

**CLERK OF THE BOARD OF SUPERVISORS**  
**BOARD OF SUPERVISORS MEETING**  
**WEDNESDAY, NOVEMBER 20, 2019**  
**Legislative Services Section: (619) 531-5434**

**REVISED AGENDA AND BACKUP:**

9. SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I 137:  
PROCESSING INACTIVE PROJECTS

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2. Adopt the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of the State CEQA Guidelines. (Attachment C)
3. Adopt the Statement of Location and Custodian of Record. (Attachment E)
4. Adopt the Statement of Overriding Considerations pursuant to Section 15093 of the State CEQA Guidelines. (Attachment F)
5. Adopt the determination that recirculation of the Final EIR is not required pursuant to Section 15088.5 of the State CEQA Guidelines. (Attachment G)
6. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of the State CEQA Guidelines. (Attachment H)
7. Authorize the Director, Department of General Services, to commence negotiations and acquire right-of-way needed to construct the Cole Grade Road Improvement Project.
8. Adopt a Resolution entitled: DECLARATION OF A PORTION OF COUNTY PROPERTY FOR PUBLIC HIGHWAY. (Attachment I)
9. Adopt a Resolution setting a public hearing for December 11, 2019 entitled: RESOLUTION OF INTENTION TO FORM UNDERGROUND UTILITY DISTRICT NO. 116, COLE GRADE ROAD. (Attachment J)
10. If the Board adopts the Resolution of Intention in accordance with Recommendation No. 9, introduce (first reading), read title, and waive further reading of the following Ordinance: AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON COLE GRADE ROAD UNDERGROUND UTILITY DISTRICT NO. 116. (Attachment K)

If the Board takes the recommended actions on November 20, 2019, take the following action on December 11, 2019:

Adopt the following Ordinance (second reading):

AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON COLE GRADE ROAD UNDERGROUND UTILITY DISTRICT NO. 116. (Attachment K)

### **FISCAL IMPACT**

Funds for the request to acquire right-of-way are included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, right-of-way acquisition costs and revenue for the Cole Grade Road Improvement Project are estimated at \$750,000 for all easements required from 62 properties. The funding source is local sales tax from TransNet. There will be no change in net General Fund cost and no additional staff years.

The utility undergrounding project costs for the Cole Grade Road Improvement Project fall within the scope of California Public Utilities Commission (CPUC) Rule 20A and therefore are not paid from County of San Diego funds. Because utility undergrounding will occur during construction, the County plans to fund all construction costs upfront and be fully reimbursed by

the utility companies based on actual costs when the Project is complete. The County will not award a construction contract until after the reimbursement agreement is finalized. SDG&E will use the 20A funds for electric-related costs and the telephone and cable companies will use funds from their capital budgets. The total added cost to construction for all utility undergrounding on Cole Grade Road is estimated at \$16.0 million, with no cost to property owners.

**BUSINESS IMPACT STATEMENT**

N/A

**9. SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.

This is a request for the Board to consider options for amending Board Policy I-137: Processing Inactive Projects (Policy I-137). Policy I-137 states its purpose is to increase efficiency and decrease costs for customers by developing a program that reduces the ongoing administrative management and costs of processing privately initiated discretionary permit applications with a history of inactivity.

Staff is presenting the following options for Board consideration:

1. Retain policy as written, with minor revisions to formatting and grammatical edits, and establish a new sunset review date for Board of Supervisors Policy I-137 of December 31, 2026.
2. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Director discretion on whether to bring a project forward for denial.
3. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Board discretion on whether to bring a project forward for denial.
4. Delete Board of Supervisors Policy I-137.
5. Modify the County Regulatory Code to establish that inactive permit applications are withdrawn after two consecutive years of inactivity.

Today's request is to provide direction on a preferred option for Board Policy I-137.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the Board of Supervisors Policy do not constitute a project since they are administrative actions and will not result in direct or

indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.

2. Provide direction on the options described below for the processing of inactive permit applications in the unincorporated area and direct Planning & Development Services to implement the Board preferred option or alternative option.

