

August 28, 2024

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, AUGUST 28, 2024, 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 9:40 a.m.

PRESENT: Supervisors Nora Vargas, Chair; Terra Lawson-Remer, Vice-Chair; Joel Anderson; Monica Montgomery Steppe, 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 July 17, 2024.

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of July 17, 2024.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

- 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. | AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR EMERGENCY POWER GENERATORS AT POTRERO COUNTY PARK AND VALLECITO COUNTY PARK AND CEQA EXEMPTION |

2. APPROVE A TWELFTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN RAMONA MUNICIPAL WATER DISTRICT AND THE COUNTY OF SAN DIEGO FOR A TIME EXTENSION OF RECREATIONAL IMPROVEMENTS AT WELLFIELD COMMUNITY PARK
3. AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE TIJUANA RIVER VALLEY SPOONER'S MESA STORMWATER IMPROVEMENTS PROJECT AND RELATED CEQA ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT
(4 VOTES)
4. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SOUTH MISSION ROAD (NORTH SEGMENT) PROJECT 1 GREEN STREET
5. GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PUBLIC WALK IN THE BORREGO SPRINGS COMMUNITY PLAN AREA AND CEQA EXEMPTION (VAC 2023-0041)
6. OCOTILLO SOLAR FACILITY FIRE PROTECTION AND SERVICES AGREEMENT AND ENVIRONMENTAL DOCUMENT
7. AUTHORIZE SINGLE SOURCE PROCUREMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA AND RELATED CEQA EXEMPTION
8. STREAMLINING PERMIT PROCESSES AND CREATING A COUNTY BROADBAND UNIT TO INCREASE LOCAL BROADBAND CAPACITY
(4 VOTES)
9. ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS) AND IMPROPER DISPOSAL OF SEWAGE: RECEIVE LOCAL AGENCY MANAGEMENT PROGRAM (LAMP) UPDATE AND APPROVE AMENDMENTS TO CHAPTER 3 DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES WITH CEQA EXEMPTION
10. TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (08/28/2024 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 09/11/2024 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING)
11. NOTICED PUBLIC HEARING:
ADOPTION OF THE COUNTY OF SAN DIEGO INCLUSIONARY HOUSING ORDINANCE
12. NON-AGENDA PUBLIC COMMUNICATION

**1. SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR EMERGENCY POWER
GENERATORS AT POTRERO COUNTY PARK AND VALLECITO
COUNTY PARK AND CEQA EXEMPTION (DISTRICTS: 2, 5)**

OVERVIEW

The County of San Diego (County) employs a comprehensive approach to emergency and disaster response and recovery. During an emergency/disaster event, utilities are often interrupted, leading to gaps in services. For facilities managed by the Department of Parks and Recreation (DPR) these unplanned outages impact operations, including critical services like small water systems that supply safe drinking water to park visitors. To minimize interruptions and ensure continuity of these critical services, emergency backup power generators are essential.

Potrero County Park and Vallecito County Park are located in some of the more remote areas of the county and often experience planned and unplanned power outages that affect their site operations, including small water systems. The installation of the emergency backup generators will ensure DPR's ability to continue small water system operations and thereby minimizing impacts to park visitors and staff.

Today's action requests the Board of Supervisors to authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract for the procurement and installation of permanent emergency generators at Potrero County Park and Vallecito County Park. If approved, construction is expected to begin in October 2024 with estimated completion in December 2024. The estimated cost for each project is \$202,204 for Potrero Park and \$166,519 for Vallecito Park.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the projects are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301, 15303, 15304.
2. Authorize the Director, Purchasing and Contracting to advertise and award construction contracts and to take any action authorized by Article XXIII, Section 401, et seq. of the Administrative Code, with respect to contracting for the purchase and installation of new emergency power generators at Potrero County Park and Vallecito County Park.
3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer responsible for administering the construction contracts for the installation of emergency power generators at Potrero County Park and Vallecito County Park.

EQUITY IMPACT STATEMENT

The approval to advertise and award construction contracts for emergency power generators at Potrero County Park and Vallecito County Park would provide respite to residents during a power outage who live near these parks in the rural unincorporated parts of the county. The emergency power generators will also support onsite services and communications in the event of a power disruption, which will enable residents to continue to communicate with family, friends, and emergency services as needed.

SUSTAINABILITY IMPACT STATEMENT

All proposed materials and methods are consistent with the California Building Code and associated standards for efficiency. The small project footprint will result in limited ground disturbance, but the project will still fully comply with all local and State stormwater requirements and best practices. The project will not result in any significant demand for water or other resources.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2024-25 Operational Plan in the Department of Parks and Recreation (DPR). If approved, this request will result in estimated costs and revenue of \$202,204 for the Major Maintenance Capital Outlay Fund (MMCOF) Project 1023699, Potrero County Park Backup Generator and \$166,519 for the MMCOF Project 1024612, Vallecito County Park Generator. The funding source is General Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Expenditures resulting from this action will create economic opportunities for existing companies. The companies hired by DPR to service and maintain the generators will benefit from the additional revenue generated from service contracts. The companies that provide propane to power the emergency generators will benefit from the sale of propane for the ongoing operation of the generators in San Diego county.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

2. **SUBJECT: APPROVE A TWELFTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN RAMONA MUNICIPAL WATER DISTRICT AND THE COUNTY OF SAN DIEGO FOR A TIME EXTENSION OF RECREATIONAL IMPROVEMENTS AT WELLFIELD COMMUNITY PARK (DISTRICT: 2)**

OVERVIEW

The Ramona Municipal Water District (Water District) owns and operates Wellfield Community Park, which is located in the unincorporated community of Ramona. The park provides an array of recreational amenities, including a rodeo arena with bleachers, fairgrounds, a covered picnic area, a kitchen, five baseball fields, three soccer fields, four adult softball diamonds, restrooms, a snack bar, a community center, junior fairgrounds, and equestrian facilities.

Since 1994, the Water District and the County have worked together through a Joint Exercise of Powers Agreement (JEPA) to make recreational improvements to Wellfield Community Park. Previously approved amendments have accommodated both the County and District by joint coordination in planning and development of the facilities using Park Land Dedication

Ordinance (PLDO) funds for the park while the Water District constructs the improvements, maintains, and provides the public with access to the park facilities. The agreement requires that any amendments receive Board of Supervisor's approval.

On April 27, 2022 (4) the County of San Diego Board of Supervisors authorized the Department of Parks and Recreation (DPR) to execute an Eleventh Amended and Restated JEPA with the Water District. This action established appropriations of \$900,000 in the Park Land Dedication Ordinance (PLDO) Area 28 Ramona Fund for the ongoing construction of ballfield lighting and a scoreboard. The previously approved Eleventh Amended JEPA requires construction completion within two years of this approval. Although construction of the improvements has begun, the Water District has indicated that the construction completion date of Spring 2024 cannot be met because of supply chain challenges and long lead times with obtaining project materials outside of the County's control. This request is to extend the construction completion date to Summer 2025.

The proposed twelfth amendment to the JEPA would allow for the continued construction of the lighting and scoreboard improvements. The entire park, along with these improvements, will be maintained by the Water District. These improvements provide enhanced conditions for sports league play in the community. DPR has evaluated the proposed agreement amendment time extension and concurs with the request. If approved, construction of the improvements will be completed by summer, 2025, or sooner.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that today's action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the State CEQA Guidelines.
2. Authorize the Director, Department of Parks and Recreation to execute an Amended and Restated Joint Exercise of Powers Agreement between the Ramona Municipal Water District and the County of San Diego for the construction time extension associated with the development of recreational improvements at Wellfield Community Park.

EQUITY IMPACT STATEMENT

The Joint Exercise of Powers Agreement (JEPA) with Ramona Municipal Water District provides an opportunity to improve recreational amenities for the public. The project requires a time extension for the construction of a solar-powered scoreboard and additional sports field lighting in the community. The project will have a positive health impact on all demographics in the county, including the underserved, low-income portions of the Ramona community, by providing improvements that will enhance the conditions for league play during both daytime and evening hours. Additional lighting will expand the recreational evening hours of the park.

