

October 06, 2021

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, OCTOBER 6, 2021, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. REGULAR SESSION: Meeting was called to order at 9:02 a.m.

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

B. Closed Session Report

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

D. Approval of the Statement of Proceedings/Minutes for the meeting of September 15, 2021.

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of September 15, 2021.

AYES: Vargas, Anderson, Fletcher, Desmond

ABSENT: Lawson-Remer

E. Formation of Consent Calendar

F. Discussion Items

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

Board of Supervisors' Agenda Items

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

2. ORDINANCE OPTIONS FOR SUBCONTRACTOR TRANSPARENCY MEASURES IN COUNTY PERMITS
3. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS AND RATIFICATION OF ACCEPTANCE OF GIFTS AND DONATIONS EXCEEDING \$5,000 TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
4. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION
5. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR GUARDRAIL REPLACEMENT AND REPAIR IN THE COMMUNITIES OF ALPINE AND ESCONDIDO [FUNDING SOURCE: FEDERAL HIGHWAY ADMINISTRATION HIGHWAY SAFETY IMPROVEMENT PROGRAM] (4 VOTES)
6. ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE OUTDOOR EQUITY GRANTS PROGRAM
7. TRAFFIC ADVISORY COMMITTEE (10/06/2021 - ADOPT RECOMMENDATIONS; 10/20/2021 - SECOND READING OF ORDINANCES)
8. CLOSED SESSION (CONTINUED ITEM FROM OCTOBER 5, 2021 (29))
9. PUBLIC COMMUNICATION

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

OVERVIEW

On January 27, 2021 (4), the Board of Supervisors (Board) directed staff to develop a Socially Equitable Cannabis Program (Program) and increase enforcement of unpermitted and unlicensed cannabis facilities. Since that time, staff has begun work on the Program, while various County of San Diego (County) teams have increased enforcement of unpermitted cannabis facilities.

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

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

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

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

**RECOMMENDATION(S)
PLANNING COMMISSION**

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

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

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

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

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

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

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

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

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

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

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

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

PDS recommends that on October 6, 2021, the Board take the following action:

1. Find in accordance with California Environmental Quality Act (CEQA) Section 15061(b)(3), the Commonsense Exemption, that receiving staff reports and any direction from the Board regarding the overall Socially Equitable Cannabis Program is exempt from CEQA review, since it can be seen with certainty that there is no possibility that today's actions may have a significant effect on the environment and no unusual circumstances or exceptions to the exemptions apply.
2. Find in accordance with CEQA Guidelines Sections 15301, 15303, and 15304, that adopting changes to the Zoning Ordinance and Code of Regulatory Ordinances are exempt from CEQA review since the ordinance amendments result in negligible or no expansion of use, all public services and facilities are available to allow for maximum development permissible in the General Plan, the area in which the project is located is not environmentally sensitive, expansions are limited to 10,000 square feet or less, there are no unusual circumstances, and no exceptions to the exemptions apply.

3. Consider, and adopt the ordinance entitled: AN ORDINANCE AMENDING THE SAN DIEGO ZONING ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA FACILITIES - MEDICAL OR NON-MEDICAL, AND ADDING SECTION 6861 RELATED TO NONCONFORMING CANNABIS FACILITIES (POD 21-001) (Attachments B and C).
4. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance: AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO MEDICAL MARIJUANA (POD 21-001) (Attachments D and E).
5. Receive the updates on development of the Socially Equitable Cannabis Program, including the Social Equity Program, Cannabis Taxation Program, and enforcement against unpermitted and unlicensed facilities.

If on October 6, 2021, the Board takes the actions recommended in Item 4, then on October 20, 2021:

Consider and adopt the attached Form of Ordinance amending the County of San Diego Code of Regulatory Ordinances to allow the sale of edibles and branded merchandise, and to allow the existing five nonconforming medicinal cannabis collective facilities dispensaries (existing dispensaries) to expand operations to commercial sales of medical and adult use cannabis: AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO MEDICAL MARIJUANA (POD 21-001) (Attachments D and E).

EQUITY IMPACT STATEMENT

The amendments for the existing dispensaries address equity by allowing the existing dispensaries to continue operations so that they may later provide avenues for job training opportunities in the cannabis industry for potential new applicants to the County of San Diego's Socially Equitable Cannabis Program (Program), if adopted. Representatives for some of the existing dispensaries committed in the June 9, 2021, Board hearing to provide internships, job training, and education to members of impacted communities. Experience in existing cannabis dispensaries in the unincorporated region will allow applicants to build relationships with residents and planning groups they will interact with while seeking necessary approvals for future businesses. Direct business experience in the industry will also improve their ability to navigate the licensure process and operate a successful business in the long term.

