

October 26, 2022

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 26, 2022, 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; Jim Desmond; Terra Lawson-Remer; also, Ryan Sharp, Assistant Clerk of the Board of Supervisors.

(Members of the Board of Supervisors attended the meeting via teleconference and participated in the meeting to the same extent as if they were present, pursuant to Resolution No. 22-146, adopted October 11, 2022.)

- 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 12, 2022.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of October 12, 2022.

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

- E. 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

- | Agenda # | Subject |
|-----------------|--|
| 1. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: TRAFFIC
ADVISORY COMMITTEE (10/12/2022 - ADOPT RECOMMENDATIONS;
10/26/2022 - SECOND READING OF AN ORDINANCE)
[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT] |
| 2. | ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION
CONTRACT FOR THE SWEETWATER BICYCLE SKILLS PARK RESTROOM
PROJECT
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND
BALANCE AND EXISTING GENERAL PURPOSE REVENUE] |
| 3. | ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD
CONSTRUCTION CONTRACT FOR GUARDRAIL REPLACEMENT AND REPAIR
IN THE COMMUNITIES OF PINE VALLEY AND BONSALE
(4 VOTES) |
| 4. | ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR REPAIR,
REPLACEMENT, AND CONSTRUCTION OF CONCRETE SIDEWALKS, CURBS,
AND GUTTERS FOR FISCAL YEAR 2021-22
[FUNDING SOURCE: PRIOR YEAR'S AVAILABLE ROAD FUND FUND
BALANCE] |
| 5. | NOTICED PUBLIC HEARING:
APPEAL OF THE ESCONDIDO ESTATES TENTATIVE MAP AND
ADMINISTRATIVE PERMIT |
| 6. | NOTICED PUBLIC HEARING:
MEASURES TO EXPLORE THE ESTABLISHMENT OF A CANNABIS LICENSING
PROGRAM WITH OPTIONS FOR THE CANNABIS FACILITY OPERATION
CERTIFICATE FEE
[FUNDING SOURCE: LICENSING FEES PAID BY THE CANNABIS LICENSE
HOLDER] |
| 7. | PUBLIC COMMUNICATION |

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (10/12/2022 - ADOPT
RECOMMENDATIONS; 10/26/2022 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: ALL)**

OVERVIEW

On October 12, 2022 (03), the Board of Supervisors took action to further consider and adopt the Ordinance on October 26, 2022.

The Traffic Advisory Committee (TAC) supports the Department of Public Works (DPW) traffic engineering program. The TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the county. To be effective, TAC proposes policies that will enhance safety, reduce congestion and 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. TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on six items from the June 10, 2022, TAC meeting agenda:

Items from the 06/10/2022 TAC Meeting			
District	Item	Location	Action
1	1-A	Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive, Bonita	Establish two all-way stop intersections.
2	2-A*	4S Ranch Parkway, 4S Ranch	Reduce the 35 miles per hour (MPH) speed limit to 30 MPH and certify.
3	3-A*	Rancho Santa Fe Farms Road, Fairbanks Ranch	Relocate the northern endpoint, reduce the 40 MPH speed limit to 35 MPH, and certify.
4	4-A	Hidden Mesa Road, Hillsdale	Recertify the 40 MPH speed limit.
District	Item	Location	Action
5	5-A*	North Broadway, Unincorporated Escondido	Relocate the northern endpoint, reduce the 45 MPH speed limit to 40 MPH, and certify.
	5-B	York Drive & Montgomery Drive, Unincorporated Vista	Establish an all-way stop intersection.
*Indicates second reading of the ordinance is required.			

Approval of Items 2-A on 4S Ranch Parkway in 4S Ranch (District 2), 3-A on Rancho Santa Fe Farms Road in Fairbanks Ranch (District 3), 4-A on Hidden Mesa Road in Hillsdale (District 4), and 5-A on North Broadway in Escondido (District 5) 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 Items 1-A on Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive in Bonita (District 1) and 5-B on York Drive & Montgomery Drive in Vista (District 5) would provide safety enhancement measures for pedestrians, bicyclists, and all other roadway users by assigning a full stop to all approaches at three intersections. Properly posted stop controls at intersections reduce the number and severity of collisions by assuring reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

The Board's action on Items 1-A on Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive in Bonita (District 1), 4-A on Hidden Mesa Road in Hillsdale (District 4), and 5-B on York Drive & Montgomery Drive in Vista (District 5) does not revise the San Diego County Code of Regulatory Ordinances and therefore does not require a second reading of an ordinance. Board direction on October 12, 2022, would allow implementation by DPW.

The Board's action on Items 2-A on 4S Ranch Parkway in 4S Ranch (District 2), 3-A on Rancho Santa Fe Farms Road in Fairbanks Ranch (District 3), and 5-A on North Broadway in Escondido (District 5) would introduce an ordinance to amend speed limit zones. This action would revise County Code and require two steps. On October 12, 2022, the Board would consider the TAC items. If the Board takes action as recommended on October 12, then on October 26, 2022, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)

TRAFFIC ADVISORY COMMITTEE

District 1:

Item 1-A. Vista Drive & Bonita Glen Drive and Pepper Tree Road & Vista Drive in Bonita - establish all-way stop intersections at two separate locations.

District 2:

Item 2-A. 4S Ranch Parkway from Dove Creek Road to Camino del Norte in 4S Ranch - Reduce the existing 35 MPH speed limit to 30 MPH and certify the speed limit for radar enforcement.