SUSTAINABILITY IMPACT STATEMENT

The proposed twelfth amendment to the Joint Exercise of Powers Agreement (JEPA) would allow for the continued construction of the lighting and scoreboard improvements on Wellfield Community Park. This contributes to many of the County of San Diego's Sustainability Goals: to provide just and equitable access; to transition to a green and circular economy; and to protect health and wellbeing. This project improves access to safe recreational facilities through

enhancing the wellbeing and conditions of league play through additional light-emitting diode (LED) lighting and an LED scoreboard by expanding the recreational evening hours of the park. The project transitions to a green and circular economy by installing LED cost-saving design measures in using 70% less energy and would last four to five times longer than the typical high-intensity discharge (HID) lighting.

FISCAL IMPACT

There are no fiscal impacts associated with this time extension recommendation. Construction, operation, and maintenance of the improvements will be the responsibility of the Ramona Municipal Water District. 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 Montgomery Steppe, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

3. **SUBJECT: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE TIJUANA RIVER VALLEY SPOONER'S MESA STORMWATER IMPROVEMENTS PROJECT AND RELATED CEQA ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT (DISTRICT: 1)**

OVERVIEW

The County of San Diego's (County) Tijuana River Valley Regional Park (TRVRP) is located near the United States/Mexico border adjacent to the Nestor community in the City of San Diego and the City of Imperial Beach. The TRVRP encompasses approximately 1,800 acres of land west of Interstate 5, as shown in the Vicinity Map (Attachment A).

On June 8, 2021 (3), the County Board of Supervisors (Board) voted on the recommended framework for use of the American Rescue Plan Act (ARPA) funding. This framework included \$46 million in infrastructure funding, which included investments in stormwater, sewer, and drinking water. On October 5, 2021 (13) the Board voted to allocate \$2 million of these funds for stormwater, water, and wastewater improvements within the Tijuana River Valley.

The proposed Tijuana River Valley Spooner's Mesa Stormwater Improvements Project will repair the stormwater conveyance infrastructure throughout Spooner's Mesa and adjacent areas of TRVRP. The proposed project includes construction of a drainage channel along the Spooner's Mesa access road to convey stormwater, stabilization, and upgrades to the existing culverts, stabilization of eroded areas along the mesa, retention and treatment of stormwater, improvements to the access road and adjacent areas, and habitat restoration. The proposed project will improve stormwater and water quality, reduce flooding on Monument Road, and

minimize post-storm impacts associated with flooding and erosion. If approved, DPR will initiate construction contracting and complete environmental permitting in the fall/winter of 2024 so that construction can begin in early 2025; construction is anticipated to be complete by the end of 2026.

Today's proposed actions are to adopt the Addendum to an Environmental Impact Report for the proposed project, adopt the Statement of Location and Custodian of Recordings, establish appropriations for the proposed project, authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract, and designate the Director, Department of Parks and Recreation as the County's representative for administering the construction contract for the Capital Project 1027068, Tijuana River Valley Spooner's Mesa Stormwater Improvements. The planning and environmental phases for the project are estimated at \$400,000 and construction costs are estimated at \$1.6 million, including contingency, project administration, monitoring, and reporting, for a total project cost of \$2 million. If approved, construction is expected to begin in early 2025 and is anticipated to be complete by the end of 2026.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the Environmental Impact Report (EIR) for the Tijuana River Valley Regional Park Trails and Habitat Enhancement Project (State Clearinghouse No. 2004091159), on file with the Department of Parks and Recreation, has been completed in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained in the EIR and Addendum thereto dated August 9, 2024, on file (Attachment B) prior to approving the project, and that the Addendum reflects the independent judgment and analysis of the Board of Supervisors; and

Find that there are no changes in the project, or in the circumstances under which the project is undertaken, that involve significant new impacts which were not considered in the previously certified EIR dated December 2006. Furthermore, find that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the EIR was adopted, as explained in the Environmental Review Update Checklist Form (August 2024).

2. Adopt the "Statement of Location and Custodian of Record of Proceedings" in Attachment C.
3. Establish appropriations of \$1,748,970 in the Capital Outlay Fund for Capital Project 1027068, Tijuana River Valley Spooner's Mesa Stormwater Improvements, based on ARPA revenue; *and* cancel appropriations of \$1,748,970 in the Department of Parks and Recreation, Services & Supplies, based on ARPA revenue. **(4 VOTES)**
4. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and to take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of Tijuana River Valley Spooner's Mesa Stormwater Improvements 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 Tijuana River Valley Spooner's Mesa Stormwater Improvements 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

The Tijuana River Valley Regional Park (TRVRP) is located near the communities of Imperial Beach, San Ysidro, and Otay Mesa. These communities are identified by Senate Bill 535 (2012) and on CalEnviroScreen 4.0 as being environmental justice communities having high pollution burdens for impaired water bodies, elevated particulate matter pollution, elevated linguistic isolation, and poverty rates. The proposed Tijuana River Valley Spooner's Mesa Stormwater Improvements Project includes construction activities necessary to repair an existing stormwater conveyance system, minimize erosion, and stabilize a critical emergency access road and trail. The proposed activities will positively impact the community by providing critical stormwater and emergency evacuation infrastructure in the Tijuana River Valley. Additionally, improving stormwater conveyance on Spooner's Mesa will help improve water quality, reduce adverse impacts after large storm events, such as trail closures and erosion, and improve the quality of life for residents and visitors of the TRVRP.

SUSTAINABILITY IMPACT STATEMENT

The proposed Tijuana River Valley Spooner's Mesa Stormwater Improvements Project contributes to the County of San Diego's Sustainability Goals: provide just and equitable access; protect health and well-being; protect ecosystems, habitats, and biodiversity; and reduce pollution and waste. The project will contribute to the health and well-being of Tijuana River Valley visitors and residents and provide equitable and reliable access to recreational amenities within the park. The proposed activities will minimize erosion and improve stormwater infrastructure in the area which protects existing ecosystems, habitats, and biodiversity.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2024-25 Operational Plan in the Capital Outlay Fund for Capital Project 1027068 Tijuana River Valley Spooner's Mesa Stormwater Improvements. If approved, this request will result in the establishment of costs and revenue of \$1,748,970 in Capital Outlay Fund and related cancellation of the same amount in the Department of Parks and Recreation (DPR) in FY 2024-25 tied to Recommendation 3. The funding source is existing funding secured through the American Rescue Plan Act (ARPA) included in DPR's budget.

Construction costs are estimated at \$1,600,000 including contingency, and remaining funds will be used for project-related expenses including design, environmental, construction management, and project administration. Upon completion of the project, annual operations and maintenance 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 Montgomery Steppe, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

4. **SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR SOUTH MISSION ROAD (NORTH SEGMENT) PROJECT 1 GREEN STREET (DISTRICT: 5)**

OVERVIEW

In 2013, the State of California San Diego Regional Water Quality Control Board (RWQCB) issued an updated Regional Municipal Separate Storm Sewer System Permit (MS4 Permit) to 21 regional agencies, including the County of San Diego (County). Among other requirements, the MS4 Permit established Total Maximum Daily Loads (TMDLs) for specific pollutants determined to be impacting local waterbodies in various watersheds. TMDL, a regulatory term in the U.S. Clean Water Act, describes the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards. In addition, the State Water Resources Control Board adopted regulations in 2013 and 2015 requiring local agencies to control the discharge of bacteria and trash (Trash Amendments) into surface waters. The Bacteria TMDL and Trash Amendments protect receiving waters, such as creeks, rivers, and the ocean that are designated for recreational and other environmental beneficial uses.

To comply with the MS4 Permit and Trash Amendments, the Department of Public Works (DPW) developed a green infrastructure capital program that implements projects designed to improve local water quality. As a catalyst to program implementation, DPW published the Green Streets Clean Water (GSCW) Plan in spring 2022 and identified Green Streets opportunities within the unincorporated County. Green Streets are projects that implement green infrastructure within the County road right-of-way in order to capture, slow, and filter stormwater with the goal of reducing or removing pollutants prior to entering waterbodies. On October 5, 2021, the Board of Supervisors approved funding for a Green Street identified in the Green Streets Clean Water Plan for up to \$2,500,000 for pre-construction and construction, based on available American Rescue Plan Act (ARPA) funds. DPW selected the South Mission Road (North Segment) to implement as a Green Street, where Project 1 (Project) will be funded by ARPA and has projected costs and benefits, a potential to reduce pollutants, and can be implemented within the ARPA timelines.