To develop the Program in conformance with the California Cannabis Equity Act of 2018, a comprehensive equity assessment will be conducted to (1) review and analyze local historical rates of arrests and convictions for cannabis law violations, (2) identify the impacts that the ban on cannabis has had on local communities, and (3) demonstrate how the population has been negatively impacted by cannabis criminalization. In April 2021, the Office of Equity and Racial Justice (OERJ) held two listening sessions to solicit community stakeholder feedback to guide the process for conducting the equity assessment and subsequent program design. Comments gathered from those meetings informed the development of a Request for Proposals for a consultant to develop and implement the Social Equity Assessment and

Program. Data gathered through the equity assessment process will inform the research and development of the Program. Additional community and stakeholder engagement will be conducted on an ongoing basis to ensure that the Program adequately addresses and rectifies the injustices caused by cannabis criminalization. Consequently, this program will have a positive impact on economic development, jobs, and workforce equity. Planning & Development Services staff will collaborate with OERJ to align with OERJ's social equity program.

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

FISCAL IMPACT

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

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

BUSINESS IMPACT STATEMENT

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

ACTION:

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

1. Found in accordance with California Environmental Quality Act (CEQA) Section 15061(b) (3), the Commonsense Exemption, that receiving staff reports and any direction from the Board regarding the overall Socially Equitable Cannabis Program is exempt from CEQA review, since it can be seen with certainty that there is no possibility that today's actions may have a significant effect on the environment and no unusual circumstances or exceptions to the exemptions apply.

2. Found in accordance with CEQA Guidelines Sections 15301, 15303, and 15304, that adopting changes to the Zoning Ordinance and Code of Regulatory Ordinances are exempt from CEQA review since the ordinance amendments result in negligible or no expansion of use, all public services and facilities are available to allow for maximum development permissible in the General Plan, the area in which the project is located is not environmentally sensitive, expansions are limited to 10,000 square feet or less, there are no unusual circumstances, and no exceptions to the exemptions apply.
3. Adopted Ordinance 10749 (N.S.) entitled: AN ORDINANCE AMENDING THE SAN DIEGO ZONING ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA FACILITIES - MEDICAL OR NON-MEDICAL AND ADDING SECTION 6861 RELATED TO NONCONFORMING CANNABIS FACILITIES (POD 21-001).
4. Took action to further consider and adopt the attached Form of Ordinance on October 20, 2021, amending the County of San Diego Code of Regulatory Ordinances to allow the sale of edibles and branded merchandise, and to allow the existing five nonconforming medicinal cannabis collective facilities dispensaries (existing dispensaries) to expand operations to commercial sales of medical and adult use cannabis: AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO MEDICAL MARIJUANA (POD 21-001).
5. Received the updates on development of the Socially Equitable Cannabis Program, including the Social Equity Program, Cannabis Taxation Program, and enforcement against unpermitted and unlicensed facilities.
6. Alternative Options
 - A. Process for existing dispensaries to expand to 10,000 square feet – The proposed amendments to ordinances before the Board include a ministerial process for the five existing dispensaries to expand up to 10,000 square feet.
Adopted Option 2 - Ministerial Process and Voluntary Design Review Compliance: Establish a ministerial process for existing dispensaries to expand up to 10,000 square feet as proposed in the amendments to the zoning Ordinance, and direct staff to assist existing dispensaries when expanding in the future to voluntarily comply with the requirements for Special Area Designators found in each applicable community's Design Review Checklist.
 - B. Use of groundwater for cultivation of cannabis at existing dispensaries – The proposed amendments to ordinances before the Board require that existing dispensaries only use municipal water for cultivation purposes.
Adopted Option 2 – Allow Use of Groundwater: Allow the use of groundwater and municipal water supply for cultivation. For this option, the Board would strike Section 6861(i) from the Zoning Ordinance language provided in Attachment B, Section 21.2504(g) from the Regulatory Code language provided in Attachment D and reorder the numbering of remaining items in that section.

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

2. **SUBJECT: ORDINANCE OPTIONS FOR SUBCONTRACTOR TRANSPARENCY MEASURES IN COUNTY PERMITS (DISTRICTS: ALL)**

OVERVIEW

On March 17, 2021 (6), the Board of Supervisors (Board) directed the Chief Administrative Officer to seek input from stakeholders and develop options for a new ordinance to promote transparency for contractors applying for both building permits and right-of-way permits in the unincorporated communities for which the County of San Diego (County) has jurisdiction.

