

October 9, 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, OCTOBER 9, 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 9:53 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 September 25, 2024.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of September 25, 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. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO
COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE §
811.101, ET SEQ. AND RELATED CEQA FINDING (9/25/2024 - FIRST
READING ORDINANCE; 10/9/2024 - ADOPT ORDINANCE) |
| 2. | EXTENSION OF PERFORMANCE COMPLETION DATE ON SECURED
AGREEMENT TO COMPLETE SUBDIVISION IMPROVEMENTS AND
RELATED CEQA FINDINGS |
| 3. | RESOLUTION AUTHORIZING A SERVICE TAX JOINT AGREEMENT WITH
THE CSCDA TO CONDUCT MAINTENANCE ONLY CFD FORMATIONS ON
BEHALF OF THE COUNTY OF SAN DIEGO AND ASSOCIATED CEQA
FINDINGS

(RELATES TO FLOOD CONTROL DISTRICT AGENDA ITEM FL01) |
| 4. | TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION
(10/09/2024 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN
ORDINANCE; 10/23/2024 - SECOND READING OF AN ORDINANCE, UNLESS
ORDINANCE IS MODIFIED ON SECOND READING) |
| 5. | OPPORTUNITIES FOR STREAMLINING AFFORDABLE AND ATTAINABLE
HOUSING AND NOTICE OF EXEMPTION FROM CEQA |
| 6. | NON-AGENDA PUBLIC COMMUNICATION |

1. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN
DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE,
COUNTY CODE § 811.101, ET SEQ. AND RELATED CEQA FINDING
(9/25/2024 - FIRST READING ORDINANCE; 10/9/2024 - ADOPT
ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

On September 25, 2024 (03), the Board of Supervisors took action to further consider and adopt the Ordinance on October 9, 2024.

The County of San Diego (County) is committed to reducing flood risk to the community and is responsible for reviewing private development and County capital improvement projects for compliance with flood control objectives. The County provides floodplain maps and free sand and sandbags to the public to help them understand flood risks and protect their structures. The County also maintains stormwater drainage facilities and the County's ALERT Flood Warning Network. During and after a flooding event, the County conducts analyses to quantify the magnitude and extent of the storm's impacts and supports emergency response and recovery actions.

The County also participates in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), the requirements of which are outlined in the Code of Federal Regulations (CFR). To qualify for flood insurance, structures built within the boundaries of Special Flood Hazard Areas, also known as floodplains and floodways, as shown on FEMA's Flood Insurance Rate Maps, must meet minimum standards established under the NFIP that make structures more resilient from flooding and increase public safety. The County informs property owners of these requirements and offers guidance on elevating their structures above the flood risk, which will lower their flood insurance premiums. The County also participates in FEMA's Community Rating System (CRS) program, a voluntary incentive program for communities that have the authority to adopt and enforce floodplain management regulations for their jurisdictions, to earn credit for tasks and activities that are beyond minimum NFIP standards. Just over 1,500 communities in the U.S. participate in the CRS program. If standards are met, this translates to reduced flood insurance premiums for property owners. The County publicizes these premium reducing activities on social media and through direct mailers to people who live and work in mapped floodplains, as well as to real estate and land development industry members.

The County Board of Supervisors (Board) adopted the Flood Damage Prevention Ordinance (Ordinance) in 1988 to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in the unincorporated area of the county. The Ordinance includes methods and provisions for restricting or prohibiting uses that are dangerous to health, safety, or property due to flooding. It also controls the alteration of natural floodplains and stream channels, which help contain floodwaters. These methods and provisions apply to new development and redevelopment within the floodplain.

The recommended changes to the County's Ordinance include the following:

1. Revisions requested by FEMA for consistency with the Code of Federal Regulations (CFR);
2. Optional revisions recommended by FEMA to maximize County credits to the CRS program pertaining to non-residential construction flood proofing requirements; and
3. An optional amendment to the local floodplain map revision process requirements (pertaining to FEMA's Conditional Letter of Map Revision or "CLOMR") that staff is recommending to mirror the CFR requirements for consistency.

