

January 25, 2023

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
WEDNESDAY, JANUARY 25, 2023, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:02 a.m.

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

- B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.
- C. Closed Session Report
- D. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- E. Approval of the Statement of Proceedings/Minutes for the meeting of January 11, 2023.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Fletcher, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of January 11, 2023.

AYES: Vargas, Anderson, Fletcher, Desmond
NOT PRESENT: Lawson-Remer

- F. Consent Calendar
- G. Discussion Items

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

Board of Supervisors' Agenda Items

- | Agenda # | Subject |
|-----------------|--|
| 1. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
IMPROVING EQUITY THROUGH CHANGES TO GRAFFITI ABATEMENT
REGULATORY ORDINANCES
[FUNDING SOURCE: EXISTING CARRY FORWARD ONE-TIME GENERAL
FUND FUND BALANCE] |
| 2. | AUTHORITY TO ADVERTISE AND AWARD CONTRACTS FOR THE
COMPREHENSIVE TREE PROGRAM AND CEQA EXEMPTION
[FUNDING SOURCE: EXISTING ONE-TIME GENERAL PURPOSE
REVENUE] |
| 3. | ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION
CONTRACT FOR THE MOUNT WOODSON GATEWAY COUNTY PRESERVE
IMPROVEMENTS PROJECT AND CEQA NEGATIVE DECLARATION
[FUNDING SOURCE: GENERAL FUND FUND BALANCE; DAY USE
PARKING REVENUE AND EXISTING DEPARTMENT OF PARKS AND
RECREATION GENERAL PURPOSE REVENUE] |
| 4. | GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE
SANITARY SEWER AND STORM DRAIN EASEMENTS, AND SLOPE,
MAINTENANCE AND DRAINAGE RIGHTS RESERVED FOR PALA MESA
DRIVE AND OLD HIGHWAY 395, IN THE FALLBROOK COMMUNITY PLAN
AREA (VACATION NO. 2022-0035)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT] |
| 5. | ADVANCING SUSTAINABILITY AND ENVIRONMENTAL JUSTICE
COLLABORATIONS: ESTABLISHING A REGIONAL SOCIAL EQUITY
WORKING GROUP |
| 6. | RIGHT-OF-WAY DONE RIGHT: ADOPT ORDINANCE ESTABLISHING
MINIMUM WAGE FOR TRAFFIC CONTROL WORKERS AND RELATED
CEQA EXEMPTION (1/25/2023 FIRST READING; 02/08/2023 - SECOND
READING UNLESS ORDINANCE IS MODIFIED AT SECOND READING) AND
IMPLEMENT RIGHT-OF-WAY PERMIT PROCESS IMPROVEMENTS
[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT] |
| 7. | NOTICED PUBLIC HEARING:
UPDATES TO FIRE SAFETY GUIDELINES AND STANDARDS DURING
ENVIRONMENTAL REVIEW IN THE UNINCORPORATED AREAS; FIND THE
ACTION IS NOT A PROJECT, OR ALTERNATIVELY, IS EXEMPT UNDER
CEQA |

8. **NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE REPEALING AND REENACTING THE COUNTY
BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL,
ENERGY EFFICIENCY, GREEN BUILDING CODES, AND RELATED CEQA
EXEMPTION (TRIENNIAL COUNTY BUILDING CODE UPDATE) (1/25/2023 -
FIRST READING; 2/8/2023 - SECOND READING)**
9. **PUBLIC COMMUNICATION**

1. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
IMPROVING EQUITY THROUGH CHANGES TO GRAFFITI
ABATEMENT REGULATORY ORDINANCES (DISTRICTS: ALL)**

OVERVIEW

On January 11, 2023 (02), the Board of Supervisors took action to further consider and adopt the Ordinance on January 25, 2023.

Planning & Development Services receives approximately 75 reports annually for graffiti in unincorporated communities, with 85% of these located in underserved communities. Graffiti can negatively impact communities in a variety of ways including fostering blight, crime, or gang activity. Under County regulatory code, a property owner is responsible to clean or remove graffiti visible from a public or private road. If an owner does not remove such graffiti, it is considered a code violation. As such, property owners are not only impacted by the graffiti itself, but also incur the time and cost to resolve the violation. Planning & Development Services analyzed the prevalence of graffiti in different communities and found that certain communities appear to be disproportionately impacted by graffiti based on the number of reports received.

Currently, when the County receives a report about graffiti, a Code Compliance case is opened, and a Code Enforcement Officer conducts a site inspection to confirm the presence of graffiti and that it is something the County can enforce based on the location of the graffiti (i.e., within County land use authority). A property owner is notified that maintaining the graffiti or allowing it to remain on their property is considered a code violation, and they are responsible for correcting the violation, usually by painting over or cleaning it. If an owner does not clean it voluntarily, escalated code enforcement actions may be taken, or the County may use a contractor to clean or remove it, a process called public nuisance abatement. When the County abates graffiti on private property, the property owner is responsible for the cost and receives a bill from the County.

Planning & Development Services is developing a program where the County could remove graffiti on private properties in the unincorporated area at no cost to the property owner. Currently, the San Diego County Code of Regulatory Ordinances requires cost recovery of graffiti abatement from the property owner when the County's nuisance abatement procedure is used to remove graffiti on private property. As an alternative to public nuisance abatement, the Code allows the County to enter into an agreement with the property's owner, lessee, or their respective authorized agent for the County to remove the graffiti at the property owner's or lessee's expense.

This proposal would address the negative impacts of graffiti on unincorporated communities through an equity lens to ensure graffiti is removed promptly without a cost to the impacted property owner. It would also be more fiscally prudent for the County; the current process takes an average of 7 staff hours to close a graffiti case, spent periodically following up with the property owner over a typical period of 46 days to reach a resolution. It is expected that removing the graffiti using a contractor will cost the County less money per graffiti code case and resolve the violation sooner.

Today's action introduces an ordinance developed by Planning & Development Services allowing the County to pay the cost of graffiti removal with County General Fund funding under Section 53069.3 of the Government Code.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance (second reading) entitled:

AN ORDINANCE AMENDING SECTION 36.106(B) AND ADDING A SUBSECTION (C) TO SECTION 36.108 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GRAFFITI ABATEMENT COST RECOVERY, DATED JANUARY 11, 2023 (Clean Copy) (Attachment A).