In requiring transparency, the County's goal is to create a culture of safety and legal compliance while ensuring that labor standards are upheld. Currently, the County verifies that contractors are in good standing with the Contractors State Licensing Board (CSLB) at the time of building permit issuance, as applicants provide their CSLB license number. The CSLB site is linked to Accela, the County's automated land use permit platform, and a building permit cannot be issued unless the license number is in good standing. However, the same verifications do not apply to any subcontractors working on the project. The options presented today for the proposed ordinance would require contractors to disclose information for their subcontractors working on projects requiring County building permits and right-of-way permits in the unincorporated communities for which the County has jurisdiction.

After seeking input from community members, community planning groups, environmental stakeholder groups, construction and building stakeholders, labor advocates, and union stakeholders, options presented to the Board today include ordinance options to achieve subcontractor transparency and disclosures during the processing of building permits and right-of-way permits, as well as short-term and long-term implementation options.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with State California Environmental Quality Act Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (on file with the Clerk of the Board); and
2. Receive the Ordinance Options for Subcontractor Transparency Measures in County Permits and provide direction on the following options:
Options for Building Permits: the following are options for permit types that could require subcontractor disclosures (can select any or all of the options below):
 - a. All new commercial, residential tracts (five or more lots), and multifamily construction projects (3 or more units)
 - b. Commercial tenant improvement (renovation) projects that affect more than 10,000 square feet of space under the renovation
 - c. Commercial tenant improvement (renovation) projects with a subcontractor contract value greater than \$25,000
 - d. Projects associated with General Plan Amendments
 - e. Residential permits for work done on single family residences (all new homes, remodels, additions)

Options for Applicable Right-of-Way Permits: the following options list permit types that could require subcontractor disclosures (can select any or all of the options below):

- a. Projects that are done in the right-of-way to provide for transport of energy, water, or sewer that are subject to State Prevailing Wage
- b. Projects in the right-of-way not subject to State Prevailing Wage
- c. Projects with a subcontractor contract value greater than \$25,000
- d. Residential projects (driveways and retaining walls)

Options on Data to be Collected (can select any or all of the options listed below)

- a. Subcontractor specialty, name & contact, license number, and workers compensation policy
- b. Start and end dates of subcontractor work
- c. Subcontractor address
- d. Detailed scope of work done on job
- e. Verification of OSHA or wage violations
- f. Subcontractor Disadvantaged Business Enterprise (DBE) status
- g. Special safety licenses or training requirements for a subcontractor scope of work

Options to Submit Information (select one of the three options listed below)

- a. Hard copy collection (6 months): Paper form. Ongoing annual staff cost of \$50,000.
- b. Short-term electronic submittal (6 months): Create a new paper form to collect subcontractor disclosure data that can be digitally scanned and uploaded/attached to building and right-of-way permits in Accela, the County's automated land use permit platform. Total one-time cost of \$20,000.
- c. Long-term electronic submittal (12-18 months): Create a new option for Accela online permitting platform to allow contractors to add disclosure data digitally in standardized information fields once a record is created. This option provides the public and the newly authorized Office of Labor Standards and Enforcement access to disclosure data available in a format that makes it easier to search and analyze. Total one-time cost of \$250,000.

Options for Timing of Data Collection (select one of the four options below):

- a. Prior to permit issuance (prior to construction phases)
- b. Prior to subcontractor doing work on site (during construction phase)
- c. Within 14 days of when the subcontractor is selected and has started work (during construction phase)
- d. Prior to final inspection or final permit release (post construction phase)

The action sheet (Attachment A) includes a summary for each ordinance options for subcontractor transparency measures in County permits.

EQUITY IMPACT STATEMENT

Stakeholder input and community engagement identified a lack of contractor transparency as a potential impact to equity in labor standards and worker protection, including labor violations, unqualified operators, and a lack of accountability. Stakeholders commented that ongoing State enforcement and prevention efforts through the California State Licensing Board may lack resources and access to local subcontractor information.

The options presented today help address equity impacts by utilizing subcontractor disclosures to create new transparency tools to expand workforce protections and increase contracting equity. Transparency standards and disclosure tools will provide equal access to information, and better equip future enforcement and prevention efforts, both locally and as a part of the ongoing State efforts.

Community input, including from those directly impacted, shaped the development of the options to reduce the disproportionate equity impacts faced by vulnerable communities. The building permits and right-of-way project types identified in options presented today are most utilized in underserved communities and target specific project categories based on stakeholder input. Unlike the existing State efforts, these transparency and accountability efforts are established locally, including those close to the communities they serve.