District 3:

Item 3-A. Rancho Santa Fe Farms Road from the San Diego city limit (at Rancho Santa Fe Lakes Drive) to Rancho Diegueno Road in Fairbanks Ranch - Relocate the northern endpoint from Rancho Diegueno Road to Rancho Santa Fe Farms Drive, reduce the 40 MPH speed limit to 35 MPH, and certify the speed limit for radar enforcement.

District 4:

Item 4-A. Hidden Mesa Road from Jamacha Road to the cul-de-sac in Hillsdale - Recertify the 40 MPH speed limit for radar enforcement.

District 5:

Item 5-A. North Broadway from North Avenue to Cougar Pass Road in unincorporated Escondido East - Relocate the northern endpoint from Cougar Pass Road to the end of County maintenance (at 2,355' north of Cougar Pass Road), reduce the 45 MPH speed limit to 40 MPH, and certify the speed limit for radar enforcement.

Item 5-B. York Drive and Montgomery Drive in unincorporated Vista - Establish an all-way stop intersection.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.162.39.1., 72.161.97., AND 72.161.40.1. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 2-A, 3-A, & 5-A).

EQUITY IMPACT STATEMENT

The review of traffic signs and roadway markings supports vehicle safety on County-maintained roads. The transportation system must be safe for all road users including pedestrians and bicyclists. Understanding travel patterns, where correctable crashes are occurring and the disproportionate impacts on certain communities will allow the Department of Public Works (DPW) to identify actions to address the underlying factors and causes and improve safety.

DPW's Local Road Safety Program reviews correctable collisions along road segments within the unincorporated areas of the county and utilizes the Healthy Places Index and CalEnviroScreen 4.0 to ensure 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.

SUSTAINABILITY IMPACT STATEMENT

The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a monthly public forum 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. Whenever possible, DPW crews will also recycle or reuse materials, use products with recycled content, and use low-emissions construction equipment and vehicles.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan for the Department of Public Works Road Fund. If approved, this request will result in current year costs and revenue of \$2,024 for staff time and materials and supplies. The funding source is State Highway User Tax Account. There will be no change in the net General Fund and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10811 (N.S.), entitled: ORDINANCE AMENDING SECTIONS 72.162.39.1, 72.161.97, AND 72.161.40.1 OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

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

2. **SUBJECT: ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE SWEETWATER BICYCLE SKILLS PARK RESTROOM PROJECT (DISTRICT: 1)**

OVERVIEW

Sweetwater Regional Park is a 500-acre facility located in the unincorporated community of Bonita. The park offers a variety of recreational activities and amenities to the public including playgrounds, a campground, ball fields, a community building, picnic facilities, an amphitheater, and a multi-use trail network. In January 2020, the Department of Parks and Recreation (DPR) opened the Sweetwater Bike Park (Bike Park), which is part of Sweetwater Regional Park. The \$1.9 million, 4.2-acre Bike Park is located northwest of the intersection of San Miguel Road and Proctor Valley Road and is open daily from 9:30 a.m. to sunset. There is no cost for riders who can use a range of specially constructed features that allow them to improve their skills over time. The features include four jump lines ranging from beginner to expert, a jump track, a kid's pump track, a skill zone, two flow trails, a perimeter trail to connect the different features, and an entry plaza for group meet-ups and special events, as described in the background.

The Bike Park has quickly become a highly enjoyed facility, with estimated usage of 15,000 visits per year. The proposed Sweetwater Bicycle Skills Park Restroom project will improve the existing Bike Park by adding a permanent restroom and expanding the designated parking area. The restroom will be a 185-square-foot prefabricated building, which will be located at the northern edge of the existing entry plaza. The designated parking area is located east of the existing Bike Park and will increase parking availability for Bike Park visitors.

Today's request will authorize the Director of the Department of Purchasing and Contracting to advertise and award a construction contract for the Sweetwater Bicycle Skills Park Restroom project for an estimated \$1,520,000 including contingency, and to take any action authorized by Section 401 et seq. of the Administrative Code. The remaining funds of \$480,000 will be used for design, environmental review, and project-related expenses including inspections, permitting, construction management and project administration. The total project cost for the Sweetwater Bicycle Skills Park Restroom project of \$2,000,000 was included in the Fiscal Year 2022-2023 Operational Plan based on prior year available General Fund fund balance. If approved, project construction will begin in winter 2022 with completion anticipated spring 2023.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Final Environmental Impact Report (FEIR) on file with the Department of Planning and Development Services for the Sweetwater Regional Park Master Plan, dated July 10, 1989, Log. 87-18-11 was completed in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information in the FEIR and Addendum thereto dated October 1, 2022 on file (Attachment B) prior to approving the project, and that the Addendum reflects the independent judgement and analysis of the Board of Supervisors; and

Find that there are no changes in the project, proposed project, or in the circumstances under which the project is undertaken that involve significant new impacts which were not considered in the previously certified FEIR dated July 10, 1989, that there is no substantial increase in the severity of the previously identified significant effects, and that no new information of substantial importance has become available since the FEIR was certified as explained in the Environmental Review Update Checklist Form dated October 1, 2022.

2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a single construction contract and to take any action authorized by Section 401 et seq., of the Administrative Code and Public Contract Code section 22160-22169, with respect to contracting for the construction of Sweetwater Bicycle Skills Park Restroom project.
3. Designate the Director, Department of Parks and Recreation, as the County of San Diego Officer responsible for administering the construction contract for the construction of the Sweetwater Bicycle Skills Park Restroom project in accordance with Section 430.44 of the County Code of Administrative Ordinance and Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The project will add improvements and increase public-serving capacity at an existing, popular County facility, which has no fee for use or entry. As a result, it will have a positive health impact on all demographics in the region.

