

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, JULY 14, 2021**

MINUTE ORDER NO. 1

**SUBJECT: NOTICED PUBLIC HEARING:
GENERAL PLAN AMENDMENT: HOUSING, SAFETY, AND
ENVIRONMENTAL JUSTICE ELEMENTS 20-002; 19-GPA-001; AND
17-GPA-004 (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego's (County) General Plan sets a direction for the future of the unincorporated area of San Diego County by providing a clear, unified framework for community development and conservation. The General Plan is organized by chapters, which are referred to as elements. The General Plan's Vision Statement and Guiding Principles establish the foundation upon which the General Plan elements and their respective policies are developed and measured. Each policy within the elements contains at least one implementation program or action to assure that there is a mechanism for its implementation. These implementation programs are contained within the General Plan Implementation Plan, a separate document from the General Plan, which is used as a key resource to achieve the County's vision for its growth and development.

The General Plan is a "living document" that must be periodically amended to respond to changing circumstances and comply with new State requirements. When this occurs, it is referred to as a General Plan Amendment (GPA). The GPA being considered by the Board of Supervisors today updates the General Plan's Housing and Safety Elements and proposes a new Environmental Justice Element (collectively referred to as the Three Elements).

The Housing Element is a mandatory element of the General Plan that must be updated every eight years. The Housing Element includes policies and programs to increase housing opportunities for populations at all income segments and life stages. State Housing Law mandates that the Regional Housing Needs Assessment (RHNA) be incorporated as an integral component of the Housing Element periodic update. RHNA quantifies a jurisdiction's capacity to meet existing and future housing needs. The County is required to demonstrate to the State that it has the capacity to accommodate its share of the RHNA for all income categories. The unincorporated area's RHNA allocation for the 2021 - 2029 planning period is 6,700 new dwelling units spread across very-low, low, moderate, and above-moderate income categories.

The Safety Element establishes policies that minimize the risk of personal injury, loss of life, property damage, and environmental damage associated with natural and human-caused hazards. To ensure safety hazards are considered during housing policy development, State law requires that the County review and revise the Safety Element in conjunction with updates to the Housing Element.

Pursuant to Senate Bill 1000 (Land use: general plans: safety and environmental justice), after January 1, 2018, all jurisdictions with State-identified "disadvantaged communities" are to incorporate environmental justice goals and policies into their General Plans upon revising two or more elements. The State uses the term "disadvantaged communities" to refer to communities disproportionately impacted by economic, health and environmental issues. The County will refer to these areas as Environmental Justice (EJ) Communities. EJ goals and policies will be incorporated into the General Plan by establishing a stand-alone EJ Element. The draft EJ Element contains goals and policies to reduce pollution in overburdened and underserved communities to ensure all people have the ability to live, work, and play in a safe and healthy environment.

Today's request is for the Board of Supervisors to adopt the Three Elements of the General Plan.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On May 14, 2021, the Planning Commission continued the Housing and Safety Element update and the new Environmental Justice Element (Three Elements) to June 11, 2021. On June 11, 2021, the Planning Commission considered the Three Elements made the following recommendations to the Board of Supervisors (Board):

1. Expand the By-Right Approval Program to all sites within the Housing Element Site Inventory (192 sites) if the developer agrees to provide at least 20% affordable housing.
2. Do not adopt the Housing Element update.
3. Do not adopt the Safety Element Update.
4. Do not adopt the creation of a new Environmental Justice element.