EQUITY IMPACT STATEMENT

Graffiti violations disproportionately impact certain communities, including underserved communities. Graffiti can contribute to crime, community blight, negative economic impacts, as well as gang activity. Since property owners are often the victim of graffiti, yet responsible for cleaning or painting over it, they are not only impacted by the graffiti itself, but also incur the time and cost to resolve the violation. To rectify the disproportionate impact, Planning & Development Services conducted an analysis that shows the County can also reduce costs by removing the graffiti on behalf of a property owner, lessee, or their respective authorized agent at no cost. While the change would apply to graffiti removal in all unincorporated communities, such a change improves the equity of communities most impacted by graffiti.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to allow public funds for private property graffiti removal aligns with the County of San Diego sustainability goals to engage the community, provide just and equitable access to County services, and protect health and wellbeing. This action will benefit underserved communities burdened by the disproportionate impacts of graffiti in their neighborhoods. Removal of graffiti helps reduce blight and crime, which in turn helps improve community conditions and environmental quality.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan in Planning & Development Services (PDS). If approved, this request will result in estimated costs of up to \$20,000 in PDS in FY 2022-23 to offset the incurrence of abatement fees for properties impacted by graffiti. The funding source is existing carryforward one-time General Fund fund balance. If the Board approves the amendments, future ongoing costs to continue the fee waivers are currently estimated to be between \$20,000 - \$40,000 annually starting in FY 2023-24. PDS will monitor its budget and return to the Board with mid-year action to adjust the budget if necessary and/or incorporate in future budgets as funding becomes available. At this time, there is no change in net General Fund cost and no additional staff years.

A waiver of Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery (Board Policy B-29) is requested since the proposed waiver of fees will not recover full operating costs for services provided. The total unrecovered cost per Board Policy B-29 is estimated to be approximately \$20,000 for FY 2022-23 and will be funded within the existing FY2022-23 Operational Plan in PDS.

BUSINESS IMPACT STATEMENT

The existence of graffiti in a community can negatively impact businesses and economic conditions. If approved, the ability for the County to pay the cost of graffiti removal on private properties, including businesses, with public funds will positively impact the business community. Graffiti on business properties and nearby properties can be removed quickly at no cost to local businesses. It saves them money and improves the surrounding environment, providing customers with a more welcoming and desirable setting.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10827 (N.S.), entitled: AN ORDINANCE AMENDING SECTION 36.106(B) AND ADDING A SUBSECTION (C) TO SECTION 36.108 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GRAFFITI ABATEMENT COST RECOVERY, DATED JANUARY 11, 2023.

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

2. **SUBJECT: AUTHORITY TO ADVERTISE AND AWARD CONTRACTS FOR THE COMPREHENSIVE TREE PROGRAM AND CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

The Department of Parks and Recreation (DPR) manages 156 facilities across 56,000 acres of land, and over 380 miles of multi-use trails. A valuable part of each park is the natural shade offered by trees for the benefit of park users and the environment. Trees are valuable assets to the park system, as they increase the usability of parks, contribute to biodiversity, and serve as important climate buffers that moderate temperature and moisture and make parks more desirable for the public.

Through the Comprehensive Tree Program implemented in 2016, DPR plants at least 3,500 trees per year throughout the County of San Diego's (County) system, installs temporary watering systems to enhance the trees' natural ability to absorb oxygen, water, and nutrients, and strengthens fire resilience by providing services to remove and replace dead and diseased trees. DPR is planting a variety of native and climate ready species and sizes of trees to parks devastated by tree loss caused by years of drought and infestation by wood boring insects throughout the County park system. The United States Forest Service estimates that California has lost over 60 million trees since 2010. University of California Department of Agriculture and Natural Resources estimated that 80,000 Oak Trees were lost to the Gold Spotted Oak Borer from 2002 to 2014. DPR estimates that over a million trees have been lost throughout the San Diego Park System in the past 20 years. DPR conservatively estimates 20 trees per acre have been lost over 50,000 acres of open space. DPR partners with local non-profit, service, and volunteer groups to plant trees and connect people with nature.

As part of the direction on the Advancement of Sustainability Initiatives for County Facilities and Operations and the Unincorporated Area in Support of the Regional Decarbonization Framework and Climate Action Plan Update, on August 31, 2022, (5) the Board of Supervisors approved the development of an Equity-Driven Tree Planting Program, which will identify priority sites for tree planting in unincorporated communities with a focus on underserved areas, to reduce urban heat island effect, increase resiliency, and reduce greenhouse gas emissions. This program is led by the Planning & Development Services Department (PDS) and is supported by DPR's Comprehensive Tree Program.

DPR uses the California Healthy Places Index and CalEnviroScreen to help identify County-maintained parks in underserved communities that are also lacking access to tree canopies. Even though CalEnviroScreen does not have tree canopy specific information, it is valuable in providing information about poverty and pollution in communities. In addition, DPR identifies areas where trees are needed based on where trees have been lost due to the impacts of drought, invasive pests (mainly Goldspotted Oak Borer and Invasive Shot Hole Borer), age of the existing trees, and the environmental fit for the trees. More trees help clean the air, provide shade, and cool the air temperatures in the surrounding environment, which benefits all residents and visitors, including underserved communities that lack sufficient tree canopies. DPR will plant trees based on these needs in order to create diverse tree populations in terms of species and age to help support a healthy tree canopy system in the region.

Through the Comprehensive Tree Program, DPR supports the County's Climate Action Plan goal of reducing greenhouse gases by 1,796,692 metric tons of carbon dioxide equivalent (MTCO₂) by 2030 in the unincorporated area and at County facilities. Since 2016, the program has planted over 29,500 trees in County parks and has provided a healthier environment for all residents of the region by removing approximately 956 MTCO₂ annually, which is equivalent to the greenhouse gases created by a gasoline-powered passenger vehicle being driven over 2 million miles (per the USEPA.). DPR will coordinate with PDS this year to consider options to expand the existing tree program after completing a tree canopy evaluation, with a focus on prioritizing new tree plantings in underserved and environmental justice communities.

Today's proposed actions will authorize the Director of the Department of Purchasing and Contracting to advertise and award contracts estimated at \$2,000,000 including contingency, for the purchase of approximately 3,500 trees through multiple vendors, the installation of watering systems, removal of dead and diseased trees, and the purchase of equipment needed to plant and maintain the trees through the Comprehensive Tree Program. Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in DPR. If approved, the trees purchased through this action will be planted beginning in spring 2023 and be completed in fall 2023.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15304.
2. Authorize the Director of Department of Purchasing and Contracting to advertise and award contracts and take any action authorized by Section 401 et seq. of the Administrative Code, with respect to contracting for the Comprehensive Tree Program

3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer responsible for administering the contracts, in accordance with Board Policy.

EQUITY IMPACT STATEMENT

The planting of trees makes a positive health impact on all demographics in the region by removing carbon dioxide from the atmosphere, reducing erosion, and lowering the temperature of the air and ground under trees on hot days. Healthy tree canopies in parks ensure that parks have available and accessible shaded areas that can be enjoyed by the public during the hottest times of the year and reduce ultraviolet light exposure. DPR uses databases like the California Healthy Places Index and CalEnviroScreen to help identify County-maintained parks in underserved communities that are also lacking access to tree canopies. This includes parks with tree canopy scores in the lowest percentile such as Sweetwater Lane, Tijuana River Valley, Kumeyaay and Ramona Grassland Parks. Volunteer tree plantings are organized by DPR to connect people to their parks and improve environmental education. When you plant a tree, it can provide a lifetime connection to that tree and park.