SUSTAINABILITY IMPACT STATEMENT

The Sweetwater Community Planning Group (CPG) has both requested and supported this project over the past two years at their publicly-held CPG meetings. The project will add an accessible, compact, low-energy use restroom to replace an existing temporary restroom facility. All proposed construction materials and methods are consistent with California Building Code and associated standards for efficiency. The small project footprint will result in limited ground disturbance, but the project will still fully comply with all local and State stormwater requirements and best practices. The project will not result in any significant demand for water or other resources.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2022-23 Operational Plan for the Capital Outlay Fund and will result in a total cost of \$2,000,000 for Capital Project 1025568 Sweetwater Bicycle Skills Park Restroom. Construction costs are estimated at \$1,520,000 including contingency and construction management. The remaining funds of \$480,000 will be used for design, environmental review, and project-related expenses, including inspections, permitting and project administration. The funding source is available prior year General Fund fund balance (\$2,000,000). Upon project completion, annual operations and maintenance will be provided by existing Department of Parks and Recreation staff. The funding source is existing General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

When approved by the Board of Supervisors for advertising and award, County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid the prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

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

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

3. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR GUARDRAIL REPLACEMENT AND REPAIR IN THE COMMUNITIES OF PINE VALLEY AND BONSALL (DISTRICTS: 2 & 5)**

OVERVIEW

The County of San Diego (County) Department of Public Works (DPW) is responsible for the maintenance and operation of nearly 2,000 centerline miles of County-maintained roads, including more than 56 miles of guardrails. Centerline miles represent the total length of the

roads regardless of the number of lanes or overall roadway width. Guardrails are installed along the edge of the roadway to enhance safety by preventing motorists from unintentionally leaving the roadway and reducing the severity of a crash. DPW has developed a list of five guardrail replacement and repair sites in the communities of Pine Valley and Bonsall on County-maintained roads. The sites were selected based on traffic volume, speed limit, nearby hazards, guardrail condition, and proximity to underserved communities. DPW has developed similar projects for guardrail upgrade, repair, replacement, and installation in past years and will continue to evaluate needs and identify locations on an annual basis as funding is available.

In September 2020, DPW applied for a Highway Safety Improvement Program (HSIP) grant to design and construct guardrail upgrades at five sites. The HSIP is a federal-aid grant program, administered by the California Department of Transportation (Caltrans) for the purpose of achieving a significant reduction in fatalities and serious injuries on all public roads. In November 2020, DPW was awarded an HSIP grant for this project which will cover 100% of the costs associated with the preliminary engineering (design) and construction. The preliminary engineering funding was authorized by Caltrans in December 2021. With the preliminary engineering phase of the project now complete, DPW is moving into the construction phase and is requesting appropriations for construction activities.

This is a request to establish appropriations and approve the advertisement and subsequent award of a construction contract for the replacement and repair of segments of guardrail at five sites in the communities of Pine Valley and Bonsall on County-maintained roads. If this item is approved today, the construction will begin in spring 2023 and be complete by summer 2023. The total project cost including design, environmental review, and construction is estimated at \$1,300,000 and consists of \$450,000 for design, inspection, and environmental review and \$850,000 for construction, which includes a 20% contingency to cover unexpected costs that may arise during construction. This project is fully funded by the Highway Safety Improvement Program, a state grant program administered by Caltrans.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project is categorically exempt from CEQA review because it involves the repair and replacement of guardrails along existing County-maintained roadways involving no or negligible expansion of existing use.
2. Establish appropriations of \$850,000 for construction in the Department of Public Works Road Fund, Services & Supplies, for the Guardrails Highway Safety Improvement Program project based on construction authorization from the California Department of Transportation. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for guardrail repair and replacement in the communities of Pine Valley and Bonsall on County-maintained roads.

4. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The review and replacement of guardrails support vehicle safety on the 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 all people. Data-driven safety initiatives are developed and administered considering equity as a key factor. Understanding travel patterns within underserved communities will allow the Department of Public Works (DPW) to identify actions to address the underlying factors and causes and improve safety.

The Highway Safety Improvement Program, administered by Caltrans and DPW, utilizes this approach to identify high-priority projects that achieve a significant reduction in traffic fatalities and serious injuries on public roads. DPW conducts routine inspections of facilities and roadways and relies on various community engagement methods such as the Tell Us Now! Mobile app and toll-free hotlines to intake reports of safety concerns. To ensure that underserved populations are prioritized during the project selection process, data is used by DPW to evaluate and identify vulnerable populations, including data from the Healthy Places Index, the most recent version of CalEnviroScreen (4.0), San Diego LiveWell communities, Environmental Justice Communities, and other relevant data sources. As a result of this approach, all five locations included in this project fall within and serve underserved communities. These project locations are part of the critical transportation infrastructure used to access the surrounding underserved communities.

SUSTAINABILITY IMPACT STATEMENT

As with all capital improvement projects, a thorough environmental review was conducted for this project and standard measures will be implemented during construction to avoid and minimize impacts on sensitive environmental resources. The existing steel materials that will be removed during this project will be recycled, which will reduce waste now. Guardrail replacement with steel materials will further support recycling in the future and promote the County's solid waste diversion goals in the Climate Action Plan. The sustainable practices implemented as part of this project will have a positive impact on sustainability in our region as well as globally.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2022-23 Operational Plan in the Department of Public Works Road Fund. If approved, the total project estimated cost is \$1,300,000 and consists of \$450,000 for design, inspection, and environmental review and \$850,000 for construction. This project is fully funded by the Highway Safety Improvement Program, a state grant program administered by Caltrans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

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

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

4. **SUBJECT: ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR REPAIR, REPLACEMENT, AND CONSTRUCTION OF CONCRETE SIDEWALKS, CURBS, AND GUTTERS FOR FISCAL YEAR 2021-22 (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's (County) Department of Public Works (DPW) is responsible for the maintenance and operation of nearly 2,000 centerline miles of County-maintained roads, including the maintenance of sidewalks, curbs, and gutters. Centerline miles represent the total length of the roads regardless of the number of lanes or overall roadway width.