STAFF RECOMMENDATION

Planning & Development Services does not concur with the Planning Commission's recommendations to the Board of Supervisors (Board) because the Housing, Safety and Environmental Justice (EJ) elements are mandatory elements of the General Plan and the draft elements have been updated in compliance with State law. If the County of San Diego (County) does not have an approved 6th cycle Housing Element by August 13, 2021, then it will be subject to a four-year update cycle and will not be eligible to receive State housing grants and funds it currently receives until the County has a certified Housing Element. Other State funds, including those used to maintain roads and utilities, could also be jeopardized. The County would also be vulnerable to lawsuits for not working proactively to meet its housing needs and may be subject to court-ordered moratoriums on development. In addition, the County is required by State law to update its Safety Element to address recent disaster events and state legislation requiring jurisdictions to analyze the effects of climate-change hazards. Finally, the County is also required by State law to incorporate an EJ element or equivalent, including identifying the location of EJ communities and the nature of their environmental burdens, health risks, and needs. As such, staff recommends that the Board:

1. Find that the General Plan Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County of San Diego (County) CEQA Guidelines and that the Board has reviewed and considered the information contained therein and the Addendum (PDS2021-ER-21-00-001) thereto dated March 16, 2021, on file with PDS, prior to approving Housing Element Update GPA 21-001.
2. Find that the General Plan EIR, dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, was completed in compliance with the CEQA and the State and County CEQA Guidelines, and that the Board has reviewed and considered the information contained therein and the Addendum (PDS2021-ER-21-00-002) thereto dated April 29, 2021, on file with PDS, prior to approving Safety Element Update GPA 19-001 and new Environmental Justice Element GPA 17-004.

3. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated August 3, 2011; that there is no substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklists (PDS2021-ER-21-00-001 PDS2021-ER-21-00-002) dated March 16, 2021, and April 29, 2021, respectively.
4. Adopt the Resolutions entitled:
 - a. A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO ADOPTING A GENERAL PLAN AMENDMENT UPDATING THE HOUSING ELEMENT OF THE GENERAL PLAN; and
 - b. A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO ADOPTING A GENERAL PLAN AMENDMENT UPDATING THE SAFETY ELEMENT AND INCORPORATING AN ENVIRONMENTAL JUSTICE ELEMENT AND RELATED AMENDMENTS TO THE IMPLEMENTATION PLAN OF THE GENERAL PLAN AND THE ACRONYMS AND GLOSSARY OF THE GENERAL PLAN (Attachments A and B, on file with the Clerk of the Board).
5. Establish appropriations of \$400,000 in the Department of Planning & Development Services, Services & Supplies for consultant services and PDS staff costs for the development of FY 2021-22 Housing Element Implementation Programs based on available prior year General Fund fund balance **(4 VOTES)**.
6. Establish appropriations of \$405,000 in the Department of Planning & Development Services, Services & Supplies for consultant services and PDS staff costs for the development of FY 2021-22 Environmental Justice Implementation based on available prior year General Fund fund balance **(4 VOTES)**.
7. Direct staff to analyze the feasibility of expanding the by-right approval program for all sites within the Housing Element Site Inventory (192) if the developers agree to provide at least 20% affordable housing and return to the Board for further direction by the end of 2021.

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) recognizes the systemic impacts that inequitable policies create for residents of the San Diego region. The Housing, Safety, and Environmental Justice Elements (collectively referred to as the Three Elements) contain goals and policies that seek to equitably address the unincorporated area's housing needs, minimize risks to known natural and human-caused hazards, and reduce pollution in overburdened and underserved communities.

Specifically, the Housing Element implements programs to increase affordable and inclusionary housing options, such as the Community Benefit Strategy program, which explores tools used to create amenities in neighborhoods of lower resources and generate funding for neighborhood improvements. The Safety Element's Vulnerability Assessment and Adaptation Report incorporates policies to protect populations who are most vulnerable to the impacts of climate change, which includes a climate adaptation policy to address housing insecurity and reduce the exposure of persons experiencing homelessness to safety and health impacts from climate disasters. The Environmental Justice Element enables equitable development, adoption, implementation, and enforcement of environmental laws, regulations, and policies in underserved communities, which include disallowing siting and construction of new

large-scale hazardous waste facilities minimizing heavy truck traffic and designating routes away from residential neighborhoods on or near sensitive land uses in and around Environmental Justice Communities.

