

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, NOVEMBER 16, 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; Joel Anderson; Jim Desmond; also, Ryan Sharp, Assistant Clerk of the Board of Supervisors.

ABSENT: Supervisors Nora Vargas, Vice-Chair; Terra Lawson-Remer

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 26, 2022.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors approved the Statement of Proceedings/Minutes for the Regular Board of Supervisors meeting of October 26, 2022.

AYES: Anderson, Fletcher, Desmond

ABSENT: Vargas, Lawson-Remer

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. | SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
MEASURES TO EXPLORE THE ESTABLISHMENT OF A CANNABIS LICENSING PROGRAM WITH OPTIONS FOR THE CANNABIS FACILITY OPERATION CERTIFICATE FEE (10/26/2022 - First Hearing; 11/16/2022 - Second Hearing)
[FUNDING SOURCE: LICENSING FEES PAID BY THE CANNABIS LICENSE HOLDER] |
| 2. | SET HEARING FOR DECEMBER 14, 2022:
SAN LUIS REY RIVER PARK – APPROVE ACQUISITION OF APPROXIMATELY 49 ACRES FOR INCLUSION IN THE RIVER PARK AND ADOPTION OF RESOLUTION (CALIFORNIA DEPARTMENT OF TRANSPORTATION) (11/16/2022 – SET HEARING; 12/14/2022 – HOLD HEARING)
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE] |
| 3. | SPRING VALLEY - ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR CALAVO PARK AND MITIGATED NEGATIVE DECLARATION
[FUNDING SOURCE: GENERAL PURPOSE REVENUE; GENERAL FUND FUND BALANCE; DPR GENERAL PURPOSE REVENUE] |
| 4. | EXTENSION OF IMPROVEMENT AGREEMENT TO COMPLETE SUBDIVISION IMPROVEMENTS FOR THE POLO CLUB ESTATES / BONSALL OAKS TENTATIVE MAP AND CEQA EXEMPTION LOCATED IN THE BONSALL COMMUNITY PLAN AREA |
| 5. | ADOPTING A RESOLUTION TO WAIVE ENCROACHMENT PERMIT FEES FOR POLITICAL CAMPAIGN SIGNAGE PLACED WITHIN THE RIGHT-OF-WAY
[FUNDING SOURCE: EXISTING ONE-TIME GENERAL FUND FUND BALANCE IN PDS] |
| 6. | RESOLUTION ADOPTING COUNTYWIDE BIODIVERSITY VISION AND GOALS |
| 7. | TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (11/16/2022 - ADOPT RECOMMENDATIONS; 12/14/2022 - SECOND READING OF AN ORDINANCE)
[FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT] |
| 8. | SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, PROVISIONS OF THE COUNTY ADMINISTRATIVE CODE AND REGULATORY CODE ASSIGNED TO THE LAND USE AND ENVIRONMENT GROUP

(RELATES TO SANITATION DISTRICT AGENDA NO. SA02) |
| 9. | PUBLIC COMMUNICATION |

1. SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCES: MEASURES TO EXPLORE THE ESTABLISHMENT OF A CANNABIS LICENSING PROGRAM WITH OPTIONS FOR THE CANNABIS FACILITY OPERATION CERTIFICATE FEE (10/26/2022 - First Hearing; 11/16/2022 - Second Hearing) (DISTRICTS: ALL)

OVERVIEW

On October 26, 2022 (06), the Board of Supervisors took action to further consider and adopt the Ordinances on November 16, 2022.

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 a 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

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)

3. For licensees that have paid the current Medical Marijuana Operation Certificate annual fee in Regulatory Code section 21.1901 for the current year, authorize the Sheriff to refund to the existing licensees on January 1, 2023, the difference in amount between the fee paid for this year and the new Cannabis Facility Operating Certificate annual renewal fee (approved today), prorated for the period between enactment of the new fee and expiration of the annual fee period.

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's Department 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 2, 3, and 4, 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.

If the Board authorizes the Sheriff to refund prorated annual renewal fees previously paid by cannabis facility operations, the request will result in current year cost estimates of \$124,801.81 to the Sheriff's Department in the Fiscal Year 2022-23. To continue routine safety and security inspections for the remainder of the annual fee period for each licensee part of those refunds would be redirected to PDS resulting in current year cost and revenue estimates of \$41,294.22 to PDS. Total refunds to the five existing licensees would total \$81,203.97. 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

<i>Option</i>	<i>PDS Cost</i>	<i>SDSO Cost</i>	<i>Total Fee</i>	<i>Annual SDSO Cost</i>	<i>Annual PDS Cost</i>
2A	N/A	\$49,460.00	\$49,460.00	\$247,300.00	N/A
2B	\$16,673.00	N/A	\$16,673.00	N/A	\$83,365.00
3A	\$15,969.00	TBD (need SDSO cost)	TBD (need SDSO cost)	TBD (need SDSO cost)	\$79,845.00
3B	\$16,673.00	N/A	\$16,673.00	N/A	\$83,365.00
4A	\$4,957.00	TBD (need SDSO cost)	TBD (need SDSO cost)	TBD (need SDSO cost)	\$24,785.00
4B	\$16,673.00	N/A	\$16,673.00	N/A	\$83,365.00

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 Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10812 (N.S.), entitled: AN ORDINANCE AMENDING BUSINESS REGULATIONS, TITLE 2, DIVISION 1 OF THE SAN DIEGO COUNTY CODE TO ADD PLANNING AND DEVELOPMENT SERVICES TO THE UNIFORM LICENSING PROCEDURE AND REMOVE THE SHERIFF'S DEPARTMENT FROM THE CANNABIS LICENSING REGULATIONS DATED OCTOBER 26, 2022 ORDINANCE; and, Ordinance No. 10813 (N.S.), entitled: AN ORDINANCE AMENDING ARTICLE XX, SECTION 362.1, OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO INCLUDE CANNABIS FACILITY OPERATIONS LICENSING FEES.

AYES: Anderson, Fletcher, Desmond

ABSENT: Vargas, Lawson-Remer

2. **SUBJECT: SET HEARING FOR DECEMBER 14, 2022:
SAN LUIS REY RIVER PARK - APPROVE ACQUISITION OF
APPROXIMATELY 49 ACRES FOR INCLUSION IN THE RIVER PARK
AND ADOPTION OF RESOLUTION (CALIFORNIA DEPARTMENT OF
TRANSPORTATION) (11/16/2022 - SET HEARING; 12/14/2022 - HOLD
HEARING) (DISTRICT: 5)**

OVERVIEW

The Department of Parks and Recreation (DPR) enhances the quality of life in San Diego County by providing recreational opportunities for the community. A core aspect of DPR's mission is to build opportunities for better health for individuals and families, enhance safety in communities, and preserve the environment so people can enjoy clean air, clean water, rich biodiversity, and access to open space. The San Luis Rey River Park brings DPR's mission to life by envisioning a dynamic open space legacy balancing recreation and preservation, restoration, and interpretation of the San Luis Rey River's outstanding biological and cultural resources.

On September 24, 2008 (10), the Board of Supervisors (Board) approved the San Luis Rey River Park (SLRRP) Master Plan (Master Plan). This proposed regional park stretches approximately nine miles, parallel to State Route 76, along the San Luis Rey River from the Old Bonsall Bridge to Interstate 15. As originally envisioned and approved by the Board in 2008, the SLRRP helps preserve the San Luis Rey River and surrounding sensitive habitat, expand community access to active and passive recreation opportunities, and create a network of multi-use trails that stitch the park together internally while linking it to surrounding communities. Advancing the San Luis Rey River Park vision and acquiring additional parkland align with the current Board's priorities around sustainability, equity, and community by protecting our natural riparian resources,

ensuring equal opportunity to access the natural environment and active recreation opportunities to enhance community wellbeing, and providing public engagement opportunities during the development of the projects within the SLRRP. To date, the County of San Diego (County) has invested over \$27.7 million to acquire a total of 717 acres, 45% of the planned SLRRP, and continually searches for opportunities to expand parkland and open space within the river corridor.

The California Department of Transportation (Caltrans) owns an approximately 49-acre property identified as Assessor Parcel Number 125-080-27 (Property), located directly off State Route 76, adjacent to existing SLRRP parcels. Caltrans has declared the Property surplus and is in the process of putting it out to auction for sale for an appraised value of \$2,937,000 (\$60,000/acre). DPR has identified the Property as a key site to provide enhanced access to SLRRP's network of planned trails, open space, and active recreation nodes. The Property is directly adjacent to the existing County-owned 68-acre Rio Prado Park site in the Fallbrook community. Upon acquisition, the two properties will be combined to improve direct access to Rio Prado Park via State Route 76 and expand the range of recreational amenities offered within SLRRP. The proposed active park component on the Property is pending future public engagement, design, and environmental analyses.

Initial surveys conducted for Rio Prado Park in 2019 demonstrated that the community is interested in multi-use sports fields, an equestrian staging area, and a dog park. Although DPR is prioritizing the development of Bonsall Community Park as the first active recreation node within the SLRRP, DPR continues to communicate about the forthcoming development of Rio Prado Park the Fallbrook and Bonsall Community Planning Groups, County Service Area No. 81 - Fallbrook Local Parks Advisory Committee, residents, and stakeholders including representatives of the equestrian community. The addition of the Property to the Rio Prado Park will enable the County to strategically site more active amenities further away from existing residential areas and provide a diversity of experiences for park visitors of all ages, interests, and abilities. The design for the expanded Rio Prado Park will be informed by community input in alignment with the SLRRP Master Plan. To date, initial concepts have been developed to assess feasibility, but the addition of this Property will prompt a holistic re-envisioning and redesign of the expanded Rio Prado Park with the community's input.

On August 31, 2022, the County entered into an Option to Purchase Agreement (Option Agreement) with Caltrans. As part of the Option Agreement, the County paid Caltrans a \$25,000 non-refundable Purchase Deposit which will be credited toward the purchase price of \$2,937,000 if the County acquires the Property. As a DPR acquisition, the Property will be protected under the California Park Preservation Act, as public parkland in perpetuity. As the seller, Caltrans also requires as part of their disposition process that a 15-year deed restriction be placed over the Property, limiting the use of the Property to a public purpose from the date of acquisition.

Today's request is for the Board of Supervisors (Board) to set a hearing for December 14, 2022, to consider exercising the County's right to purchase the Property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request on December 14, 2022, after making the necessary findings, the Board will be requested to authorize the Director, Department of General Services to exercise the County's right to

purchase the Property for the appraised value of \$2,937,000, less the \$25,000 non-refundable Purchase Deposit already paid, and to adopt a resolution declaring that the Property will be used for a public purpose for a period of fifteen (15) years. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$3,162,000. Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in Project 1025567 SLRRP Rio Prado Acquisition and Improvement. The annual costs to manage the Property are \$91,750, including ongoing stewardship and supervision of the park. These ongoing costs will be included in the future Operational Plans.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On November 16, 2022:

1. Set a hearing for December 14, 2022, at which time the Board may authorize the Director, Department of General Services, to exercise the Option and to execute the Purchase and Sale Agreement for Assessor Parcel Number (APN) 125-080-27 at the appraised value of \$2,937,000, less the \$25,000 non-refundable Purchase Deposit already paid.
2. Direct the Clerk of the Board to provide notice of the December 14, 2022 hearing via publication and posting as required by law.

If, on November 16, 2022, the Board takes the actions recommended in Items 1-2 above, then on December 14, 2022:

1. Find that the proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Sections 15301, 15304 and 15316.
2. Authorize the Director, Department of General Services, or designee to exercise the Option and execute a Purchase and Sale Agreement for the purchase APN 125-080-27 for the appraised value of \$2,937,000, less the \$25,000 non-refundable Purchase Deposit already paid, and to execute all escrow and related documents necessary to complete the purchase.
3. Adopt a Resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THAT THE LAND IDENTIFIED IN DIRECTORS DEED DD 34796-01-02 WILL BE USED FOR A PUBLIC PURPOSE AS A FUTURE PARK LAND.

EQUITY IMPACT STATEMENT

The DPR Program for acquisition of properties with recreational opportunity is anticipated to result in positive public health impacts by providing recreational outdoor opportunities for the surrounding community and region.

SUSTAINABILITY IMPACT STATEMENT

The proposed acquisition supports multiple County Sustainability Goals. In alignment with County of San Diego Sustainability Goal No. 1, the redesign of the expanded Rio Prado Park will be guided by extensive public engagement including virtual public meetings, online surveys, and focused outreach with stakeholder groups to involve the community in the

development process. Acquisition of the 49-acre property supports County Sustainability Goal No. 3 and the County's Climate Action Plan by contributing to greenhouse gas reductions by 42 metric tons of carbon dioxide equivalents per year through preservation of native riparian habitat within the San Luis Rey River. Additionally, future development of the acquired site as a park will further reduce the need for residents to travel outside their community to access parkland and active recreation opportunities. This has potential to reduce greenhouse gas emissions associated with vehicle trips to areas outside of the local community, thus further supporting County Sustainability Goal No. 3. The proposed acquisition site supports County Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature and County Sustainability Goal No. 6 by expanding open space adjacent to native ecosystems and habitats.

FISCAL IMPACT

Funds for this request are included in the FY 2022-23 Operational Plan. This request will result in total one-time project costs for the Property of \$3,162,000 in FY 2022-23 for Project 1025567 San Luis Rey River Park (SLRRP) Rio Prado Acquisition and Improvement, itemized as follows: \$2,937,000 for property acquisition, \$50,100 for staff time and appraisal reports to complete the transaction; \$7,900 for closing and title costs; \$167,000 in one-time land improvement costs, including debris and vegetation management, fence and gates repair, signage, equipment inspection, erosion control, and grounds maintenance. The funding source is available prior year General Fund fund balance.

Future fiscal impacts include annual ongoing costs for assessments, monitoring, and operations and management of the Property estimated at \$91,750. This funding will be used for managing and monitoring the newly acquired site. Future costs associated with the construction and maintenance of the proposed active recreation park component will be identified at a later date. The Department of Parks and Recreation will monitor its budget and return to the Board to incorporate future budgets as funding becomes available.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board took action as recommended, on Consent, setting a hearing for December 14, 2022.

AYES: Anderson, Fletcher, Desmond

ABSENT: Vargas, Lawson-Remer

3. **SUBJECT: SPRING VALLEY - ESTABLISH AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR CALAVO PARK AND MITIGATED NEGATIVE DECLARATION (DISTRICT: 4)**

OVERVIEW

The unincorporated community of Spring Valley encompasses approximately 11 square miles with a population of 61,232 residents. Spring Valley is classified as a low-income and an underserved community. With approximately 45 acres of local parks and a ratio of 0.7 acres of

parkland per 1,000 residents, this community currently experiences a deficit of parkland per County standard. This project will expand access to life-enhancing recreation and move Spring Valley toward the County's General Plan goal of 10 acres of parkland per 1,000 residents. The project was initiated by the Board of Supervisors (Board) authorizing the purchase of the Calavo Property for future parkland on April 10, 2019 (1). The property was originally identified by the Spring Valley Community Planning Group for acquisition to provide much needed recreation space for the community. The purchase was supported by the community seeking an opportunity to recreate, relax and experience nature in Spring Valley.

The proposed 9-acre Calavo Park site is located directly adjacent to dense residential, multi-family housing and schools (Loma Elementary, Highland Elementary, Casa De Oro Elementary School, and Monte Vista High School) and intended to benefit residents of all ages and abilities. The community participated in a series of outreach events and surveys to help shape the design of the park. Community-prioritized amenities include an all-wheel area, accessible walking or jogging path, dog park, shaded picnic areas, playgrounds, community garden, multi-use field, pickleball court, restroom building and perimeter fencing. Additional Park elements include a synthetic turf baseball field, and sport courts, which are lacking in Spring Valley to support the current and future population. A volunteer park host site, where a volunteer can live on the property and be available after hours, was supported by the community and is included in the park design for additional park security.

Today's request will authorize the Director of the Department of Purchasing and Contracting to advertise and award a construction contract for the Calavo Park project estimated at \$8,900,000 including contingency. The total cost for construction of the Calavo Park project of \$8,900,000 was included in the Fiscal Year 2021-22 Operational Plan based on General Purpose Revenue. If approved, project construction will begin in Spring 2023 with completion anticipated in Winter 2023-24.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

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

5. Designate the Director, Department of Parks and Recreation, or designee, as the County of San Diego Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The community of Spring Valley, where this new park will be located, is an underserved community, meaning residents' incomes are either at or below 80 percent of the statewide median income or below a threshold designated as low-income by the Department of Housing and Community Development. Spring Valley has a Healthy Places Index score of 61.4, or 3rd quartile and lacks sufficient park and recreation space to support the population.

According to the County's 2020 Park Master Plan, Spring Valley has a total of approximately 45 acres of parkland. The 2020 population of Spring Valley was estimated at 61,232 persons based on demographic data from the San Diego Association of Governments (SANDAG). This equates to 0.7 acres of parkland per 1,000 residents, which is below the County's General Plan goal of 10 acres of parkland per 1,000 residents. Spring Valley is deficient by 567 acres to meet this goal. DPR has been working to provide additional parkland and recreational opportunities within the community to reduce this deficit. Once Calavo Park is developed, it will add 9 acres of additional parkland available to residents of Spring Valley and the surrounding communities. Calavo Park will result in a positive community physical and mental health impact for all residents by expanding outdoor recreation amenities such as accessible walking or jogging paths, an all-wheel park, multi-use sports fields and courts.

SUSTAINABILITY IMPACT STATEMENT

The Project aligns with the County of San Diego's (County's) sustainability goals of protecting and promoting natural resources, diverse habitats, while enhancing the natural environment for residents, visitors, and future generations to enjoy. This project is contributing to the health and wellbeing of Spring Valley, an underserved community who has limited access to recreational activities and green amenities. The Project will increase the communities tree canopy and plants, while using an automatic, weather-based irrigation system that will be adjust based on weather events.

The building features of the park will include solar powered lighting; the installation of one dual electric vehicle charging station and conduit to install two more in the future; and solar photovoltaic panels are anticipated to offset 50,846 kilowatt hours per year of the total electricity usage of the park. These sustainable building features will help reduce the park's greenhouse gas emissions from building operations and vehicles visiting the park. In addition, an existing bus stop is located along Calavo Drive, reducing the need for single occupancy vehicles visiting the site. Once these features are installed, they will contribute to the County's sustainability goals of reducing greenhouse gas emissions.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs and revenue of \$16,454,000 for the Capital Project 1022858 Calavo Park. Construction costs are estimated at \$8,900,000 including contingency. The remaining \$7,554,000 in project funding is used for acquisition, design, construction management, environmental review, and project administration. The funding sources are General Purpose Revenue (\$10,000,000) and General Fund fund balance (\$6,454,000).

Upon completion of this project, ongoing operations are estimated at \$161,535 annually, with a one-time estimated start-up cost of an additional \$102,500. Operational costs will cover expenses associated with utility costs and maintenance supplies and services. The park is projected to open in FY 2022-23, and these costs and revenue are included in the FY 2022-23 Operational Plan in the Department of Parks and Recreation (DPR). The funding source will be DPR General Purpose Revenue.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Anderson, Fletcher, Desmond

ABSENT: Vargas, Lawson-Remer

4. **SUBJECT: EXTENSION OF IMPROVEMENT AGREEMENT TO COMPLETE SUBDIVISION IMPROVEMENTS FOR THE POLO CLUB ESTATES / BONSALL OAKS TENTATIVE MAP AND CEQA EXEMPTION LOCATED IN THE BONSALL COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW

The San Diego County Code of Regulatory Ordinances (County Code) establishes the requirements for time extensions for completion of required improvements on major private development subdivisions. Subdivision developers, as conditions of their permits, are often required to construct specific improvements such as roads and storm drainage systems to benefit the public. In many cases, these improvements are accepted into the County-maintained system to be owned, operated, and maintained by the County of San Diego's (County) Department of Public Works in perpetuity. Subdivision Improvement Agreements and their bonding requirements protect the County by ensuring any required improvements are constructed for approved and mapped subdivisions. In the event of a default by the applicant, this bonding can be used to finance completion of the required improvements. However, under certain circumstances, the County can grant a time extension that allows the developer additional time to complete construction while preserving the County's rights to have the public improvements completed.

The Polo Club Estates / Bonsall Oaks Tentative Map 4736RPL4 project (TM 4736RPL4) is a subdivision consisting of 165 residential lots and two open space lots, for a total of 449.54 acres. The site is located within the Bonsall Community Plan Area on the north side of Gopher Canyon Road and Vista Valley Road, west of Interstate 15 within the unincorporated county. On November 3, 1993, the Board voted to approve TM 4736RPL4 and on September 22, 1999, the Board voted to approve Final Map 13856 and a Joint Agreement to Improve Major Subdivision (Joint Agreement for Improvements) for TM 4736RPL4. The Joint Agreement for Improvements was secured by bonds which guaranteed the construction of the streets, sewer facilities, water facilities, appurtenances, and drainage facilities. The Joint Agreement for Improvements expired on September 22, 2001.

The project has received a total of three prior extensions of the improvement agreement since the Final Map was recorded in 1999. On August 8, 2012, the Board voted to approve an Amendment to Joint Agreement for Improvements, which extended time for completion of improvements to August 8, 2014, and at that time the owners entered into a lien contract with the County securing the performance by granting the County a lien on the property to be subdivided. On October 22, 2014, the Board voted to approve another time extension for the completion of improvements to October 22, 2016. After the second time extension was granted by the Board, the previous owners decided to sell County Tract No. 4736-1 (Final Map No. 13856), and the new, current owner has agreed to assume responsibility of all obligations. On January 15, 2020, the Board granted a third time extension to the current owner, which extended the date to complete improvements to October 21, 2021. The last Board action was on September 16, 2020 (6), when the Board approved the Third Amendment to the Joint Improvement Agreement, which extended the completion date for the improvements to August 5, 2022, as well as allowed a partial release of the lien contract for Lots 2-17, because it was replaced with alternative security in the form of bonds. On June 28, 2022, the Director of Planning and Development Services approved the Fourth Amendment to the Joint Improvement Agreement to release a portion of the project of the project from the lien contract, which was replaced with alternative security in the form of bonds as allowed under the County's Subdivision Ordinance.

Today's request is for the Board to approve a single two-year time extension for completion of subdivision improvements for County Tract No. 4736-1 (Final Map 13856).

RECOMMENDATION(S)
SUPERVISOR JIM DESMOND

1. Find that the approval of the two-year time extension for completion of subdivision improvements for County Tract No. 4736-1 (Final Map 13856) is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines because administrative activities of governments will not result in a direct or indirect physical change in the environment.
2. Direct the Chief Administrative Officer to execute an extension to November 16, 2024, the completion of subdivision improvements for all phases of development referenced by Tentative Map 4736RPL4 (TM 4736RPL4), including the Joint Improvement Agreements and Joint Lien Contract.

EQUITY IMPACT STATEMENT

The County, through Planning & Development Services (PDS), ensures that public improvements are constructed as part of new housing developments, such as roads and stormwater drainage systems. PDS ensures the completion of the public improvements through agreements and financial security, which ensures communities are safe. This extension to the improvement agreement will allow the developer additional time to complete the required public improvements, which will help provide housing for unincorporated communities.

SUSTAINABILITY IMPACT STATEMENT

The requested Improvement Agreement extension to construct streets, sewer facilities, water facilities and drainage facilities associated with the construction of the project will contribute housing to the unincorporated area while protecting natural spaces and water quality. The project will preserve onsite open space and will treat and address stormwater runoff in accordance with State requirements.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the requested time extension as presented today. Any costs incurred to continue this project, at such time the owner wishes to move forward, 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:

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

AYES: Anderson, Fletcher, Desmond

ABSENT: Vargas, Lawson-Remer

5. **SUBJECT: ADOPTING A RESOLUTION TO WAIVE ENCROACHMENT PERMIT FEES FOR POLITICAL CAMPAIGN SIGNAGE PLACED WITHIN THE RIGHT-OF-WAY (DISTRICTS: ALL)**

OVERVIEW

In an effort to assist political campaign signage to help promote democratic values and norms, and to help promote free and fair elections within the County of San Diego (County), the Board of Supervisors (Board) should waive the issuance fee for encroachment permits to place these signs in the County maintained road right-of-way for a limited period of time preceding and following elections.

Political campaign signage would be defined as any non-commercial temporary signage authorized by the San Diego County Zoning Ordinance to be placed within County maintained road right-of-way from 90 days before a County administered election to 14 days after voting closes. The term political campaign signage is defined in a manner that ensures all types of non-commercial speech are treated equally.

The County of San Diego requires encroachment permits for objects placed in County maintained road right-of-way to ensure the health and safety of road users. These permits address any negative impacts to line-of-sight, driveway access, pedestrian access, vehicle access, and other related concerns and protect the environment and community from the negative impacts of excessive clutter, litter and other impacts associated with the placement of objects in the right-of-way. In accordance with San Diego County Administrative Code

section 360.1, the Board may by resolution waive the fee otherwise required for the issuance of an encroachment permit. Accordingly, I am requesting that the Board support political campaign signage by waiving the applicable issuance fee for encroachment permits within 90 days of an election conducted by the County and 14 days after voting closes, to eliminate costs to campaign funding. This action will encourage participation in the political process, creating greater transparency, and allowing more equitable access to those wishing to express a viewpoint across all communities within the County of San Diego.

RECOMMENDATION(S)

SUPERVISOR JOEL ANDERSON

1. Adopt a Resolution entitled: “A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS DECLARING THE POLITICAL CAMPAIGN SIGNAGE PLACED WITHIN THE COUNTY OF SAN DIEGO’S RIGHT-OF-WAY TO BE ELIGIBLE FOR RIGHT-OF-WAY PERMIT FEE WAIVERS.”
2. To the extent applicable, waive the full cost recovery requirements of Board Policy B-29 so encroachment permits may be issued for political campaign signs without collecting issuance fees.