Because FEMA's requested changes (1) and recommended changes (2) came as part of an unscheduled review in August of 2021 of the County's Ordinance, FEMA concurred with implementing changes at the next planned Ordinance update. Regarding the optional amendment that staff are recommending (3), FEMA separately rescinded guidance for determining when CLOMRs for public and private land development projects are required. This revealed an area where the County's Ordinance is inadvertently more stringent than the Federal requirements under certain conditions, affecting a relatively small number of projects. The more stringent Ordinance language is not a regulatory requirement that would offer more protection to structures or the environment. Similarly, this more restrictive requirement does not provide any advantage for NFIP policy discounts in the CRS program.

The Department of Public Works has engaged extensively with our stakeholders and partners, including the Environmental Coalition, the Bay Council, the Building Industry Association, labor union stakeholders, floodplain management and legal professionals, the San Diego Association of Governments, the County's Land Development Technical Working Group, and the Flood Control District Advisory Commission, to gather feedback on the proposed optional amendment to the local floodplain map revision process (related to the CLOMR) to mirror the federal requirements. These stakeholders are all either neutral or in support of the recommended revisions; none expressed concerns or opposition to the staff's recommendation.

Today's request is for the Board to adopt an ordinance amending the County Flood Damage Prevention Ordinance to reflect FEMA's current standards for participation in the NFIP, to ensure continued successful participation in the CRS program, and to align the local floodplain map revision CLOMR requirements with the CFR.

The proposed action requires two steps. On September 25, 2024, it is requested that the Board approve introduction of the Ordinance per the recommendations below. If the Board takes action on the recommendations, then on October 9, 2024, the Board may adopt the Ordinance.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Submit the ordinance for consideration and adopt the ordinance (second reading).

ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE TO MEET NATIONAL FLOOD INSURANCE PROGRAM AND OTHER OBJECTIVES.

EQUITY IMPACT STATEMENT

The proposed ordinance changes will promote the public safety and general welfare of people and structures within special flood hazard areas in the unincorporated county. If adopted, the Ordinance would apply equally across all unincorporated areas of San Diego County. The proposed Ordinance would allow the County of San Diego (County) to support public safety by keeping the County in good standing in the Federal Emergency Management Agency's National Flood Insurance Program and keeping policy holders eligible for premium discounts. These discounts make flood insurance more affordable for all policy holders, including those in historically underserved communities.

SUSTAINABILITY IMPACT STATEMENT

The proposed amendments to the ordinance keep the County of San Diego (County) in the National Flood Insurance Program and provide resilience to people who live and work in unincorporated areas. The proposed amendments to the Ordinance have health, well-being and economic sustainability benefits. These amendments will contribute to the County sustainability goal of protecting the health and well-being of everyone in the region by reducing flood risk and reducing costs for flood insurance.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

The County of San Diego's Flood Damage Prevention Ordinance provides flood protection requirements for private and public development projects to provide clarity to developers while balancing the needs of the community. In addition, the update will allow for continued participation in the National Flood Insurance Program and the Community Rating System, resulting in reduced flood insurance rates for property owners.

ACTION:

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, and adopted Ordinance No. 10920 (N.S.), entitled: **ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE TO MEET NATIONAL FLOOD INSURANCE PROGRAM AND OTHER OBJECTIVES.**

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

2. **SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATE ON SECURED AGREEMENT TO COMPLETE SUBDIVISION IMPROVEMENTS AND RELATED CEQA FINDINGS (DISTRICT: 5)**

OVERVIEW

Private property owners may use the County of San Diego's (County) land development process to further subdivide their land within the existing legal boundaries of their property, creating new internal legal lots and boundaries which are recorded on subdivision maps. Subdivision

developers, as conditions of their permits, are often required to construct specific improvements that benefit the public, such as roads and storm drainage systems. In many cases, these improvements are accepted by the County into the County-maintained system at the completion of the project to be owned, operated, and maintained by the Department of Public Works (DPW) in perpetuity. Subdivision improvement agreements and the requirement for developers to provide security (i.e., a bond or other financial instrument) ensure that any required improvements are constructed for approved subdivisions with a recorded map. The security amount is 100% of the total estimate of the improvements, conditioned on the developer's completion of the improvements listed in the agreement, and an additional amount of 50% securing payment for labor and materials in the event the developer does not complete the improvements as required. If a developer defaults without completing the improvements included in the subdivision improvement agreement, this security can potentially be used by its provider (e.g., surety), a new owner, or the County to finance the completion of the required improvements.