FISCAL IMPACT

There is no fiscal impact associated with receiving the recommendations included in this board letter. The Board is considering options for staff to develop an ordinance and return to the Board for adoption and implementation at a future date. However, if the Board directs Planning & Development Services (PDS) to implement one or more of the options, there will be associated implementation costs ranging from \$50,000 in ongoing costs for hard copy data collection, \$20,000 in one-time costs for short-term electronic data collection, or up to \$250,000 in one-time costs for long-term electronic data collection. If the Board selects the hard copy data collection option presented today, the associated funding will need to be identified and appropriated for staff to begin the work. If options for data collection are not selected or the short-term or long term electronic data collection option is selected, there will be no change in the General Fund and no additional staff years.

BUSINESS IMPACT STATEMENT

Stakeholder outreach included groups associated with land development and construction, as well as labor groups, Community Planning & Sponsor Groups, and environmental groups, among others. Most stakeholders associated with labor indicated changes to increase transparency will protect workers and help further a level playing field for businesses. Stakeholders associated with development and construction noted that additional steps in the permit process, such as uploading subcontractor information, can add to the overall process time and increase the costs of development and housing. There was consensus that the format and process to upload required information needs to be user friendly and easy to access to minimize impacts on projects.

ACTION:

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

1. In accordance with State California Environmental Quality Act Guidelines Section 15061(b)(3), found that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (on file with the Clerk of the Board).

2. Received the Ordinance Options for Subcontractor Transparency Measures in County Permits and provided direction on the following options:

Options for Building Permits:

- a. All new commercial, residential tracts (five or more lots), and multifamily construction projects (5 or more units)
- b. Commercial tenant improvement (renovation) projects that affect more than 10,000 square feet of space under the renovation
- d. Projects associated with General Plan Amendments

Options for Applicable Right-of-Way Permits:

- a. Projects that are done in the right-of-way to provide for transport of energy, water, or sewer that are subject to State Prevailing Wage
- b. Projects in the right-of-way not subject to State Prevailing Wage

Options on Data to be Collected:

- a. Subcontractor specialty, name & contact, license number, and workers compensation policy
- b. Start and end dates of subcontractor work
- c. Subcontractor address
- d. Detailed scope of work done on job
- e. Verification of OSHA or wage violations
- f. Subcontractor Disadvantaged Business Enterprise (DBE) status
- g. Special safety licenses or training requirements for a subcontractor scope of work

Options to Submit Information:

- c. Long-term electronic submittal (12-18 months): Create a new option for Accela online permitting platform to allow contractors to add disclosure data digitally in standardized information fields once a record is created. This option provides the public and the newly authorized Office of Labor Standards and Enforcement access to disclosure data available in a format that makes it easier to search and analyze. Total one-time cost of \$250,000.

Options for Timing of Data Collection:

- b. Prior to subcontractor doing work on site (during construction phase)

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

3. **SUBJECT: SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS AND RATIFICATION OF ACCEPTANCE OF GIFTS AND DONATIONS EXCEEDING \$5,000 TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) Department of Environmental Health and Quality (DEHQ) receives gifts and donations from organizations such as non-profit and professional associations that are interested in expanding DEHQ expertise and supporting its programs, training events, and staff knowledge by offsetting costs through both cash and non-cash donations.

During the period of January 1, 2021 to June 30, 2021, DEHQ received donations totaling \$10,500 in non-cash donations in the form of registration fees for a professional association conference for the Certified Unified Program Agency (CUPA) hosted by the California CUPA Forum Board to support DEHQ staff training in hazardous waste and materials laws and regulations.

Board of Supervisors (Board) Policy A-112, *Acceptance and Use of Gifts and Donations*, permits the acceptance of donations by the administrative head of each department of the County if specified conditions are met. County Administrative Code Section 66, *Acceptance of Gifts*, requires Board ratification of the acceptance of such gifts and approval prior to the expenditure of the gift, if the gift exceeds \$5,000. DEHQ did not request Board approval prior to expending gifts in excess of \$5,000, as required by Administrative Code Section 66, because the amount of funding available for DEHQ staff participation at the training was unknown.

