLDO) program.

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The County's PLDO was adopted by the Board of Supervisors (Board) on December 19, 1972 (33) pursuant to the State of California's Quimby Act. The Quimby Act provides the authority for local jurisdictions to require park land dedication in residential subdivisions at a rate of 3 acres per 1,000 residents, payment of a fee in lieu of dedicating land, or a combination of both. Through the PLDO program, the County adds new public parks to our system or obtains PLDO fees in lieu. Where feasible, PLDO fees are used to construct new parks to serve new residents; where there is no suitable land available, PLDO fees are used to replace or expand existing park amenities such as ballfields or playgrounds to meet the increased demand for recreation from new residents.

The structure and basis of the County's PLDO has remained unchanged since it was adopted in 1972. As a result, the ordinance specifically addresses acquisition of park land, but not construction of park amenities such as playgrounds, ballfields and other recreational features. Fifteen years after the PLDO was adopted, the State of California enacted the Mitigation Fee Act (MFA) which allows jurisdictions to also impose fees on developments that impact public services, such as parks, roads and sewers. The current PLDO does not include any MFA provisions, which could require a separate fee for park amenities if new development is shown to impact existing recreational amenities.

On December 16, 2015 (2), the Board directed the Chief Administrative Officer (CAO) to conduct outreach efforts, review similar park land ordinances, and develop recommendations to update the PLDO. On July 20, 2016 (10), staff provided three strategy options to the Board to complete a PLDO update: a minor update, comprehensive update or no changes. The Board directed the CAO to complete a comprehensive PLDO update.

In collaboration with a wide spectrum of stakeholders DPR completed the comprehensive update and presented information and options to the Board on June 27, 2018 (2). Staff proposed repeal of the existing PLDO and replacement with a new ordinance. Staff provided the Board with 24 recommendations for the new PLDO, which included: the addition of MFA authority to assess fees to pay for park improvements, an expanded list of recreational amenities that can be constructed under the PLDO program, creation of 24 new geographically-based Local Park Planning Area (LPPA) accounts to receive PLDO fee revenues, and an update to PLDO fee rates. Staff also recommended an update to two associated Board Policies, creation of one new policy and provided PLDO options for the Board's consideration related to Trail Credit, Private Park Percentage and an optional Developer Acreage Incentive. The Board received the staff report and provided direction to staff to draft a new PLDO, update associated policies and create a new Board Policy. Staff has completed the new PLDO program documents pursuant to the Board's direction and is bringing them forward for adoption.

This new PLDO program includes updated PLDO rate tables for each new LPPA. The current PLDO fees do not accurately reflect current land acquisition and construction costs and occupant densities. The current PLDO in-lieu fee rates were last revised in 2007 and established to equal

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the cost of 3 acres of developed park land per 1,000 residents. The current PLDO includes a single PLDO rate for each LPPA based on local land costs, local population density and a countywide construction cost for new dwelling units subject to the ordinance. Although the 2007 PLDO rate update revised land and construction costs, it did not address changing population densities and capped annual increases at 3%. The current fees do not cover the full cost to acquire land and construct park amenities. As a result, the County is not able to construct enough developed parks to meet the needs of our new residents.

The new ordinance has updated fees to be full cost recovery, aligned with actual land and construction costs based on a fee study, and reflect local population densities from the 2010 census. Additionally, each of the 24 new LPPAs includes a different PLDO rate for 3 different dwelling unit types: single family dwelling units, multi-family dwelling units and accessory dwelling units (ADU). Dwelling unit types with lower occupancy rates will pay lower PLDO rates, with ADU’s typically being the lowest. The fee increase will be phased in over a three year period beginning in January 2019, with one-third of the fee increase added each year. Fees will be automatically adjusted annually based on cost indices and reviewed regularly to ensure full cost recovery.

The substantive ordinance changes are summarized in the table below and detailed in Attachment A.

SUMMARY OF PLDO CHANGES

Table 1: Summary of changes to Park Lands Dedication Ordinance		
#	Subject Area	Staff Recommended Change
1	Statutory Authority	PLDO fee based on both Quimby and Mitigation Fee Acts.
2	Quimby Act	Allow land dedication for condominium projects or apartment projects on less than 50 parcels.
3	Mitigation Fee Act	Park Land Acquisition Fee including administration costs for residential projects that do not require subdivision of land; funds park land acquisition. Park Improvement Fee including administration costs for all residential development; funds park amenities.
4	Housing Type	Assess different rates for single-family, multi-family, and accessory dwelling units
5	PLDO Rates	Align PLDO rates with current occupancy rates and land acquisition and construction costs. Implement PLDO rate increase by one-third each year for three years. Assess PLDO rates for new construction only. Applicant pays the fee in effect when fee is paid, not when the project is approved.

