

**October 20, 2021**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

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

**COUNTY OF SAN DIEGO**

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, OCTOBER 20, 2021, 9:00 AM**  
COUNTY ADMINISTRATION CENTER, ROOM 310  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:01 a.m.

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

- B. Closed Session Report

- C. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

- D. Approval of the Statement of Proceedings/Minutes for the meeting of October 6, 2021.

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 06, 2021.

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

- E. Formation of Consent Calendar

- F. Discussion Items

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

**Board of Supervisors' Agenda Items**

- | <b>Agenda #</b> | <b>Subject</b>   |
|-----------------|--|
| 1.              | ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS TO EXTEND AUTHORITY FOR DIRECTOR OF AIRPORTS TO SIGN LOW-VALUE LEASES AND LICENSES FOR FIVE YEARS (10/20/21 - FIRST READING; 12/8/21 - SECOND READING) |

2. SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES AND COUNTY ADMINISTRATIVE CODES PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP
3. CLIMATE ACTION PLAN UPDATE PROGRESS REPORT
4. ADVOCATING FOR RENEWABLE ENERGY RESOURCES
5. RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE STATEWIDE REGIONAL PARK GRANT PROGRAM [FUNDING SOURCE: DEPARTMENT OF PARKS AND RECREATION BUDGETED GENERAL PURPOSE REVENUE]
6. ESTABLISH ADDITIONAL APPROPRIATIONS TO AWARD A CONSTRUCTION CONTRACT FOR THE GUAJOME SEWER IMPROVEMENTS PROJECT [FUNDING SOURCE: GENERAL FUND FUND BALANCE AND AVAILABLE REVENUE FROM THE PARKS AND RECREATION TRUST FUND BUDGETED IN CAPITAL PROJECT 1021153] (4 VOTES)
7. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR VILLAGE VIEW PARK PROJECT IN FALLBROOK [FUNDING SOURCES: GENERAL FUND FUND BALANCE PARK EXPANSION AND IMPROVEMENT, COMMUNITY DEVELOPMENT BLOCK GRANT, PARK LAND DEDICATION ORDINANCE, AND A DONATION FROM FALLBROOK SKATEPARK INC.; DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE]
8. NOTICED PUBLIC HEARING:  
AMENDMENT TO THE CODE OF REGULATORY ORDINANCES AND THE ZONING ORDINANCE TO FACILITATE ONGOING OPERATIONS OF FIVE EXISTING MEDICAL MARIJUANA COLLECTIVE FACILITIES AND UPDATE ON THE SOCIALLY EQUITABLE CANNABIS PROGRAM DEVELOPMENT (10/6/2021 - FIRST READINGS; 10/20/2021 - SECOND READING)
9. ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: TRAFFIC ADVISORY COMMITTEE (10/06/2021 - ADOPT RECOMMENDATIONS; 10/20/2021 - SECOND READING OF ORDINANCES)
10. CONTINUED ITEM FROM 10/19/2021 (25):  
CLOSED SESSION
11. PUBLIC COMMUNICATION

1. **SUBJECT: ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS TO EXTEND AUTHORITY FOR DIRECTOR OF AIRPORTS TO SIGN LOW-VALUE LEASES AND LICENSES FOR FIVE YEARS (10/20/21 - FIRST READING; 12/8/21 - SECOND READING) (DISTRICTS: 2 & 5)**

#### **OVERVIEW**

The County of San Diego (County) operates and maintains eight airports, which are all funded by the Airport Enterprise Fund (AEF), independent of and without cost to the General Fund. The AEF is funded through a combination of rental revenue, user fees, interest, and State and federal grant funding. The Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (Ordinance) includes authority delegated by the Board of Supervisors (Board) to the Director of Airports to sign low-value leases and licenses, those not exceeding 10 years or \$10,000 per month, for five years from the effective date of the Ordinance. The most common lease type issued under this authority is for aircraft parking, which has a high turnover, as pilots relocate to and from County Airports. These leases are requested on short notice and the requirement for Board approval would limit the County's ability to accommodate such requests, potentially adding three months to the processing time and up to \$3,000 in staff costs. Currently, it takes approximately 10 working days and less than \$300 in staff time to process an aircraft parking lease. Licenses under this authority include uses such as aircraft detailing, taxi services, geotechnical monitoring, and surveying.

Per California Government Code §25537, the authority delegated pursuant to the Ordinance, by the Board to the Director of Airports to sign low-value leases and licenses, must be renewed every five years. The current authority expires on January 15, 2022. This is a request to amend the Ordinance to renew the Director of Airports' authority to execute low-value leases and licenses for five years from the new effective date of the Ordinance. Other than the effective date, all other provisions of the Ordinance would remain unchanged.

This action requires two steps. On October 20, 2021, the Board is requested to approve introduction of an Ordinance to amend the schedule to renew the Director of Airports' authority to execute low-value leases and licenses for five years from the new effective date of the Ordinance. If the Board takes action on October 20, 2021, then on December 8, 2021, the Board would be requested to consider and adopt the proposed Ordinance amending the schedule. This will allow for the required minimum 30-day notice between Board actions.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

October 20, 2021:

Approve the introduction of the Ordinance (first reading), read title, and waive further reading of an Ordinance entitled:

**AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS.**

If on October 20, 2021, the Board takes the action as recommended, then on December 8, 2021:

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 of the CEQA Guidelines because CEQA does not apply to the establishment or approval of rates and charges by a public agency which are for the sole use and purpose of meeting operating expenses; and adopt the findings made pursuant to CEQA Guidelines Section 15273.
2. Consider and adopt the Ordinance for the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (second reading).

#### **EQUITY IMPACT STATEMENT**

The eight airports owned and operated by the County of San Diego (County Airports) provide vital air transportation hubs and emergency response facilities, and serve as economic engines, supporting airport users as well as the region's residents. County Airports pursues delivery of these services in a fair and equitable manner and actively works to remove barriers, encourage participation, and provide competitive opportunities for small businesses that traditionally have less working capital and business owners and managers that may be socially and economically-disadvantaged, through public outreach and added consideration in our procurement and leasing selection criteria.

As part of the National Plan of Integrated Airport Systems, County Airports connects rural, suburban, and urban communities, businesses, and people by facilitating over 518,000 commercial, corporate, government, and private aircraft operations annually. As bases for CAL FIRE, US Forest Service, Sheriff ASTREA (Aerial Support to Regional Enforcement Agencies), and Mercy Air, County Airports ensures the readiness and rapid response of emergency services for community members, including underserved communities. County's airports are home to over 100 aeronautical and non-aeronautical businesses. Through rents and user fees, County Airports is 100% self-funded, allowing General Fund revenues to be used for other priorities.