Today's proposed actions are to accept DEHQ's Report of Gifts and Donations for the period of January 1, 2021 to June 30, 2021, and to ratify the acceptance and expenditure of gifts by DEHQ that exceeded \$5,000. Donations received during this reporting period from a non-profit and professional association were used to support DEHQ staff training.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(5) of the State CEQA Guidelines.
2. In accordance with Administrative Code, Section 66, Acceptance of Gifts, and Board Policy A-112, Acceptance and Use of Gifts and Donations, accept the County of San Diego Department of Environmental Health and Quality Report of Gifts and Donations from the California CUPA Forum for the period of January 1, 2021 to June 30, 2021.
3. In accordance with Administrative Code Section 66 and Board Policy A-112, ratify the acceptance and expenditure of gifts from the California CUPA Forum for the period of January 1, 2021 to June 30, 2021 that exceeded \$5,000.

EQUITY IMPACT STATEMENT

The Department of Environmental Health and Quality (DEHQ) periodically receives gifts and donations from organizations such as non-profit and professional associations that are interested in expanding DEHQ expertise and supporting its programs, training events, and staff knowledge by offsetting costs through donations. A total of 28 staff were able to attend this training event and benefit from this donation.

The partnership between DEHQ and these non-profit and professional associations helps strengthen and maximize impacts to communities throughout the region by ensuring DEHQ staff have access to continuing education sessions and professional credentialing, which benefits the County and the public it serves by enhancing technical expertise, knowledge of emerging technologies, and changes in laws and regulations to ensure consistent regulatory program implementation and compliance in all communities.

Gifts and donations received are monitored and publicly disclosed in accordance with all County policies. Expenditures are internally tracked by DEHQ to ensure transparency and accountability of donations and gifts received and to provide for the equitable distribution of resources.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Environmental Health and Quality received \$10,500 in non-cash donations for the period of January 1, 2021 to June 30, 2021. These gifts and donations were used to support training and conference attendance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

4. **SUBJECT: SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION (DISTRICTS: ALL)**

OVERVIEW

The Department of Parks and Recreation (DPR) builds better health for individuals and families, enhances safety in communities, and preserves the environment so that people can enjoy clean air, clean water, rich biodiversity, and access to open space. The National Recreation and Parks Association recognized DPR's high standards of operational excellence when the Association made DPR California's first accredited County Parks Department in 2011. DPR's ability to provide exceptional customer service to millions of patrons each year is supported by donations from the San Diego County Parks Society.

Board of Supervisors (Board) Policy A-112, *Acceptance and Use of Gifts and Donations*, permits the acceptance of donations by the administrative head of each department of the County if specified conditions are met. County Administrative Code Section 66, *Acceptance of Gifts*, requires Board ratification of the acceptance of such gifts and approval prior to the expenditure of the gift, if the gift exceeds \$5,000.

The San Diego County Parks Society (Society) is a nonprofit organization that was established in 1980 by a group of residents interested in protecting, supporting, and improving DPR's vast park system. The Society's support through donations helps to maintain and operate DPR parks and helps to continue and expand programming.

During the period of January 1, 2021 to June 30, 2021, DPR received donations from the San Diego County Parks Society totaling \$7,636.34 (\$1,765.48 in cash donations and \$5,870.86 in non-cash donations). County of San Diego Administrative Code, Section 66, *Acceptance of Gifts*, permits the acceptance of donations by the administrative head of each department of the County, not to exceed \$5,000 individually, subject to ratification by the Board of Supervisors (Board). The complete list of donations is found on Attachment A.

Donations received from the Parks Society support DPR's mission of enhancing the quality of life in the region by providing exceptional parks and recreation experiences and preserving significant natural resources. Donations are used for a variety of items and costs to supplement activities, events, and programs, including additional craft and game supplies for recreation and education programs and camps. The Park Society also supports DPR efforts to maintain and restore historical park items (Restoration of Historic Plaques at Live Oak and San Dieguito Parks) to celebrate the cultures that make up our communities. The complete list of donations and parks supported by the Park Society is shown in Attachment A.

Today's proposed action is to accept the DPR's Report of Gifts and Donations for the period of January 1, 2021 to June 30, 2021. There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2) and (3) and 15378(b)(5).
2. In accordance with Administrative Code Section 66, *Acceptance of Gifts* and Board Policy A-112, *Acceptance and Use of Gifts and Donations* accept the County of San Diego Department of Parks and Recreation Report of Gifts and Donations from the San Diego County Parks Society for the period of January 1, 2021 to June 30, 2021.