Goals, policies, and implementing programs and actions within the Three Elements will strive to create positive impacts on persons experiencing homelessness, low-income communities, communities of color, communities in high hazard risk areas, persons with disabilities, and communities disproportionately affected by environmental pollution and other hazards. PDS will continue to actively engage with these communities to identify and address their needs.

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission's recommendations to the Board of Supervisors.

FISCAL IMPACT

Funds for implementing the Safety Element are included in the Fiscal Year (FY) 2021-22 Operational Plan in Planning & Development Services (PDS). Implementation items will either be performed as a part of ongoing Long Range Planning staff duties or included in future plans or programs such as community plan updates or General Plan Amendments and are funded by existing General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years. Any future updates to the Safety Element and associated costs will be brought back to the Board of Supervisors (Board) for consideration.

The Housing and Environmental Justice (EJ) Element's fiscal impacts associated with implementation costs were not included in the FY 2021-22 Operational Plan. A discussion of these costs are provided below. There will be no additional staff years required in PDS, and HHSAs' staff years will depend on the Board's directions and priorities.

If approved, this request for the Housing Element Implementation Plan will result in costs of \$400,000 in PDS for consultant services and PDS staff costs for FY 2021-22. The funding source will be prior year available Unassigned General Fund fund balance. In total, one time only (OTO) funds of \$1,600,000 will be needed over the eight-year duration of the Housing Element. Funding needs for future years would be requested as part of the PDS five-year financial forecast, which, at this time, are anticipated to include \$810,000 in OTO funding for FY 2022-23, \$290,000 in OTO funding for FY 2023-24, and \$100,000 in OTO funding for FY 2024-25. For PDS, there will be no additional staff years in FY 2021-22 to amend the Housing Element. HHSAs' staffing impacts will be dependent on the Board of Supervisor's directions and priorities.

If approved, this request for the EJ Element Implementation Plan will result in costs of \$405,000 in PDS for consultant services and PDS staff costs for FY 2021-22. The funding source will be prior year available Unassigned General Fund fund balance. In total, \$510,000 is requested in OTO funds for FY 2021-22 and FY 2022-23. This includes implementing Countywide programs and developing options to expand EJ Communities based on the February 10, 2021, Board Direction. Future ongoing costs of EJ Element Implementation will include but will not be limited to (1) continual outreach with the additional communities and (2) adjusting the EJ Element and its implementation plan to meet the needs of the additional communities. These costs will be determined by future Board actions, anticipated to occur in 2023, based on their direction for expansion of EJ communities, including potential costs associated with implementation. County staff will return to the Board with estimates and recommended budget

actions as necessary. For PDS, there will be no additional staff years in FY 2021-22 to amend the EJ Element. HHSAs staffing impacts will be dependent on the Board of Supervisor’s directions and priorities.

Future HHSAs fiscal impacts will largely depend on future Board direction and priorities. Increased coordination and collaboration across HHSAs and LUEG, community partners, other jurisdictions, and cities are expected. If additional resources are needed, staff will return to the Board with an analysis and recommendations on a regional approach to environmental justice and climate resilience. The annual estimated fiscal impact is computed in the table below.

Table 1: Annual One-Time Only Funding Requests

<i>Annual One-time Funding Requests</i>		FY 21/22	FY 22/23	FY 23/24	FY 24/25
A	Safety Element	NA	*	*	*
B	Housing Element	\$400,000	\$810,000	\$290,000	\$100,000
C	Environmental Justice Element	\$405,000	\$105,000	**	**
D	(A+B+C) Total Annual One-time Funding Cost	\$805,000	\$915, 000	\$290,000	\$100,000

*Future costs of Safety Element Implementation will be determined by future State direction and/or Board actions based on a planned update of the Safety Element in 2023.

** Future ongoing costs of EJ Element Implementation will include but will not be limited to (1) continual outreach with the additional communities and (2) adjusting the Environmental Justice Element and its implementation plan to meet the needs of the additional communities. These costs will be determined by future Board actions based on information and recommendations for expansion of EJ communities, including potential costs associated with implementation.