The San Diego County (County) Code of Regulatory Ordinances allows for and establishes the requirements for time extensions for the completion of these required improvements on private development subdivisions in order to grant the developer additional time to complete construction, while simultaneously preserving the County's rights to have the improvements constructed by the developer. It is not uncommon for development projects to require extended time to complete the improvements. Construction schedules can be affected by local economic conditions, the developer's circumstances, permitting, site conditions, and other related factors.

DPW staff monitors the status of subdivision improvement agreements and the associated work. If developers need additional time and wish to extend the agreement, they can submit an extension request and provide a current cost estimate of the remaining work. DPW staff reviews the estimate to confirm the total security is adequate based on construction progress and estimated costs for remaining work based on current pricing. If staff determine a time extension is appropriate, staff will then bring the request forward for Board of Supervisors (Board) consideration. Extending the agreement ensures the County's legal rights regarding the improvements are continued.

On July 15, 1998 (6), the Board approved the Final Subdivision Map and Joint Improvement Agreement (Agreement) between the County, the Valley Center Municipal Water District, and the subdivision owner. This is known as Tract No. 4744-1, Rimrock, in District 5, located in the North County Metro Area., which includes street and drainage improvements, and water and sewer facilities. Construction of the housing units and the improvements supporting the development are both 60% complete. The project will include bioretention basins on individual lots and tree wells to address stormwater quality. The Agreement has been extended six times previously; the Board last approved an extension to the Joint Improvement Agreement on November 17, 2021 (03). As stated in the Agreement, the Board may extend the completion dates for all work and improvements or the performance of acts or contractual obligations, except the improvement of sewer and/or water facilities, which must be approved by the Valley Center Municipal Water District. The developer will seek an extension on the remaining improvements from the Water District separately.

This is a request for the Board to approve a two-year extension of performance completion date for the subdivision. This project has 70 single-family residential lots and the overall area is 196.6 acres.

DPW staff have determined an extension is appropriate to preserve the County's legal rights under the agreement, and because of the County's continued interest in receiving the improvements. DPW staff also confirmed the absence of negative impacts associated with later delivery of the remaining improvements. Staff has also determined that there is adequate security for all improvements (i.e., capacity through a bond or other financial instrument) to guarantee completion of the remaining work for the agreement, should that become necessary to leverage in the future to ensure improvements are constructed. For these reasons, staff believes there are no adverse consequences to granting the developers additional time to complete the improvements.

Today's request is for the Board to approve the extension of the performance completion date in the subdivision Agreement for the development referenced by Tract No. 4744-1 to October 9, 2026.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of the performance completion date in the subdivision agreement to complete subdivision improvements is not a "project" as defined in Section 15378 of the state CEQA Guidelines.
2. Extend the performance completion date in the subdivision agreement to October 9, 2026, for the developments referenced by Tract No. 4744-1.

EQUITY IMPACT STATEMENT

It is anticipated that the extension will allow time for infrastructure to be completed by the developer for the benefit of the unincorporated community where the project is located. This infrastructure includes roads and drainage systems that will support housing development.

SUSTAINABILITY IMPACT STATEMENT

The extension will allow time for stormwater infrastructure to be completed by the developer, which will have environmental sustainability benefits. Biofiltration basins and tree wells will be installed, which will improve stormwater quality.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

3. **SUBJECT: RESOLUTION AUTHORIZING A SERVICE TAX JOINT AGREEMENT WITH THE CSCDA TO CONDUCT MAINTENANCE ONLY CFD FORMATIONS ON BEHALF OF THE COUNTY OF SAN DIEGO AND ASSOCIATED CEQA FINDINGS (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) has the authority to issue tax-exempt bonds to fund public and private infrastructure projects by establishing Assessment Districts (AD) or Community Facility Districts (CFD). Private developers typically use such bonds to finance the construction of new infrastructure, and the districts to fund ongoing maintenance of public facilities such as parks, roads, and stormwater improvements. Future property owners in the district repay the bonds issued over time and/or continue to pay a special tax to fund ongoing infrastructure maintenance by the County. Today's proposal would authorize the County of San Diego to participate in an innovative new program that establishes maintenance only CFDs, which can be used voluntarily to enhance housing development feasibility and guarantee the inclusion of amenities that improve residents' quality of life.