EQUITY IMPACT STATEMENT

The acceptance of donations from the San Diego County Parks Society help maintain and operate County parks and helps to continue and expand programming for the benefit of all residents and visitors. The donations allow DPR to provide additional supplies and services to youth, families, and communities to encourage the sharing of experiences, cultural traditions, and resources to strengthen a sense of belonging.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Parks and Recreation received donations from the San Diego County Parks Society totaling \$7,636.34 (\$1,765.48 in cash donations and \$5,870.86 in non-cash donations) from January 1, 2021 to June 30, 2021. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

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

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

OVERVIEW

The County of San Diego's (County) Department of Public Works (DPW) is responsible for the maintenance and operation of nearly 2,000 centerline miles of County-maintained roads, including more than 56 miles of guardrails. Centerline miles represent the total length of the roads regardless of the number of lanes or overall roadway width. Guardrails are installed along the edge of the roadway to enhance safety by preventing motorists from unintentionally leaving the roadway and reducing the severity of a crash. DPW has developed a list of four guardrail replacement and repair sites in the communities of Alpine and Escondido. These sites were selected based on traffic volume, speed limit, nearby hazards, guardrail condition, and proximity to underserved communities. DPW has developed similar projects for guardrail upgrade, repair, replacement, and installation in past years and will continue to evaluate needs and identify locations on an annual basis as funding is available.

In August 2018, DPW applied for a Federal Highway Safety Improvement Program (HSIP) grant to design and construct guardrail upgrades at four sites. The HSIP grant program is administered by the California Department of Transportation (Caltrans) and focuses on improving factors that can result in traffic fatalities and serious injuries on public roads. In December 2018, DPW was awarded the HSIP grant for this project, and the preliminary engineering funding was authorized by Caltrans in December 2019. With the preliminary engineering phase of the project now complete, DPW is moving into the construction phase and is requesting appropriations for construction activities.

This is a request to establish appropriations and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for replacement and repair of segments of guardrail in the communities of Alpine and Escondido on County-maintained roads. The lowest responsive and responsible bidder is the bidder that fully complied with the bid requirements and that has offered the lowest pricing based on the criteria stipulated in the bid documents. If this item is approved today, construction is

estimated to begin in spring 2022 and be complete by summer 2022. The construction cost is estimated at \$427,000, which includes a 20% contingency to cover unexpected costs that may arise during construction. The funding source is the Federal Highway Administration Highway Safety Improvement Program.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) that the proposed project is categorically exempt from CEQA review because it involves the repair and replacement of guardrails along existing County-maintained roadways involving no or negligible expansion of existing use.
2. Establish appropriations of \$427,000 in the Department of Public Works Road Fund Fiscal Year 2021-22 Operational Plan for the Guardrails Highway Safety Improvement Program project based on construction authorization from California Department of Transportation. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for guardrail repair and replacement in the communities of Alpine and Escondido on County-maintained roads.
4. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

The review and replacement of guardrails supports vehicle safety on County of San Diego maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities and for all people. Data-driven safety initiatives will be developed and administered with an equity lens. Understanding travel patterns, where fatal and serious injury crashes are occurring and the disproportionate impacts on underserved communities will allow DPW to identify actions to address the underlying factors and causes and improve safety.

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

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2021-22 Operational Plan in the Department of Public Works Road Fund. If approved, construction costs are estimated at \$427,000, which includes a 20% contingency for unforeseen conditions that may arise during construction. The funding source is the Federal Highway Administration Highway Safety Improvement Program. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

When approved by the Board for advertising and award, County construction contracts are competitively and publicly bid and help stimulate the local economy. All workers employed on public works projects must be paid the higher of either (a) prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project, or (b) Davis-Bacon Act local prevailing wage rates for federally funded contracts determined by the U.S. Department of Labor.

ACTION:

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

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

6. **SUBJECT: ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE OUTDOOR EQUITY GRANTS PROGRAM (DISTRICT: 1, 4)**

OVERVIEW

In 2019, Governor Gavin Newsom signed Assembly Bill 209, enacting the Outdoor Equity Grants Program (OEP) to address the need for expanded access to parks for underserved communities and to improve the health and wellness of Californians by providing new educational and recreational activities that strengthen a connection to the natural world. On July 1, 2020, the California Legislature authorized funding for the OEP, providing funding opportunities for programs that increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences. OEP currently has \$19 million available to fund outdoor programs in historically underserved areas throughout California.

To be eligible for OEP funding, the organization applying must be a public agency or non-profit organization in California. The Department of Parks and Recreation (DPR) is proposing the new Outdoor Destinations program to offer enriching outdoor activities for youth in underserved communities.