#### **FISCAL IMPACT**

Funds for this request are included in Department of Public Works, Airport Enterprise Fund's Fiscal Year 2021-22 Operational Plan. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinance on December 8, 2021.

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

**2. SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES AND COUNTY ADMINISTRATIVE CODES PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP (DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board of Supervisors (Board) Policy A-76, Sunset Review Process, the LandUse and Environment Group (LUEG) periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices, that obsolete policies and Code provisions are removed, and that policy language is revised for clarity.

Today's proposed actions include: approval of amendments for three Administrative Code sections (Article XII-A: County Librarian, Article XXIV: Department of Parks and Recreation, and Article XXII: Department of Planning and Land Use, currently known as Department of Planning and Development Services); approval of amendments for eight Board Policies:

- a) I-103: Open Space Easement Vacations
- b) I-123: Conservation Agreement for the Multiple Species Conservation Program (MSCP) Plan
- c) I-132: Valley Center Mitigation Policy
- d) I-135: Allocation of Excess Capacity in the Campo Water and Sewer Service Area
- e) J-010: Installation of New or Replacement or Extension of Existing Utility Facilities in Road Projects Financed by Countywide Funds
- f) J-028: San Diego County Traffic Guidelines
- g) J-035: Protection of Routes to Accommodate the Transportation of Oversize Loads
- h) J-036: Policy and Procedures for Preparation of Community Right-of-Way Development Standards

The proposed action also includes approval of a new sunset review date, December 31, 2028, for the policies and ordinances reviewed in this letter.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

- 1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the County of San Diego (County) Administrative Code and Board of Supervisors Policies do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
- 2. Approve amendments to and establish the sunset review date of December 31, 2028 for the following Board of Supervisors (Board) Policies:
  - a. *I-103: Open Space Easement Vacations*
  - b. *I-123: Conservation Agreement for the Multiple Species Conservation Program (MSCP) Plan*
  - c. *I-132: Valley Center Mitigation Policy*

- d. *I-135: Allocation of Excess Capacity in the Campo Water and Sewer Service Area*
- e. *J-010: Installation of New or Replacement or Extension of Existing Utility Facilities in Road Projects Financed by Countywide Funds*
- f. *J-028: San Diego County Traffic Guidelines*
- g. *J-035: Protection of Routes to Accommodate the Transportation of Oversize Loads*
- h. *J-036: Policy and Procedures for Preparation of Community Right-of-Way Development Standards*

3. Approve the introduction of the Ordinance (First Reading), read title and waive further reading of the Ordinance entitled:  
AN ORDINANCE AMENDING SECTION 175.3 OF ARTICLE XII-A OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO ADOPTION AND ENFORCEMENT OF RULES AND REGULATIONS FOR COUNTY LIBRARY FACILITIES.
4. Approve the introduction of the Ordinance (First Reading), read title and waive further reading of the Ordinance entitled:  
AN ORDINANCE AMENDING SECTION 1638 OF ARTICLE XXIV OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE DEPARTMENT OF PARK AND RECREATION TO UPDATE AND CLARIFY EXISTING PROCEDURES AND ELIMINATE INFORMATION THAT IS NO LONGER NECESSARY.
5. Approve the introduction of the Ordinance (First Reading), read title and waive further reading of the Ordinance entitled:  
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XXII RELATING TO THE DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES TO UPDATE AND CLARIFY EXISTING PROCEDURES AND ELIMINATE INFORMATION THAT IS NO LONGER NECESSARY.
6. Establish the new sunset review date of December 31, 2028 for the following titles of the County Administrative Code that have been reviewed by staff and have recommended changes:
  - a. *Article XII-A: County Librarian*
  - b. *Article XXIV: Department of Parks and Recreation*
  - c. *Article XXII: Department of Planning and Land Use*

If on October 20, 2021 the Board takes the action in Recommendations 3, 4 and 5, then on November 3, 2021:

1. Consider and adopt the three Ordinances amending the San Diego County Administrative Code Ordinances (Second Reading).
2. Approve the new sunset review date of December 31, 2028 for the amended San Diego County Administrative Code.

## **EQUITY IMPACT STATEMENT**

County departments are guided by several Regulatory Codes, Administrative Codes, and Board policies in order to serve the region and customers consistently and equitably. The periodic review of County codes and policies ensures that departments keep documents up to date, provide clarifying language and continue to guide departmental practices. Additionally, this practice allows the language within these codes and policies to align with current efforts and be revised for inclusivity.

Today's recommendations will contribute to providing equitable, inclusive, and consistent service to the community and customers. The revisions proposed in this Board Letter enable the County of San Diego to provide residents the opportunity to review the updates that are made for consistency, clarity, and accuracy.

## **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 Fletcher, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinances on November 3, 2021.

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

### **3. SUBJECT: CLIMATE ACTION PLAN UPDATE PROGRESS REPORT (DISTRICTS: ALL)**

## **OVERVIEW**

On January 13, 2021 (5), the County of San Diego (County) Board of Supervisors (Board) approved new policy guidelines for the Climate Action Plan (CAP) Update. The CAP Update is a mitigation measure for greenhouse gas (GHG) emissions associated with existing and any new development anticipated to occur under the County's 2011 General Plan. The primary objective of the CAP is to reduce GHG emissions generated from current and future activities within the unincorporated county and emissions generated by operating County facilities, including County facilities and operations located within incorporated cities (County operations).

On July 14, 2021 (2), staff presented to the Board a progress report on the CAP Update that included the approach for developing new GHG reduction measures, engaging diverse stakeholders, and prioritizing equity within the CAP Update. The July 14, 2021 (2) hearing also included a staff presentation on the Supplemental Environmental Impact Report (EIR) and smart growth alternatives for inclusion within the Supplemental EIR. The Supplemental EIR adds to the previous environmental analysis included in the 2011 General Plan Final Program Environmental Impact Report (Program EIR), which did not consider potential



impacts on the environment from the CAP measures themselves. The Board voted unanimously to receive the presentation for a CAP Update Progress Report and directed the Chief Administrative Officer to analyze the impacts of any proposed programs on the cost of housing.

Today staff will present a progress report on the CAP Update, including a revised project schedule and additional information related to the smart growth alternatives for inclusion in the Supplemental EIR. As the project and environmental review are still in development and further updates will be brought to the Board before its final decision on the CAP Update and Supplemental EIR, this progress report and any Board comments in response do not represent a commitment to any particular course of action. Final binding policy decisions by the Board will occur after completing the CAP Update and Supplemental EIR process.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed actions are exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines because the proposed actions do not commit the County to any definitive course of action and there is no possibility that the activity in question may have a significant effect on the environment. Subsequent actions would be reviewed pursuant to CEQA and presented to the Board for consideration prior to implementation.
2. Receive the Climate Action Plan (CAP) Update progress report.