The Mello-Roos Community Facilities Act of 1982 guides the creation of a CFD in California. This act requires a two-thirds vote from residents or landowners to form a CFD. Developers typically pay the County to manage this process, ensuring full cost recovery for staff and administrative expenses as outlined in Board Policies I-136 and B-29. While the County does have its own processes in place to establish ADs and CFDs, there are other alternatives offered through the California Statewide Communities Development Authority (CSCDA), which reduce administrative time and costs for the County; realize shorter times frames for the formation and management of ADs and CFDs; and often is preferred by developers because it allows for projects to satisfy conditions of approval and begin construction more quickly. Forming CFDs with CSCDA can decrease development costs and the time it takes to complete subdivision processes, ultimately helping the County achieve its housing goals.

The County has been a member of CSCDA since August 13, 1991, which offers local governments alternative tools for financing public benefit projects. The County has further enhanced its membership with CSCDA by participating in its Statewide Community Infrastructure Program (SCIP) that was launched in 2020, which allows developers to finance public improvements and pay impact fees through tax-exempt bonds issued in an AD or CFD.

Maintenance Only CFDs allow for the levy of a special tax to fund ongoing maintenance of public infrastructure and services, independent of the pooled bond financing (debt issuance) offered by the SCIP program. Since Maintenance Only CFDs do not involve debt issuance, they fall outside the SCIP scope, requiring developers to fund County staff to facilitate the formation process. To mitigate this, County staff engaged with CSCDA to consider a new Joint Agreement (JA) that would authorize CSCDA to manage the formation of Maintenance Only CFDs on behalf of the County, streamlining the process and reducing costs.

Today's request seeks to adopt a new resolution authorizing CSCDA to form Maintenance Only CFDs on behalf of the County and the County Flood Control District. This new resolution would extend the County's collaboration with CSCDA beyond the SCIP program, which will reduce administrative cost for the County and allow subdivision developers to satisfy conditions of approval and begin construction more quickly. If approved, the County would become the second and largest jurisdiction in the state to implement this innovative and mutually beneficial arrangement, ensuring continued funding for public infrastructure maintenance.

Today's request is 1) for the Board of Supervisors to adopt a resolution, make CEQA findings and authorize steps necessary for a Joint Agreement (JA) with CSCDA allowing the formation of Maintenance Only CFDs, and 2) for the Board, acting as the Flood Control District Board of Directors, adopt a resolution, make CEQA findings and authorize steps necessary for a JA with CSCDA allowing the formation of Maintenance Only CFDs.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting as the County of San Diego Board of Supervisors

1. Find, pursuant to Section 15061 (b)(3) of the California Environmental Quality Act Guidelines (CEQA), that actions to adopt a new resolution authorizing the California Statewide Communities Development Authority to form Maintenance Only Community Facility Districts on behalf of the County of San Diego are exempt from CEQA since it can be seen with certainty there is no possibility that it will have a significant effect on the environment.
2. Adopt a Resolution entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING AND EMBODYING A JOINT AGREEMENT TO FUND SERVICES WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY AND AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT PROCEEDINGS TO FORM COMMUNITY FACILITIES DISTRICTS FROM TIME TO TIME TO FUND PUBLIC SERVICES NECESSARY TO SERVE NEW DEVELOPMENT; AND AUTHORIZING RELATED ACTIONS.

Acting as the Flood Control District Board of Directors:

1. Find, pursuant to Section 15061 (b)(3) of the California Environmental Quality Act Guidelines (CEQA), that actions to adopt a new resolution authorizing the California Statewide Communities Development Authority to form Maintenance Only CFDs on behalf of the County Flood Control District are exempt from CEQA since it can be seen with certainty there is no possibility that it will have a significant effect on the environment.
2. Adopt a Resolution entitled: A RESOLUTION OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS AUTHORIZING AND EMBODYING A JOINT AGREEMENT TO FUND SERVICES WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY AND AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT PROCEEDINGS TO FORM COMMUNITY FACILITIES DISTRICTS FROM TIME TO TIME TO FUND PUBLIC SERVICES NECESSARY TO SERVE NEW DEVELOPMENT; AND AUTHORIZING RELATED ACTIONS.