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6	Timing of Payment	PLDO fees to be paid prior to issuance of building permit, unless deferred pursuant to County’s Fee Deferral Program.
7	Grandfathering	Projects that have already submitted applications may apply the current or proposed ordinance to their project.
8	Local Park Planning Areas	Base Local Park Planning Areas on Community and Subregional Plan Area Boundaries.
9	Active Recreation	Replace “Active Recreation” with an expanded “PLDO Eligible Recreation” definition.
10	PLDO Eligible Recreation	Allow new recreational amenities including, but not limited to, adventure play areas, amphitheaters, bicycle parks, dog parks, community event spaces, equestrian facilities, exercise stations, frisbee/disc golf, skate parks, trails and other uses as approved by the Director.
11	Use of Revenue	Allocate accrued PLDO revenue toward the expanded list of recreational uses.
12	Toolbox	Categorize recreational uses into high intensity, low intensity, and specialty uses. Require a minimum of two high intensity uses and one low intensity use. Require a multipurpose sports field for projects dedicating five or more acres of parks.
13	Scenic Overlooks	Half credit for improved scenic overlooks, not to exceed 10% of total PLDO requirement.
14	Steep Slopes	Half credit for improved steep slopes, not to exceed 10% of total acreage requirement.
15	Stormwater Facilities	Half credit for stormwater facilities improved with recreational amenities not to exceed 10% of total PLDO acreage requirement.
16	Offsite Dedication	Allow for park land dedication outside of development boundary.
17	Minimum Park Size	Require 0.4 acre minimum public park size and no minimum park size for private parks.
18	Private Parks	Require a Site Plan or Major Use Permit to govern private park design.
19	Park Design Manual	Establish park design standards and guidelines based on existing park design documents.
20	General Plan	Reference currently adopted General Plan.
21	Definitions	Removed definitions in existing County ordinances and added new definitions for clarity.
22	Board Policy I-44	Require park plans to be presented to the applicable community planning/sponsor group as an informational item.
23	Board Policy G-19	Require developer-constructed parks comply with the Park Design Manual.
24	Board Policy F-26	Update to ensure consistency with proposed changes to the PLDO fee structure. Allow for 25% of a community’s PLDO balance each fiscal year to be allocated for trail acquisition and development.

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25	Trail Credit	Provide half credit for trails not required by the County Trails Program, not to exceed 10% of total PLDO acreage requirement.
26	Allowable Private Park Percentage	Provide half credit for private parks to constitute up to 50% of the required PLDO park acreage.
27	Developer Acreage Incentive	Reimburse developer for half of park improvement costs above 3 acres per 1,000 residents, if the developer dedicates improved parks at a rate of at least 5 acres per 1,000 residents.

BOARD POLICIES

Updates to the PLDO program require modifications to two related Board Policies and adoption of a new Board Policy as detailed below.

BOARD POLICY F-26: UTILIZATION OF PLDO FEES AND INTEREST

Board Policy F-26 establishes the guidelines and procedures for the acquisition and development of park land with fees and interest collected pursuant to the PLDO. This policy would be modified to reflect the new fees structure; allow for 25% of accrued fees and interest within a fiscal year to be used for trails; and, allow collected PLDO fees and interest to be used to reimburse participants in the voluntary developer incentive program.

BOARD POLICY I-44: PROCEDURE FOR DESIGNING NEW COUNTY-OWNED COMMUNITY/LOCAL PARKS

Board Policy I-44 establishes a procedure to involve the public when the Department of Parks and Recreation designs a new local park. This policy would be modified to make it also applicable to developers constructing public parks, and not just for County staff. It would require developers to bring their conceptual park designs to the relevant community planning/sponsor groups as an informational item to ensure the public has an opportunity to provide input on the design of future public parks.

BOARD POLICY G-19: DESIGN GUIDELINES AND STANDARDS FOR COUNTY PARKS AND RECREATIONAL FACILITIES

Currently, there is no policy or ordinance requiring compliance with the Department of Parks and Recreation park design guidelines and checklist. Staff is proposing adoption of new Board Policy, G-19. Board Policy G-19 would require compliance with the Park Design Manual, which provides design guidelines and standards for County parks and recreational facilities, best practices and a park design toolbox with options to help guide developers in selecting park amenities. The Park Design Manual provides clarity regarding park design requirements, which is intended to reduce project processing times and costs for developers.