Maintenance of sidewalks, curbs, and gutters increases safety by separating vehicles and pedestrians, promoting walkability and healthy communities, and promoting effective street drainage. DPW has identified a list of 177 locations for the repair and replacement of sidewalks, curbs, and gutters throughout the unincorporated area.

The list of repair locations was developed based on routine roadway inspections conducted by DPW field crews, customer reports, and safety assessments conducted by design engineers to ensure proposed repairs result in conditions that are safe for the public and in compliance with the Americans with Disabilities Act requirements. This information was evaluated using the parameters of available budget, location, professional engineering judgement, safety considerations, and potential drainage impacts to other structures such as roadways. Community engagement for maintenance and repair projects is ongoing throughout the year with resources such as the Tell Us Now! mobile app and toll-free hotlines provide the public an avenue to report damaged facilities.

While vehicles and pedestrians alike benefit from these repairs, underserved communities that may rely more heavily on sidewalks as the primary mode of transportation can be disproportionately impacted by damaged facilities and are therefore prioritized during the selection process. Sidewalk repair and replacement also support measure T-2.1 of the County's 2018 Climate Action Plan by improving the condition of existing sidewalks, which enhances pedestrian safety and mobility along roadways to encourage non-motorized transportation.

This is a request to approve the advertisement and subsequent award of a construction contract for the repair and replacement of segments of sidewalks, curbs, and gutters as shown in Attachment A throughout the unincorporated area. Funding and design for this project began in Fiscal Year 2021-22, and if approved, construction would be scheduled to begin in winter 2022-23 and be completed in spring 2023. The total project cost, including design, environmental review, and construction is estimated at \$1,000,000 including an estimated 10% contingency for unforeseen conditions that could arise during construction. The funding source is the prior year's available Road Fund fund balance.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project is categorically exempt from CEQA review because it involves the maintenance and repair of existing County-maintained curbs, gutters, and sidewalks involving no or negligible expansion of existing use.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for curbs, gutters, and sidewalks, throughout the unincorporated region of the County.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The transportation system must be safe for all road users, for all modes of transportation, in all communities, and all people. Repairing sidewalks, curbs, and gutters is an important mobility element that supports effective drainage on County-maintained roads and enhances safe and effective walkability within unincorporated communities. While routine inspections of these facilities are conducted by County staff, the Department of Public Works (DPW) also relies on various community engagement methods such as the Tell Us Now! Mobile app and toll-free hotlines to intake reports of damage to these facilities. DPW developed a repair list based on this information that is proportionately distributed throughout the unincorporated area.

While vehicles and pedestrians alike benefit from these repairs, underserved communities that may rely more heavily on sidewalks as the primary mode of transportation can be disproportionately impacted by damaged facilities. To ensure that underserved populations are prioritized during the project selection process, data is used by DPW to evaluate and identify vulnerable populations, including data from the Healthy Places Index, the latest version of CalEnviroScreen (4.0), San Diego LiveWell communities, Environmental Justice Communities, and other relevant data sources. This evaluation identified that 58% of the repairs included on the construction list fell within underserved communities.

SUSTAINABILITY IMPACT STATEMENT

Maintaining existing sidewalks, curbs, and gutters is an important component of the County of San Diego's (County's) road maintenance program that ensures the safe and efficient movement of people and goods and supports equity and the local economy. These goals are balanced with, and complement, the County's sustainability goals. Maintaining sidewalks further supports walkability, mass transit, and decarbonization efforts that can reduce pollution, greenhouse gases, and vehicle miles traveled by providing alternate modes of transportation in support of the County's Climate Action Plan and Regional Decarbonization Framework. Conducting routine maintenance of drainage facilities such as curbs and gutters improves water quality, extends the useful life of facilities, and protects County-maintained roads from costly and resource intense future repairs.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, the total project costs are estimated at \$1,000,000 which includes a 10% contingency for unforeseen conditions that may arise during construction. The funding source is prior year's available Road Fund fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ACTION:

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

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

5. **SUBJECT: NOTICED PUBLIC HEARING:
APPEAL OF THE ESCONDIDO ESTATES TENTATIVE MAP AND
ADMINISTRATIVE PERMIT (DISTRICT: 2)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider an appeal of the Planning Commission's approval of the Tentative Map (TM), Administrative (AD) Permit, and associated environmental findings for the proposed Escondido Estates project (Project). The Project is a request for a TM consisting of 20 single-family residential lots and includes an AD Permit to allow for lot area averaging to create lots smaller than the minimum lot size of 0.5 acres, which will consolidate the development footprint in the least environmentally sensitive

portions of the site, avoiding onsite walnut woodland habitat. The 10.23-acre vacant property is located on Idaho Avenue at the intersection of San Pasqual Valley Road/State Route 78 in the North County Metropolitan Subregional Plan Area, approximately 1,500 feet from the City of Escondido boundary.