EQUITY IMPACT STATEMENT

The opportunity for developers to use the California Statewide Communities Development Authority (CSCDA) can result in establishing new Community Facilities Districts (CFD) which can allow developers' projects to satisfy conditions of approval and begin construction more quickly. This would provide more housing projects in San Diego County's unincorporated areas, helping to meet the region's housing goals. Residential Maintenance Only CFDs project developed through a Joint Agreement with CSCDA will promote new communities with desirable and well-maintained amenities such as parks, trails, and open space, making them more appealing and attainable for homebuyers. Having another avenue to establish Maintenance Only CFDs available through the CSCDA helps the County achieve its housing goals and makes purchasing homes in new, high-amenity communities more accessible for new homeowners.

SUSTAINABILITY IMPACT STATEMENT

Expanding the County's agreement with the California Statewide Communities Development Authority (CSCDA) through a Joint Agreement (JA) will allow for the formation of Maintenance Only Community Facilities Districts (CFDs) and can enhance sustainable land use planning by reducing environmental impacts and promoting individual wellbeing. The County's ability to offer the full suite of CSCDA's Statewide Community Infrastructure Program (SCIP) and this JA for the formation of Maintenance Only CFDs will encourage the development of new residential communities with nearby public services such as parks, trail/trail heads, schools, libraries, transit centers, and police/fire stations. This proximity to essential services will reduce the need for vehicle travel, thereby reducing greenhouse gas (GHG) emissions. Furthermore, assessment districts and CFDs developed by CSCDA will support the inclusion of recreational areas, such as parks, trails, and open spaces, providing easy access to outdoor recreation and nature, thereby enhancing the health and wellbeing of residents.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendation. It is anticipated that costs and time associated with processing Assessment District (AD) and Community Facility Districts (CFD) through the California Statewide Communities Development Authority (CSCDA) Statewide Community Infrastructure Program (SCIP) and Joint Agreement will be negligible as the CSCDA will have primary responsibility for the formation, administration, and issuance of bonds, subject to approval of affected property owners. Developers/applicants will be responsible for all County of San Diego staff costs through developer deposit accounts established pursuant to County of San Diego ordinances and as a condition of project approval. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Collaboration with the CSCDA through a new Joint Agreement to form Maintenance Only Community Facilities Districts (CFD) may reduce costs for individual developers and future residents as costs associated with the formation and administration of Maintenance Only CFDs are reduced. The formation of Maintenance Only CFDs assists in providing for well-maintained community amenities and infrastructure improvements, such as recreational centers, parks, schools, roads, trails, and sanitation systems.

(RELATES TO FLOOD CONTROL DISTRICT AGENDA ITEM FL01)

ACTION:

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, and adopted Resolution No. 24-123, entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS AUTHORIZING AND EMBODYING A JOINT AGREEMENT TO FUND SERVICES WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY AND AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT PROCEEDINGS TO FORM COMMUNITY FACILITIES DISTRICTS FROM TIME TO TIME TO FUND PUBLIC SERVICES NECESSARY TO SERVE NEW DEVELOPMENT; AND AUTHORIZING RELATED ACTIONS.

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

4. **SUBJECT: TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (10/09/2024 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 10/23/2024 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: 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 1950s 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 seven items from the June 7, 2024, TAC meeting agenda:

Items from the 06/07/2024 TAC Meeting			
District	Item	Location	Action
2	2-A*	Barnett Road/Eleventh Street from Hanson Lane to San Vicente Road in Ramona	Reduce the 35 MPH speed limit to 30 MPH and certify for radar enforcement.
2	2-B*	Eleventh Street from San Vicente Road to State Route 67 in Ramona	Reduce the 35 MPH speed limit to 30 MPH and certify for radar enforcement.
3	3-A*	El Camino Real/ La Noria from La Orilla to La Bajada in Rancho Santa Fe	Reduce the 40 MPH speed limit to 35 MPH and certify for radar enforcement.
5	5-A*	Flowerwood Lane from Knottwood Way to Gird Road in Monserate	Establish and certify the 25 MPH speed limit for radar enforcement.
5	5-B*	Little Gopher Canyon Road from Gopher Canyon Road to Old River Road in Bonsall	Establish and certify a 30 MPH speed limit for radar enforcement.
5	5-C*	Old River Road from State Route 76 to 1,000' N/o Dentre de Lomas Road in Bonsall	Establish and certify a 45 MPH speed limit for radar enforcement.
5	5-D*	Royal Crest Drive from Sunset Drive to Bear Valley Parkway in San Pasqual	Establish and certify a 35 MPH speed limit for radar enforcement.
* Indicates a second reading of the ordinance is required. These items are not in the vicinity of tribal lands.			