A Community Home Base must be identified as a central gathering space that will serve as a hub for the proposed program. The Community Home Base must be in an underserved community with limited access to outdoor programs. The proposed Outdoor Destinations program will be an extension of DPR's existing San Diego/Safe Destination (SD) Nights program. SD Nights provides teenagers with a safe place for recreation and enrichment during evening hours. The program was developed by DPR, in partnership with the Departments of Probation, Sheriff, Health and Human Services Agency and the District Attorney and is intended to build safe communities and reduce youth gang and criminal activity. The program

content includes, but is not limited to presentations on bullying prevention, planning for college and careers, gang prevention, drug and alcohol awareness, building positive relationships and civic engagement. Each SD Nights event is comprised of food, mentorship, and enrichment activities.

Through the State's Community Finder Tool required for this grant, the State has set ranking criteria for sites to support programs. Criteria includes the community's low economic standing, per capita income, number of residents in poverty, eligibility for free or reduced meals and English language learners. Two SD Nights event locations have been identified to serve as Community Home Bases based on the criteria and ranking tool. The Valencia Park/Malcolm X Library and Jackie Robinson YMCA in the San Diego communities of Emerald Hills and Mountain View, respectively, are in areas that have demonstrated a need for outdoor programs and will be competitive for OEP funding. Both locations are owned and managed by partner organizations (City of San Diego and YMCA) with user agreements in place with the County for SD Nights to regularly provide recreational programs. These two sites will serve as pilot programs and allow DPR to gather data on the implementation and success of these programs and serve as a model for County-wide teen outdoor education programs. As the two highest rated program sites, based on the State's Community Fact Finder tool, these two sites were rated significantly higher than programs in the other areas of the County (Attachment B) and are the most competitive applications for this grant funding. DPR will have the opportunity to apply for additional grant sites to expand the program in future years.

The grant program refers to community planning as "an exchange of creative ideas and insight between the applicant, partners and residents to help define the vision and logistics for an outdoor program" and must occur before the application deadline. DPR held public forums on September 14, 2021, at the Valencia Park/Malcolm X Library and on September 25, 2021, at the Jackie Robinson YMCA to gather input from each local community on what programming they would like to see incorporated into the program to fulfill the community planning application requirement.

DPR must also submit a resolution adopted by the Board of Supervisors approving application(s) for the grant program. The grant performance period ends June 30, 2023, allowing for a portion of grant funds to be reimbursed for program planning prior to receiving the award. If approved, today's actions would authorize the submittal of two program application(s) for grant funds up to \$189,325 per application. There are no matching funds required for this grant. Grant awards will be announced in spring 2022. If the grant is awarded, funds would be available in Fiscal Year 2022-23 and will be included in future Operational Plans.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3).
2. Adopt a resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE APPLICATION FOR OUTDOOR EQUITY GRANTS PROGRAM GRANT FUNDS.

3. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests and to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.

EQUITY IMPACT STATEMENT

The creation of the Outdoor Destinations program will provide new outdoor experiences for young adults in communities where teens do not have the opportunity to participate in activities in the outdoor park environment because they lack nearby open space, have not experienced outdoor activities and lack the transportation to get to these areas. The program participants will be age 10-18, residing in the San Diego communities of Emerald Hills and Mountain View. Data from the Community Fact Finder tool, which is used in the scoring of OEP grant applications, shows both of these communities to have per capita income levels below \$17,000, over 2,000 people living in poverty, over 85% of students being eligible for free or reduced school lunch, and 34% of students who are learning English as their second language.

Besides providing participants opportunities to enjoy outdoor experiences, the Outdoor Destinations program will also expand the social capital of Opportunity Youth participants by introducing them to educational and career pathways, including parks and recreation, energy and environmental sustainability, and tourism, that will broaden their opportunities as they grow into adults. Additionally, DPR will hire 6-8 Opportunity Youth as temporary staff to assist with the implementation of the Outdoor Destinations program.

FISCAL IMPACT

There is no fiscal impact associated with today's request to apply for and accept OEP grant funds. If approved, today's actions would authorize the submittal of two program application(s) for grant funds up to \$189,325 per application (one for each site) to expand the DPR Outdoor Destinations program to be held at our partner organization sites of Valencia Park/Malcolm X Library (City of San Diego) and Jackie Robinson YMCA. There are no matching funds required for this grant.

The Board approved a waiver of Board Policy B-29 for grants to the Department of Parks and Recreation on June 24, 2020 (12), therefore a waiver is not requested as part of this action. If a grant is awarded, any unrecovered cost per Board Policy B-29 would be funded by existing General Purpose Revenue in the Department of Parks and Recreation as determined by the nature of the project(s) or program(s).