SUSTAINABILITY IMPACT STATEMENT

The Comprehensive Tree Program contributes to many of the County of San Diego's Sustainability Goals: engage the community; transition to a green, carbon-free economy; protect health and wellbeing; and protect ecosystems, habitats, and biodiversity. The planting of native and environmentally compatible trees in park projects are part of public meeting discussions. Working with service organizations, volunteer groups and the public to plant trees leads to strong connections between people and parks. A healthy tree canopy is vital in removing greenhouse gases from our environment and reducing the temperature. Trees provide shade that lower the nearby temperature and give people a place to relax and escape the heat. These benefits come at low cost for the benefit of park visitors of all ages, abilities and financial resources.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan in the Department of Parks and Recreation (DPR). If approved, this request will result in costs of \$2,000,000 in FY 2022-23. The funding source is existing one-time General Purpose Revenue. Upon completion, annual maintenance of trees planted through the Comprehensive Tree Program will be provided by existing DPR staff. 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 Desmond, the Board of Supervisors took action as recommended, on Consent.

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

3. SUBJECT: ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE MOUNT WOODSON GATEWAY COUNTY PRESERVE IMPROVEMENTS PROJECT AND CEQA NEGATIVE DECLARATION (DISTRICT: 2)

OVERVIEW

The trail network surrounding Mount Woodson located off State Route 67 (SR 67) in the unincorporated community of Ramona, is a popular hiking destination visited by thousands of recreational users annually. The trail network encompasses portions of the City of San Diego, City of Poway and unincorporated area. The most popular route to the Mount Woodson Summit and Potato Chip Rock, a frequently photographed location, is currently accessed by trail users parking on the shoulders of SR 67 and on nearby neighborhood streets, then illegally crossing the highway where no safe crossing exists, which poses a threat to public safety. To provide adequate and safe parking for trail users looking to access the Mount Woodson regional trail system, the County of San Diego (County) worked with other governmental partners such as the City of Poway, the City of San Diego, CalFire, and trail user groups to find an off-street parking solution. The County sought to build a parking lot on a nearby County-owned preserve. Because the County-owned property was landlocked with no direct access to SR 67, on April 19, 2019, the County acquired approximately 84 acres of land adjacent to SR 67. The properties were combined to form the Mount Woodson Gateway County Preserve. In addition to providing safe and legal access to the existing Mount Woodson regional trail system and a staging area for public parking, the purchase of the property expanded the existing preserve dedicated to supporting the North County Plan of the Multiple Species Conservation Program (MSCP) which was developed to protect San Diego's native habitats and wildlife.

Approximately nine acres of the 84-acre County property is reserved for the Mount Woodson Gateway County Preserve Improvements Project (Project) for construction of a parking lot which will allow visitors to safely park and access the existing County-owned land and regional trail system. The County Department of Parks & Recreation (DPR) attended a series of Ramona Community Planning Group meetings and subcommittee meetings to collaborate with the public and project stakeholders including CAL FIRE and Caltrans in shaping the goals and design of the project. DPR staff has also met with the adjacent neighborhood (Mt. Woodson Estates Homeowners Association) on two occasions. The proposed project includes 209 public parking spaces with 11 accessible Americans with Disabilities Act (ADA) parking spaces, directional signage, solar powered entry gate to the parking area, solar powered bollard lighting, trash and recycling receptacles, and space for portable restrooms.

Today's request will authorize the Director of the Department of Purchasing and Contracting to advertise and award a construction contract for the Project estimated at \$1,500,000 including contingency. Construction contingency covers unexpected costs that can arise throughout a construction project. The total cost of the County funded Project of \$3,500,000 is included in the Fiscal Year 2022-23 Operational Plan in the Capital Outlay Fund based on General Fund fund balance. If approved, project construction will begin in early 2023 with completion anticipated in winter 2023-24.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, on the basis of the whole record, that there is no substantial evidence that the project will have a significant effect on the environment. Consider the Negative Declaration (Attachment B) together with comments received during public review (Attachment C), and adopt it, finding that it reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D) prepared pursuant to Public Resources Code section 21081.6 and California Environmental Quality Act Guidelines section 15074(d), and authorize the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Adopt the "Statement of Location and Custodian of Record of Proceedings" (Attachment E).
4. Authorize the Department of Purchasing and Contracting to advertise and award a single construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the Mount Woodson Staging Area Improvement Project.
5. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of the Mount Woodson Staging Area Improvement Project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

Access to the Mount Woodson regional trail system from the east is via a City of San Diego-owned and maintained utility road. There is no designated parking for trail users to access the eastern route. For that reason, trail users park their vehicles on both shoulders of State Route 67 (SR 67) and on nearby neighborhood streets, then walk along or illegally cross SR 67 and traverse private or state-owned land to access the regional trail system. The proposed project would allow for safe public parking and access to the trails and avoid potentially dangerous pedestrian activity along SR 67. In addition, the project will include Americans with Disabilities Act accessible parking spaces and paths, and portable restrooms, which will provide amenities for visitors of all abilities and allow access to the regional trail system.

SUSTAINABILITY IMPACT STATEMENT

The proposed Mount Woodson Gateway County Preserve Improvements Project (Project) contributes to many of the County of San Diego's Sustainability Goals: engage the community; provide just and equitable access; transition to a green, carbon-free economy; protect health and wellbeing; and protect ecosystems, habitats, and biodiversity. Throughout the planning and design process of the project, stakeholders have been engaged through public meetings to provide their input. The project will allow for safe access for persons with all abilities to enjoy the open space area, which is currently hindered due to the lack of accessible parking and safe pedestrian access. Providing a parking lot will allow for safe access to outdoor recreational space

which promotes exercise and positive physical and mental health. The built features of the park will include solar powered bollard lighting and solar powered entry gate. DPR will include the feasibility of one solar powered Electric Vehicle (EV) charging station in the bidding and construction documents as an additive alternate. Additive alternates will be included with the construction contract if the bids received for the base contract and additive alternates are below the total amount of funding available for construction. These sustainable features will help reduce the park's reliance on electricity. In addition, the Project supports the protection of approximately 75 acres of the 84-acre property recently acquired by the County for the North County Plan of the Multiple Species Conservation Program (MSCP), which will serve as a respite for wildlife as urban densification increases and comply with the development of natural and organic land management.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan for the Capital Outlay Fund and will result in costs of \$3,500,000 for the County funded Capital Project 1021983 Mount Woodson Acquisition and Parking Lot Project. Construction costs are estimated at \$1,500,000 including contingency. The remaining project funding of \$2,000,000 is used for project related expenses including acquisition, project design, inspections, permitting, monitoring, construction management and project administration. The funding source is General Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

Upon completion of this project, ongoing operations are estimated at \$110,800 annually, which will include maintenance supplies and services. The facility is projected to open in FY 2023-24, and these costs will be included in future Operational Plans pending availability of funding. The funding source will be day use parking revenue (\$60-70,000) and existing Department of Parks and Recreation General Purpose Revenue (\$40,800).