### **EQUITY IMPACT STATEMENT**

The Climate Action Plan (CAP) Update prioritizes environmental justice and equity as directed by the Board of Supervisors on January 13, 2021 (5). The County of San Diego will engage diverse stakeholders and community interests through robust community engagement centered on equity as a lens to view the project. A series of workshops and focused discussions have been held throughout 2021 and will continue through late 2022, to identify topics related to climate and environment that impact the most vulnerable communities within the unincorporated county in a process that is transparent, fair, and inclusive. Community input will inform the development of CAP measures and shape the policies and programs to reduce the disproportionate impacts these communities face and improve complementary benefits (e.g., improved air quality, positive health outcomes, increased economic opportunities, and resiliency to the effects of climate change).

### **FISCAL IMPACT**

There is no fiscal impact associated with receiving the Climate Action Plan (CAP) Update progress report. There may be future fiscal impacts associated with future recommendations as a result of the CAP. Any such recommendations would return to the Board for approval.

### **BUSINESS IMPACT STATEMENT**

There is no business impact associated with receiving the Climate Action Plan (CAP) Update progress report. Staff would return to the Board with future actions related to the CAP Update that could have a business impact for further consideration and direction.

**ACTION:**

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

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

**4. SUBJECT: ADVOCATING FOR RENEWABLE ENERGY RESOURCES  
(DISTRICTS: ALL)**

**OVERVIEW**

On July 14, 2021 (3), the Board received an update on the Regional Decarbonization Framework, including the plan for regional collaboration and stakeholder outreach. The framework focuses on a three-point approach: zero emissions of carbon dioxide, reduction of super-pollutants, and reduction of ground level ozone. It will also address environmental goals and impacts on environmental justice communities, in terms of housing, air quality, jobs, and infrastructure. Exploring other types of renewable resources, such as wave energy, offshore wind farms, and geothermal energy, will aid in the goals of the Regional Decarbonization Framework.

There are many opportunities to coordinate with outside sources to research the possibilities for renewable energy projects throughout the San Diego region, including water resources such as the Pacific Ocean, to reduce carbon emissions. Renewable energy technology-including wave capture and off-shore wind turbines-is evolving rapidly, and the Pacific Ocean could be used to meet our goal to decarbonize the region. Although the County of San Diego does not have direct control over the use of the Pacific Ocean, bold measures in collaboration with our regional partners are necessary to meet decarbonization goals. Ocean surface waves contain tremendous energy, and capture and transport of that energy has vast potential to decarbonize our regional energy supply. Examples of where wave energy is being piloted are off the shores of Oregon and right here in San Diego (off Scripps Pier in La Jolla). Another renewable source could come from geothermal energy. According to the California Energy Commission, “due to its location on the Pacific's ‘ring of fire’ and because of tectonic plate conjunctions, California contains the largest amount of geothermal electric generation capacity in the United States”.

Today’s action, to aid in the Regional Decarbonization Framework effort, is to direct County staff to coordinate with local universities and research institutions and with other federal, State, and local entities-including but not limited to the U.S. Department of Defense, U.S. Department of Energy, California Coastal Commission, California Energy Commission, and the Port of San Diego, and other stakeholders to research the feasibility of other alternative forms of renewable energy, such as but not limited to, wave energy, offshore wind farms, and geothermal energy, toward reducing carbon emissions.

## **RECOMMENDATION(S)**

### **SUPERVISOR JOEL ANDERSON AND CHAIR NATHAN FLETCHER**

1. Find that the proposed actions are statutorily exempt from environmental review per Section 15262 of the California Environmental Quality Act (CEQA) Guidelines because requesting additional research on renewable energy source involves only feasibility or planning studies for possible future actions that the Board of Supervisors has not approved, adopted, or funded. Environmental factors are to be considered in the research.
2. As part of the Regional Decarbonization Framework, direct County staff to coordinate with local universities and research institutions, and with other federal, State, and local entities, including but not limited to the U.S. Department of Defense, U.S. Department of Energy, California Coastal Commission, California Energy Commission, and the Port of San Diego and other stakeholders, to research the feasibility of other alternative forms of renewable energy, such as but not limited to, wave energy, offshore wind farms, and geothermal energy toward reducing carbon emissions. County staff are to include any findings in future updates on the Regional Decarbonization Framework when providing an update to the Board.

## **EQUITY IMPACT STATEMENT**

The Regional Decarbonization Framework is centered on equity. It is being prepared in coordination with the Office of Equity and Racial Justice, Office of Environmental and Climate Justice, and stakeholders that have been historically marginalized in regional conversations. This includes nonprofit advocates and coalitions active in environmental justice communities. The framework will intentionally address the gaps that exist between the decarbonization goals and existing realities for environmental justice communities, in terms of air quality, infrastructure, jobs and housing. Exploring renewable energy projects can potentially mitigate the impacts of climate change and other environmental harms in communities of concern.

Local renewable energy production can also drive increased investment in green jobs and developing a zero carbon economy. Research, planning, construction, deployment, and maintenance of new renewable energy projects can help bolster workforce development and the creation of high-road jobs.

## **FISCAL IMPACT**

Funds for the initial University of San Diego (UCSD) School of Global Policy and Strategy contract for the development of the Regional Decarbonization Framework are included in the Fiscal Year 2021-22 Operational Plan for the Land Use and Environment Group Executive Office. This action could require additional staff hours, contract capacity and funding. If additional costs are identified, they will be included in a future update to the Board on the Regional Decarbonization Framework.

## **BUSINESS IMPACT STATEMENT**

The proposed actions will help businesses and workers in San Diego County through the advancement of technological innovation, economic resiliency, investment opportunities, renewable energy projects and high-quality job creation in the green economy.

**ACTION:**

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

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

**5. SUBJECT: RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE STATEWIDE REGIONAL PARK GRANT PROGRAM (DISTRICTS: 1, 2, 5)**

**OVERVIEW**

On June 5, 2018, California voters approved the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68). Proposition 68 authorized \$4.0 billion in general obligation bonds to support projects that enhance environmental and social equity in communities with median household incomes less than 60 percent of the statewide average by expanding access to local and regional outdoor spaces and investing in infrastructure that builds community resiliency. The Statewide Regional Park Grant Program (RPP) funding was made available by Proposition 68. The competitive program is in its first round of applications with \$23,125,000 available to create, expand, or improve regional parks and recreational facilities across California. Proposition 68 requires that at least 20% (\$4,625,000) of the \$23,125,000 is awarded to severely underserved communities with a median household income below \$42,737.