Approval of Item 2-A Barnett Road/Eleventh Street in Ramona (District 2), Item 2-B on Eleventh Street in Ramona (District 2), Item 3-A on El Camino Real/La Noria in Rancho Santa Fe (District 3), Item 5-A on Flowerwood Lane in Bonsall (District 5), Item 5-B on Little Gopher Canyon Road in Bonsall (District 2), Item 5-C on Old River Road in Bonsall (District 2), and Item 5-D on Royal Crest Drive in San Pasqual (District 5) would support speed enforcement which enhances roadway safety. Properly posted speed limits inform drivers on safe speeds, reducing the number and severity of collisions, and allow for enforcement.

The Board's action on Items 2-A Barnett Road/Eleventh Street in Ramona (District 2), 2-B on Eleventh Street in Ramona (District 2), 3-A on El Camino Real/La Noria in Rancho Santa Fe (District 3), 5-B on Little Gopher Canyon Road in Bonsall (District 2), 5-C on Old River Road in Bonsall (District 2), and 5-D on Royal Crest Drive in San Pasqual (District 5) would introduce an ordinance to amend speed limit zones. This action would revise the County Code and require two steps. On October 9, 2024, the Board would consider the TAC items. If the Board takes action as recommended on October 9, then on October 23, 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 October 23, 2024, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2:

Item 2-A. Barnett Road/Eleventh Street from Hanson Lane to San Vicente Road in Ramona East - Reduce the 35 MPH speed limit to 30 MPH and certify for radar enforcement.

Item 2-B. Eleventh Street from San Vicente Road to State Route 67 in Ramona West - Reduce the 35 MPH speed limit to 30 MPH and certify for radar enforcement.

District 3:

Item 3-A. El Camino Real/La Noria from La Orilla to La Bajada in Rancho Santa Fe - Reduce the 40 MPH speed limit to 35 MPH and certify for radar enforcement.

District 5:

Item 5-A. Flowerwood Lane from Knottwood Way to Gird Road in Monserate - Establish and certify the 25 MPH speed limit for radar enforcement.

Item 5-B. Little Gopher Canyon Road from Gopher Canyon Road to Old River Road in Bonsall - Establish and certify a 30 MPH speed limit for radar enforcement.

Item 5-C. Old River Road from State Route 76 to 1,000' N/o Dentro de Lomas Road based in Bonsall - Establish and certify a 45 MPH speed limit for radar enforcement.

Item 5-D. Royal Crest Drive from Sunset Drive to Bear Valley Parkway in San Pasqual - Establish and certify a 35 MPH speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County 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 72.161.15.2., 72.163., 72.169.44. AND 72.169.55.4. AND ADDING SECTIONS 72.161.27.1., 72.169.74.16., AND 72.161.41.2. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 2-B, 3-A, 5-A, 5-B, 5-C, and 5-D)

If, on October 9, 2024, the Board takes action as recommended, then, on October 23, 2024:

1. Adopt the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.15.2., 72.163., 72.169.44. AND 72.169.55.4. AND ADDING SECTIONS 72.161.27.1., 72.169.74.16., AND 72.161.41.2. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 2-B, 3-A, 5-A, 5-B, 5-C, and 5-D)

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 uses 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 proposed action has social, health and well-being, and environmental sustainability benefits. 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 \$17,936 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 October 23, 2024.

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

5. SUBJECT: OPPORTUNITIES FOR STREAMLINING AFFORDABLE AND ATTAINABLE HOUSING AND NOTICE OF EXEMPTION FROM CEQA (DISTRICTS: ALL)

OVERVIEW

The County of San Diego (County) Board of Supervisors (Board) is actively addressing housing affordability through various efforts to increase housing opportunities across all income levels. The Opportunities for Streamlining Affordable and Attainable Housing (Streamlining Opportunities) project builds on previous efforts to address affordability by exploring the feasibility of several innovative programs designed to expand affordable and attainable housing opportunities without adding regulation or development costs since they are all voluntary and incentive-based. Affordable housing is defined as housing that costs no more than 30% of a household's income. Attainable housing refers to housing that is accessible to those who may not qualify for traditional deed-restricted housing - homes legally bound by covenants to remain affordable for a period of time - but who still face challenges with the high costs of market-rate housing.