BUSINESS IMPACT STATEMENT

N/A

ACTION 1.1:

Noting for the record that an Errata was submitted; ON MOTION of Supervisor Fletcher, seconded by Supervisor Lawson-Remer, the Board of Supervisors closed the Hearing and took action to adopt Option 1 of the Housing Element (Recommendation 4.A. on the Action Checklist) adopting Resolution No. 21-124, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO ADOPTING A GENERAL PLAN AMENDMENT UPDATING THE HOUSING ELEMENT OF THE GENERAL PLAN.

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

ACTION 1.2:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Lawson-Remer, the Board of Supervisors took the following actions:

1. Found that the General Plan Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County of San Diego (County) CEQA Guidelines and that the Board has reviewed and considered the information contained therein and the Addendum (PDS2021-ER-21-00-001) thereto dated March 16, 2021, on file with PDS, prior to approving Housing Element Update GPA 21-001.

2. Found that the General Plan EIR, dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, was completed in compliance with the CEQA and the State and County CEQA Guidelines, and that the Board has reviewed and considered the information contained therein and the Addendum (PDS2021-ER-21-00-002) thereto dated April 29, 2021, on file with PDS, prior to approving Safety Element Update GPA 19-001 and new Environmental Justice Element GPA 17-004.
3. Found that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated August 3, 2011; that there is no substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklists (PDS2021-ER-21-00-001 PDS2021-ER-21-00-002) dated March 16, 2021, and April 29, 2021, respectively.
4. Adopted Option 1 of the Safety and Environmental Justice Element (Recommendation 4.B. on the Action Checklist) adopting Resolution No. 21-125, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO ADOPTING A GENERAL PLAN AMENDMENT UPDATING THE SAFETY ELEMENT AND INCORPORATING AN ENVIRONMENTAL JUSTICE ELEMENT AND RELATED AMENDMENTS TO THE IMPLEMENTATION PLAN OF THE GENERAL PLAN AND THE ACRONYMS AND GLOSSARY OF THE GENERAL PLAN.
5. Established appropriations of \$400,000 in the Department of Planning & Development Services, Services & Supplies for consultant services and PDS staff costs for the development of FY 2021-22 Housing Element Implementation Programs based on available prior year General Fund fund Balance, and directed the Chief Administrative Officer to:
 - During the next General Plan Annual Progress Report, staff to report out on housing production and potentially identify a goal as part of this as a future item.
 - For Implementation Program 3.1.1.D, Diversity of Land Use Designation and Building Type, add a variety of innovative housing types but not limited to moveable tiny homes, 3D printed homes, and new prefab housing types that meet state and local building code standards.
 - For Implementation Program 3.1.1.H, Housing Yields in Mixed-Use Zones, include mixed use and commercial sites as a consideration as part of the feasibility analysis of expanding by right program (when 20% affordable housing onsite is provided), to return to Board in December 2021 with funding/resource needs.
 - Direct staff to explore the feasibility of developing a program that would facilitate/remove barriers to senior and assisted living housing development, to return to the Board with program options, funding and resource needs by December 2021 for further direction.
 - Direct staff to explore the feasibility of developing a Small Lot Subdivision Program and return to the Board with program options, funding and resource needs by December 2021 for further direction.

6. Established appropriations of \$405,000 in the Department of Planning & Development Services, Services & Supplies for consultant services and PDS staff costs for the development of FY 2021-22 Environmental Justice Implementation based on available prior year General Fund fund balance.
7. Adopted Option 2 of the Optional Board Direction on the By-Right Approval Program, (Recommendation 7 on the Action Checklist) directing staff to first conduct an environmental constraints and feasibility analysis of a By-Right Approval Program for up to 192 additional RHNA sites if the developers agree to provide at least 20% affordable housing and return to the Board with program options by the end of 2021 for further direction. Then, if directed by the Board, staff would develop the By-Right Program for Board consideration in addition to the State required By-Right Approval Program for 44 sites that were relisted from the previous housing cycle.

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

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter