

## Introduction

This guideline encourages the creation of voluntary Community Benefits Agreements (CBAs) between local communities and project applicants in the unincorporated County of San Diego. This guide covers:



## What is a CBA?

A CBA is an agreement between an applicant for a privately initiated development project and the local community in which the project is located. These agreements between project applicants and the community provide the community with local benefits to encourage support for the project. CBAs may be initiated for projects that have a socio-economic impact on a community or those that may not provide a perceived proportionate local benefit as part of the project. CBAs typically require extensive negotiation between a project applicant and the community to determine the benefits a development project will provide directly to the community. Such community benefits are provided independent of and are not tied to the County's formal approval process for the development. CBAs can be set up to address local issues and perceived impacts not addressed in the formal project approval process.

### What is the purpose of a CBA?

The purpose of the CBA program is to provide a mechanism that facilitates community support for development projects through increased communication, understanding, and, where appropriate, applicant contributions or improvements that benefit the community impacted by a proposed development project. CBAs help streamline the review and approval process for developments.

### What makes an effective CBA?

An effective CBA balances the interests of all participating parties. The CBA should be a mechanism to provide benefits to communities that incur development project impacts that are not adequately addressed or resolved through the standard environmental and project entitlement processes. Generally, an effective CBA has open communication, timeliness in the agreement, and a good faith effort from all parties.

Five considerations that are the basis for effective CBAs:

- 1 Community Representation.** The CBA is negotiated by a coalition that effectively represents the interests of the impacted community.
- 2 Transparent CBA Negotiation.** The CBA process is transparent, inclusive, and accessible to the community.
- 3 Clear CBA Terms, Deliverables and Outcomes.** The terms provide specific, concrete, meaningful benefits to address community needs.
- 4 Implementation and Enforcement.** There are clearly defined, formal means of implementation and enforcement of the CBA by which the community can hold the applicant (and other parties) accountable for their commitment.
- 5 Timing.** Because the primary motivation of an applicant to create a CBA is to streamline project approval, CBAs are typically initiated before and concluded within the context and timeframe of the formal project entitlement process.



## Why do a CBA?

A CBA is always voluntary. The County does not require an applicant to pursue a CBA. However, a CBA provides benefits for both the applicant and the community that the County cannot provide or require.

The voluntary process is typically initiated by the applicant relatively early in and sometimes before the initiation of the entitlement process with the County. County staff can help identify projects that may be good candidates for a voluntary CBA. These negotiations can be complex and time consuming, but they help streamline the entitlement process by establishing a formal line of communication and detailed understanding between the applicant and community, and creating a vehicle to address or resolve community issues and concerns associated with the project.

### Benefits for Applicants

- + Increased community support; decreased community opposition
- + Greater understanding and relationship with the community
- + Streamlined project approval

### Benefits for the Community

- + Greater understanding and relationship with the applicant
- + Agreed upon benefits that address the needs of all segments of the community
- + Address issues or perceived impacts beyond the formal project approval process
- + Involvement in the development process

*A voluntary CBA is a proactive tool  
for creating win-win outcomes—  
aligning project goals with community needs.*



## When is a CBA appropriate?

While any project could include a CBA, typically, CBAs are appropriate for larger, unusual, or complex projects.

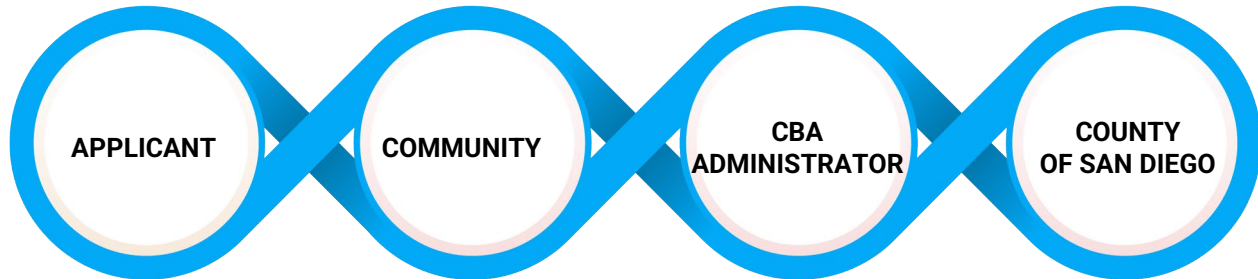
### Examples of typical project types for CBAs:

- ↻ Warehouses/Data Centers
- ↻ Business Parks
- ↻ Energy and Renewable Energy
- ↻ Extractive Uses
- ↻ Hospitals
- ↻ Industrial Development Uses
- ↻ New Wireless or Other Telecommunication Facilities
- ↻ Major/Minor Impact Services and Utilities



## Who is involved in a CBA?

There are several parties involved in the CBA process, each with a different role. Generally, the involved parties are the applicant, community, CBA administrator, and the County.



### Applicant

The applicant is the party pursuing approval of a development project. Applicants are critical parties to CBAs, as they are responsible for negotiating, funding, and implementing the community benefits outlined in the agreement, as well as meeting all applicable state and local regulations.

### Community

Who represents the “Community” will be identified on a project-by-project basis and will vary. The identified community should be those who are most impacted by the proposed project. The community could include community-based organizations, non-profits, and individual or groups of community members.

#### Community Planning and Sponsor Groups

Community Planning and Sponsor Groups (CPSGs) are composed of elected or appointed community members to advise decision makers on land use and development projects. CPSGs can also be engaged as part of the CBA process; however, CPSGs cannot directly negotiate dollar amounts, goods, services, or any other things of value, per Board Policy I-1. A CPSG could put together a general list of priorities in their community that applicants could review so there are no requests made of specific projects. Additionally, CPSG meetings could serve as a forum for community members to speak and express their wishes to applicants, but a CPSG should not vote or make a decision with respect to a CBA.

#### Other Community Members

Non-CPSG community members are a key stakeholder group in CBAs, as they are the intended beneficiaries of the community benefits. They may be involved in negotiating the agreement, providing input on priorities and needs, and monitoring compliance with the agreement. Community-based organizations, advocacy groups, and other nonprofits may play a key role in negotiating CBAs on behalf of the community, providing outreach and education, and monitoring compliance with the agreement.



## CBA Administrator

The CBA administrator can serve as a third party responsible for ensuring that the agreed-upon CBA is implemented and enforced. A neutral third party provides CBA administration, often through local non-profit organizations. This arrangement allows the applicant to delegate ongoing management and administration to an independent party so the applicant can focus on their core business. It also assures the community that a responsible party will oversee the CBA throughout its duration.

## County

The County plays a minor role in the CBA process. The County does not act on behalf of the applicant, nor does it represent the community in the process. Additionally, the County does not administer the CBA. What the County will and will not do in the CBA process is outlined below.

### What the County will do:

- Help identify projects that may be good candidates for a CBA
- Help connect applicants with potential community representatives and CBA facilitators and administrators
- Provide resources that may help start or facilitate the CBA process

### What the County will not do:

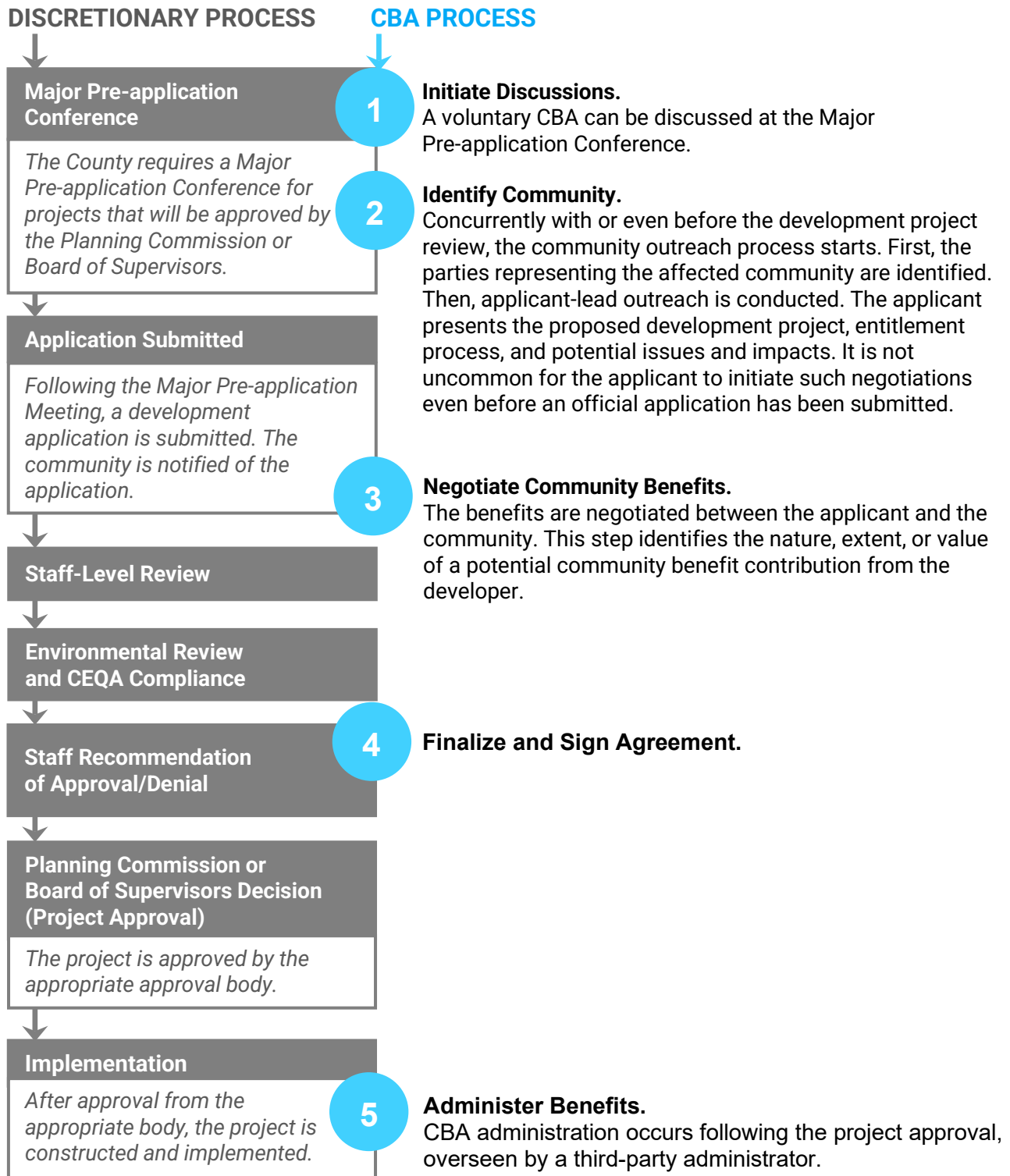
- Receive monetary funding as a part of the CBA process
- Administer community benefit agreements
- Determine community needs or applicant contributions
- Act on behalf of the applicant or community
- Condition the project approval upon creation of a CBA  
*However, the County may include conditions related to completion of project improvements resulting from a CBA commitment.*
- Help determine CEQA applicability and compliance

### CEQA Compliance:

- The County can help applicants determine the appropriate level of CEQA analysis for proposed community benefits. Not all community benefits will require an in-depth CEQA analysis. For example, labor requirements of monetary donations to third parties would not trigger a CEQA analysis. On-site community benefits are part of the project and, thus, would be included in the CEQA analysis for the project. Off-site community benefits would be subject to their own CEQA analysis.

## What is the CBA Process?

While the CBA process will differ from project to project, the steps in a CBA process are generally as follows. Several steps below are general steps in the broader development process, but they serve as important milestones in the CBA process as well.





## Attachment 1: Non-Limiting List of Potential Community Benefits

The following is a non-limiting list of potential benefits that could be provided through the CBA process. The benefits provided by the CBA should be determined through the negotiation process between the community and the applicant.

- Set aside a certain percentage of housing units for low-income residents
- Provide funding for affordable housing projects in the community
- Provide job training and apprenticeship programs for community members
- Implement environmental protections (outside of CEQA)
- Fund public parks, community centers, or other amenities that benefit the community.
- Construct improvements for a local school, such as restriping intersections or financing facilities
- Provide funding and resources to support local small businesses, such as marketing or technical assistance
- Upgrade existing facilities or infrastructure, such as fiber internet services
- Fund infrastructure improvements such as road repairs, sidewalk upgrades, or other infrastructure improvements that benefit the community
- Construct transit improvements such as upgrading or replacing bus stops, building bus shelters, or adding bicycling infrastructure
- Provide funding for resources to preserve local cultural landmarks, such as museums, historic buildings, or monuments
- Develop a social impact assessment to help identify and determine the social impacts of the project
- Promote hiring of targeted groups or disadvantaged workers such as apprentices, unemployed, veterans, formerly incarcerated, those without high school diplomas or GEDs, former foster youth, custodial single parents, or low-income individuals
  - Establish benchmarks for local hiring
  - Commit to paying living wages
- Establish internships/trainee programs with local schools/universities
  - Promote local accommodation and the hotel/housing sector during construction phase
  - Promote local supply chain for construction services
- Create opportunities to generate green solutions with electric cars, charging stations, and sustainable energy solutions
  - Fund community services such as animal shelters, arts and cultural programs, libraries, nutrition education, transportation and support, science and technology education, homeless services, youth services, or scholarships
  - Provide technical training
  - Offer entrepreneurial training
  - Provide small business/micro loans
  - Fund infrastructure
  - Support wildlife or habitat conservation



## Attachment 2: List of Outreach Groups

The following list of outreach groups is a starting point for consideration of inclusion in a voluntary CBA. Outreach should be tailored to the specific project and include groups that have particular interest in the project. Note that this is not an exclusive or exhaustive list, but rather is representative of potential outreach groups in the unincorporated County.

- Community Planning & Sponsor Groups
- Stakeholder Groups
  - Housing Federation
  - Labor Union
  - Farm Bureau
  - Farm Housing Working Group
  - San Diego Regional Chamber of Commerce and local Chamber of Commerce
  - San Diego Regional EDC
  - Regional Taskforce on Homelessness
  - Climate Action Campaign
  - Circulate San Diego
  - Relevant school districts
  - Local tribes
  - San Diego Foundation
  - Sierra Club
  - Other interested community organizations



## Attachment 3: Example CBAs

The list below offers resources for pursuing a CBA, including guides and examples of other executed CBAs in California.

- **Aggie Square Community Benefits Partnership Agreement**  
<https://aggiesquare.ucdavis.edu/cbpa>
- **Community Benefits Agreement: Making Development Projects Accountable**  
<https://laane.org/research/community-benefits-agreement/>
- **Los Angeles Grand Avenue Project Development Agreement**  
[https://cityclerk.lacity.org/onlinedocs/2013/13-1694\\_MISC\\_5-5-14.pdf](https://cityclerk.lacity.org/onlinedocs/2013/13-1694_MISC_5-5-14.pdf)
- **Marlton Square Redevelopment Project Community Benefits Agreement**  
<https://climate.law.columbia.edu/sites/climate.law.columbia.edu/files/content/CBAs/Marlton%20Square%20CBA.pdf>
- **Oakland Army Base Community Benefits Agreement**  
<https://bayareaequityatlas.org/node/55106>
- **San Bernardino Community College District Community Benefits Agreement**  
[https://sbccd.edu/\\_resources/documents/San%20Bernardino%20CCD%20Community%20Benefits%20Agreement%20Executed.pdf](https://sbccd.edu/_resources/documents/San%20Bernardino%20CCD%20Community%20Benefits%20Agreement%20Executed.pdf)