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

1. Found, on the basis of the whole record, that there is no substantial evidence that the project will have a significant effect on the environment. Consider the Negative Declaration (Attachment B) together with comments received during public review (Attachment C), and adopt it, finding that it reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopted the Mitigation Monitoring and Reporting Program (Attachment D) prepared pursuant to Public Resources Code section 21081.6 and California Environmental Quality Act Guidelines section 15074(d), and authorized the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Adopted the "Statement of Location and Custodian of Record of Proceedings" (Attachment E).

4. Authorized the Department of Purchasing and Contracting to advertise and award a single construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the Mount Woodson Staging Area Improvement Project.
5. Designated the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of the Mount Woodson Staging Area Improvement Project in accordance with Section 430.4 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.
6. Authorized the Department of Parks and Recreation to install additional signage, if needed, to meet the needs of the community.

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

4. **SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE SANITARY SEWER AND STORM DRAIN EASEMENTS, AND SLOPE, MAINTENANCE AND DRAINAGE RIGHTS RESERVED FOR PALA MESA DRIVE AND OLD HIGHWAY 395, IN THE FALLBROOK COMMUNITY PLAN AREA (VACATION NO. 2022-0035) (DISTRICT: 5)**

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request from the North County Fire Protection District to summarily vacate the sanitary sewer and storm drainage public service easements reserved within the old alignment of Pala Mesa Road. The summary vacation will include easement rights for slope, drainage facilities, and maintenance beyond the existing rights-of-way reserved for Pala Mesa Drive and Old Highway 395. A summary vacation is a streamlined process by which a public road, or a public service easement is abandoned. A summary vacation may be requested by the public if the easement interests are found to be excess to County of San Diego (County) needs and are not required for the purposes for which they were obtained.

The property is on the south side of Pala Mesa Road at its intersection with Old Highway 395, within the Fallbrook Community Plan Area in the unincorporated community of Fallbrook. The easements to be vacated have been determined to be excess. The vacation of these easements will remove encumbrances that could allow for further use of the applicant's property.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate these easements that are excess, and not required for public purposes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of easements that are not needed for public purposes and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE SANITARY SEWER AND STORM DRAIN EASEMENTS, AND SLOPE, MAINTENANCE AND DRAINAGE RIGHTS RESERVED FOR PALA MESA DR. AND OLD HIGHWAY 395, IN THE FALLBROOK COMMUNITY PLAN AREA (VACATION NO. 2022-0035).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2022-0035 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

The removal of encumbrances from private lands that are no longer needed for public purposes will provide an overall public benefit and improve the use of the land made available by the vacation. The proposed summary vacation is located in a residential area and will allow the North County Fire Protection District that was impacted by the encumbrance to better use their property. The existing surrounding road system will continue to provide adequate access for the property and will not preclude future development.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to summarily vacate easements (including public service easements) contribute to the County of San Diego Sustainability Goal No. 1 to engage the community to partner and participate in decisions that impact their lives and communities and Goal No. 2 to provide just and equitable access to develop their land. This action will impact the North County Fire Protection District directly by providing them with improved use of their property by unencumbering portions of their property for potential future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,500 to process the proposed summary vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 23-009, entitled: RESOLUTION TO SUMMARILY VACATE SANITARY SEWER AND STORM DRAIN EASEMENTS, AND SLOPE, MAINTENANCE AND DRAINAGE RIGHTS RESERVED FOR PALA MESA DR. AND OLD HIGHWAY 395, IN THE FALLBROOK COMMUNITY PLAN AREA (VACATION NO. 2022-0035).

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

**5. SUBJECT: ADVANCING SUSTAINABILITY AND ENVIRONMENTAL JUSTICE
COLLABORATIONS: ESTABLISHING A REGIONAL SOCIAL
EQUITY WORKING GROUP (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) has positioned itself as a leader in addressing climate change, sustainability, and furthering the goals to reach zero carbon. Two important aspects that must be central to ensuring that the region is measuring, preparing, and creating actions to transform and innovate to march towards these goals are:

- creating a baseline understanding of equity across jurisdictions and regional agencies; and
- bringing together the region's brain trust for developing strategies for the green jobs and workforce transition for San Diego County as an innovator and regional-binational economic partner.

This work aligns with the recent adoption by the California Air Resources Board's (CARB) 2022 Scoping Plan which was approved on December 15, 2022. The CARB Scoping Plan is ambitious and sets direction for the state of California, the world's fourth largest economy, to become carbon neutral by 2045 and reduce the State's dependence on fossil fuels. The 2022 state budget includes a total of \$2.6 billion this year appropriated via the Budget Act of 2022 from a multi-agency commitment to decarbonization (Total of \$6.1 billion through FY 2026-27). For our region, the San Diego Air Pollution Control District has identified and received approval for advancing emissions reductions in two San Diego communities through the AB 617 Community Air Protection Program: the Portside Environmental Justice Community and the San Diego International Border. These CARB investments are receiving prioritization and efforts should be aligned to ensure we are advocating collectively for AB 617 program and incentive funding for these frontline communities. At the federal level, the 2021 Bipartisan Infrastructure Law (BIL) provides \$973 billion over five years (FY 2022 through 2026) including \$550 billion in new investments for all modes of transportation, water, power and energy, environmental remediation, public lands, broadband and resilience. Additionally, the Inflation Reduction Act of 2022 is aimed at curbing inflation and investing into domestic energy production while promoting clean energy. The law will raise \$738 billion and authorize \$391 billion in spending on energy and climate. This will be the largest investment in climate change in United States history.

As we continue to address sustainability and environmental justice issues in the region, the County needs to do more to improve conditions in our frontline communities. With the establishment of the Office of Sustainability and Environmental Justice (OSEJ), the tremendous advancement of how we address internal sustainability for the County enterprise and in support of the Integrated Regional Decarbonization Framework, it is time to begin the work of engaging on strategies and activities that are regional, multi-sectoral, and multi-jurisdictional.

Today's action directs the Chief Administrative Officer (CAO) to establish a Regional Social Equity Working Group to consult with OSEJ on regional sustainability and environmental justice issues. The action also directs the CAO to coordinate a workshop to develop strategies for what the region will need for job growth and building the workforce development pipeline and report back in 180 days.