EQUITY IMPACT STATEMENT

This Board action will help dismantle economic barriers and expand opportunities for all candidates in elections through equitable access. It will also encourage more participation in the political process.

SUSTAINABILITY IMPACT STATEMENT

This Board action aligns with the County of San Diego’s Sustainability Goals to provide just and equitable access to County services, policy decision-making, and resource allocation in support of sustainable communities.

FISCAL IMPACT

If approved, the waiver of permit fees associated with campaign signage will have no net fiscal impact. Planning & Development Services (PDS) will use existing Urban Agricultural Incentive Zone fee waiver funds to offset costs and revenues. Based on previous elections, the estimated cost is approximately \$750. The funding source is the existing one-time General Fund fund balance in PDS. There will be no increase in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-159, entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS DECLARING THE POLITICAL CAMPAIGN SIGNAGE PLACED WITHIN THE COUNTY OF SAN DIEGO’S RIGHT-OF-WAY TO BE ELIGIBLE FOR RIGHT-OF-WAY PERMIT FEE WAIVERS.

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

6. SUBJECT: RESOLUTION ADOPTING COUNTYWIDE BIODIVERSITY VISION AND GOALS (DISTRICTS: ALL)

OVERVIEW

San Diego County is a biodiversity hotspot, with more animal and plant species than almost any other county in the contiguous United States. San Diego is host to 1,500 native plant species, with over 25 endemic species- species that do not exist anywhere else in the world: providing shelter to more than 200 imperiled species, such as the California gnatcatcher, Stephens’ kangaroo rat, quino checkerspot butterfly.

Climate change, more frequent wildfires, and habitat fragmentation caused by development are threatening San Diego’s ecosystems. Uncontrollable, large wildfires can often cause long-term or permanent loss of essential native habitat.

Biodiversity is essential to a functioning and sustainable food system, clean water, economic growth, and health. According to the United Nations, more than half of global gross domestic product (GDP) depends on nature. Our land and oceans, and the living species within them, are also essential carbon sinks, as they absorb more than half of all emissions. Yet today the planet faces a biodiversity crisis with over 1 million species threatened with extinction. San Diego has an important role to play in mitigating this problem locally.

Restoring and maintaining robust and interconnected habitats, natural spaces, watersheds, forests, and other ecosystems will play a key role in addressing climate change regionally, making San Diego more resilient for future generations.

Today’s request asks the San Diego County Board of Supervisors (Board) to adopt a resolution formally supporting a Countywide biodiversity vision and goals.

RECOMMENDATION(S)

SUPERVISOR TERRA LAWSON-REMER

1. Find that the proposed Board of Supervisor’s action is exempt from provisions of the California Environmental Quality Act (CEQA), pursuant to the state CEQA guideline 15308 “Actions by Regulatory Agencies for Protection of the Environment.”

2. Adopt the Resolution titled: “A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ADOPTING COUNTYWIDE BIODIVERSITY VISION AND GOALS.”

EQUITY IMPACT STATEMENT

Historically, indigenous communities and women have been critical guardians of biodiversity and traditional knowledge, protecting 80% of the earth’s biodiversity within forests, grasslands, and marine environments. Yet communities of color and low-income communities are often first to experience the impacts of climate change and loss of access to natural spaces. It is imperative that all individuals can access our region’s native habitats and wildlife through concerted conservation efforts throughout the County, while ensuring high-value areas are protected. Biodiversity and rich ecosystems have both physical and mental health benefits and can help foster sense of place. If passed, this action will guide the County in its efforts to prioritize underserved communities’ access to natural spaces and their health benefits.

SUSTAINABILITY IMPACT STATEMENT

Implementation of proposed countywide biodiversity goals will help to support the County of San Diego’s sustainability objectives. Supporting biological diversity has many social and economic benefits, such as improving our ability to sustain food systems and production, preventing the spread of diseases, and ensuring access to our region’s unique landscapes. This policy will contribute to San Diego County’s sustainability goals through engagement with community members, as we collaborate in meaningful ways to support environmental awareness and stewardship, equitable access to natural spaces, and protect the health and well-being of everyone in the region. Supporting regional biodiversity will also help protect local water systems, ecosystems, and habitats, which in turn reduces excess pollution and carbon emissions.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

San Diego county’s natural spaces attract millions of tourists every year. The proposed action will help guide local non-profits, government agencies, and community groups in best practices for conserving the region’s precious habitats and ecosystems, allowing continued access and enjoyment.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-160, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ADOPTING COUNTYWIDE BIODIVERSITY VISION AND GOALS.

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

7. **SUBJECT: TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (11/16/2022 - ADOPT RECOMMENDATIONS; 12/14/2022 - SECOND READING OF AN ORDINANCE) (DISTRICTS: 1 & 5)**

OVERVIEW

The Traffic Advisory Committee (TAC) is part of the Department of Public Works (DPW) traffic engineering program. 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 five items from the July 22, 2022, TAC meeting agenda:

Items from the 07/22/2022 TAC Meeting			
District	Item	Location	Action
1	1-A	Kempton Street & San Carlos Street/Akard Street, La Presa	Establish an all-way stop intersection.
5	5-A	Discovery Street & La Sombra Drive, Lake San Marcos	Establish an all-way stop intersection.
5	5-B	Miller Road & Miller Way, Valley Center	Establish an all-way stop intersection.
5	5-C	Mac Tan Road & Fruitvale Road, Valley Center	Establish an all-way stop intersection.
5	5-D*	Cool Valley Road, Valley Center	Establish a 45 MPH speed limit and certify

* Indicates second reading of ordinance is required.