The first minimum eligibility criteria for the RPP grant is the project site must be at least 50 acres. The second criteria is a new recreational amenity attracting visitors from at least a 20-mile radius or a county-wide population. The Department of Parks and Recreation (DPR) must submit a resolution adopted by the Board of Supervisors approving one, or more, application(s) for the grant program. DPR uses a Capital Investment Model to assess community needs. This model assesses park infrastructure and compares it to national and local standards to determine how a community's amenities compare to those standards. DPR reviewed all 97 active park projects with this model and compared the projects to the grant eligibility criteria. Four projects met the eligibility requirements. DPR is applying for up to \$9,525,000: \$3,000,000 each for Alpine County Park, Bonsall Community Park, Sweetwater Summit Regional Park Campground Expansion Phase II, and \$525,000 for Stelzer Park Ranger Station and Visitor Center in the community of Lakeside to fund construction. Beyond satisfying minimum qualifications, these projects also meet the majority of RPP's stated priorities.

This request is to adopt a resolution authorizing DPR to apply for, and accept, up to \$9,525,000 from the RPP's first round of grant funding administered by the Office of Grants and Local Services (OGALS). In addition, this request would authorize the Director of DPR, or designee, to conduct all negotiations and to execute and submit all documents that may be necessary to apply for and accept the grant funds. Applications are due November 7, 2021 and grants will be awarded in Spring 2022.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.
2. Adopt a resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE APPLICATION FOR REGIONAL PARK PROGRAM GRANT FUNDS
3. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests and to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.

**EQUITY IMPACT STATEMENT**

Improvements at various parks will ensure continuation of accessible recreational amenities for families and youth throughout the region. It is anticipated that the recreational improvements at Alpine Park and Bonsall Park will be located in two unincorporated communities that do not currently have a County park, and both projects will provide healthy recreational opportunities that are open and accessible to all demographics in the county by providing new parks and recreational facilities. It is anticipated that the campground expansion at Sweetwater Summit Regional Park Campground and the Stelzer Ranger Station and Visitor Center will have a positive health impact on all demographics in the county by expanding two parks and recreational facilities that will remain open and accessible.

**FISCAL IMPACT**

There is no fiscal impact associated with today's request to apply for and accept grant funds from the Proposition 68 Statewide Regional Park Program Grant. If approved, today's actions would authorize the submittal of one, or more, project application(s) for grant funds up to \$9,525,000. There are no matching funds required for this grant.

The Board approved a waiver of Board Policy B-29 for LUEG grants on June 24, 2020 (12), therefore a waiver is not requested as part of this action. The waiver authorizes LUEG department Directors, or designee(s), to submit, negotiate, and execute all documents that may be necessary to secure and spend grant funds for LUEG department projects and/or programmatic activities through June 30, 2025, including, but not limited to, applications, payment requests, agreements, and amendments to the agreements. If a grant is awarded, any unrecovered cost per Board Policy B-29 would be funded by existing General Purpose Revenue in the Department of Parks and Recreation (DPR) as determined by the nature of the project(s) or program(s).

If grant funds are awarded, the DPR will return to the Board of Supervisors to establish the necessary appropriations in Fiscal Year 2022-23. There will be no change in net General Fund cost and no additional staff years associated with the award of this grant. Alpine County Park Phase I, Bonsall Community Park, and Sweetwater Summit Regional Park Campground Expansion Phase II will require staffing additions. The funding source, costs, and full-time employee (FTE) requests will be included in future Operational Plans.

Phase I of Alpine County Park is projected to open in Fiscal Year 2023-24, and ongoing operations will be supported by existing maintenance crews and temporary staff with costs estimated at \$322,330 and including the need for 4.0 additional FTEs. These ongoing operations costs have not been allocated and will be included in future Operational Plans for the DPR.

Bonsall Community Park is projected to open in Fiscal Year 2023-24 and will have ongoing costs of approximately \$552,000 including the need for 4.0 additional FTEs. These ongoing operations costs have not been allocated and will be included in future Operational Plans for the DPR.

Sweetwater Summit Regional Park Campground Expansion Phase II is projected to open in Fiscal Year 2022-23 and will have ongoing costs of approximately \$224,174 including the need for 2.0 additional FTEs.

Stelzer Park Ranger Station and Visitor Center is projected to open in Fiscal Year 2022-23. Upon completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. The funding source is Department of Parks and Recreation budgeted General Purpose Revenue. There will be no change in net General Fund and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisor took action as recommended, adopting Resolution No. 21-167 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE APPLICATION FOR REGIONAL PARK PROGRAM GRANT FUNDS.

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

**6. SUBJECT: ESTABLISH ADDITIONAL APPROPRIATIONS TO AWARD A CONSTRUCTION CONTRACT FOR THE GUAJOME SEWER IMPROVEMENTS PROJECT (DISTRICT: 5)**

#### **OVERVIEW**

Guajome Regional Park is a 394-acre County park located in northern San Diego county in the city of Oceanside, California which offers camping sites, picnic areas, playgrounds, and multi-use trails. Guajome Regional Park recently upgraded its electrical and water systems and select areas of the sewer system to better accommodate park users. The Guajome Sewer Improvements Project will make improvements throughout the rest of the sewer system to further modernize the park and extend the useful life of the sewer system. The proposed project will reconfigure the park's sewer system to allow for full utility hookups at various campsites and continue to improve portions of the existing sewer mainline and the dump station that recreational vehicles use to dispose of waste.

On March 28, 2018 (07) the Board of Supervisors authorized the Department of Purchasing and Contracting (DPC) to advertise and award a construction contract to the lowest responsive and responsible bidder for the Guajome Sewer Improvements Project for an estimated construction cost of \$760,000, including contingency. Prior to bidding, during the completion of the design and Environmental Impact Report, it was determined that in order to serve the entire campground a lift station and additional sewer infrastructure would be required to pump effluent through the system due to the topography of the campground. The additional infrastructure added engineering complexity to the overall scope of the project which increased the time needed to complete the construction documents. When construction documents were completed in fall 2020, DPR identified a future construction window of November 2021 through February 2022 that would have minimal impact on DPR customers and closed reservations for that period. DPC then advertised the construction contract for the Guajome Sewer Improvements Project and opened bids on September 2, 2021. The lowest responsive and responsible bid for the contract is \$1,571,671 with contingency, which exceeds the estimated costs identified in 2020 and the available budget currently funded for construction.

Today's proposed actions will establish additional appropriations of \$644,108 in Capital Project 1021153 to fund construction of the project, including contingency, from the General Fund Commitment for Parks Expansion and Improvement to meet the lowest bid cost. The Parks Expansion and Improvement (PEI) program, established in 2017, is one funding source in DPR's capital program which contributes to increasing access to recreation and close gaps in services, particularly in areas that are underserved or have unmet needs. If approved, construction will begin in fall 2021 and is anticipated to be completed in between the end 2021 and early 2022.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Guajome Sewer Improvements Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land).
2. Authorize the Auditor & Controller to reduce the General Fund Balance Commitment for Park Expansion & Improvement by \$644,108 to provide additional funding to award a contract to the lowest responsive and responsible bidder for the Capital Project 1021153, Guajome Sewer Improvements.
3. Establish appropriations of \$644,108 in the Contributions to Capital Outlay Fund, Operating Transfer Out, for Capital Project 1021153, Guajome Sewer Improvements, based on General Fund fund balance component decrease - Park Expansion & Improvement Commitment. **(4 VOTES)**
4. Establish appropriations of \$644,108 in the Capital Outlay Fund for Capital Project 1021153, Guajome Sewer Improvements, based on an Operating Transfer In from the General Fund. **(4 VOTES)**

## **EQUITY IMPACT STATEMENT**

The Guajome Sewer Improvements Project will ensure continuation of accessible services for camping amenities for families and youth throughout the region. It is anticipated that the utility improvements will have a positive health impact on all park users by ensuring park and camping facilities remain open and accessible.

## **FISCAL IMPACT**

Funds for this request are partially included in the Fiscal Year 2021-22 Operational Plan in the Capital Outlay Fund. If approved, this request will result in approximate total project costs of \$1,803,913 for Capital Project 1021153, Guajome Sewer Improvements. Construction costs are estimated at \$1,571,671, including contingency. Remaining project funds of approximately \$232,242 will be used for design, inspection, construction management, and project administration. The original funding source is available prior year General Fund fund balance (\$1,087,854) and available revenue from the Parks and Recreation Trust Fund (\$71,951) budgeted in Capital Project 1021153. The source of the additional funding of \$644,108 is General Fund fund balance component decrease - Parks Expansion & Improvement Commitment.

Upon project completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no additional staff years.

## **BUSINESS IMPACT STATEMENT**

N/A

## **ACTION:**

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

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

## **7. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR VILLAGE VIEW PARK PROJECT IN FALLBROOK (DISTRICT: 5)**

### **OVERVIEW**

In March of 2020, the Department of Parks and Recreation (DPR) purchased 6.8 acres of future parkland to the east of the existing Fallbrook Community Center to address a lack of access to nature and active recreation opportunities in the community of Fallbrook.

Development of the site, now known as Village View Park, will expand access to life-enhancing recreation experiences in an underserved, low-income community. It will also move the County toward its stated General Plan goal of providing 10 acres of parkland per 1,000 residents. At present, Fallbrook has 44.5 acres of local parkland, or 1 acre per 1,000 residents (2020 Parks Master Plan).

Village View Park (formerly referred to as Fallbrook Local Park) was catalyzed by over a decade of community requests to use Park Land Dedication Ordinance (PLDO) funding to acquire and develop active recreation opportunities, including a skatepark, in Fallbrook. The design has been shaped by a community-driven process that commenced in Spring 2020, included three bilingual (English/Spanish), virtual public meetings and continues to date with



ongoing collaboration with the Fallbrook Community Planning Group, County Service Area No. 81 - Fallbrook Local Parks Advisory Committee, and skate and play focus groups. Community-prioritized amenities that will be featured at the new park include multi-use paths, skate elements, play nature-based experiential play), picnic areas, and an open lawn.

The total project cost for Village View Park is estimated at \$4,074,000. \$1,172,000 was used for acquisition and \$360,000 will be used for design and environmental review. \$145,000 will be used for project-related expenses, including inspections, permitting, monitoring, construction management and project administration. Today's request will authorize the Director of the Department of Purchasing and Contracting to advertise and award a construction contract for the Village View Park project estimated at \$2,397,000 including contingency, and to take any action authorized by Section 401 et seq. of the Administrative Code. If approved, project construction will begin in winter 2021/22 with construction completion anticipated in fall 2022.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find, on the basis of the whole record, that there is no substantial evidence that the project may have a significant effect on the environment. Consider the Mitigated Negative Declaration (MND) on file with the Department of Parks and Recreation and (Attachment B), State Clearinghouse #2021070463, together with comments received during public review (Attachment C), and adopt the MND, finding that the document reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D) prepared pursuant to Public Resources Code section 21081.6 and California Environmental Quality Act Guidelines section 15074(d), and authorize the Director, Department of Parks and Recreation to implement the identified mitigation measures.
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code and Public Contract Code section 22160-22169, with respect to contracting for the construction of the Village View Park project.
4. Designate the Director, Department of Parks and Recreation (DPR), as the County of San Diego Officer responsible for administering the construction contract for the construction of the Village View Park 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 area of Fallbrook where this new park will be located is an underserved, community within census tract 6073018905 where 81% of residents are classified as low and moderate income. At present, Fallbrook is deficient in both parkland and active recreation opportunities to meet the growing needs of its diverse community members and achieve the County's General Plan goal of 10 acres of parkland per 1,000 residents. Currently, Fallbrook is 406 acres short of meeting this goal; development of the site will add 6.8 acres to County-owned parkland and enable DPR to better serve residents of Fallbrook by expanding access to opportunities to experience nature and recreate outdoors.

According to 2020 U.S. Census data, nearly half of all Fallbrook residents identify as Hispanic or Latinx, and one third speak Spanish at home. The design for the park was shaped by a bilingual (English/ Spanish) public engagement process and will feature trilingual (English/ Spanish/ Luiseño) interpretive signage that celebrates the site's indigenous and agricultural history, elaborates on the traditional uses of native plants, and tells the story of Morro Hill - a culturally significant landmark visible to the south of the site that features prominently in oral and recorded histories of the land now referred to as Fallbrook. The communal space created by the new park will provide new opportunities to build connections for residents of all ages, backgrounds, and abilities.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year (FY) 2021-22 Operational Plan for the Capital Outlay Fund and will result in costs of \$602,000 for Capital Project 1022920 Fallbrook Skatepark and \$3,472,000 for Capital Project 1022921 Fallbrook Local Park. Through the public engagement process, it was determined that both capital projects could be accommodated at the same site, resulting in one combined project: Village View Park. The total project cost for Village View Park is estimated at \$4,074,000. Construction costs are estimated at \$2,397,000 including contingency. \$1,172,000 was used for acquisition, and \$360,000 will be used for design and environmental review. The remaining project funding of \$145,000 will be used for project related expenses including inspections, permitting, monitoring, construction management and project administration. The funding sources are General Fund Fund Balance Park Expansion and Improvement (\$1,850,000), Community Development Block Grant (\$1,472,000), Park Land Dedication Ordinance (\$732,000), and a donation from Fallbrook Skatepark Inc. (\$20,000).

Upon completion of this project, ongoing operations are estimated at \$125,000 annually, which will include utility costs, maintenance supplies and services, and new, temporary Park Attendant staff. The park is projected to open in FY 2022-23, and these costs will be included in future Operational Plans. The funding source will be Department of Parks and Recreation General Purpose Revenue.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

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

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

**8. SUBJECT: NOTICED PUBLIC HEARING:  
AMENDMENT TO THE CODE OF REGULATORY ORDINANCES  
AND THE ZONING ORDINANCE TO FACILITATE ONGOING  
OPERATIONS OF FIVE EXISTING MEDICAL MARIJUANA  
COLLECTIVE FACILITIES AND UPDATE ON THE SOCIALLY  
EQUITABLE CANNABIS PROGRAM DEVELOPMENT (10/6/2021 -  
FIRST READINGS; 10/20/2021 - SECOND READING)  
(DISTRICTS: ALL)**

**OVERVIEW**

On October 6, 2021 (01) the Board of Supervisors took action to further consider and adopt the Ordinance on October 20, 2021.

On January 27, 2021 (4), the Board of Supervisors (Board) directed staff to develop a Socially Equitable Cannabis Program (Program) and increase enforcement of unpermitted and unlicensed cannabis facilities. Since that time, staff has begun work on the Program, while various County of San Diego (County) teams have increased enforcement of unpermitted cannabis facilities. On June 9, 2021 (2), the Board directed staff to develop ordinance amendments that will allow the five existing dispensaries within the unincorporated region to (1) sell cannabis for adult use, (2) operate past their sunset date of April 14, 2022, (3) sell edible and drinkable cannabis products, (4) sell branded merchandise, (5) expand by up to 10,000 square feet, and (6) transfer business licenses among existing permit holders. As the County teams continue their enforcement against unpermitted cannabis facilities, the proposed ordinance amendments will increase access to licensed cannabis facilities in the unincorporated area. The ordinance amendments being considered today will allow cannabis customers to access legal cannabis at the five existing dispensaries in the unincorporated area, while the larger, more comprehensive Program is developed over the next two years.

The proposed updates to the County's Code of Regulatory Ordinances (Regulatory Code) and the San Diego County Zoning Ordinance (Zoning Ordinance) for Board consideration today implement the Board direction from June 9, 2021, related to the five existing dispensaries.

Additionally, today's actions include an update for the Board on the overall Program's development, including an update from Planning & Development Services (PDS) on future Zoning Ordinance amendments, an update on work by the Office of Equity and Racial Justice developing the Social Equity component of the Program, and work by the Finance and General Government Group developing the County's Cannabis Taxation Program.

Lastly, today's update also includes the work by several County departments on enforcement of unpermitted and unlicensed cannabis facilities including the Sheriff's Department, PDS, County Counsel, and the District Attorney's Office.

**RECOMMENDATION(S)  
PLANNING COMMISSION**

On August 6, 2021, the Planning Commission (PC) considered the proposed amendments to the San Diego County Zoning Ordinance for the five existing Medical Marijuana Collective Facilities and information contained in the Draft Notice of Exemption. The PC has specific authority to make recommendations regarding land-use decisions; other matters relating to the County of San Diego's Code of Regulatory Ordinances are offered as opinions of the PC. A majority of Commissioners supported allowing the existing dispensaries to continue operating

past the sunset date, sell cannabis for adult use, sell edible products, sell branded merchandise, and transfer Operating Certificates. They also added a recommendation to allow the use of groundwater to the same extent as cultivators of other crops. This action followed a request by owners of the existing dispensaries to be allowed to use groundwater resources in the same manner as other agricultural operations. However, it was further stated that existing dispensaries should not receive exemptions from Special Area Designators that may lead to a Site Plan review process, and no special concessions for any enlargement or expansion of the facilities. Special Area Designators are zoning ordinance tools that assure consideration is provided in areas of special interest. Three of the existing dispensaries have “B” designators, which refers to Community Design Standards. One existing dispensary has both a “B” designator and an “S” designator which refers to Scenic Design Standards. B and S designators often require discretionary permits, such as Site Plans, and additional environmental review for new development. On August 6, the PC voted to recommend that the Board of Supervisors (1) remove the sunset date of April 14, 2022, (2) allow adult use, (3) allow the transfer of operating certificates, (4) allow the sale of edibles and branded materials, (5) allow the use of groundwater, and (6) no concessions for any enlargement or expansion of these facilities.

#### **DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) concurs with the following recommendations of the Planning Commission (PC) to the Board of Supervisors (Board): (1) to remove the Sunset Date, (2) to allow adult-use sales, (3) to allow the transfer of Operating Certificates, and (4) to allow the sale of edibles and branded materials.

The PC’s recommendation to not allow special concessions for enlargement or expansion of the existing cannabis dispensaries and not allow an exemption from Special Area Designators to enable the use of a ministerial permit (i.e., a checklist-type permit rather than a full discretionary review by staff) is inconsistent with Board direction on June 9, 2021. The proposed amendments recommended by PDS staff create a ministerial process for up to 10,000-square-foot expansions and exempt the four existing dispensaries located in the Ramona and Valley Center Community Planning Areas with Special Area Designators from discretionary Site Plan approval. Three of the existing dispensaries have “B” designators, which refers to Community Design Standards. One existing dispensary has both a “B” designator and an “S” designator, which refers to Scenic Design Standards. B and S designators often require discretionary permits and additional environmental review for new development. One existing dispensary has no “B” or “S” designator. To maintain a ministerial building permit process, the ordinances exempt expansions up to 10,000 square feet from the B & S designators. However, to accommodate the PC’s concern and maintain the ministerial process for up to 10,000-square-foot building expansions, the Board could direct PDS staff to meet with existing dispensaries to discuss design review checklists as part of the process. The design review checklists have been developed to provide guidance on meeting Special Area Designators and would provide a useful tool to aid in voluntary compliance.

All existing dispensaries have access to municipal water services. The proposed ordinances stipulate that only municipal water be used for cultivation, which is more consistent with language related to environmental review (CEQA Exemption Section 15301) requiring the project to be “in an area where all public services and facilities are available...” Since groundwater use was not previously directed by the Board, and its overuse is a concern raised by several stakeholders during outreach, the PDS staff recommendation does not include the PC recommendation to allow for the use of groundwater for cultivation. However, the Board

could decide to remove the requirement that only municipal water be used for cultivation purposes from the proposed ordinance amendments and any new wells would require County well permits.

To summarize, the Board directed staff to draft ordinance revisions allowing the five existing dispensaries to:

1. Allow for commercial adult use cannabis sales (i.e., anyone over 21 regardless of a medical prescription; applies to Zoning Ordinance and Regulatory Code),
2. Continue operating past the April 2022 sunset date (applies to Zoning Ordinance),
3. Allow for the sale of edible and drinkable cannabis products (applies to Regulatory Code),
4. Allow for the sale of branded merchandise (applies to Regulatory Code),
5. Allow for up to 10,000-square-foot building expansions (applies to Zoning Ordinance), and
6. Transfer business licenses (which are also called Operating Certificates; applies to Zoning Ordinance and Regulatory Code).

PDS identified the following ordinance revisions that further the direction received from the Board and offers them as options:

- A. Exempt expansions up to 10,000 square feet from Special Area Designators B (community design) and S (scenic) (applies to Zoning Ordinance).
- B. Require the availability and use of municipal water for cultivation purposes (applies to Zoning Ordinance and Regulatory Code).

The action sheet (Attachment G) includes language for each option that the Board could use to amend the ordinance in today's reading to enact their preferred choices.

**On October 20, 2021:**

Consider and adopt the attached Form of Ordinance amending the County of San Diego Code of Regulatory Ordinances to allow the sale of edibles and branded merchandise, and to allow the existing five nonconforming medicinal cannabis collective facilities dispensaries (existing dispensaries) to expand operations to commercial sales of medical and adult use cannabis:

AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO MEDICAL MARIJUANA (POD 21-001) (Attachments D and E).

**EQUITY IMPACT STATEMENT**

The amendments for the existing dispensaries address equity by allowing the existing dispensaries to continue operations so that they may later provide avenues for job training opportunities in the cannabis industry for potential new applicants to the County of San Diego's Socially Equitable Cannabis Program (Program), if adopted. Representatives for some of the existing dispensaries committed in the June 9, 2021, Board hearing to provide internships, job training, and education to members of impacted communities. Experience in existing cannabis dispensaries in the unincorporated region will allow applicants to build

relationships with residents and planning groups they will interact with while seeking necessary approvals for future businesses. Direct business experience in the industry will also improve their ability to navigate the licensure process and operate a successful business in the long term.

To develop the Program in conformance with the California Cannabis Equity Act of 2018, a comprehensive equity assessment will be conducted to (1) review and analyze local historical rates of arrests and convictions for cannabis law violations, (2) identify the impacts that the ban on cannabis has had on local communities, and (3) demonstrate how the population has been negatively impacted by cannabis criminalization. In April 2021, the Office of Equity and Racial Justice (OERJ) held two listening sessions to solicit community stakeholder feedback to guide the process for conducting the equity assessment and subsequent program design. Comments gathered from those meetings informed the development of a Request for Proposals for a consultant to develop and implement the Social Equity Assessment and Program. Data gathered through the equity assessment process will inform the research and development of the Program. Additional community and stakeholder engagement will be conducted on an ongoing basis to ensure that the Program adequately addresses and rectifies the injustices caused by cannabis criminalization. Consequently, this program will have a positive impact on economic development, jobs, and workforce equity. Planning & Development Services staff will collaborate with OERJ to align with OERJ's social equity program.

On June 9, 2021 (2), the Board directed staff to begin a Program Environmental Impact Report (PEIR) to develop the Program. Staff heard from stakeholders who have suggested that the social equity program should be up and running six to twelve months ahead of the commercial licensing program. Concurrently developing the social equity program and preparing an in-depth environmental review is one way to provide the lead time requested.

### **FISCAL IMPACT**

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

The fiscal impact of the Socially Equitable Cannabis Program will be determined by the proposed future taxation of cannabis activities within the county. California laws require that voters approve taxation as part of a local ballot measure. The Finance and General Government Group has released a Request for Proposals to obtain a consultant to develop and design all aspects of the County of San Diego Cannabis Taxation Program, ballot measure, and ordinance. It is anticipated that the consultant will be on board by Fall 2021. The goal is to complete the development of the taxation program by Spring of 2022, with a goal of placing the measure on the ballot for the November 2022 general election.

### **BUSINESS IMPACT STATEMENT**

If approved by the Board of Supervisors, the ordinance and regulatory code amendments will enable the continued operation and expansion of the five existing dispensaries operating in the unincorporated area. Therefore, the ordinance and regulatory code amendments will maintain jobs offered by the five dispensaries. Expansions of the existing dispensaries may also create new jobs to support the enhanced operations at the five facilities.

**ACTION:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisor took action as recommended, adopting Ordinance No. 10751 (N.S.), entitled: AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO MEDICAL MARIJUANA (POD 21-001).

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

9. **SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:  
TRAFFIC ADVISORY COMMITTEE (10/06/2021 - ADOPT  
RECOMMENDATIONS; 10/20/2021 - SECOND READING OF  
ORDINANCES) (DISTRICTS: 2, 3, & 5)**

**OVERVIEW**

On October 6, 2021 (07) the Board of Supervisors took action to further consider and adopt the Ordinances on October 20, 2021.

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) in the 1960s as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide communities in the unincorporated region with a road system that strives to enhance safety and reduce congestion. To accomplish this, traffic policies are established to provide persons using the road system with consistent and uniform regulations. In order to be effective, these policies are designed to be legally enforceable so that the majority of motorists will comply. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County of San Diego (County) maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering and traffic condition studies.

The TAC recommends the Board act on six items from the June 11, 2021, TAC meeting agenda:

<b>District</b>	<b>Item</b>	<b>Location</b>	<b>Action</b>
2	2-B	Riverford Road, Lakeside	Certify the 40 MPH speed limit
3	3-A	Thornmint Court, 4S Ranch	Establish a midblock crosswalk
3	3-B	Felicita Road and Clarence Lane, Escondido	Establish an all-way stop intersection
5	5-A	Lago Lindo, Rancho Santa Fe	Merge the speed zone from 5-B (below) into 5-A and certify the combined 35 MPH speed limit
5	5-B	Lago Lindo, Rancho Santa Fe	Merge the speed zone from 5-B into 5-A (above) and delete this ordinance
5	5-C	Gum Tree Lane and Hamilton Lane, Fallbrook	Establish an all-way stop intersection

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

Approval of Item 3-A would support the safe crossing of pedestrians at a location typically unexpected by drivers by informing drivers of potential crossings at a location between intersections. Properly marked and posted mid-block crosswalks can help reduce the number of pedestrian related collisions by alerting motorists of possible crossings at a location of increased pedestrian demand.

Approval of Items 3-B and 5-C would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at an intersection. Properly posted stop controls at intersections reduce the number and severity of collisions by encouraging drivers to enter intersections at a low speed, which provides more time to take heed of the traffic situation.

The Board's action on Items 2-B, 3-B, and 5-C does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second hearing. Board direction on October 6, 2021 would allow implementation by DPW.

The Board's action on Items 3-A, 5-A, and 5-B would introduce an ordinance to amend speed limit zones and an ordinance to establish a midblock crosswalk. This action would revise County Code and require two steps. On October 6, 2021, the Board would consider the TAC items. If the Board takes action as recommended on October 6, 2021, then on October 20, 2021, a second reading and adoption of ordinances amending County Code would be necessary to implement the Board's direction.

#### **RECOMMENDATION(S)** **TRAFFIC ADVISORY COMMITTEE**

##### **District 2:**

Item 2-B. Riverford Road from Woodside Avenue to 200' north of Riverside Avenue in Lakeside - Certify the existing 40 MPH speed limit for radar enforcement.



**District 3:**

Item 3-A. Thornmint Court at 700' north of Thornmint Road in 4S Ranch - Establish a midblock crosswalk.

Item 3-B. Felicita Road and Clarence Lane in Escondido - Establish an all-way stop intersection.

**District 5:**

Item 5-A. Lago Lindo from Avenida de Acacias to El Montevideo in Rancho Santa Fe – Relocate the north endpoint of the speed zone from El Montevideo to El Camino del Norte and certify the combined 35 MPH speed limit for radar enforcement.

Item 5-B. Lago Lindo from El Montevideo to El Camino del Norte in Rancho Santa Fe – Delete this speed zone.

Item 5-C. Gum Tree Lane and Hamilton Lane in Fallbrook - Establish an all-way stop intersection.

**CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTION 72.162.34. AND DELETING SECTION 72.162.36. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A & 5-B).

ORDINANCE ADDING SECTION 72.188.1.1. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO (Item 3-A)

**EQUITY IMPACT STATEMENT**

The review of traffic signs 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 and ethnicities, ages and abilities. Data-driven safety initiatives must be developed and administered with an equity lens to ensure our most vulnerable and underserved populations are prioritized. The Department of Public Works' (DPW) actions must be sensitive to community desires and needs, striving to include the voice of every community in traffic safety. Understanding travel patterns, where fatal and serious injury crashes are occurring and the disproportionate impacts on certain communities will allow DPW to identify targeted actions to address the underlying factors and causes and improve safety.

DPW's Local Road Safety Program reviews fatal and severe injury collisions along roads segments within the unincorporated areas of the county and utilizes the Healthy Places Index and other tools to ensure our most vulnerable and underserved populations are prioritized. The Traffic Advisory Committee relies on the Local Road 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 the majority of drivers, the Traffic Advisory Committee 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.

**FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan for the Department of Public Works Road Fund. If approved, there will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

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

1. Adopted Ordinance No. 10752 (N.S.) entitled: ORDINANCE AMENDING SECTION 72.162.34. AND DELETING SECTION 72.162.36. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY;
2. Adopted Ordinance No. 10753 (N.S.) entitled: ORDINANCE ADDING SECTION 72.188.1.1. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO; and,
3. Directed the Chief Administrative Officer to return to the Board in February 2022 with a timeframe that includes options on restructuring and expanding the Traffic Advisory Committee to include representation for District 1.

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

**10. SUBJECT: CONTINUED ITEM FROM 10/19/2021 (25):  
CLOSED SESSION (DISTRICTS: ALL)**

**OVERVIEW**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
D.C., a minor v. County of San Diego, et al.; United States District Court, Southern District Case No. 15-cv-1868-MMA-NLS
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
John Benavidez v. County of San Diego, et al.; United States District Court, Southern District No. 3:18-cv-00558-CAB-AGS
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Nathaniel Moore v. Jesse Rodriguez, et al.; United States District Court, Southern District No. 3:20-cv-01481-BAS-BGS
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Diane McCormick v. County of San Diego, et al.; United States District Court, Southern District No. 3:20-cv-1753-JM-AGS

- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Tanya Suarez v. County of San Diego, et al.; United States District Court, Southern District No. 3:20-cv-045-WQH-DEB
- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Louise LaFoy v. County of San Diego, et al.; San Diego Superior Court, Case No. 37-2018-00029453-CU-OE-CTL
- G. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases - 1)
- H. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases - 1)
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001; Commission on State Mandates, Case No. 14-TC-03
- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3 and A.5; Commission on State Mandates, Case No. 17-TC-06
- K. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code section 54956.9: (Number of Potential Cases - 1)
- L. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph 2 of subdivision(d) of Government Code section 54956.9: (Number of Potential Cases - 1)
- M. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code section 54957)  
Title: Chief Administrative Officer

**ACTION:**

County Counsel reported that for Closed Session on October 20, 2021, the Board of Supervisors took no reportable actions.

**11. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

**OVERVIEW**

Russell Walsh spoke to the Board regarding concerns about the Loveland Reservoir.

Audra Morgan spoke to the Board regarding Constitutional rights.

Robert Germann spoke to the Board regarding flight patterns at Gillespie Field.

Craig Morgan spoke to the Board regarding concerns about marijuana storefronts.

KB Strange spoke to the Board regarding opposition to permitting the marijuana industry growth in unincorporated areas.

Mark Wilcox spoke to the Board regarding concerns about availability of THC products to youth.

Kathleen Lippitt spoke to the Board regarding concerns about marijuana use among teens.

Peggy Walker spoke to the Board regarding cannabis use and COVID-19 exposures.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

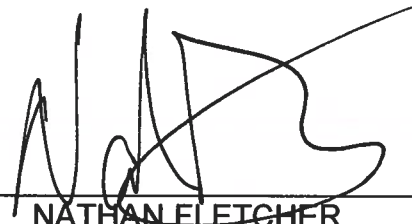
There being no further business, the Board adjourned at 3:45 p.m.

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

Consent: Ruffier  
Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday, November 03, 2021.

A handwritten signature in black ink, appearing to read 'Nathan Fletcher', written over a horizontal line.

NATHAN FLETCHER  
Chair

Attest:

A handwritten signature in blue ink, appearing to read 'Andrew Potter', written over a horizontal line.

ANDREW POTTER  
Clerk of the Board

10/20/2021