RECOMMENDATION(S)

CHAIRWOMAN NORA VARGAS AND VICE-CHAIR TERRA LAWSON-REMER

1. Find that today's actions are exempt from the California Environmental Quality Act (CEQA) pursuant to 15378(a) of the State CEQA Guidelines.
2. Direct the Chief Administrative Officer (CAO) to establish a Regional Social Equity Working Group ("Regional Equity Group") to consult with the Office of Sustainability and Environmental Justice (OSEJ) on regional sustainability and environmental justice issues. These may include social equity guidance for climate action and decarbonization efforts around the region, as well as other social equity issues related to water, air pollution, and affordable housing. This group will consist of:
 - a. community residents or tribal leaders that have lived experiences in environmental injustice;
 - b. community-based organizations or tribal organizations that advocate for health, social, economic or environmental justice in a specific environmental justice community or sovereign tribal land; or
 - c. academics or researchers that have technical expertise in addressing the underlying causes of health, social, economic, or environmental disparities in disadvantaged populations.
3. Direct the CAO to coordinate a workshop to bring together economic development sectors, labor unions, non-profits, economic development corporations and councils, chambers, universities and colleges, and environmental organizations to develop strategies on what the region will need for job growth, decarbonization, and develop strategies for building the workforce development pipeline for the region and provide a report back to the Board of Supervisors within 180 days.
4. Direct the CAO to consult with the San Diego Air Pollution Control District to identify opportunities for collaboration to increase AB 617 program funding and CARB incentive funding for the two San Diego AB 617 communities.

EQUITY IMPACT STATEMENT

The Integrated Regional Decarbonization Framework (RDF) is centered on equity. The voices of communities impacted by environmental injustices were critical in the development of the technical, scientific reports and will continue to play an important role throughout the design and development of implementation actions, as the County of San Diego continues its robust public outreach and engagement. The technical report of the RDF, received on August 31, 2022 (5) and drafted in partnership with the University of California San Diego (UC San Diego) School of Global Policy and Strategy and the University of San Diego (USD) School of Law's Energy Policy Initiatives Center (EPIC) identified that existing climate action plan commitments by local jurisdictions, including the incorporated cities and the unincorporated area, that are designed to reduce greenhouse gases, will fall short. It also identified areas where the region can do more to reach its decarbonization goals. One finding in the report noted that the different jurisdictional plans have varying definitions of equity, have no equity statement and/or do not identify equity as an important prioritization for advancing climate goals. By establishing a baseline understanding of equity across jurisdictions and regional agencies, the region, through OSEJ, can identify metrics and progress for ensuring climate solutions, investments, and inclusion.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to provide opportunities to convene regional stakeholders in the workforce and economic development space will contribute to many of the County of San Diego's Sustainability goals by advancing community engagement in meaningful ways to foster inclusive and sustainable communities for the development of strategies and investments for transitioning to a green and carbon free economy, including tribal government and agricultural community participation; and focus investments in chronically underserved communities. Additionally, the proposed action to establish a Regional Social Equity Working Group will invest in building resilience for vulnerable populations in partnership with communities and remediate environmental harms for communities that have been disproportionately impacted.

FISCAL IMPACT

There are no fiscal impacts associated with this action. There will be no change in net General Fund cost and no additional staff years. There may be fiscal impacts associated with future related recommendations for which staff would return to the Board for consideration and approval.

BUSINESS IMPACT STATEMENT

The County of San Diego has an opportunity to convene regional stakeholders in the workforce and economic development space to begin to provide more detail to the necessary strategies to prepare for transitioning to a greener economy, including tribal government and agricultural community participation. The RDF will provide a guiding framework for climate-related jobs and investments with innovative science and technological advancements, climate resiliency efforts, new renewable energy generation and storage projects, clean technology in transportation and building systems, research and development in greenhouse gas (GHG) capture and storage, economic benefits from emissions reductions, and the associated high-quality job creation in the green economy. Advancing regional workforce transition plans by engaging stakeholders in the economic development space will create a regional engagement space to advance these efforts with and for workers and the business community.

ACTION:

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

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

6. **SUBJECT: RIGHT-OF-WAY DONE RIGHT: ADOPT ORDINANCE ESTABLISHING MINIMUM WAGE FOR TRAFFIC CONTROL WORKERS AND RELATED CEQA EXEMPTION (1/25/2023 FIRST READING; 02/08/2023 - SECOND READING UNLESS ORDINANCE IS MODIFIED AT SECOND READING) AND IMPLEMENT RIGHT-OF-WAY PERMIT PROCESS IMPROVEMENTS (DISTRICTS: ALL)**

OVERVIEW

On September 14, 2022 (5), the Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to develop and return to the Board within 120 days with an ordinance that codifies a minimum wage for traffic control workers, including forepersons and other on-site staff necessary for traffic control, doing work on County of San Diego maintained (County maintained) roads. The County maintains over 2,000 centerline miles of roads in the unincorporated area and issues approximately 3,500 permits per year to utility companies, private contractors, and individuals for work performed within the right-of-way along those roadways.

In recognition of the importance of protecting the health and safety of traffic control workers who perform this work, the Board directed the ordinance to require that all traffic control workers be paid equal to or greater than the prevailing wage that is set by the Department of Industrial Relations in the State of California 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. Skilled and trained workforce requirements will be included in contracts in compliance with the County's (County) Working Families Ordinance requirements for County construction projects over \$1,000,000. This wage would be required for all projects other than those serving a single-family residence or other small projects and would help stimulate the local economy by creating primarily construction-related employment opportunities.

The Director of the California Department of Industrial Relations determines the general prevailing rate of per diem wages for a particular craft, classification, or type of worker by geographical area. General determinations are issued twice a year on February 22 and August 22. In San Diego County, there are two relevant wage determinations, both issued August 22, 2022: "Laborer and Related Classifications (Building Construction)" and "Laborer (Construction-Fence Erector-Housemover) (Engineering Construction)." In the former, both "Flagperson" and "Traffic Control by any method" are compensated at \$62.80 per hour. In the latter, both "Flagperson" and "Traffic Control by any method" are compensated at \$64.04 per hr. Contractors are responsible for applying the prevailing wage rate that is most applicable to their project aligned during the construction period. County DPW staff engaged with labor organizations and business groups to solicit input for the prevailing wage ordinance.

In addition to the ordinance, on September 14, 2022 (5), the Board directed the CAO to assess potential improvements that County staff could make to expedite right-of-way permit issuance, including acceptable standards for permit processing times and performance evaluations of the permit issuance process, and return to the Board of Supervisors within 120 days with any potential recommendations.

Right-of-way permits are required for any work proposed in County maintained right-of-way.

This includes privately owned encroachments such as gates, fences, signs, or the installation of public improvements in the right-of-way. Projects that require a permit include the installation of utilities such as electrical lines, cable lines, water, and sewer lines, telephone lines, curbs, gutters, sidewalks, and similar projects. Based on the project, the type of right-of-way permits could include construction, excavation, encroachment, small cell wireless facility, traffic control, tree trimming, and heavy load moving.

The current County process to issue right-of-way permits involves review by multiple staff in several departments. Simple permits are processed and issued in three to four weeks while complex right-of-way permits can take several weeks or longer to process. The County processes and issues 3,500 right-of-way permits annually with 25% issued to Cox Communications, 20% issued to SDG&E, 20% to AT&T, 15% issued to the regional water districts, and the remaining 20% issued to private contractors, other jurisdictions, and minor utility and telecommunication agencies. Over the last five years, the quantity of permit applications has gradually increased by an average of 5%. Beginning of 2022, there was significant staff turnover, many of who were involved in processing right-of-way permits. This resulted in a backlog of over 990 permits. Staff pivoted and conducted a business process reassessment for 12 types of right-of-way permits and identified potential improvements to the processing of permit applications.

Short-term improvements have been completed, mid-term improvements are underway and are expected to be completed in one year, and long-term improvements are expected to be completed in three years.

Staff accomplished the following short-term improvements:

- Engaged with the most frequent applicants for right-of-way permits to solicit input in the conduct of processing permits
- Worked with each stakeholder to best prioritize their permit applications
- Established annual permits for SDG&E, AT&T, and Cox Communications, eliminating the need for staff to process approximately 870 permit applications per year
- Worked with utility agencies to clarify and train on proper permit types required for each type of field work, resulting in the correct type of permit applications being submitted (i.e. excavation, encroachment, traffic control)
- Conducted refresher trainings for all permit intake and issuance staff at the front counter and for all review and approval staff

- Adjusted the primary duties of six staff members for five months to temporarily shift priority to review and approve incoming traffic control permits
- Added three contract employees for permit review, processing, and approval

The team eliminated the current backlog of right-of-way permits in late 2022.

In an effort to further streamline the permit process, staff will work with Peraton, the County Information Technology Contractor, to develop scope, schedule, and budget to implement long-term technology improvements that will eliminate redundancy of permit review by multiple County staff, duplication of input efforts of permit information by County staff and provide transparency to the public and applicant on the status of each step of the permit review process.

Restructuring our process will expedite right-of-way permit issuance. Staff will report potential process improvements and performance evaluations that could expedite right-of-way permit issuance to the Board biannually.

Today's action would introduce an ordinance that codifies a minimum wage for traffic control workers on projects within County-maintained roads and seek Board authorization to implement right-of-way permit process improvements that would expedite permit issuance. The ordinance will be introduced on January 25, 2023, and, if approved, it will be scheduled for adoption on February 8, 2023. If the proposed ordinance is altered on February 8, 2023, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activities are 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 an ordinance related to employment of traffic control workers or reporting on potential actions to expedite right-of-way permit issuance would have a significant effect on the environment.
2. Approve the introduction, read title, and waive further reading of the following Ordinance:
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO EMPLOYMENT OF TRAFFIC CONTROL WORKERS ON COUNTY MAINTAINED ROADS.
3. Authorize staff to develop scope, schedule, and present budget options if needed, to implement long-term improvements that could expedite right-of-way permit issuance.

If, on January 25, 2023, the Board takes action as recommended, then, on February 8, 2023: Consider and adopt the following Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO EMPLOYMENT OF TRAFFIC CONTROL WORKERS ON COUNTY MAINTAINED ROADS.

EQUITY IMPACT STATEMENT

Traffic control workers play a critical role in keeping our roads safe when construction activities work is being completed on public streets. These workers are exposed to difficult conditions daily, including but not limited to hot temperatures, poor air quality, and distracted drivers. Ensuring these workers are properly compensated will help ensure that communities benefit from quality work and that these workers are fairly compensated for the risk they assume when performing this job.

SUSTAINABILITY IMPACT STATEMENT

Establishing a minimum wage for traffic control workers on projects within County-maintained roads have economic and social sustainability benefits and is consistent with the County sustainability goal to protect the health and wellbeing of everyone in the region. Evaluating improvements to expedite right-of-way permits furthers the County sustainability goals to engage the community and seek stakeholder input to foster inclusive and sustainable communities, and to provide just and equitable access to County services.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan for Department of Public Works (DPW), Road Fund. If approved, this request will result in current year costs of \$25,000 for staff time for program management, including development of the scope of work for a roadway capacity index evaluation and electronic permit process long-term improvements. The estimated cost and funding source(s) for implementation of the long-term improvements will be determined once the scope of work has been finalized. DPW will monitor its budget and return to the Board for future action with a mid-year adjustment to the budget and/or incorporate in the future budget as necessary. The funding source for the staff time to develop the scope of work for long-term improvements is State Highway User Tax Account. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Businesses, including utilities and telecom companies, rely on the County of San Diego to be a critical partner in processing and issuing over 3,500 right-of-way permits per year and ensuring that utility work, such as undergrounding, can occur within the unincorporated area. Taking proactive measures to ensure that traffic control workers are adequately compensated can help ensure that this work is done safely and on time. Further, the County will work to ensure that the right-of-way permitting process is reliable and predictable by allocating resources to process improvements and permit streamlining and implementing technology upgrades.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, amending Section 74.301(a)(iii) EMPLOYMENT STANDARDS FOR WORK WITHIN COUNTY MAINTAINED ROADS of the Ordinance to read as follows:

Small Project: Means any work within a Highway in support of the construction, renovation, or repair of a single-family home, an event sponsored by a non-profit organization that makes use of a Highway for no more than one day, any project costing less than \$1,000 per Labor Code section 1771 or any subsequent dollar threshold applicable to the payment of Prevailing Wages established by State law.

and, took action to further consider and adopt the Ordinance on February 8th, 2023.

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

**7. SUBJECT: NOTICED PUBLIC HEARING:
UPDATES TO FIRE SAFETY GUIDELINES AND STANDARDS
DURING ENVIRONMENTAL REVIEW IN THE UNINCORPORATED
AREAS; FIND THE ACTION IS NOT A PROJECT, OR
ALTERNATIVELY, IS EXEMPT UNDER CEQA (DISTRICTS: ALL)**

OVERVIEW

On February 9, 2022 (7), the Board of Supervisors (Board) directed staff to prepare a revised Transportation Study Guide (TSG) to implement Vehicle Miles Traveled (VMT) requirements for projects located within the unincorporated area. The Board's direction included developing VMT criteria for projects located within Infill Areas, which are locations that have higher densities and a greater mix of land uses near existing or potential transit services, excluding any areas designated as Very High and High Fire Hazard Severity Zones (fire zones). These areas would be exempt from VMT analysis. After receiving the Board's direction in February 2022, staff prepared a revised TSG.

During public review of the TSG, concerns were raised that removal of the fire zones from the Infill Areas is not directly connected to VMT impacts and is not supported by substantial evidence demonstrating why a project's location within a fire zone determines whether a project has VMT impacts. The comments indicated California Environmental Quality Act (CEQA) wildfire analysis should not be included within a CEQA threshold for transportation and should instead be included in a separate threshold related to fire. To address concerns with developing in the fire zones within the unincorporated areas separately from the Revised TSG, staff developed and presented a package of options that included adopting the revised TSG without the fire zones carve-out to the infill screening threshold and bringing forward a separate update to the County's wildfire regulations, including the County's CEQA Wildfire Guidelines and Fire Protection Guidelines (Fire Guidelines), Fire Protection Plan requirements, and local fire code.

On September 28, 2022 (6), the Board adopted the revised TSG without the fire zones carve-out to the infill screening threshold and directed staff to return to the Board within four months with focused updates to the Fire Guidelines and other fire standards to identify specific requirements for projects located within fire zones in the unincorporated areas, including the mandatory requirement for a Fire Protection Plan, and require that any exceptions to the State Fire Code, as adopted by the County, be mitigated through an alternative that has the same practical effect.

The Fire Guidelines were originally adopted by PDS on March 19, 2007. The Fire Guidelines assist staff, development project applicants, and the public in understanding whether a proposed development project will create significant risks associated with wildfire because of its location, design or other factors. The Fire Guidelines aid in the review of discretionary projects (projects that require a public agency to exercise judgment or deliberate before deciding if the project will be approved or a permit will be issued) and associated environmental documents to determine whether, based on substantial evidence as defined under the state CEQA Guidelines, a project may have a significant effect on wildland fire.

If adopted, the updated Fire Guidelines would apply to all new projects and in-process projects in the unincorporated areas that are subject to environmental review. This would ensure that new projects in the unincorporated areas that are in fire zones go through additional analysis and implement mitigation to reduce impacts from wildfire to the extent feasible.

Today's request is for the Board to adopt the updated Fire Guidelines pursuant to the September 2022 Board direction.

RECOMMENDATION(S)

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services recommends adopting the County's CEQA Wildfire and Fire Protection Guidelines (Fire Guidelines) as proposed. PDS recommends that the Board take the following actions:

1. Find that the proposed action is not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3); or, alternatively, is subject to the commonsense exemption, CEQA Guidelines section 15061(b)(3).
2. Adopt the County's CEQA Wildfire and Fire Protection Guidelines (Attachment B) and revisions included in Attachment C by the following Resolution:
**RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
ADOPTING THE COUNTY OF SAN DIEGO GUIDELINES FOR DETERMINING
SIGNIFICANCE AND REPORT FORMAT AND CONTENT REQUIREMENTS FOR
WILDLAND FIRE AND FIRE PROTECTION.**

EQUITY IMPACT STATEMENT

The updates to the County's CEQA Wildfire and Fire Protection Guidelines will ensure that new development in the unincorporated areas implements improved fire safety measures and minimizes impacts to existing residents and communities. The updates will enhance the County's evaluation of new development projects, ensuring they address fire safety and mitigate wildfire impacts to the extent feasible.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to update the County's CEQA Wildfire and Fire Protection Guidelines (Fire Guidelines) will contribute to the County of San Diego Sustainability Goal No. 4 to protect the health and wellbeing of everyone in the region by ensuring that new development addresses and mitigates impacts related to wildfire risk. The updated Fire Guidelines will require additional analysis be completed for projects located within high fire risk areas to ensure they are safe, minimize impacts to existing residents and communities, and implement measures to reduce the risk of wildfire.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The updates to County's CEQA Wildfire and Fire Protection Guidelines will be implemented through privately initiated projects which are privately funded. Private development costs will be paid for by the private sector through the entitlement and permit processes. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, adopting Resolution No. 23-010, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE COUNTY OF SAN DIEGO GUIDELINES FOR DETERMINING SIGNIFICANCE AND REPORT FORMAT AND CONTENT REQUIREMENTS FOR WILDLAND FIRE AND FIRE PROTECTION.

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

8. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE REPEALING AND REENACTING THE
COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING,
MECHANICAL, ENERGY EFFICIENCY, GREEN BUILDING CODES,
AND RELATED CEQA EXEMPTION (TRIENNIAL COUNTY
BUILDING CODE UPDATE) (1/25/2023 - FIRST READING; 2/8/2023 -
SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

National building codes were developed in response to natural disasters like fires and earthquakes. Building sciences and construction engineering advancements allowed codes to evolve beyond reducing risks. Today's codes establish minimum standards to ensure homes and buildings are designed and constructed to protect public health, safety, community welfare, and are sustainable. Planning & Development Services (PDS) helps establish, use, and enforce up-to-date building codes through the review of proposed plans, issuance of building permits, and onsite construction inspections. These ongoing efforts, including regular code updates, enhance building resiliency, public welfare, and help build a culture of preparedness.

The California Building Standards Code (State Model Code) strives to ensure public health, safety, and general welfare through provisions addressing structural strength and stability, emergency exiting, fire prevention, electrical hazards, sanitation, air and water quality, energy efficiency, accessibility, and sustainability of buildings and structures. Structures designed and built to these standards, as compared to those built to lesser standards, have an increased likelihood of maintaining their structural integrity in a disaster, giving building occupants sufficient time to escape, providing safety to emergency responders, and protecting lives.

Every three years, the State of California (State) updates the State Model Code by repealing the existing code in its entirety and adopting and publishing an updated State Model Code. The 2022 edition of the State Model Code was published on July 1, 2022 and became effective on January 1, 2023.

The amendments to the State Model Code, known as the County Building Code, allow San Diego County to provide additional layers of safety and protection for our residents, provided it can be shown, to the State, that changes are necessary for local climactic, geological, or topographical conditions. The State Model Code allows modifications provided they do not lessen any of the requirements provided in the base State Model Code. While past local amendments have resulted in changes such as increased safety, they do typically increase construction costs. Potential local amendments are discussed with stakeholders during outreach to solicit feedback on impacts. Pool safety amendments are an example of climactic and geological changes to the State Model Code. Southern California has a high number of pools due to the weather; pool accidents have been recognized as a local issue. Amendments were made to require additional safety precautions above the State requirements.

Today's requested actions include the readoption of prior local amendments still applicable after the 2022 State Model Code updates and modifications to ensure local amendments are still in line with changes made to the State Model Code. Today's amendments are focused on these routine updates and addition of the Appendix P to the 2022 State Model Code (Emergency Housing and Shelter) and do not introduce additional changes to the State Model Code. In parallel, PDS has several ongoing efforts under the Regional Decarbonization Framework and Climate Action Plan Update related to items like green energy use and building sustainability could provide the opportunity for additional local amendments to the Code through future Board actions.

Pursuant to State law, the new local amendments requested today include Federal Emergency Management Agency (FEMA) requirements related to increasing flood resiliency and promoting public safety based on recent discussions with FEMA. At the request of FEMA, this update explicitly identifies requirements for alterations to buildings be designed and/or located to prevent water entry or accumulation.

Additional local amendments proposed include the adoption of Appendix P within the State Model Code allowing acceptable County Building Code options to address a shelter crisis arising from a declared local, state, or federal disaster (including homelessness or any disaster). The County continues to promote building shelters and housing for individuals experiencing homelessness. On August 11, 2018 (06), the Board adopted a shelter crisis declaration for unincorporated communities, which is in effect today. Additionally, on January 26, 2022 (05), the Board adopted Zoning Ordinance amendments streamlining certain locations for emergency housing. If adopted, local amendments contained in the County Building Code apply to unincorporated communities for which the County of San Diego (County) has jurisdiction.

Today's request is the first reading to consider the adoption of the proposed ordinance, which contains local amendments to the State Model Code. If the Board takes the action recommended today, then on February 8, 2023, the Board can consider and adopt the proposed ordinance.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On January 25, 2023:

1. In accordance with California Environmental Quality Act Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (on file with the Clerk of the Board).
2. Approve the express findings demonstrating the County of San Diego amendments to the California Building Standards Code (State Model Code) are reasonably necessary because of local climatic, geological or topographical conditions, pursuant to Health and Safety Code Section 17958.7 (Attachment A, on file with the Clerk of the Board).
3. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Ordinance (Attachment B, on file with the Clerk of the Board), titled:
AN ORDINANCE REPEALING AND REENACTING THE COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, ENERGY, AND GREEN BUILDING CODES AND ADOPTING AN ORDINANCE FOR SUBCONTRACTOR TRANSPARENCY IN COUNTY PERMITS.

If, on January 25, 2023, the Board takes action as recommended, then on February 8, 2023:

1. Consider and adopt the Ordinance Repealing and Reenacting the County Building, Residential, Electrical, Plumbing, Mechanical, Energy Efficiency, and Green Building Codes - Triennial County Building Code (second reading).
2. Upon adoption of the ordinance, direct the Clerk of the Board to provide a certified copy of the adopted ordinance repealing and reenacting the County Building, Residential, Electrical, Plumbing, Mechanical, Energy Efficiency, and Green Building Codes (Triennial County Building Code) together with the associated findings (Attachments A - D) to the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833 pursuant to Health and Safety Code Section 17958.7.

EQUITY IMPACT STATEMENT

Regular adoption and updates to the County Building Code help increase transparency and create uniform standards applied equally across all unincorporated communities. Local amendments to the State Model Code create customized changes to address our local community's public health and safety. Local Amendments expand beyond statewide transparency and accountability efforts through local stakeholder engagement: including direct feedback from vulnerable communities and those closest to the communities they serve.

According to the California Energy Commission (based on 2022 State Model Code development public workshops, commission hearings, and responses to public comments), extensive community input, including from underserved communities and those directly impacted by changes (homeowners and home-builders), shaped the development of the State Model Code. The State Model Code helps reduce disproportionate equity impacts faced by vulnerable communities. The new 2022 Energy Code helps address some of the disproportionate impacts of climate change with new standards to reduce air pollution and improve indoor air quality to address public health.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to consider the adoption of the County Building Code will result in sustainability enhancements in terms of health/well-being, equity, economy, and environment. The actions requested align with multiple County Sustainability Goals, including engaging the community, providing just and equitable access, transitioning to a green, carbon-free economy, protecting health and wellbeing, protecting water, and reducing pollution and waste. Uniform construction standards provide transparency and clarity for the public. Updated construction codes provide equitable access to healthier and safer homes and businesses. The new standards help increase green jobs, increase energy efficiency, encourage building electrification, promote electrical vehicle adoption, and increase electric vehicle infrastructure contributing to decarbonization of the transportation sector. Additionally, the new onsite renewable energy generation and energy storage requirements contribute to grid resiliency and decarbonization. These new building standards reduce energy consumption, reduce indoor water consumption, preserve natural resources, and protect indoor air quality. In addition, proposed wildfire and flood resiliency standards safeguard public health and well-being while reducing demand on first responders during natural disasters resulting from climate change.

Based on available data from the State, these new requirements in the State Model Code contribute towards adoption of renewable energy, grid reliability, reduced emissions, reduced air pollution, and encourage electrification, which support the County's Sustainability Goals and greenhouse gas reduction initiatives, including the Regional Decarbonization Framework and the Climate Action Plan Update. According to the State, over the next 30 years, the 2022 code updates are estimated to provide \$1.5 billion in consumer benefits and reduce 10 million metric tons of greenhouse gas, equivalent to taking nearly 2.2 million cars off the road for a year.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

While there is an increased cost for certain new residential construction (heat pump technology, electric ready wiring for future electric appliances, and better ventilation) and certain new commercial construction (mandatory solar and energy storage) as a result of a new requirement established by the State, the California Energy Commission (CEC) found that the long-term savings resulting from on-site generation of renewable energy increased energy efficiency. These additional utility energy savings would outweigh the increased construction costs when measured over the useful life of the home or business (measured over 30 years).

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended, to further consider and adopt the Ordinance on February 8th, 2023.

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

9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Mike Aguirre spoke to the Board regarding the Rancho Santa Fe Golf Course.

Katheryn Rhodes spoke to the Board regarding homeless shelters.

Audra spoke to the Board regarding transgender individuals.

Consuelo spoke to the Board regarding leadership, the government, and freedom.

KB Strange spoke to the Board regarding youth related programs that raise awareness of lung cancer.

Becky Rapp spoke to the Board regarding marijuana use among older adults.

Paul Henkin spoke to the Board regarding the recent winter storms in San Diego County.

John Bottorff spoke to the Board regarding the harmful effects of lead aviation fuel.

Kathleen Lippitt spoke to the Board regarding cost benefit analysis on projects.

Barbara Gordon spoke to the Board regarding secondhand smoke pollution and public health.

Mark Wilcox spoke to the Board regarding marijuana businesses.

Suzanne Hume spoke to the Board regarding toxic pesticides on public lands.

Diane Grace spoke to the Board regarding marijuana dispensaries in the unincorporated areas.

Peggy Walker spoke to the Board regarding commercial cannabis business regulations.

Ann Riddle spoke to the Board regarding cannabis cultivation committees.

Truth spoke to the Board regarding SANDAG's regional plan and the World Economic Forum.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:22 a.m.

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

Consent: Perez


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, February 08, 2023.


NORA VARGAS
Chair

Attest:


ANDREW POTTER
Clerk of the Board

02/08/2023