The Streamlining Opportunities project is a response to Board direction provided on July 14, 2021 (1) and March 13, 2024 (10) to explore opportunities for new housing programs. At this hearing, staff was directed to explore the feasibility of housing programs that would create more home ownership opportunities, facilitate the production of housing for older adults, and remove barriers to affordable housing development. The Streamlining Opportunities project includes four new programs that are voluntary and incentive-based, aligning with the County's goals of promoting equitable access to housing, facilitating the production of senior and low-income housing, and expanding homeownership opportunities. These programs are aligned with and will be integrated into the County's 6th Cycle Housing Element Implementation Plan to ensure efficient implementation timelines, resource allocation, and funding. The recommendations that staff are presenting today will be accomplished using existing funding and will result in no net change in General Fund cost. Staff conducted best practice research and engaged with community members and stakeholders to identify the following new programs. These will be developed by the end of the 6th Cycle Housing Element cycle (2029), with some being completed in the next 18-36 months and others completed in FY 26-27, if the Board directs staff to prioritize these efforts in the PDS housing workplan:

1. *Small Lot Subdivision Program*: Encourages the design and construction of smaller single-family homes.

2. *Senior Housing and Assisted Living Facility Program*: Creates incentives to encourage the construction of more Senior Housing and Assisted Living Housing Facilities. It also incorporates accessible design principles to allow anyone to visit or live in homes comfortably, regardless of physical abilities.
3. *Expanded By-Right Program*: Expands streamlined ministerial approval to include housing developments that provide at least 20% of their units as affordable housing for low-income (80% of the Area Median Income and below) families and individuals.
4. *Accessory Dwelling Units (ADUs) Ownership Opportunities Program*: Allows the sale of ADUs separate from the primary home on the property.

Today's request is for the Board to provide direction on recommendations brought forward for each program to proceed with the development of new Streamlining Opportunities programs. These programs will be integrated into the broader package of efforts under the County's 6th Cycle Housing Element Implementation Plan.

RECOMMENDATION(S)

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services recommends that the Board of Supervisors:

1. Find in accordance with Section 15061(b)(3) that today's actions are exempt from CEQA because they do not meet the definition of a project and pursuant to the commonsense exemption because it can be seen with certainty that there is no possibility today's actions may have a significant effect on the environment.
2. Receive the materials for the Opportunities for Streamlining Affordable and Attainable Housing and direct staff to further pursue the recommendations provided to develop the Small Lot Subdivision Program, Senior Housing and Assisted Living Facility Program, Expanded By-Right Program, and the Accessory Dwelling Units (ADUs) Ownership Opportunities Program.

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) recognizes the systemic impacts that inequitable policies create for residents of the San Diego region. The Opportunities for Streamlining Affordable and Attainable Housing Project potential programs seek to equitably address the unincorporated area's housing needs by increasing the production of housing units for low-income families, first time homebuyers, and older adults. By developing more housing opportunities across all income levels, these programs will help reduce housing inequity. Updates to the density bonus program as part of the Senior Housing and Assisted Living Facilities Program would incentivize the development of housing projects that are accessible to people living with disabilities, including older adults. This will foster inclusivity and reduce systemic barriers by ensuring everyone can access safe, accommodating living environments regardless of ability or mobility. The Accessory Dwelling Units (ADUs) Ownership Opportunities Program and the Small Lot Subdivision Program aim to create more attainable homeownership opportunities. This will enhance equity by enabling individuals from diverse socioeconomic backgrounds to build wealth, support financial stability, and invest in their communities, thereby reducing disparities in homeownership rates and fostering greater economic inclusion.

SUSTAINABILITY IMPACT STATEMENT

The Opportunities for Streamlining Affordable and Attainable Housing (Streamlining Opportunities) will implement the County's Housing Element and facilitate compliance with State housing law. The Streamlining Opportunities effort evaluates actions to support affordable housing development and expand housing opportunities for communities across the unincorporated area of San Diego County by facilitating the development of affordable housing for low and moderate-income (up to 120% of the Area Median Income, or AMI) individuals, families, and people at all life stages. Through engaging with unincorporated communities during this process, the Streamlining Opportunities effort advances Sustainability Goals #1 and #2 to provide just and equitable access to County policy decision-making in support of sustainable communities. In addition, the Streamlining Opportunities effort has been developed to support the sustainable development of housing within Vehicle Miles Traveled (VMT) Efficient and Infill areas. To support these efforts an Environmental Analysis can help streamline housing projects by providing a one-time analysis of the environmental impacts within these areas and corresponding mitigation measures. As a result, discretionary projects consistent with the Environmental Analysis would require fewer additional analyses, saving applicants time and costs.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendation. There will be no net change in General Fund cost and no additional staff years.

Though there is no impact on General Fund or net FTEs, there are potential opportunity costs depending on Board direction. If directed to move forward with the Senior and Assisted Living Housing and Accessory Dwelling Units (ADUs) Ownership Opportunities programs, existing staff and resources will be directed toward these projects as opposed to future Board-directed housing projects which could require additional allocation of existing staff and resources. Depending on the opportunities selected by the Board, this could result in up to 1.0 FTE and up to \$850,000 being directed toward the programmatic opportunities outlined in this Board letter.

The Small Lot Subdivision Program and the Expanded By-Right Program opportunities can be incorporated into the scope of the upcoming Development Feasibility Analysis Programmatic Environmental Impact Report or other appropriate environmental analysis (Environmental Analysis) and would not result in FTEs or resources being redirected. Further details on the potential costs are detailed under each program section of the board letter.

Again, there will be no additional cost associated with these actions. Staff will also monitor funding opportunities and mechanisms to leverage other financing sources.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

1. Found in accordance with Section 15061(b)(3) that today's actions are exempt from CEQA because they do not meet the definition of a project and pursuant to the commonsense exemption because it can be seen with certainty that there is no possibility today's actions may have a significant effect on the environment.
2. Received the materials for the Opportunities for Streamlining Affordable and Attainable Housing and directed staff to proceed with all the recommendations provided to develop the following:
 - Small Lot Subdivision Program
 - Senior Housing and Assisted Living Facility Program
 - Expanded By-Right Program
 - Development of a local Accessory Dwelling Units (ADUs) Ownership Opportunities Program
3. Directed staff to report back on housing element implementation and other housing activities progress as part of their annual General Plan Annual progress report in the Spring.

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

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

OVERVIEW

Michael Brando spoke to the Board regarding the Board of Supervisors actions and animal neglect on Artesian Road.

Robert Germann spoke to the Board regarding hangar homes at Gillespie Field.

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

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

Zohra Fahim spoke to the Board regarding equine neglect and cruelty on Artesian Road.

Michelle Walter spoke to the Board regarding animal neglect on Artesian Road.

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

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

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

Christina Ku spoke to the Board regarding animal neglect on Artesian Road.

Megan Stuart spoke to the Board regarding Mental Illness Awareness Week.

Paul the Bold spoke to the Board regarding pollution at the Tijuana River Valley.

Elizabeth Porcheddu spoke to the Board regarding animal neglect on Artesian Road.

Ann Riddle spoke to the Board regarding law enforcement and public safety.

Consuelo spoke to the Board regarding the housing crisis and government actions.

Madison Rapp spoke to the Board regarding the harmful effects of vaping.

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

Laurie Paladino spoke to the Board regarding animal neglect on Artesian Road.

Audra spoke to the Board regarding individuals incarcerated.

Becky Rapp spoke to the Board regarding the harmful effects of marijuana and vape products.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:48 a.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.

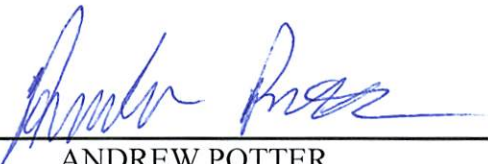
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Approved by the Board of Supervisors, on Wednesday, October 23, 2024.



NORA VARGAS
Chair

Attest:



ANDREW POTTER
Clerk of the Board

10/09/2024