Approval of Items 1-A on Kempton Street & San Carlos Street/Akard Street in La Presa (District 1), 5-A on Discovery Street & La Sombra Drive in Lake San Marcos (District 5), 5-B on Miller Road & Miller Way in Valley Center (District 5), and 5-C on Mac Tan Road & Fruitvale Road in Valley Center 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.

Approval of Item 5-D on Cool Valley Road (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.

The Board's actions on Item 1-A on Kempton Street & San Carlos Street/Akard Street in La Presa (District 1), Item 5-A on Discovery Street & La Sombra Drive in Lake San Marcos (District 5), Item 5-B on Miller Road & Miller Way in Valley Center (District 5), and Item 5-C on Mac Tan Road & Fruitvale Road in Valley Center do not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore do not require a second reading of an ordinance. Board direction on November 16, 2022, would allow implementation of these four items by DPW.

The Board's action on Item 5-D on Cool Valley Road (District 5) would introduce an ordinance to amend a speed limit zone. This action would revise County Code and require two steps. On November 16, 2022, the Board would consider the TAC items. If the Board takes action as recommended on Item 5-D on November 16, then on December 14, 2022, a second reading and adoption of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 1:

Item 1-A. Kempton Street & San Carlos Street/Akard Street in La Presa - Establish an all-way stop intersection.

District 5:

Item 5-A. Discovery Street & La Sombra Drive in Lake San Marcos - Establish an all-way stop intersection.

Item 5-B. Miller Road & Miller Way in Valley Center - Establish an all-way stop intersection.

Item 5-C. Mac Tan Road & Fruitvale Road in Valley Center - Establish an all-way stop intersection.

Item 5-D. Cool Valley Road from Cole Grade Road to the end of County maintenance (near Villa Sierra Road) in Valley Center - Establish a 45 MPH speed limit and certify the speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.
3. Adopt the following resolutions:
RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Items 1-A, 5-A, 5-B, & 5-C)

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO (Items 1-A, 5-A, 5-C)

4. Approve the introduction, read title, and waive further reading of the following Ordinance:
ORDINANCE ADDING SECTION 72.161.35.9. TO THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 5-D)

If, on November 16, 2022, the Board takes action as recommended, then, on December 14, 2022:

Consider and adopt the following Ordinance:
ORDINANCE ADDING SECTION 72.161.35.9. TO THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Item 5-D)

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 correctible 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.

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 revenues of \$10,120 for staff time and materials and supplies. The funding source is State Highway User Tax Account. 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 Anderson, the Board of Supervisors took action as recommended, adopting the following:

Resolution No. 22-161, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO;

Resolution No. 22-162, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO;

And, took action to further consider and adopt the Ordinance on December 14, 2022.

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

8. SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, PROVISIONS OF THE COUNTY ADMINISTRATIVE CODE AND REGULATORY CODE ASSIGNED 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 Board of Supervisors approval of amendments and sunset date extensions to December 31, 2029 for 11 Board Policies, of which two of them have no recommended changes (A-100) and (F-45):

- a) A-8: Services to Newly Incorporated Cities
- b) A-100: Flood Control District Advisory Commission
- c) A-115: Expediting Permit Processing for Residential Drug and Alcohol Treatment/Recovery Facilities
- d) F-45: Pesticide Use Reduction

- e) I-17: Right-of-Way Dedication and Public Improvement Requirements in Connection with Zone Reclassifications
- f) I-18: Right-of-Way Dedication and Public Improvement Requirements in Connection with Major and Minor Use Permits
- g) I-38: Agricultural Preserves
- h) I-122: Use of the County's 5 Percent Allowable Loss of Coastal Sage Scrub by other Jurisdictions
- i) I-136: Comprehensive Goals and Policies for Community Facilities Districts
- j) J-37: Landscape Maintenance Districts
- k) J-38: Complete Streets Policy

Today's proposed actions also request Board of Directors of the San Diego County Sanitation District approval of amendments and sunset date extensions to December 31, 2029, for one Board Policy:

- a) F-16: Cleaning and Repair of Sewer Laterals

Today's proposed actions also include approval of amendments and sunset date extensions to December 31, 2029 for three Administrative Code sections (Article XV-AA, Article XV-A, and Article LIV), and two County Regulatory Code sections (Title 2, Division 1, Chapter 5, and Title 4). If approved, these actions require two steps. The first is to approve the first reading of the ordinance(s) on November 11, 2022. The request on December 14, 2022 would be to adopt the amendments to the County Administrative Code and County Regulatory Code.

Additionally, the proposed actions include approval of sunset date extensions to December 31, 2029, for the Board Policies and County Administrative Code and County Regulatory Code sections reviewed by this letter that do not have staff recommended changes.