ORDINANCE IMPLEMENTATION

The new ordinance and associated Board Policies become effective on January 1, 2019. Any projects proposing park land dedication and submitting residential development project

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applications to the County prior to January 1, 2019 would be subject to the current ordinance but could opt in to the new ordinance provisions if they so choose. Any proposed fee changes will be phased in over a period of three years starting January 1, 2019. Consistent with current County practice, the fee rate to be paid is the rate in effect at the time fees are paid regardless of when the project application was submitted or approved.

On April 18, 2018 (5), the Board directed staff to investigate options that would further promote the building of homes and closing of the housing gap through streamlining permitting, modernizing County ordinances, providing incentives that make housing more affordable, developing programs to reduce the barriers to housing production and innovating to realize cost effective standards and construction techniques. DPR is participating in this effort which may include new developer incentives, cost savings through timely dispute resolution, and investigating alternative ways to fund ongoing park maintenance. DPR is investigating these issues separately from this comprehensive PLDO update and is partnering with Planning & Development Services to return to the Board this fall with recommendations. In addition to this housing production effort, the staff-recommended new PLDO program would include provisions that promote building of homes and closing of the housing gap by exempting home reconstruction and remodel projects from paying PLDO fees; provide credit against PLDO fees for group usable open space, off-site park land dedication, trails, improved scenic overlooks, steep slopes with recreational amenities, and improved stormwater facilities to allow for more homes to be constructed; and reduce project processing times and costs by providing applicants with more clarity regarding PLDO requirements.

ENVIRONMENTAL STATEMENT

Today's proposed action to update the PLDO is not a project pursuant to California Environmental Quality Act (CEQA) Guidelines section 15378 because it does not have a potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, CEQA Guidelines section 15378(b)(4), specifically excludes from the definition of "Project" the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. This action is also exempt from CEQA pursuant to Section 15061(b)(3) in that it can be seen with certainty that the new PLDO program does not have the potential to significantly impact the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Building Better Health, Sustainable Environments/Thriving and Operational Excellence Strategic Initiatives in the County of San Diego's 2018-2023 Strategic Plan by ensuring the County's park land dedication policies allow residents to make healthy choices, provide residents opportunity to enjoy parks, ensure the County provides modern park infrastructure, and contribute to building a region that is healthy, safe, and thriving.

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Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENTS

- Attachment A: Summary of Substantive Park Lands Dedication Ordinance Changes
- Attachment B: Ordinance Repealing and Replacing the San Diego County Code of Regulatory Ordinances Title 8, Division 10, Chapter 1 Relating to Park Lands Dedication and Payment of Fees
- Attachment C: Resolution of the Board of Supervisors of the County of San Diego Relating to the Adoption of Park In-Lieu Fees
- Attachment D: Resolution of the Board of Supervisors of the County of San Diego Relating to the Adoption of Park Land Acquisition and Park Land Improvement Impact Fees
- Attachment E: Revised Board Policy F-26: Utilization of Park Lands Dedication Ordinance Fees and Interest
- Attachment F: Revised Board Policy I-44: Procedure for Designing New County-Owned Local Parks
- Attachment G: New Board Policy G-19: Design Guidelines and Standards for County Parks and Recreational Facilities
- Attachment H: Park Design Manual
- Attachment I: Parks Master Plan
- Attachment J: San Diego County Park and Recreation Facilities Development Impact Fee Study
- Attachment K: New PLDO Fee Table
- Attachment L: New Local Park Planning Area Map

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

On June 27, 2018 (2), the Board of Supervisors provided direction to staff on the provisions to include in a new PLDO program; July 20, 2016 (10), the Board of Supervisors directed the Department of Parks and Recreation staff to conduct a comprehensive update to amend the Park Lands Dedication Ordinance and for established appropriations of \$300,000 to prepare necessary studies; On December 16, 2015 (2), the Board of Supervisors directed the Department of Parks and Recreation staff to initiate an update to the County's PLDO by conducting outreach, reviewing similar ordinances, and developing recommendations to provide more flexibility for developers to meet PLDO requirements while balancing the needs of unincorporated communities and park users; December 19, 1972 (33) the Board of Supervisors established the Park Lands Dedication Ordinance pursuant to the Quimby Act provisions of the Subdivision Map Act.

BOARD POLICIES APPLICABLE:

Board Policy F-26
Board Policy I-44

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Department of Parks and Recreation

OTHER CONCURRENCE(S): Planning & Development Services
County Counsel
Auditor and Controller

CONTACT PERSON(S):

Brian Albright

Name

Jill Bankston

Name

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