There will be no change in net General Fund cost and no additional staff years if one or both grants are awarded. The implementation of the Outdoor Destinations program will be performed by existing SD Nights staff, and additional temporary staff, whose cost would be reimbursed by OEP funding. The cost of additional temporary staff, services, and supplies is estimated at \$189,325 for each grant application, \$378,650 in total. If the grant is awarded, funds would be available in Fiscal Year 2022-23 and will be included in future Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Vargas, the Board of Supervisor took action as recommended, on Consent, adopting Resolution No. 21-160 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO APPROVING THE APPLICATION FOR OUTDOOR EQUITY GRANTS PROGRAM GRANT FUNDS.

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

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

OVERVIEW

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

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

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

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

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

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

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

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

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2:

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

District 3:

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

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

District 5:

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

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

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

CHIEF ADMINISTRATIVE OFFICER

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 SAN DIEGO COUNTY (Items 3-B & 5-C)

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

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO (Item 3-B)

4. Approve the introduction, read title, and waive further reading of the following Ordinances:
ORDINANCE AMENDING SECTION 72.162.34. AND DELETING SECTION 72.162.36. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A & 5-B).

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

If, on October 6, 2021, the Board takes action as recommended, then, on October 20, 2021: Consider and adopt the following Ordinance:

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

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

EQUITY IMPACT STATEMENT

The review of traffic signs and roadway markings supports vehicle safety on County of San Diego maintained roads. The transportation system must be safe for all road users, for all modes of transportation, in all communities and for people of all incomes, races and ethnicities, ages and abilities. Data-driven safety initiatives must be developed and administered with an equity lens to ensure our most vulnerable and underserved populations are prioritized. The Department of Public Works’ (DPW) actions must be sensitive to community desires and needs, striving to include the voice of every community in traffic

safety. Understanding travel patterns, where fatal and serious injury crashes are occurring and the disproportionate impacts on certain communities will allow DPW to identify targeted actions to address the underlying factors and causes and improve safety.

DPW's Local Road Safety Program reviews fatal and severe injury collisions along roads segments within the unincorporated areas of the county and utilizes the Healthy Places Index and other tools to ensure our most vulnerable and underserved populations are prioritized. The Traffic Advisory Committee relies on the Local Road Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of the majority of drivers, the Traffic Advisory Committee also relies on various community engagement methods such as the Tell Us Now! mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Vargas, the Board of Supervisor took action as recommended, on Consent, adopting the following:
Resolution No. 21-161 entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY;

Resolution No. 21-162 entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN SAN DIEGO COUNTY;

Resolution No. 21-163 entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE 3 COUNTY OF SAN DIEGO (Item 3-B); and, took action to further consider and adopt the Ordinances on October 20, 2021.

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

8. **SUBJECT: CLOSED SESSION (CONTINUED ITEM FROM OCTOBER 5, 2021(29))
(DISTRICTS: ALL)**

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Michelle Moriarty., et al. v. County of San Diego, et al.; United States District Court, Southern District No. 3:17-cv-1154-TWR-AGS

B. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code section 54957.6)
Designated Representatives: Susan Brazeau, Brad Rankin
Employee Organizations and Unrepresented Employees: All

C. PUBLIC EMPLOYEE APPOINTMENT
(Government Code section 54957)
Title: Chief Probation Officer

ACTION:

County Counsel reported that for Closed Session on October 6, 2021, the Board of Supervisors took the following actions:

Item 29A: Michelle Moriarty, et al. v. County of San Diego, et al., by a unanimous vote by all five Board members, the Board authorized County Counsel to settle the lawsuit for \$2,950,000.

9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Audra Morgan spoke to the Board regarding the COVID-19 public health emergency.

Katies Meyer, Megan Phelps, and John Bottorff spoke to the Board regarding the climate crisis.

Alan Curry spoke to the Board regarding concerns about virtual meetings.

Rita Clement, Steve Gelb, and Mark Narkus-Kramer spoke to the Board regarding the support of the Regional Transportation Plan.

KB Strange spoke to the Board regarding the impacts of marijuana use on mental health.

Shane McCool spoke to the Board regarding easy access to COVID-19 testing.

Victoria Abrenica thanked the Board for declaring a public health crisis on beach/water closures.

Barbara Gordon spoke to the Board regarding the SANDAG report on substance abuse.

Ann Riddle spoke to the Board regarding the use of marijuana and effects on youth.

Adam Cooper and Czeska Cabuhat spoke to the Board regarding concerns about the Tijuana River Valley.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 2:13 p.m. in memory of Ed Burr.

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

Consent: Ruffier
Discussion: Zurita

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

Approved by the Board of Supervisors, on Wednesday, October 20, 2021.



NATHAN FLETCHER
Chair

Attest:



ANDREW POTTER
Clerk of the Board

10/06/2021