The Project is being appealed by the Coastal Environmental Rights Foundation (CERF), represented by Coast Law Group (CLG) (Attachment A). The CERF appeal lists three main concerns within their appeal letter. Responses to all points of appeal are included in Attachment B, with this Board letter providing a focused response to each of the three main concerns:

1. **California Environmental Quality Act (CEQA):** The Project assessment fails to adequately assess the Project's transportation impacts as required pursuant to CEQA Guidelines Section 15064.3. The General Plan Environmental Impact Report (EIR) does not assess transportation impacts using the appropriate criteria for land use projects, mainly Vehicle Miles Traveled (VMT).
2. **Vehicle Miles Traveled (VMT):** The Project assessment fails to adequately assess the Project's transportation impacts as required pursuant to CEQA Guidelines Section 15064.3. The General Plan EIR does not assess transportation impacts using the appropriate criteria for land use projects, mainly VMT.
3. **Water Quality:** The Project is inconsistent with requirements in the Municipal Stormwater (MS4) Permit and Best Management Practices (BMP) Design Manual, it would result in increased stormwater runoff and pollutant loading to downstream impaired waterbodies, resulting in water quality impacts to the Project.

Planning & Development Services (PDS) recommends that the appeal be denied, as the department has not identified any deficiencies in the environmental review for the Project. Furthermore, PDS has determined that the Project specific VMT analysis both uses appropriate criteria and is adequate to assess potential transportation impacts. PDS has determined that the project would result in less than significant impacts to transportation. Additionally, PDS has determined that the use of the 2019 County BMP Design Manual was correct based on the submittal and review dates of the project, and that the 2020 BMP Design Manual did not include changes in the methodology for calculating BMP sizes that would have resulted in an impact to water quality. During processing of the Project, staff also determined that the Project meets the intent and specific standards and criteria established in the County of San Diego's (County) Zoning Ordinance and complies with the County's General Plan.

The Board can: (1) deny the appeal and sustain the Planning Commission's decision to approve the TM and AD, (2) grant the appeal and deny the TM and AD, or (3) grant the appeal and send the TM and AD back to PDS for additional environmental analysis, preparation of a different environmental document (Mitigated Negative Declaration or EIR), and/or reconsideration including any additional direction from the Board.

RECOMMENDATION(S)

PLANNING COMMISSION

On July 22, 2022, the Planning Commission considered the Escondido Estates project (Project) and made the following decisions:

1. Adopted the Environmental Findings included in Attachment A, which includes a finding that the Project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines.
2. Adopted the Form of Decision of Approval for Administrative Permit PDS2020-AD-20-007 (Attachment D).
3. Adopted the Resolution of Approval for Tentative Map PDS2020-TM-5639, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego (County) Regulations (Attachment D).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the decision of the Planning Commission and recommends the Board of Supervisors (Board):

1. Deny the appeal for the reasons discussed in this Board Letter.
2. Adopt the Environmental Findings included in Attachment A, which includes a finding that the Project is exempt from further environmental review pursuant to Section 15183 of the CEQA Guidelines.
3. Sustain the Planning Commission's decision to Grant Administrative Permit PDS2020-AD-20-007, make the findings, and impose the requirements and conditions included in the Form of Decision (Attachment D).
4. Sustain the Planning Commission's decision to Grant Tentative Map PDS2020-TM-5639, make the findings, and impose the requirements and conditions included in the Resolution of Approval (Attachment D).
5. Require Escondido Estates, LLC to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require Escondido Estates, LLC, to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 60 days of litigation being filed (Attachment E).

EQUITY IMPACT STATEMENT

The Escondido Estates (Project) proposes to provide 20 units of housing in the unincorporated area but within the Sphere of Influence of the City of Escondido, approximately 1,500 feet from city limits. A Sphere of Influence is the probable future boundary of an incorporated city and is approved by the Local Agency Formation Commission (LAFCO). Development of the project will provide both an increased inventory of housing in urban areas, as well as

opportunities for employment through construction and ongoing maintenance of landscaping and facilities. The Project is located within a SANDAG Mobility Hub and is located approximately 2.5 miles from the Escondido Transit Center, which provides access to the North County Transit District's SPRINTER light rail line and multiple BREEZE bus rapid transit lines, in addition to bus lines, and greyhound and Flixbus bus services. These opportunities for transit provide equity by allowing users of a variety of different modes of transportation with access to the Project site.

SUSTAINABILITY IMPACT STATEMENT

The Project consists of 20 units of housing within the Sphere of Influence of the City of Escondido, which discourages urban sprawl, utilizing existing infrastructure for roads, water, fire, and other utilities. The proposed Project would not have an adverse impact on the environment, including biological resources and Vehicle Miles Traveled (VMT). The Project is designed to avoid sensitive biological areas and to allow for an onsite 1.43-acre biological open space to be placed in perpetuity. The Project is conditioned to include sustainability features such as solar panels, low-water landscaping, rain barrels, and energy efficient appliances. The Project's independent analysis of VMT demonstrates that it would not result in impacts to VMT. Additionally, the project is located within a SANDAG Mobility Hub, and is located approximately 2.5 miles from the Escondido Transit Center, which provides access to the North County Transit District's SPRINTER light rail line and multiple BREEZE bus rapid transit lines, in addition to bus lines, and Greyhound and Flixbus bus services, which encourage the use of transit opportunities instead of personal vehicles.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the recommendations for the Escondido Estates Project, as the Project is privately initiated and is located on private property. Any costs incurred will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION 5.1:

A motion was made by Supervisor Anderson, seconded by Supervisor Desmond, for the Board of Supervisors to take the following actions:

1. Deny the appeal for the reasons discussed in this Board Letter.
2. Adopt the Environmental Findings included in Attachment A, which includes a finding that the Project is exempt from further environmental review pursuant to Section 15183 of the CEQA Guidelines.
3. Sustain the Planning Commission's decision to Grant Administrative Permit PDS2020-AD-20-007, make the findings, and impose the requirements and conditions included in the Form of Decision (Attachment D).
4. Sustain the Planning Commission's decision to Grant Tentative Map PDS2020-TM-5639, make the findings, and impose the requirements and conditions included in the Resolution of Approval (Attachment D).

5. Require Escondido Estates, LLC to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require Escondido Estates, LLC, to provide security in the amount of \$350,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 60 days of litigation being filed (Attachment E).

AYES: Anderson, Desmond

NOES: Vargas, Lawson-Remer, Fletcher

(Motion failed due to lack of majority vote.)

ACTION 5.2:

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

1. Denied the appeal for the reasons discussed in this Board Letter.
2. Adopted the Environmental Findings included in Attachment A, which includes a finding that the Project is exempt from further environmental review pursuant to Section 15183 of the CEQA Guidelines.
3. Sustained the Planning Commission's decision to Grant Administrative Permit PDS2020-AD-20-007, make the findings, and impose the requirements and conditions included in the Form of Decision (Attachment D).
4. Sustained the Planning Commission's decision to Grant Tentative Map PDS2020-TM-5639, make the findings, and impose the requirements and conditions included in the Resolution of Approval (Attachment D).
5. Required Escondido Estates, LLC to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require Escondido Estates, LLC, to provide security in the amount of \$750,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 60 days of litigation being filed (Attachment E).

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

**6. SUBJECT: NOTICED PUBLIC HEARING:
MEASURES TO EXPLORE THE ESTABLISHMENT OF A
CANNABIS LICENSING PROGRAM WITH OPTIONS FOR THE
CANNABIS FACILITY OPERATION CERTIFICATE FEE
(DISTRICTS: ALL)**

OVERVIEW

On January 27, 2021 (4), the Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to develop a Zoning Ordinance amendment allowing for a variety of cannabis uses. The Board also directed staff to develop a new cannabis permitting system to include elements prioritizing social equity, access, and business opportunities. These are the key elements of the Socially Equitable Cannabis Program (Program). As part of the program's development, Planning & Development Services (PDS) is scoping the license and permit program elements for this project. Developing the license and permit requirements for the Program will include robust stakeholder involvement as the effort moves forward

Prior to initiation of the Program, there were five existing cannabis dispensaries operating in the unincorporated areas of the county. These five continue to operate today, and are the only dispensaries permitted to operate while the Program is developed. The San Diego County Sheriff's Department (Sheriff's Department) is currently the entity responsible for reviewing and processing operating licenses for these five dispensaries.

On May 24, 2022 (21), the Board directed the CAO to explore the transition of the cannabis licensing program for the existing five dispensaries from the Sheriff's Department to PDS Code Compliance and return to the Board with options for the Cannabis Facility Operation Certificate fee. Many other jurisdictions have made similar transitions or established new cannabis licensing programs housed within planning or development services departments to help address social equity concerns.

Based on this direction, staff completed an analysis and prepared options for Board consideration on the transition of the existing cannabis license program. No changes to the existing cannabis licensing program or regulations are proposed as part of the action. However, PDS will continue to work with stakeholders to develop the more comprehensive Socially Equitable Cannabis Program's licensing element, which may result in future regulatory code changes related to cannabis licenses. Today's actions do not restrict future decisions on the Program's licensing element.

Today's request is for the Board to provide direction on the transfer of the cannabis licensing program for the existing five dispensaries by selecting one of the following options:

Option 2A – Maintain existing cannabis licensing program managed by the Sheriff's Department.

OR

Option 2B – Transfer the cannabis licensing program to PDS.

If the Board selects Option 2B to transfer the cannabis licensing program to PDS, the Board is requested to provide direction on the following options:

Background checks:

Option 3A – Authorize Sheriff to conduct background checks and provide verification of license eligibility to PDS.

OR

Option 3B – Authorize PDS to conduct required background checks, necessitating approval of a resolution to facilitate PDS acquiring access to a background check system.

Safety, Security, and Compliance Inspections:

Option 4A – Authorize Sheriff to conduct necessary safety, security, and compliance inspections and provide verification of compliance to PDS.

OR

Option 4B – Authorize PDS to conduct necessary safety, security, and compliance inspections to ensure compliance with Regulatory Code requirements for cannabis facilities.

Transfer of the cannabis licensing program to PDS will require the adoption of the proposed ordinances. If the Board selects Option 2B to transfer the cannabis licensing program to PDS, the Board is requested to approve the first reading of the proposed ordinances on October 26, 2022. If approved, the ordinances will be brought back for adoption on November 16, 2022, and be effective 30 days after adoption.

Options 3A and 4A to retain aspects of the licensing program with the Sheriff would require a return to the Board to establish fees for cannabis licensing background checks (Option 3A) and/or security and compliance inspections (Option 4A).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

The Department of Planning & Development Services recommends that the Board of Supervisors on October 26, 2022, receive options and provide direction on the following:

1. Find the proposed actions are exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines because the proposed actions are administrative in nature, and there is no possibility the activity in question may have a significant effect on the environment.
2. Receive staff reports on options for the establishment of a cannabis licensing program to be managed by PDS and select either Option 2A or 2B.
 - A. **Maintain** the existing cannabis licensing program as managed by the Sheriff's Department.

OR

B. Authorize the transfer of the cannabis licensing program to PDS. (Staff Recommendation)

- Set a hearing for November 16, 2022, for consideration and adoption of amendments to the San Diego County Code of Regulatory Ordinances.
- Approve the introduction, read the title, and waive further reading of the Ordinance entitled AN ORDINANCE AMENDING BUSINESS REGULATIONS, TITLE 2, DIVISION 1 OF THE SAN DIEGO COUNTY CODE TO ADD PLANNING & DEVELOPMENT SERVICES TO THE UNIFORM LICENSING PROCEDURE AND REMOVE THE SHERIFF'S DEPARTMENT FROM THE CANNABIS LICENSING REGULATIONS (Attachment A)
- Approve the introduction, read the title, and waive further reading of the Ordinance entitled: AN ORDINANCE AMENDING ARTICLE XX, SECTION 362.1 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO INCLUDE TO CANNABIS FACILITY OPERATIONS LICENSING FEE (Attachment E, G, or I depending on the option selected).
- Find that the adjustments in fees and charges contained in the subsequent Fiscal Impact Statement of this letter are necessary to meet the operating expenses beginning in the Fiscal year 2022-2023.
- Codify the Administrative Code to include licensing fees for PDS as the licensing entity.

If 2B is selected to *Authorize the transfer of the cannabis licensing program to PDS*, then provide direction on the following Cannabis Licensing Elements options below:

3. Background Checks:

- 3A. Authorize Sheriff to conduct background checks and provide verification of license eligibility to PDS.**

OR

- 3B. Authorize PDS to conduct required background checks. (Staff Recommendation)**
Adopt a Resolution entitled: [A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING ACCESS TO STATE AND FEDERAL CRIMINAL HISTORY INFORMATION FOR CANNABIS LICENSING FOR THE DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES CODE COMPLIANCE DIVISION].

4. Safety and Security Inspections:

- 4A. Authorize Sheriff to conduct necessary safety and security inspections and provide verification of compliance to PDS.**

OR

- 4B. Authorize PDS to conduct necessary safety and security inspections to ensure compliance with Regulatory Code requirements for cannabis facilities. (Staff Recommendation)

If, on October 26, 2022, the Board takes the actions recommended in items 2B, then on November 16, 2022:

1. Consider and adopt the Form of Ordinance entitled: AN ORDINANCE AMENDING BUSINESS REGULATIONS, TITLE 2, DIVISION 1 OF THE SAN DIEGO COUNTY CODE TO ADD PLANNING & DEVELOPMENT SERVICES TO THE UNIFORM LICENSING PROCEDURE AND REMOVE THE SHERIFF'S DEPARTMENT FROM THE CANNABIS LICENSING REGULATIONS (Attachment A).
2. Consider and adopt the Form of Ordinance entitled: AN ORDINANCE AMENDING ARTICLE XX, SECTION 362.1 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO INCLUDE CANNABIS FACILITY OPERATIONS LICENSING FEES (Attachment E, G, or I depending on the option selected).

EQUITY IMPACT STATEMENT

During previous Board hearings, public comment related to the development of the Socially Equitable Cannabis Program has included concern over the involvement of law enforcement in the current cannabis licensing program. Since April 2021, the Office of Equity and Racial Justice (OERJ) and consultants performing work related to a Social Equity Assessment and Program have held several listening sessions to solicit community stakeholder feedback. During these sessions, stakeholders have also expressed concern about the use of law enforcement for cannabis licensing. If staff's recommendation is approved, today's proposed action would help to address those concerns and establish an equitable cannabis licensing system within the County of San Diego.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to transition cannabis licensing from the Sheriff to Planning & Development Services aligns with the County of San Diego sustainability goal to provide just and equitable access as well as to protect health and wellbeing. This action will align with the goals for the future licensing component of the Socially Equitable Cannabis Program to be operated in an equitable way recognizing the impact to communities and socio-economic groups historically burdened by mass incarceration. This concept will be further explored within the Social Equity Assessment and Program. The proposed action will also serve to protect the health and wellbeing of the public by ensuring access to safe cannabis products and retail cannabis facilities. If the cannabis license program is transferred to PDS, PDS inspection staff are routinely in the community and expect reduced vehicle miles traveled to conduct inspections.

FISCAL IMPACT

Funds for this request, recommended actions 1, 2, and 3, are included in the Fiscal Year 2022-23 Operational Plan for Planning & Development Services and Sheriff's Department, dependent on recommendation selected. The following Fiscal Year cost and revenue estimates are based on the annual licensing fees for all five existing dispensaries. If Option 2A is selected and approved, the request will result in current year cost and revenue estimates of \$247,300 to the Sheriff's Department in the Fiscal Year 2022-23. If Option 2B is selected and approved, the request will result in current year cost and revenue estimates of \$83,365 to PDS in the Fiscal Year 2022-23. If Option 3A is selected and approved, the request will result in current year cost and revenue estimates of \$79,845 to PDS in the Fiscal Year 2022-23. If Option 3B is selected and approved, the request will result in current year cost and revenue estimates of \$83,365 to PDS in the Fiscal Year 2022-23. If option 4A is selected and approved, the request will result in current year cost and revenue estimates of \$24,785 to PDS in the Fiscal Year 2022-23. If Option 4B is selected and approved, the request will result in current year cost and revenue estimates of \$83,365 to PDS in the Fiscal Year 2022-23, which would be the same as Options 2B and 3B. A determination of the cost and revenue estimates for Fiscal Year 2022-23 for the Sheriff's Department will be necessary if Options 3A or 4A are selected, which will require further review and a return to the Board at a later date. The future return will include proposed fees for the Sheriff's licensing elements for Options 3A or 4A. The funding source for all options is licensing fees paid by the Cannabis License holder. There will be no change in net General Fund costs and no additional staff years.

Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery* (Board Policy B-29) would apply to PDS licensing activities, and a waiver is not proposed. In order to maintain full cost recovery, the fees will be reviewed and adjusted annually based on approved hourly rates as part of the Land Development Cost Recovery package.

The Auditor and Controller has reviewed and approved the methodology and supporting documentation used to determine the proposed hourly rates, fees, and deposits in this proposal. The Auditor and Controller found that the methodology used is consistent with Board Policy B-29 and in conformance with existing cost policies and procedures.

Table 1 below provides a summary of the total costs for the Sheriff's Department and PDS as well as the total fee for cannabis license renewal that would result from the various options presented in this Board letter.

TABLE 1 – Department Costs and Total Fee for Cannabis Licensing Renewals

Option	PDS Cost	SDSO Cost	Total Fee
2A	N/A	\$49,460.00	\$49,460.00
2B	\$16,673.00	N/A	\$16,673.00
3A	\$15,969.00	TBD (need SDSO cost)	TBD (need SDSO cost)
3B	\$16,673.00	N/A	\$16,673.00
4A	\$4,957.00	TBD (need SDSO cost)	TBD (need SDSO cost)
4B	\$16,673.00	N/A	\$16,673.00

BUSINESS IMPACT STATEMENT

If approved by the Board of Supervisors, the ordinance and regulatory code amendments will continue to facilitate the ongoing operation and expansion of the five existing dispensaries in the unincorporated area. Therefore, the ordinance and regulatory code amendments will maintain jobs offered by the five dispensaries.

ACTION:

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

1. Found the proposed actions are exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines because the proposed actions are administrative in nature, and there is no possibility the activity in question may have a significant effect on the environment.
 2. Received staff reports on options for the establishment of a cannabis licensing program to be managed by PDS and selected Option 2B.
- B. Authorized the transfer of the cannabis licensing program to PDS.
- Set a hearing for November 16, 2022, for consideration and adoption of amendments to the San Diego County Code of Regulatory Ordinances.
 - Approved the introduction, read the title, and waive further reading of the Ordinance entitled: AN ORDINANCE AMENDING BUSINESS REGULATIONS, TITLE 2, DIVISION 1 OF THE SAN DIEGO COUNTY CODE TO ADD PLANNING & DEVELOPMENT SERVICES TO THE UNIFORM LICENSING PROCEDURE AND REMOVE THE SHERIFF'S DEPARTMENT FROM THE CANNABIS LICENSING REGULATIONS (Attachment A)
 - Approved the introduction, read the title, and waive further reading of the Ordinance entitled: AN ORDINANCE AMENDING ARTICLE XX, SECTION 362.1 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO INCLUDE TO CANNABIS FACILITY OPERATIONS LICENSING FEE (Attachment E).
 - Found that the adjustments in fees and charges contained in the subsequent Fiscal Impact Statement of this letter are necessary to meet the operating expenses beginning in the Fiscal year 2022-2023.
 - Codified the Administrative Code to include licensing fees for PDS as the licensing entity.

Provided direction on the following Cannabis Licensing Elements by selecting options 3B and 4B:

3. Background Checks:

3B. Authorized PDS to conduct required background checks.

Adopted Resolution No. 22-156 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING ACCESS TO STATE AND FEDERAL CRIMINAL HISTORY INFORMATION FOR CANNABIS LICENSING FOR THE DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES CODE COMPLIANCE DIVISION.

4. Safety and Security Inspections:

4B. Authorized PDS to conduct necessary safety and security inspections to ensure compliance with Regulatory Code requirements for cannabis facilities.

5. Took action to further consider and adopt the Ordinances on November 16, 2022.

AN ORDINANCE AMENDING BUSINESS REGULATIONS, TITLE 2, DIVISION 1 OF THE SAN DIEGO COUNTY CODE TO ADD PLANNING & DEVELOPMENT SERVICES TO THE UNIFORM LICENSING PROCEDURE AND REMOVE THE SHERIFF'S DEPARTMENT FROM THE CANNABIS LICENSING REGULATIONS; and,

AN ORDINANCE AMENDING ARTICLE XX, SECTION 362.1 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO INCLUDE CANNABIS FACILITY OPERATIONS LICENSING FEES.

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

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

OVERVIEW

Bryant Rumbaugh spoke to the Board regarding the Board of Supervisors actions.

Robert Germann spoke to the Board regarding wait times at airports.

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

KB Strange spoke to the Board regarding concerns about negative impacts of opioid and drug use.

Becky Rapp spoke to the Board regarding concerns about negative impacts of marijuana advertising.

Suzanne Hume spoke to the Board regarding toxic pesticides.

Oliver Twist spoke to the Board regarding the Board's Rules of Procedure regarding teleconferencing, vaccine mandates, and drug control at the border.

Paul Henkin spoke to the Board regarding unemployment rates.

Ann Riddle spoke to the Board regarding support of Red Ribbon Week.

Audra M spoke to the Board regarding scripture from the bible.

Mike Borrello spoke to the Board regarding a report on tests of COVID-19 and vaccines.

John Bottorff spoke to the Board regarding air born lead emissions and pollution from airports.

Micael Hill spoke to the Board regarding taxing marijuana businesses.

Truth spoke to the Board regarding prior comments made by Robbie Morgan.

Kathleen Lippitt spoke to the Board regarding concerns about marijuana businesses in the unincorporated areas.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:03 p.m.

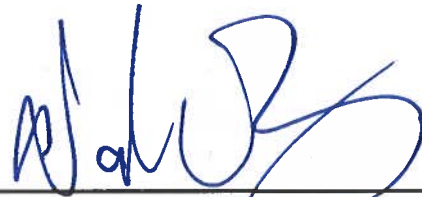
ANDREW POTTER
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Perez

Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday, November 16, 2022.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

10/26/2022