Option 1: Retain policy as written, with minor revisions to formatting and grammatical edits, and establish a new sunset review date for Board of Supervisors Policy I-137 of December 31, 2026.

Option 2: Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Director discretion on whether to bring a project forward for denial.

Option 3: Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Board discretion on whether to bring a project forward for denial.

Option 4: Delete Board of Supervisors Policy I-137.

Option 5: Modify the County Regulatory Code to establish that inactive permit applications are withdrawn after two consecutive years of inactivity and direct staff to return to the Board with the revisions to the Regulatory Code.

#### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. Applicants are responsible for paying all costs associated with processing idle projects. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

10. **SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP (DISTRICTS: ALL)**

#### **OVERVIEW**

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.

The proposed actions include: adoption of an Ordinance amending one County Regulatory Code (Title 6); approval of amendments for thirteen Board Policies (I-024, I-060, I-078, I-080, I-092, I-098, I-100, I-104, I-105, I-111, I-115, I-117). The proposed action also includes approval of a new sunset review date for the policies and ordinances reviewed by this letter, but do not have recommended revisions.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the County of San Diego (County) Administrative Code, Code of Regulatory Ordinances, and Board of Supervisors Policies do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Establish the new sunset review date of December 31, 2026 for the following title of the County of San Diego (County) Administrative Code:
  - a. *Article XII-B: Department of Agriculture- Weights and Measures*
3. Approve the introduction of the ordinance (First Reading), read title and waive further reading of the Ordinance entitled:  
ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES PERTAINING TO DEPARTMENT OF ENVIRONMENTAL HEALTH PROGRAMS.
4. Approve amendments to and establish the sunset review date of December 31, 2026 for the following Board of Supervisors (Board) Policies:
  - a. *I-024: Establishment of Assessment Districts to Provide for Public Improvements and Facilities for Flood Control and Damage*
  - b. *I-060: Prohibition of Grading Until Annexation or Other Discretionary Actions are Completed*
  - c. *I-078: Small Wastewater Treatment Facilities*
  - d. *I-080: Covenants to Improve Off-Site Private Road Easements for Minor Subdivisions*
  - e. *I-092: Undergrounding of Utilities - Waiver Requests*
  - f. *I-098: Expiration of Use Permit - Notification of Applicant*
  - g. *I-100: Minor Encroachments into an Open Space Easement*
  - h. *I-104: Policy and Procedures for Preparation of Community Design Guidelines*
  - i. *I-105: Mobile Home Park Conversion Policy*
  - j. *I-111: Land Use Policy for Discretionary Permits Adjacent to the International Border*
  - k. *I-115: Limitations on Continuances by Hearing Bodies*
  - l. *I-117: Banking Mitigation Policy*
5. Establish the sunset review date of December 31, 2026 for the following Board Policies that have been reviewed by staff and do not have recommended changes:
  - a. *I-048: Extending Sewer Lines Within the San Diego County Sanitation District*
  - b. *I-051: Connection to Interceptor Sewers Within the San Diego County Sanitation District*
  - c. *I-091: Policy for Use of Irrevocable Letters of Credit in Lieu of Cash Payments for Sewer Capacity Commitments for Major Subdivisions Within the San Diego County Sanitation District*



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

GREG COX  
First District

DIANNE JACOB  
Second District

KRISTIN GASPAR  
Third District

NATHAN FLETCHER  
Fourth District

JIM DESMOND  
Fifth District

**DATE:** November 20, 2019

**09**

**TO:** Board of Supervisors

### **SUBJECT**

**SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137: PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

### **OVERVIEW**

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.

This is a request for the Board to consider options for amending Board Policy I-137: Processing Inactive Projects (Policy I-137). Policy I-137 states its purpose is to increase efficiency and decrease costs for customers by developing a program that reduces the ongoing administrative management and costs of processing privately initiated discretionary permit applications with a history of inactivity.