RECOMMENDATION(S):
CHIEF ADMINISTRATIVE OFFICER

Acting as Board of Supervisors:

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, 2029 for the following Board of Supervisors (Board) Policies:
 - a) *A-8: Services to Newly Incorporated Cities*
 - b) *A-115: Expediting Permit Processing for Residential Drug and Alcohol Treatment/Recovery Facilities*
 - c) *I-17: Right-of-Way Dedication and Public Improvement Requirements in Connection with Zone Reclassifications*
 - d) *I-18: Right-of-Way Dedication and Public Improvement Requirements in Connection with Major and Minor Use Permits*

- e) *I-38: Agricultural Preserves*
 - f) *I-122: Use of the County's 5 Percent Allowable Loss of Coastal Sage Scrub by other Jurisdictions*
 - g) *I-136: Comprehensive Goals and Policies for Community Facilities Districts*
 - h) *J-37: Landscape Maintenance Districts*
 - i) *J-38: Complete Streets Policy*
3. Establish the new sunset review date of December 31, 2029, for the following Board Policies that have been reviewed by staff and have no recommended changes:
 - a) *A-100: Flood Control District Advisory Commission*
 - b) *F-45: Pesticide Use Reduction*
 4. Approve the introduction of the Ordinance (First Reading), read title and waive further reading of the Ordinance(s) entitled:
 AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO COUNTY EYE GNAT ABATEMENT APPEALS BOARD, THE SAN DIEGO COUNTY ENVIRONMENTAL HEALTH AND QUALITY ADVISORY BOARD, AND THE SAN DIEGO COUNTY SOLID WASTE HEARING PANEL
 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 REGULATORY CODE RELATING TO SOLICITATIONS
 6. 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 ADMINISTRATIVE CODE RELATING TO THE SAN DIEGO COUNTY DEPARTMENT OF PARKS AND RECREATION
 7. Establish the new sunset review date of December 31, 2029 for the following titles of the County Administrative Code that have been reviewed by staff and have recommended changes:
 - a) *Article XV-AA: San Diego County Eye Gnat Appeals Abatement Appeals Board*
 - b) *Article XV-A: San Diego County Environmental Health and Quality Advisory Board*
 - c) *Article LIV: San Diego County Solid Waste Hearing Panel*
 8. Establish the new sunset review date of December 31, 2029 for the following titles of the County Administrative Code that have been reviewed by staff and have no recommended changes:
 - a) *Article LVII: Department of Environmental Health and Quality*
 - b) *Article XVI-E: Landscape Maintenance District Zone No. 2 - Julian Advisory Committee*

9. Establish the new sunset review date of December 31, 2029 for the following titles of the County Regulatory Code that have been reviewed by staff and have recommended changes:
 - a) *Title 2, Division 1, Chapter 5: Solicitations*
 - b) *Title 4: Public Property*

10. Establish the new sunset review date of December 31, 2029 for the following title of the County Regulatory Code that has been reviewed by staff and have no recommended changes:
 - a. *Title 2: Licenses, Business Regulations and Business Taxes (Division 1, Chapters 2, 17, and 20)*

Acting as Board of Directors of the San Diego County Sanitation District:

11. Approve amendments to and establish the sunset review date of December 31, 2029 for the following Board of Supervisors (Board) Policy:
 - a) *F-016: Cleaning and Repair of Sewer Lateral*

Acting as the Board of Supervisors:

If on November 16, 2022 the Board takes the action in Recommendations 4, 5 and 6, then on December 14, 2022:

1. Consider and adopt the Ordinance(s) amending the San Diego County Administrative Code and San Diego County Regulatory Code (Second Reading).

2. Approve the new sunset review date of December 31, 2029 for the amended San Diego County Administrative Code and Regulatory 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.

SUSTAINABILITY IMPACT STATEMENT

This action to review and amend County Administrative Codes, Regulatory Codes and Board policies aligns with the goal to promote opportunities for community engagement in the process. Updates proposed in today's action are meant to ensure that codes and policies are up to date, reflect current processes and are needed to continue services and responsibilities to the region. Some examples of these are parks operations and care of park locations, consumer protections, and standards for farmers markets.

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

(RELATES TO SANITATION DISTRICT AGENDA NO. SA02)

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinances on December 14, 2022; and, directed the Chief Administrative Officer to amend Title 2. Chapter 2. Community Events. Sec. 21.201. DEFINITIONS. as follows:

(c) “Temporary Agritourism Community Event” means a temporary, publicly accessible for-profit, event that is supplemental to permitted Agricultural Tourism activities, as allowed by Zoning Ordinance Section 6157b.

AYES: Anderson, Fletcher, Desmond

ABSENT: Vargas, Lawson-Remer

9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Mark Dorian spoke to the Board regarding global warming and climate change.

Robert Germann spoke to the Board regarding passenger aircrafts at Lindbergh Field.

Audra spoke to the Board regarding an assault/battery.

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

KB Strange spoke to the Board regarding marijuana businesses in the unincorporated areas.

Oliver Twist spoke to the Board regarding the Sweetwater Authority reservoir.

Mark Wilcox spoke to the Board regarding concerns of marijuana use among youth.

Terri-Ann Skelly spoke to the Board regarding marijuana businesses in the unincorporated areas.

Paul Henkin spoke to the Board regarding the Board of Supervisors agendas.

Suzanne Hume spoke to the Board regarding pesticides.

Diane Grace spoke to the Board regarding mental health issues caused by marijuana use.

John Bottorff spoke to the Board regarding a ban on public smoking.

Ann Riddle spoke to the Board regarding the dangers of second-hand smoke.

Truth spoke to the Board regarding comments made at Board of Supervisors meetings.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:32 a.m.

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

Consent: Perez
Discussion: Zurita

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

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