The Project, located in Fallbrook, along South Mission Road (between Grand Tradition Way and Pepper Tree Lane) advances goals to improve water quality in the San Luis Rey River Watershed, which drains to the Pacific Ocean and is regulated by the MS4 Permit within the unincorporated County. The Project incorporates structural Best Management Practices (BMPs) that are designed to reduce stormwater runoff and improve water quality during both wet and dry weather periods. Proposed BMPs include the installation of a full capture trash device to comply with the Trash Amendments which will remove trash, sediment, and debris in stormwater runoff that would otherwise discharge into a tributary of the San Luis Rey River. Additionally, a

biofiltration basin will be constructed to filter pollutants from stormwater before entering the storm drain at the northeast corner of the intersection with Pepper Tree Lane. The Project also includes stormwater infrastructure improvements along South Mission Road. Upon its completion, the Project will strengthen the County's water quality improvement goals by reducing bacteria, trash and other pollutants.

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the South Mission Road (North Segment) Project 1 Green Street. If approved, construction is scheduled to begin in late 2024 and completed in the summer of 2025. The total project cost, including design, environmental review, and construction, including contingency, is estimated at \$3,000,000. The funding sources are the American Rescue Plan Act (ARPA) (\$2,500,000), and available prior year General Fund fund balance (\$500,000) from DPW Watershed Protection Program.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Supervisors for the County:

1. Find that the South Mission Road (North Segment) Project 1 Green Street is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 of the CEQA Guidelines since the activities include minor improvements within existing right-of-way.
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and to take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the South Mission Road (North Segment) Project 1 Green Street.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The Department of Public Works (DPW) strives to preserve, enhance, and promote quality of life and public safety through the responsible development and maintenance of reliable and sustainable infrastructure and services in the unincorporated area. To ensure that we are fairly and equitably serving all communities, while simultaneously complying with mandatory federal and State stormwater regulations, DPW uses a variety of tools to prioritize stormwater infrastructure improvement projects and to ensure that historically underserved populations are prioritized. The data used by DPW to evaluate and identify underserved populations includes data from the Healthy Places Index (HPI), CalEnviroScreen 4.0, San Diego LiveWell communities, Environmental Justice Communities, and other data sources.

The area within which the proposed Project is located has an HPI percentile rank of 38.0% which indicates 62.0% of other California census tracts have healthier community conditions.

SUSTAINABILITY IMPACT STATEMENT

The Project will provide environmental, social, and health and wellbeing sustainability benefits. Green infrastructure, such as this Project, helps to improve water quality by reducing the amount of pollution and trash collected within existing storm drains. The Project will help restore the beneficial uses of local surface waters by improving habitat, community aesthetics and increasing recreational opportunities. The Project aligns with the County of San Diego's sustainability goals of protecting and promoting natural resources, diverse habitats, and sensitive species, as it also enhances the natural environment for residents, visitors, and future generations to enjoy.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2024-25 Operational Plan in the Department of Public Works (DPW) Road Fund. If approved, this request will result in total project estimated costs and revenue of \$3,000,000 for the South Mission Road (North Segment) Project 1 Green Street. The funding sources are DPW Watershed Protection Program's (WPP's) available prior year General Fund fund balance (\$500,000) and American Rescue Plan Act (ARPA) (\$2,500,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are typically based on rates specified in collective bargaining agreements. A skilled and trained workforce requirement will be included in the contract in compliance with the County's Working Families Ordinance requirements for County construction projects.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

5. **SUBJECT: GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PUBLIC WALK IN THE BORREGO SPRINGS COMMUNITY PLAN AREA AND CEQA EXEMPTION (VAC 2023-0041) (DISTRICT: 5)**

OVERVIEW

The Asset Management Division of the Department of General Services (DGS) is processing a request from the owner of Assessor's Parcel Number (APN) 140-234-05 for the County to summarily vacate all of the pedestrian right-of-way (public walk) located at the east end of De Anza Spur cul-de-sac. A summary vacation is a streamlined process by which an excess public right-of-way, or a public service easement is abandoned. In this situation, the public pedestrian

right-of-way is not constructed and is not currently being used because the pathway has been constructed in a different location on private property which provides the community with the same intended purpose of pedestrian access to the privately owned golf course.

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 subject to this vacation is located within the Borrego Springs Community Plan Area in the unincorporated community of Borrego Springs. County Department of Public Works (DPW) has determined that the pedestrian right-of-way (public walk) is excess and no longer needed for present or future public use because this portion was never constructed, is not County-maintained and is not a part of the General Plan Mobility Element. The vacation was requested by the property owner and will remove an encumbrance that could allow for better future use of the owner's property.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate all of the public walk lying easterly of the De Anza Spur cul-de-sac, which is excess right-of-way not required for street or highway 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 vacations of a public walk easement that is 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 A PUBLIC WALK, IN THE BORREGO SPRINGS COMMUNITY PLAN AREA AND CEQA EXEMPTION (VAC 2023-0041) (DISTRICT: 5) (Attachment C, on file with the Clerk of the Board).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2023-0041 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

The resolution to remove an encumbrance from private land that is 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 zoned area and will allow the property owner better use of 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 all of the pedestrian right-of-way (public walk) contributes 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 property owner directly by providing improved use of the property by unencumbering a portion the property for potential future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2024-25 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$5,000 to process the proposed 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 Montgomery Steppe, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 24-110, entitled: RESOLUTION TO SUMMARILY VACATE A PUBLIC WALK, IN THE BORREGO SPRINGS COMMUNITY PLAN AREA (VAC 2023-0041).

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

6. SUBJECT: OCOTILLO SOLAR FACILITY FIRE PROTECTION AND SERVICES AGREEMENT AND ENVIRONMENTAL DOCUMENT (DISTRICT: 5)

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider approving the Ocotillo Solar Facility Fire Protection and Services Agreement (Agreement) between Ocotillo Solar LLC (Applicant) and the San Diego County Fire Protection District (SDCFPD). The Agreement ensures the Applicant contributes a fair-share funding toward firefighting and emergency resources.

A Major Use Permit (MUP) for the 50-megawatt (MW) Ocotillo Solar Facility (Solar Facility) was approved and a Mitigated Negative Declaration (MND) was adopted by the Planning Commission on January 24, 2014 and included various conditions of approval that must be satisfied prior to final occupancy of the facility. The Solar Facility has been constructed and is delivering power as it has been granted temporary occupancy. Final occupancy of the Solar Facility will be granted once all conditions, including entering into a Fire Protection and Services Agreement, have been fulfilled. As a condition of the MUP, the Solar Facility was required to participate in the Community Facilities District (CFD) or enter into a Fire Protection and Services Agreement to the satisfaction of the San Diego County Fire Protection District (SDCFPD). Since the approval of this project, the CFD has not been formed and one is not being proposed. The Solar Facility is therefore required to enter into a Fire Protection and Services Agreement to make a fair share contribution toward local emergency response capabilities. Board approval is required to authorize SDCFPD to sign this Agreement, which will contribute

to ongoing funding toward fire services for the Solar Facility. A one-time payment of \$150,000 to the County is required at the time of building permit issuance, with annual payments of \$16,667 for the life of the Solar Facility to the SDCFPD. The SDCFPD provides fire suppression and emergency medical support services as the first responder provider for the Solar Facility area and stands by in a state of readiness to perform these duties when not engaged in active fire suppression or emergency services. The SDCFPD intends to use the funds provided under this Agreement to mitigate risks of wildfires by supporting SDCFPD capabilities and services to the Solar Facility and the southeast portion of SDCFPD. Funding provided by development projects results in capital that can be used toward firefighting and emergency response improvements so that the County's firefighting agencies are able to perform their mission into the future at levels consistent with the County General Plan.

The site is located within the Desert Subregional area and is approximately 0.4 mile east of Split Mountain Road and approximately three miles south of State Highway 78 (SR-78). The nearest community, Ocotillo Wells, is located over 4 miles southeast of the site and the areas surrounding the Solar Facility include an open desert landscape.

Today, the Board is asked to consider the Fire Protection and Services Agreement that will contribute ongoing funding toward fire services, and to adopt the California Environmental Quality Act (CEQA) Notice of Exemption.

RECOMMENDATION(S)

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services recommends the Board of Supervisors (Board):

1. Find that the proposed Board of Supervisors action is exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3), 15061(b)(3), and 15378(b)(5) of the State CEQA Guidelines.
2. Approve the Fire Protection and Services Agreement between the County of San Diego and Ocotillo Wells Solar LLC and authorize San Diego County Fire Protection Director or their designee to sign the agreement for the County (Attachment B, on file with the Clerk of the Board).
3. Establish appropriations of \$167,000 in San Diego County Fire Protection District, Services & Supplies to purchase various equipment, and tools for fire suppression and emergency medical support services from fire protection and services agreement revenue from Ocotillo Solar LLC.

EQUITY IMPACT STATEMENT

Implementation of the Agreement will reduce risks of wildfires and enhance fire suppression and emergency services capabilities for the Solar Facility and the southeast portion of SDCFPD. The Agreement ensures funding for firefighting and emergency resources to comply with the County General Plan Safety Element Policy S-6.3 for new development, which requires development projects to contribute fair-share funding toward fire services. Funding provided by projects result in capital that can be used toward firefighting and emergency response improvements so that the County's firefighting agencies are able to perform their mission into the future at levels consistent with the County General Plan.

SUSTAINABILITY IMPACT STATEMENT

Implementation of the Agreement would provide funding to support SDCFPD capabilities and services during construction, operation, and decommissioning phases of the Solar Facility pursuant to the County General Plan Safety Element. This 50-megawatt (MW) solar facility contributes to the County of San Diego Sustainability Goals by reducing greenhouse gas (GHG) emissions, supporting grid decarbonization, and reducing air pollution. The Project will help reduce GHG emissions regionwide and help the region achieve State mandated emissions reduction goals.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2024-25 Operational Plan the San Diego County Fire Protection District. If approved, the agreement will result in one-time cost and revenue of \$150,000 and annual costs and revenue of approximately \$17,000 in FY 2024-25. The funding source is fire protection and services agreement revenue from Ocotillo Solar LLC. There will be no change in net General Fund cost and no additional staff years. If approved, per the terms of the Agreement, the applicant will make a one-time initial payment to the SDCFPD in the amount \$150,000. For the life of the Solar Facility, and until such time as the applicant has complied with an approved decommissioning plan, the applicant will make annual payments to the SDCFPD. The base rate for the annual payment is \$16,667 and will increase by two percent each fiscal year.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

7. **SUBJECT: AUTHORIZE SINGLE SOURCE PROCUREMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

The San Diego County University of California Cooperative Extension (UCCE), previously known as the Farm and Home Advisor, conducts educational and applied research programs in a three-way partnership with the County of San Diego (County), University of California, and the United States Department of Agriculture (USDA). Cooperative extensions were formalized by federal legislation in 1914 that sought to bring together the resources of the USDA, universities, and local government and since that time UCCE services evolved into a robust set of volunteer programs in the Master Gardeners that provide gardening expertise to community members, youth development services in the 4-H program, a variety of educational programs that bring innovative techniques and technical assistance to local agricultural operations, and nutritional education to families and youth throughout the region. Cooperative extension serves every county in California and almost all counties enter into partnerships and provide support for the services.

A Memorandum of Understanding (MOU) between the County and the Regents of the University of California was entered into in 1957 and specifies that the County provides support (staff, vehicles, office, and supplies) and the University of California provides academic staff for the UCCE program (Attachment A). This MOU was updated in 2009 (Attachment B) when the Board merged UCCE's budget with the budget of the Department of Agriculture, Weights and Measures (AWM) to promote greater efficiency. This MOU established a framework for the continued relationship between the County and the contracting authority for UCCE, the Regents of the University of California, and prescribes a contract with the UCCE. Since 2009, the County of San Diego has approved a single source contract with UCCE for their services.

The Board of Supervisors has single sourced these services through Board Policy B-66: *Procurement of Products and Services from Other Governmental Agencies* via the UCCE-County MOU that was implemented. The current procurement will be negotiated with the Board's authority and a fair and reasonable determination will be made regarding the pricing of the activities and services provided by UCCE's highly trained employees. For fiscal year 2024-25, it is anticipated that UCCE will lead 16 different research projects valued at \$1.1 million, provide nutrition education for 150 low-income families in underserved communities, coordinate and oversee 400 volunteers who will volunteer a minimum of 300,000 volunteer hours valued at \$2.4 million in the Master Gardener program and 4-H youth development program, and continue research on new specialty crops, commercial viability of crops, innovative irrigation and water efficiency practices, sustainable and regenerative agricultural practices, integrated and sustainable pest management practices, and best practices to expand urban agriculture. If the sole source procurement is not approved, then the County would not be able to provide these valuable services to local communities.

The long history of cooperative extension services throughout California and San Diego have allowed for the development of a vast network of researchers, educators, advisors, and specialists that allow UCCE to address the diverse and unique needs of local communities and act as a trusted partner for services that are valued by the community and agricultural industry. The provision of these services by UCCE meets the definition of single source under Board Policy A-87. No other organization has the depth of expertise and specificity of knowledge of local needs in agriculture, food and nutrition, gardens and landscapes, pest information and pest management, irrigation and water efficiency, urban agriculture, youth and community, and money management.

This Board Letter is a request to authorize the Director, Department of Purchasing and Contracting, to enter into negotiations with the Regents of the University of California, the contracting authority for the UCCE, for a single source contract to procure outreach, research, and advisory services and award a contract for an initial term of six months, with four one-year option periods and up to an additional six months if needed. The services to be provided by UCCE meet the definition of single source, and the contract will otherwise comply with the requirements of Board Policy A-87. Authorizing a new contract to continue providing these valuable services is in the best interest of the County.

The current contract was negotiated in 2019 (Attachment C) for a term of one year with four one-year option periods and a 6-month extension. This contract will expire on December 31, 2024, and staff are requesting the Board's approval to begin negotiations for a new single source contract.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) because negotiating and awarding a contract to procure services with the San Diego County University of California Cooperative Extensions is administrative in nature and is not a project as defined in CEQA Guidelines Section 15378(b)(5).
2. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director, Department of Purchasing and Contracting to enter into negotiations with the Regents of the University of California and, subject to successful negotiations and a determination of a fair and reasonable price, award a contract for outreach, education, advisory and research services on agriculture, horticulture, and nutrition for an initial term of six months, with four one-year option periods and up to an additional six months, if needed, and to amend the contract to reflect changes in program, funding or service requirements, subject to the availability of funds and approval of the Director of AWM who serves as the County's Agricultural Commissioner/Sealer.

EQUITY IMPACT STATEMENT

The horticultural, agricultural, and nutrition research and advisory services provided by the University of California Cooperative Extension (UCCE) consider equity and ensure the region's marginalized communities needing services regarding nutrition education and youth development are the focus of its research and education. UCCE partners with the United States Department of Agriculture to provide nutrition education to communities with health disparities and ensures youth empowerment services through the 4-H (Head, Heart, Hands, and Health) youth development program are available in marginalized communities.

SUSTAINABILITY IMPACT STATEMENT

Today's action supports the County of San Diego's Strategic Initiative for Sustainability by providing opportunities to transition to a green and carbon-free economy, reduce greenhouse gas emissions, protect the health and well-being of everyone in the region, and collaborate with community partners. The research, outreach, and education services provided by the San Diego County University of California Cooperative Extension (UCCE) ensure continuity of agricultural resources that contribute to environmental sustainability and support efforts to mitigate climate impacts. UCCE's research, outreach, and education on sustainable and regenerative agriculture provide best practices that are employed by local agricultural operators and help reduce greenhouse gas emissions, protect regional waterways from pollutants, and develop resilient practices to ensure productivity in a changing climate. UCCE also provides advice on local pest finds in production nurseries to help mitigate the spread of invasive plant pests and diseases to protect the region's biodiversity and natural habitat, and support residents and local beekeepers with sustainable practices for gardening and maintaining pollinator health.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2024-25 Operational Plan in the Department of Agriculture, Weights and Measures (AWM). If approved, this request will result in costs and revenue of \$435,000 for the first six months of the contract in FY 2024-25. The funding source is existing General Purpose Revenue in AWM. If the initial term is approved, staff is requesting authority to negotiate the amounts for the four option years and an additional

six months if needed. The preceding option year amounts would be subject to fair and reasonable determination and funding will be included in future years' Operational Plans for AWM. At this time, 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

N/A

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

8. SUBJECT: STREAMLINING PERMIT PROCESSES AND CREATING A COUNTY BROADBAND UNIT TO INCREASE LOCAL BROADBAND CAPACITY (DISTRICTS: ALL)

OVERVIEW

Over the last decade, there has been an increasing need to have reliable internet service as it has become an integral and essential part of life. However, barriers exist to achieving digital equity and universal access. The County of San Diego (County) Comprehensive Broadband Plan helped to identify the census tracts that are considered to be "internet deserts," and further distinguished that the digital divide has disproportionately impacted people of color, households that are lower-income, and those that are living in unincorporated and rural areas. Getting these individuals and families connected and engaged digitally, so that they can reliably access basic amenities such as workforce, public safety, healthcare, and social resources is imperative.

During the Covid-19 pandemic there was an unprecedented amount of federal funding that became available for broadband investment in communities that have been underinvested or uninvested in. In particular, \$1.86 billion in funding from the Bipartisan Infrastructure Law (BIL) was dedicated to the State of California through the Broadband Equity, Access, and Deployment (BEAD) Program. This program is being implemented in California by the California Public Utilities Commission (CPUC), and these funds should start to become available in the winter of 2025. As part of requirements for these funds, once allocated to a Broadband project, it must be completed within 18 to 24 months if the project is exempt from the California Environmental Quality Act (CEQA). Further, emphasizing the need for a timely turnaround on permitting processes for new broadband projects. There is a great opportunity to lead the way with innovative efforts at the County to meet current and future broadband infrastructure needs.

On January 10, 2024 (05), an item was brought before the County of San Diego Board of Supervisors by Vice Chair Terra Lawson-Remer, to increase local broadband capacity by identifying ways to streamline and expedite new broadband projects. This item directed County

staff to work with Internet Service Providers and regional broadband stakeholders to develop options to streamline permitting processes and expedite review times for new broadband infrastructure projects. Additionally, it requested that staff provide a report back to the Board in 120 days with recommendations for further action by the Board. This passed unanimously.

Following Board action, in May of 2024, the Board of Supervisors received a memorandum report back from the Land Use and Environment Group (LUEG) detailing staff action to streamline broadband infrastructure permitting timelines thus far, what the current processes are for Internet Service Providers, and their feedback on what could be improved. This memo provided the Board with three potential options for consideration to continue to improve upon programs and permitting processes.

Utilizing options and guidance from the May 13, 2024 memorandum, **“REPORT BACK ON STREAMLINING AND EXPEDITING NEW BROADBAND PROJECTS,”** which identified a goal for the approval of broadband permits shifting from 12 weeks to 6 weeks. This timeframe includes the time it takes applicants to make any necessary corrections and resubmit to County staff before permits can be issued. Actual timeframes for each permit may vary depending on applicant response times. Today’s item is requesting that the Board take action to ensure the review and approval of broadband application timelines at 45 days or less. It will pilot an expanded version of the annual encroachment permit, add two full time positions-focused on the permitting process, continue to create efficiencies for permitting, proposes to expand engagement and support of broadband initiatives, and support future broadband investments through a pilot program for a liaison between the County and Broadband stakeholders. This would focus on the Right-of-Way permits for broadband projects supporting permit processing and continue to make process improvements to further support broadband initiatives in the future. The pilot liaison will be a Management Fellow. Staff will work with applicants and ISPs to explore the need and opportunities to make the pilot liaison a permanent or longer-term role.

RECOMMENDATION(S)

VICE-CHAIR TERRA LAWSON-REMER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that these recommended actions are exempt because it can be seen with certainty that there is no possibility that these activities may have a significant effect on the environment. These activities simply adjust administrative processes, staffing, and budgeting for broadband review. Individual applications for broadband encroachment permits will receive CEQA review at that future time.
2. Direct the Chief Administrative Officer to prioritize broadband project applications by requiring staff to guarantee and maintain a consistent process to complete the permit review for Broadband projects within 45 days.
3. Direct the Chief Administrative Officer to initiate a pilot through the Department of Public Works with an expanded version of the annual encroachment permit in the County Right-of-Way which would allow new broadband projects that meet certain standards and requirements to qualify.

4. Direct the Chief Administrative Officer to establish a pilot liaison to support future Broadband investments throughout the unincorporated areas. Approve the request to support Planning and Development Services, to manage communications and support internet service providers in expediting applications for Broadband Access and Equity Deployment Grant funding, overseeing permit applications, ensure that processes and communications are streamlined and regularly meeting with Internet Service Providers. Initial funding will result from operating transfer from the Department of Public Works, General Fund.
5. Establish appropriations of \$220,000 in Department of Planning & Development Services, Salaries & Benefits, based on permit fee revenue paid by customers *and* approve the request to add 2.00 staff years to prioritize broadband project applications and direct the Department of Human Resources to classify the positions at the appropriate level. **(4 VOTES)**
6. Establish appropriations of \$100,000 in Department of Public Works General Fund, Operating Transfer Out, based on unused portions of available prior year General Fund fund balance that were previously designated for broadband projects; *and* establish appropriations of \$100,000 in Department of Planning & Development Services, Salaries & Benefits, for temporary staff for a pilot liaison to support future Broadband investments, based on an Operating Transfer In from Department of Public Works, General Fund. **(4 VOTES)**

EQUITY IMPACT STATEMENT

It is essential that greater broadband access and connectivity is available across the County of San Diego, particularly within our 'internet deserts' that have most heavily impacted communities of color, low-income and unincorporated communities. Quality broadband infrastructure can make the difference in providing individuals with career opportunities, educational resources, communication technology, and sustained connection to community.

SUSTAINABILITY IMPACT STATEMENT

Efforts to promote the development of Broadband networks in areas that are unserved or underserved can result in improved connectivity for families and businesses. This in turn enhances access to educational resources, hybrid or remote career options, and better remote communication technology. Ultimately helping to reduce vehicle miles traveled and create less greenhouse gas emissions by allowing individuals to utilize the internet remotely.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2024-25 Operational Plan in the Department of Planning & Development Services and Department of Public Works, General Fund.

If approved, this request will result in costs and revenue of \$220,000 in FY 2024-25 in Planning & Development Services for the addition of 2.00 staff years. The funding source is permit fee revenue paid by customers.

For the Pilot Liaison, at this time there is no funding source budgeted to support these Recommendation(s). If approved, this request will result in costs and revenue of \$100,000 within the Department of Planning & Development Services for the temporary staff for a pilot liaison in FY 2024-25.

The funding source is an operating transfer from the Department of Public Works, General Fund, based on unused portions of available prior year General Fund fund balance that were previously designated for broadband projects, resulting in no anticipated fiscal or service impacts to the Department of Public Works.

If additional key areas are identified, staff would return to the Board for additional direction and request for funding as needed. At this time there will be no change in net General Fund cost and the addition of 2.00 staff years.

BUSINESS IMPACT STATEMENT

Streamlining broadband deployment will be of great benefit to the general public as well as for businesses that are involved in the broadband deployment process, helping to create jobs and economic growth. Increased access to broadband will also benefit local businesses by providing a fast, reliable connection to the internet and internet marketplace.

ACTION:

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

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

9. **SUBJECT: ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS) AND IMPROPER DISPOSAL OF SEWAGE: RECEIVE LOCAL AGENCY MANAGEMENT PROGRAM (LAMP) UPDATE AND APPROVE AMENDMENTS TO CHAPTER 3 DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES WITH CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

Onsite Wastewater Treatment Systems (OWTS) are used throughout the State in areas where public sewer is unavailable to dispose of wastewater from residences or businesses. To protect groundwater and water quality, the State developed minimum standards for septic systems and these standards were adopted by the State Water Resources Control Board (SWRCB) in the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (State OWTS Policy) in 2012. The State OWTS Policy sets minimum standards for septic systems and provides minimum requirements for local agencies to permit septic systems.

To address unique local geographic conditions and provide flexibility to property owners and businesses, the State OWTS policy also allows a local agency to propose local standards different from the minimum statewide standards. Depending on local conditions, these alternative standards may be less restrictive than those in the State OWTS Policy, while still ensuring public health and water quality protections. These alternative septic system standards are required to be included in a Local Agency Management Program (LAMP). The LAMP outlines the minimum septic system standards and additional tools that property owners and businesses can use to install a septic system and manage wastewater on their properties, while protecting groundwater and surface water from contamination.

The LAMP must be approved by the Regional Water Quality Control Board (RWQCB) before becoming effective. On April 29, 2015, the County of San Diego Department of Environmental Health and Quality (DEHQ) became the first local agency in the State to have a LAMP approved by a RWQCB. Thereafter, the County of San Diego Board of Supervisors (Board), on June 24, 2015 (2), approved the implementation of the LAMP and associated ordinance changes. Without an approved LAMP, a local septic permitting agency would implement the State minimum standards, with little flexibility for local conditions and septic design. Property owners with septic systems outside the scope of the State standards would be permitted by the RWQCB, typically a more complex and timely process than a LAMP.

The RWQCB requires local agencies with an approved LAMP to submit an annual report to the RWQCB and subsequently update the LAMP based on the results of an evaluation conducted every five years. The purpose of the evaluation is to assess the septic system monitoring program, assess the effectiveness of the LAMP, and identify any necessary changes. DEHQ completed the first LAMP evaluation report in January of 2022. Based on findings from the evaluation, DEHQ identified potential changes to the LAMP. These changes include six additional alternative standards to provide more flexible design options for property owners and businesses, alternative reduced setbacks, additional design options for repairs on small lots, extended expiration dates for design approvals, and alternative provisions to retain local approval of septic systems for accessory dwelling units. The changes also include updating standards to provide a level of protection to ground and surface waters consistent with the State OWTS Policy, improving soil testing procedures for more accurate septic system design and sizing, and increasing the setback protections for surface water bodies.

The San Diego County Regulatory Code Onsite Wastewater Treatment Systems and Improper Disposal of Sewage provisions (Sewage Ordinance) were reviewed and updated for consistency with the LAMP updates. On June 24, 2015 (2), the Board authorized DEHQ to update the LAMP as necessary to accommodate new technology or to meet RWQCB updated requirements or standards. Since DEHQ has updated the LAMP after the original approval in 2015, staff is requesting the Board to receive the updated LAMP and adopt the amendments to the Sewage Ordinance. If the Board receives the updated LAMP and approves the updated Sewage Ordinance, the updated LAMP will be provided to the RWQCB for their approval, as required by the State OWTS policy. Until the RWQCB approves the updated LAMP, the current LAMP, approved in 2015, will remain in effect. However, once the updated LAMP is approved by the RWQCB, it will replace the existing LAMP.

Today's request requires two steps. On August 28, 2024, the Board is requested to receive the updated LAMP, approve the introduction of the ordinance amending the County of San Diego Code of Regulatory Ordinances relating to OWTS and improper disposal of sewage (first reading). Then on September 11, 2024, the Board is requested to consider and adopt the County of San Diego Code of Regulatory Ordinances relating to OWTS and improper disposal of sewage (second reading).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On August 28, 2024:

1. Find that the proposed activities are exempt from California Environmental Quality Act (CEQA) as specified under CEQA Guidelines Section 15251(g) because it is a certified State regulatory program defined by CEQA Guidelines Section 15184(b) State Mandated Local Projects.
2. Receive the Local Agency Management Program Update (Attachment A, on file with the Clerk of the Board).
3. Approve the introduction of the following Ordinance (first reading), read title, and waive further reading of the Ordinance entitled: **ORDINANCE AMENDING CHAPTER 3 DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO ONSITE WASTEWATER TREATMENT SYSTEMS AND IMPROPER DISPOSAL OF SEWAGE**

If, on August 28, 2024, the Board takes action as requested in Recommendations 1 through 3 above then, on September 11, 2024:

1. Consider and adopt the following Ordinance (second reading) entitled: **ORDINANCE AMENDING CHAPTER 3 DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO ONSITE WASTEWATER TREATMENT SYSTEMS AND IMPROPER DISPOSAL OF SEWAGE**

EQUITY IMPACT STATEMENT

The County of San Diego strives to preserve, enhance, and promote quality of life, health and safety, sustainability, equity, and environmental resources through programs such as the Local Agency Management Program. This program provides a safe and reliable means of wastewater treatment and disposal for properties not served by a public sewer system and provides equitable access to sanitation services where public sewer may not be available. These actions protect public health and prevent the contamination of ground and surface waters from improperly designed Onsite Wastewater Treatment Systems.

SUSTAINABILITY IMPACT STATEMENT

The proposed actions contribute to the County of San Diego's (County) Sustainability Goals: protect health and wellbeing and the environment The Local Agency Management Program (LAMP) supports the County Strategic Initiative Goal No.5 to protect water in all forms. The prescribed standards contained in the LAMP are designed to protect groundwater sources and

surface water bodies from contamination through the proper siting, design installation, operation, and maintenance of individual new and replacement Onsite Wastewater Treatment Systems (OWTS) and other sanitation facilities in accordance with the provisions of the State OWTS Policy and San Diego County Regulatory Code. The proposed actions contribute to the Sustainability Goal No.4 to protect the health and wellbeing of the residents and visitors of the entire region, including underserved communities, and benefit individuals as well as the community at large.

FISCAL IMPACT

There is no fiscal impact associated with this request. There will be no change in net General Fund costs and no additional staff years are required to continue to implement this program.

BUSINESS IMPACT STATEMENT

This program benefits businesses throughout the region by allowing the Department of Environmental Health and Quality (DEHQ) to provide permits for new and replacement onsite wastewater treatment systems using clear, uniform, and consistent standards, including alternative standards that provide more flexibility than State standards. The application of consistent standards has allowed DEHQ to streamline the approval process. The amendments will allow the program to continue to provide additional options to property owners to safely dispose of wastewater on their property.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, and took action to further consider and adopt the Ordinance on September 11, 2024.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

10. **SUBJECT: TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (08/28/2024 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 09/11/2024 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: 1, 2, 3, & 5)**

OVERVIEW

The Traffic Advisory Committee (TAC) supports the Department of Public Works (DPW) traffic engineering program. The TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the region. To be effective, the TAC proposes policies that will enhance safety, reduce congestion, and be legally enforceable. The TAC meets every two months to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County of San Diego (County) maintained roads. Upon receipt of a request or recommendation for the implementation of a traffic safety measure in unincorporated areas, the TAC reviews and investigates the requested item, including engineering and traffic condition studies. The TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on five items from the April 5, 2024, TAC meeting agenda:

Items from the 04/05/2024 TAC Meeting			
District	Item	Location	Action
1	1-A	Sweetwater Road and Saint George Street in Spring Valley	Place intersection on the County's traffic signal list for design and construction.
1	1-B	Sweetwater Road and Orville Street in Spring Valley	Place intersection on the County's traffic signal list for design and construction.
2	2-A*	Carmel Valley Road from Winecreek Road to Dove Canyon Road in 4S Ranch	Revise the eastern endpoint and certify a 50 MPH speed limit.
3	3-A*	Paseo Delicias/Del Dios Highway from El Montevideo to 300' east of Luna de Miel in Rancho San Dieguito	Certify a reduced 45 MPH speed limit west of El Camino Del Norte and certify the 50 MPH speed limit east of El Camino Del Norte.
5	5-A*	Hutchison Street from Harris Drive to Barsby Street in North Vista	Establish a 35 MPH speed limit and amend the adjacent speed zone western endpoint.
* Indicates a second reading of the ordinance is required. These items are not in the vicinity of tribal lands.			

Approval of Item 1-A on Sweetwater Road and Saint George Street in Spring Valley (District 1) and Item 1-B on Sweetwater Road and Orville Street in Spring Valley (District 1) will allow for the intersection to be added to the County's list of installation of, or modification to, traffic control signals. The County's Traffic Signal List allows staff to seek funding for subsequent design and construction. Traffic control signals will provide safety enhancement measures for pedestrians, bicyclists, and all other roadways. Properly designed traffic control signals help manage intersections safely and efficiently by coordinating vehicle and pedestrian movement.

Approval of Item 2-A Carmel Valley Road/Bernardo Center Drive in 4S Ranch (District 2), Item 3-A on Paseo Delicias/Del Dios Highway in Rancho San Dieguito (District 3), and Item 5-A on Hutchison Street in North Vista (District 5) would support speed enforcement which enhances roadway safety. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for enforcement.

Items 1-A on Sweetwater Road and Saint George Street in Spring Valley (District 1) and 1-B on Sweetwater Road and Orville Street in Spring Valley (District 1) do not revise the San Diego County Code of Regulatory Ordinances (County Code), and therefore, do not require a second reading of an ordinance. Board direction on August 28, 2024 would allow for implementation by DPW.

The Board's action on Items 2-A Carmel Valley Road/Bernardo Center Drive in 4S Ranch (District 2), 3-A on Paseo Delicias/Del Dios Highway in Rancho San Dieguito (District 3), and 5-A on Hutchison Street in North Vista (District 5) would introduce an ordinance to amend speed limit zones. This action would revise County Code and require two steps. On August 28, 2024, the Board would consider the TAC items. If the Board takes action as recommended on August 28, then on September 11, 2024, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction. If the proposed ordinance is altered on September 11, 2024, then on that date, a subsequent meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 1:

Item 1-A. Sweetwater Road and Saint George Street in Spring Valley - Place intersection on the County's Traffic Signal List for design and construction.

Item 1-B. Sweetwater Road and Orville Street in Spring Valley - Place intersection on the County's Traffic Signal List for design and construction.

District 2:

Item 2-A. Carmel Valley Road from Winecreek Road to Dove Canyon Road in 4S Ranch - Relocate the eastern endpoint to the San Diego city limit (near Camino Crisalida) to include an adjacent short segment of Carmel Valley Road from Dove Canyon Road to the San Diego city limit and certify a 50 MPH speed limit for radar enforcement.

District 3:

Item 3-A. Paseo Delicias/Del Dios Highway from El Montevideo to 300' east of Luna de Miel in Rancho San Dieguito - Certify a reduced 45 MPH speed limit for radar enforcement on Paseo Delicias from El Montevideo to El Camino Del Norte and certify a 50 MPH speed limit for radar enforcement on Del Dios Highway from El Camino Del Norte to 300' east of Luna de Miel.

District 5:

Item 5-A. Hutchison Street from Harris Drive to Barsby Street in North Vista - Establish a 35 MPH speed limit for radar enforcement and relocate the western endpoint of the adjacent speed zone on Hutchison Street from 1,000' west of Harris Drive to Harris Drive.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County of San Diego maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.

3. Approve the introduction of the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.46.2., 72.161.89.1, AND 72.162.39.2.
AND ADDING SECTIONS 72.161.46.4 AND 72.161.99. OF THE SAN DIEGO
COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED
ROADS IN SAN DIEGO COUNTY. (Items 2-A, 3-A, and 5-A)

If, on August 28, 2024, the Board takes action as recommended, then, on September 11, 2024:

1. Consider and adopt the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.46.2., 72.161.89.1, AND 72.162.39.2.
AND ADDING SECTIONS 72.161.46.4 AND 72.161.99. OF THE SAN DIEGO
COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED
ROADS IN SAN DIEGO COUNTY (Items 2-A, 3-A, and 5-A)

EQUITY IMPACT STATEMENT

The review of traffic signs, intersection controls, and roadway markings supports vehicle safety on County of San Diego-maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities, and for people of all incomes, races, ethnicities, ages, and abilities. Understanding travel patterns, where correctable crashes are occurring, and the disproportionate impacts on certain communities will allow the Department of Public Works to identify actions to address the underlying causes, improve safety, and ensure there is justice in the enforcement of traffic regulations.

DPW's Local Roadway Safety Plan reviews correctable collisions along road segments within the unincorporated areas of the region and utilizes the Healthy Places Index (3.0) and CalEnviroScreen 4.0 to ensure underserved populations are prioritized. The Traffic Advisory Committee (TAC) relies on the Local Roadway Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of most drivers, the TAC also relies on various community engagement methods such as the Tell Us Now! Mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

SUSTAINABILITY IMPACT STATEMENT

The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a public forum every two months to find timely, reasonable, and cost-effective in-road traffic solutions that reduce costly traffic delays, mitigate vehicle idling to reduce emissions, improve fire response times and regional readiness, and ensure justice in enforcement of traffic regulations.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2024-25 Operational Plan in the Department of Public Works Road Fund. If approved, this request will result in costs and revenue of \$5,948 in FY 2024-25 for staff time, materials, and supplies. The funding source is State Highway User Tax Account. 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 Desmond, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, and took action to further consider and adopt the Ordinance on September 11, 2024.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

**11. SUBJECT: NOTICED PUBLIC HEARING:
ADOPTION OF THE COUNTY OF SAN DIEGO INCLUSIONARY
HOUSING ORDINANCE (DISTRICTS: ALL)**

OVERVIEW

This action proposes to update the County of San Diego (County) Zoning Ordinance to establish an Inclusionary Housing Program that will apply to certain new housing development projects in the unincorporated areas. Statewide and locally, affordable housing has become increasingly difficult for residents to obtain. Housing for Very Low income (up to 50% of the Area Median Income, or AMI) households has historically been the most difficult to build. California's Affirmatively Furthering Fair Housing (AFFH) law requires local governments to take specific actions to address and reduce inequalities resulting from past segregation, fostering the creation of more inclusive communities.

To address the housing shortage and lack of affordable housing in the unincorporated county, on February 10, 2021 (4) and August 31, 2021 (7), the Board of Supervisors (Board) directed staff to develop an Inclusionary Housing Ordinance. Adopting an inclusionary housing ordinance aligns with the AFFH law by ensuring affordable housing is built in unincorporated areas, as outlined in the County's Sixth Cycle General Plan Housing Element (Housing Element) and Regional Housing Needs Assessment (RHNA) goals. The Draft Inclusionary Housing Ordinance (Draft Ordinance) (Attachment A) would require new housing developments to rent or sell a certain number of units at designated affordability levels.

The main goal of inclusionary housing programs is to increase the supply of affordable housing and help create more economically diverse and inclusive communities while still supporting overall housing production, including market rate units. By adopting one of the three options for the Draft Ordinance as presented, or a modified option with any variation of the four ordinance components, the County can meet State requirements for affordable housing, foster equity, implement the County's General Plan Housing Element, and support the County's RHNA goals. To develop options for the Draft Ordinance, County staff conducted best practice research, an economic analysis, and public outreach. The three options in the Draft Ordinance were crafted to be responsive to feedback from diverse stakeholders, encompassing the land development industry, housing advocates, labor groups, the Planning Commission, and the public.

All three options for the Draft Ordinance are comprised of four key components, each of which is subject to adjustment by the Board: 1) the set-aside requirement, which is the percentage of a project's units that are set aside as affordable and the level of affordability of those units, 2) the minimum size of a project that the ordinance applies to, 3) alternative compliance, or alternative ways to comply with the ordinance and 4) incentives to help offset the costs of producing affordable housing and to encourage applicants to build the required affordable units on-site.

Staff has prepared three Draft Ordinance Options (Attachment M) for the Board's consideration based on stakeholder outreach, economic analysis, and best practice research. The options were developed by balancing the goals of providing affordable housing, supporting the financial feasibility of development projects, aligning with state density bonus law, and minimizing any adverse impacts on the production of market-rate units. The following options were tailored to achieve specific policy goals and address the public input received:

- Option 1: Focus on the least affordable housing requirement while still supporting the County's RHNA goals.
- Option 2: Focus on providing flexibility through a range of affordable housing requirement options for applicants to choose at a mix of income levels.
- Option 3: Focus on the highest affordable housing requirement maximizing the number of affordable housing units produced by projects.

This is a request for the Board to consider and adopt one of the three Draft Ordinance Options as presented or modify an Option with any variation of the four ordinance components, including: the set-aside requirement, minimum project size, alternative compliance, and incentives. The Board may also create an alternative Ordinance option as shown in the Mixing and Matching the Prepackaged Option section, by providing specific direction on each of these four components to best meet policy priorities.

RECOMMENDATION(S) PLANNING COMMISSION

On April 19, 2024, the Planning Commission recommended that the Board of Supervisors defer consideration of the Draft Inclusionary Housing Ordinance until the County's Vehicle Miles Traveled (VMT) Mitigation Program is adopted.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) does not concur with the Planning Commission's recommendation to the Board of Supervisors on the adoption of the Draft Ordinance. The 2023 General Plan Annual Progress Report presented to the Board of Supervisors (Board) on March 13, 2024 (10) highlights that the County of San Diego (County) is behind in meeting its very low income Regional Housing Needs Allocation (RHNA) goals. Adopting an Inclusionary Housing Ordinance is crucial for facilitating the production of Very Low to Moderate Income housing and making progress towards the County's affordable housing goals. In addition, this action aligns with the Board's prior direction on Inclusionary Housing provided on February 10, 2021 (4), August 31, 2021(7), and implements the adopted 6th Cycle Housing Element program.

While the Economic Analysis was completed before the adoption of the Transportation Study Guide and has not been updated to consider potential costs to projects associated with Vehicle Miles Traveled (VMT) mitigation, the Board can choose to limit the Ordinance's application to VMT Efficient and Infill areas, where there would be no additional VMT mitigation costs. This approach ensures that projects do not have to comply with both the Inclusionary Housing Ordinance and a VMT mitigation program simultaneously. Additionally, the Board can direct an update to the Inclusionary Housing Ordinance economic analysis when a VMT mitigation program is adopted, allowing mitigation costs to be factored in when analyzing project feasibility. Subsequent revisions to the Ordinance's components, for example, to where it applies geographically, minimum project size and set-asides for different project types, could then be considered by the Board. Finally, future projects anywhere in the unincorporated area that are consistent with the General Plan should typically not need to do VMT studies or pay for VMT mitigation based on recent case law (if relying on the CEQA 15183 exemption process; applicability to be determined on a case-by-case basis).

The Ordinance options have been developed in response to input from the Planning Commission, stakeholders, the public, and the Board. Staff recommends the Board adopt an Inclusionary Housing Ordinance that reflects the Board's policy priorities. In addition, staff recommends the Board:

1. Find that the General Plan Environmental Impact Report (EIR), dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Board has reviewed and considered the information contained therein and the Addendum (PDS-2023-ER-00-001) thereto dated April 19, 2024, on file with PDS, prior to taking action.
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts that were not considered in the previously certified EIR dated August 3, 2011; there is no substantial increase in the severity of previously identified significant effects; and no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist (PDS-2023-ER-00-001) dated April 19, 2024.
3. Adopt the attached form of Ordinances entitled:
 - a. AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO THE AFFORDABLE INCLUSIONARY HOUSING PROGRAM (POD 20-007) (Attachment A - Clean & Attachment B - Strikeout).
 - b. AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO THE AFFORDABLE INCLUSIONARY HOUSING PROGRAM IN-LIEU FEE PROGRAM (POD 20-007) (Attachment C - Clean & Attachment D - Strikeout).
4. Add 2.0 full time equivalent (FTE) positions to the Department of Housing and Community Development Services to support the implementation of services for the Inclusionary Housing Ordinance.

EQUITY IMPACT STATEMENT

With its focus on improving equity, the County recognizes the systemic impacts that inequitable policies can create for residents of the San Diego region. The Inclusionary Housing Ordinance seeks to equitably address the unincorporated area's housing needs by creating an inclusionary housing program that will help increase the production of affordable housing units and create mixed-income housing developments that will foster diverse, resilient communities. The inclusionary housing program would provide additional housing opportunities and help reduce housing inequalities by ensuring that new developments include units affordable to individuals and families that earn Moderate and Lower incomes.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to adopt the Inclusionary Housing Ordinance implements a program in the County's Housing Element and facilitates compliance with State housing law. All three Draft Ordinance Options seek to increase affordable housing development and expand housing opportunities for communities across the unincorporated county by facilitating development of housing that is affordable to Moderate and Lower (including Low, Very Low, and Extremely Low) income individuals and families. Through engaging with these communities during this process, an Inclusionary Housing Ordinance advances Sustainability Goals #1 and #2 to provide just and equitable access to County policy decision-making in support of sustainable communities. In addition, all three Draft Inclusionary Housing Ordinance Options have been developed to support the sustainable development of housing including within VMT Efficient and Infill areas.

FISCAL IMPACT

Funds for this request to implement the Inclusionary Housing Ordinance are included in the Fiscal Year (FY) 2024-25 Operational Plan in the Department of General Services (DGS).

There is no fiscal impact to implement the Inclusionary Housing Ordinance in FY 2024-25 for Planning & Development Services (PDS). At this time, there will be no change in net General Fund cost and no additional staff years.

For DGS, there may be fiscal impacts associated with future related Board actions if a land donation is identified as an alternative compliance method. The request will result in costs including staff time to review land eligibility and processing of donation acceptance, costs for maintaining donated land, and releasing Request for Proposals (RFPs) for affordable housing developers. Staff would return to the Board for consideration, funding, and approval at that time.

Funds for this request are not included in the Fiscal Year (FY) 2024-25 Operational Plan in the Health and Human Services Agency. At this time there is no funding source budgeted to support these Recommendation(s). If approved by the Board, funding of \$240,000 in FY 24-25 and \$355,000 in FY 25-26 to cover two additional staff years within Housing and Community Development Services could be supported by redirecting budgeted appropriations currently allocated to Medical Care Services. This will result in a fiscal and indirect service impact to Medical Care Services, which is further described in the background of this Board Letter. Positions will be classified by the Department of Human Resources. There will be no change in net General Fund cost.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

After the DFA and VMT Mitigations Programs Options are presented to the Board (Winter), staff to return with options that include the following considerations:

- (a) Ensure overall housing production is not negatively impacted
- (b) Align with state density bonus law
- (c) Include considerations for phasing-in the program to allow time for land values to adjust to the program
- (d) Continue to Engage with experts and community
- (e) Provide inclusionary housing production estimates for each of these options, including middle income home ownership
- (f) Development incentives that include infrastructure that can be provided in Option 3 to maximize units in the VMT Efficient and Infill areas, concurrent with the Development Feasibility Analysis for these areas.
- (g) Off-site development should be within a radius of 3 miles or the vicinity of the community planning area.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

12. SUBJECT: NON-AGENDA PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Michael Brando spoke to the Board regarding speaker Giorgio Kirylo.

Robert Germann spoke to the Board regarding hangars at airports.

Dorothea Flanagan spoke to the Board regarding rumble strips in her community.

Purita Javier spoke to the Board regarding ceramic toxic air pollution.

Cesar Javier spoke to the Board regarding ceramic toxic air pollution.

Sandra Bell spoke to the Board regarding alleged horse neglect on Artesian Road.

Jim Ellis spoke to the Board regarding ways to acquire free money.

Michele Walther spoke to the Board regarding alleged horse neglect on Artesian Road.

Michael Fujimori spoke to the Board regarding alleged horse neglect on Artesian Road.

Annie Abram spoke to the Board regarding alleged horse neglect on Artesian Road.

Kathryn Rhodes spoke to the Board regarding year-round tents used by homeless individuals.

Zohra Fahim spoke to the Board regarding alleged horse neglect on Artesian Road.

Audra spoke to the Board regarding illegal immigrants and missing children.

Consuelo spoke to the Board regarding Chairwoman Vargas' security detail and neglect of government actions.

Kate Iannone spoke to the Board regarding alleged horse neglect on Artesian Road.

Michele Walther spoke to the Board regarding alleged horse neglect on Artesian Road.

Diane Grace spoke to the Board regarding negative impacts of marijuana businesses.

Becky Rapp spoke to the Board regarding the treatment and negative impacts of patients who use THC products.

Madison Rapp spoke to the Board regarding the negative impacts of marijuana use and mental health issues.

Paul the Bold spoke to the Board regarding the Tijuana River Valley sewage problems.

Megan Stuart spoke to the Board regarding negative impacts of marijuana use.

Ann Riddle spoke to the Board regarding the adjudication process for incarcerated individuals.

Kathleen Lippitt spoke to the Board regarding policies related to prescription drugs.

Kelly McCormick spoke to the Board regarding negative health impacts on youth from marijuana use.

Truth spoke to the Board regarding the Board of Supervisors' actions.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 1:47 p.m.

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

Consent: Valdivia
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.


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Approved by the Board of Supervisors, on Wednesday, September 11, 2024.



NORA VARGAS
Chair

Attest:



ANDREW POTTER
Clerk of the Board

08/28/2024