Staff is presenting the following options for Board consideration:

1. Retain policy as written, with minor revisions to formatting and grammatical edits, and establish a new sunset review date for Board of Supervisors Policy I-137 of December 31, 2026.
2. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Director discretion on whether to bring a project forward for denial.
3. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Board discretion on whether to bring a project forward for denial.
4. Delete Board of Supervisors Policy I-137.
5. Modify the County Regulatory Code to establish that inactive permit applications are withdrawn after two consecutive years of inactivity.

Today's request is to provide direction on a preferred option for Board Policy I-137.

**SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the Board of Supervisors Policy do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Provide direction on the options described below for the processing of inactive permit applications in the unincorporated area and direct Planning & Development Services to implement the Board preferred option or alternative option.

Option 1: Retain policy as written, with minor revisions to formatting and grammatical edits, and establish a new sunset review date for Board of Supervisors Policy I-137 of December 31, 2026.

Option 2: Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Director discretion on whether to bring a project forward for denial.

Option 3: Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Board discretion on whether to bring a project forward for denial.

Option 4: Delete Board of Supervisors Policy I-137.

Option 5: Modify the County Regulatory Code to establish that inactive permit applications are withdrawn after two consecutive years of inactivity and direct staff to return to the Board with the revisions to the Regulatory Code.

**FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. Applicants are responsible for paying all costs associated with processing idle projects. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

In accordance with Board Policy A-76, *Sunset Review Process*, County of San Diego (County) departments periodically review Board of Supervisors (Board) policies and provisions of the County Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.



**SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

Board Policy I-137: Processing Inactive Projects (Policy I-137) was created in 2009 as part of the County's Service First Initiative which consisted of approximately 70 recommendations designed to improve the land development process. In 2009, the region was experiencing a significant economic downturn, referred to as the Great Recession, and it was difficult for some customers to obtain financing to complete discretionary permit applications. At the time, the then Department of Planning and Land Use was processing approximately 750 discretionary permit applications where more than one-third had a history of case inactivity of 12 months or more. Planning & Development Services (PDS) received approximately 700 discretionary permit applications last fiscal year and completed approximately 336 permit applications. There are currently 883 active discretionary permit applications in process with PDS and 124 discretionary permit applications in idle status. The Board adopted Policy I-137 to address permit applications with a history of inactivity of more than 12 months.

Policy I-137 provided a mechanism to defer on-going administrative tasks that resulted in periodic charges to customers. The policy allows customers who are processing a discretionary permit application with a history of inactivity and/or financial hardships to place their permit application into "idle status" for a maximum of two years.

*Board Policy I-137 Process*

Under Policy I-137 a permit application is classified as idle if no communication or requested information and/or documents are received by PDS within 12 months of the due date specified in the most recent letter from staff, such as a scoping letter or technical study comment letter. Staff then sent a written notification to the applicant notifying them that the project will be placed into idle status within 60 days of the notification. The applicant can request the permit application be reactivated at any time. The applicant can also request an extension of the two-year period by submitting a letter to PDS prior to the expiration date. The policy states that PDS will bring permit applications forward to the appropriate decision-makers with a recommendation of denial if the inactive permit applications are not reactivated, or if the applicant does not request an extension of the idle status expiration.

Policy I-137 is not intended to be used as a tool to allow an applicant to place their project on hold when there is evidence that the project has unresolvable conflicts with applicable ordinances, codes, policies and regulations. The policy also does not apply to discretionary projects for which a code violation has been issued or has an active codes case.

*Existing Idle Permit Applications*

The Sunset Review process provided an opportunity for staff to review how Policy I-137 is currently being implemented by PDS. While applications are being placed into idle status per policy requirements, once the applications are in idle status, PDS has not been sending letters or requesting extensions, nor has PDS been routinely bringing idle projects forward for denial after two years. Since 2012, as the economy has recovered from the Great Recession, PDS resources have been dedicated to processing active permit applications and staff have not focused on bringing forward idle projects for denial.

Of the 124 idle permit applications, there are 23 Tentative Parcel Maps (TPMs), 10 Site Plans, 33 Tentative Maps (TMs) and 14 Use Permits. TPMs are minor subdivisions that result in the creation

**SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

of four or fewer lots. Site Plans can include industrial, commercial, and apartment buildings. TMs are major subdivisions that result in the creation of five or more lots. Approximately 60 percent of the idle permit applications are considered smaller in scale, such as TPMs, Site Plans, TMs and Use Permits, which are consistent with the density and intensity planned for in the General Plan. Approximately 40 percent of the idle permit applications consist of large-scale permit applications, such as General Plan Amendments and Rezones.

Many of the idle permit applicants are not able to continue processing their permit applications because of financial hardships, and there are additional costs associated with bringing a project before the Board for denial.

*Amendment Options*

In review of Board Policy I-137: Processing Inactive Projects as part of the *Sunset Review Process*, County PDS staff has identified five options for Board consideration. If the Board directs staff to revise an option or amend the code, staff would need to return to the Board at a later date with additional information and analysis.

1. Retain policy as written, with minor revisions to formatting and grammatical edits, and establish a new sunset review date for Board of Supervisors Policy I-137 of December 31, 2026 (Attachment A).

Under this option, the Board would retain the current Board Policy, which allows permit applications to remain in idle status for a cumulative total of two years unless an extension is granted by the Director. Staff would contact all idle permit applicants to determine the current status of their permit application. In the event an extension request is not received from the applicant, the Director will take the permit applications forward for denial to the designated decision-maker. This could increase the number of deficits the County would need to collect. In order to reduce the time and costs associated with denial, PDS would prepare a batch denial that would include all idle projects where no extension was requested. In the case of Site Plans, the applications would be denied by the Director of PDS and could be appealed to the Planning Commission, which would require a noticed public hearing. In the case of TMs and Use Permits, the batch denial would be taken forward to the Planning Commission at a noticed public hearing and could be appealed to the Board of Supervisors, which would require a noticed public hearing. In the case of General Plan Amendments and Rezones, the batch denial would be taken forward to the Planning Commission for a recommendation to the Board.

Time: Two years in idle status

2. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Director discretion on whether to bring a project forward for denial (Attachment C).

Under this option, the Board would extend the timeframe specified in Board Policy I-137 to allow permit applications to remain in idle status a cumulative total of six years, which aligns with the Subdivision Ordinance allowance for extensions of subdivision maps for a

**SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

period of six years. The policy would also be revised to grant the Director discretion on whether a permit application should be taken forward for denial. The current policy allows a permit application to remain in idle status a cumulative total of two years and requires the Director to take a permit application forward for denial if no extension is received.

Time: Six years in idle status

3. Modify Board of Supervisors Policy I-137 to extend the amount of time in idle status from two years to six years and grant the Board discretion on whether to bring a project forward for denial (Attachment E).

Under this option, the Board would extend the timeframe specified in Board Policy I-137 to allow permit applications to remain in idle status a cumulative total of six years, which aligns with the Subdivision Ordinance allowance for extensions of subdivision maps for a period of six years. The policy would also be revised to grant the Board discretion on whether a permit application should be extended or denied. The current policy allows a permit application to remain in idle status a cumulative total of two years and requires the Director to take a permit application forward for denial if no extension is received. The applicant would be responsible for the additional cost associated with bringing an extension request before the Board, which is similar to extensions associated with financial security provided as part of a Final Map where an applicant is responsible for the cost associated with bringing the request before the Board. The additional costs include preparing a board letter and presentation, attending rehearsals and staff preparation.

4. Delete Board of Supervisors Policy I-137.

Under this option, the Board would delete Board Policy I-137, which would eliminate the ability for applicants to place permit applications into idle status. The Director of PDS is responsible for processing permit applications in accordance with County requirements. After an application is submitted, PDS reviews the information to determine if any additional information is needed to complete the process. If PDS requests additional information from an applicant, the additional information is required to be submitted within 30 days. If the applicant cannot provide the requested information within 30 days, the Director can grant an extension to an applicant to submit the information required to complete the permit application process. An extension can be considered based on a number of factors, including whether the applicant needs additional time to prepare the requested information that can include environmental technical studies, or the applicant needs additional time to finance the processing of the application. In the event the information is not received within the time period granted, the Director would allow the permit application to remain inactive or take the permit application forward for denial or ask the applicant if they would like to withdraw the application.

5. Modify the County Regulatory Code to establish that inactive permit applications are withdrawn after two consecutive years of inactivity.

**SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

Under this option, the Board would direct PDS to return to the Board with revisions to the Zoning Ordinance and Subdivision Ordinance to add a provision that after two years of inactivity, meaning no communication or requested information and/or documents related to the application are received by PDS, a permit application is considered withdrawn. Unlike Option 3 and 4, there would not be any discretion to approve further extension requests after two years. In researching other jurisdictions best practices, many jurisdictions have provisions in their Regulatory Code that automatically close or withdraw permit applications after a set time period. These changes would replace Board Policy I-137 and the policy would be deleted. Other jurisdictions have similar provisions in their code, which can range from 60 days to two years.

Time: Two years in idle status

*Managing Idle Permit Applications*

If the Board retains Policy I-137 or modifies the policy, staff will manage the idle permit applications by sending a letter to each idle permit applicant 60 days prior to the expiration of idle status. Staff will also attempt to contact each idle permit applicant by phone and email to ensure that they are aware of the pending idle expiration and the options available to them. If no extension request is received, staff will process the permit application as provided in the policy. If more than one permit application will be denied, staff may batch deny the items in order to reduce costs to applicants and the County.

**ENVIRONMENTAL STATEMENT**

Pursuant to Section 15061 (b)(3) of the State California Environmental Quality Act (CEQA) Guidelines, the proposed action is exempt from CEQA because it is a review of existing policies and ordinances to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board of Supervisors standards and practices. The proposed actions are administrative in nature, strengthening enforcement mechanisms, and clarifying existing provisions. None of the proposed changes establish a new program or substantially change any existing programs or policies. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to CEQA.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

The requested action to amend certain Board of Supervisors (Board) Policies, County Administrative Code provisions, and County Regulatory Code provisions support the Sustainable Environments/Thriving and Operational Excellence Initiatives of the County of San Diego's 2019-2024 Strategic Plan by ensuring services are positioned to meet the needs and expectations of communities in San Diego County and by ensuring obsolete policies and Code provisions are deleted and the remaining requirements reflect current Board standards and practices.

Respectfully submitted,



**SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)**

**SARAH E. AGHASSI  
Deputy Chief Administrative Officer**

**ATTACHMENT(S)**

- Attachment A Board of Supervisor Policy I-137 (~~No~~ Minor Changes, Clean Version, Option 1)
- Attachment B Board of Supervisors Policy I-137 (~~No~~ Minor Changes, Strikeout/Underline Version, Option 1)
- Attachment C Amended Board of Supervisors Policy I-137 (Clean Version, Option 2)
- Attachment D Amended Board of Supervisors Policy I-137 (Strikeout/Underline Version, Option 2)
- Attachment E Amended Board of Supervisors Policy I-137 (Clean Version, Option 3)
- Attachment F Amended Board of Supervisors Policy I-137 (No Changes, Strikeout/Underline Version, Option 3)

**SUBJECT:** SUNSET REVIEW OF BOARD OF SUPERVISORS POLICY I-137:  
PROCESSING INACTIVE PROJECTS (DISTRICTS: ALL)

**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**       Yes     No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
 Yes     No

**PREVIOUS RELEVANT BOARD ACTIONS:**  
N/A

**BOARD POLICIES APPLICABLE:**  
N/A

**BOARD POLICY STATEMENTS:**  
A-76 Sunset Review Process

**MANDATORY COMPLIANCE:**  
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION  
NUMBER(S):**  
N/A

**ORIGINATING DEPARTMENT:** Land Use and Environment Group

**OTHER CONCURRENCE(S):**    N/A

**CONTACT PERSON(S):**

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**Approval Log For:**

PDS 11.20.19 I-137 2019 Sunset Review Final BL.docx

Attachment C - I-137 Amended (Clean Option 2) .pdf

Attachment A - I-137 (No changes Option1).pdf

Attachment B - I-137 (Strikeout Option 1).pdf

Attachment D - I-137 Amended (Strikeout Option 2).pdf

Attachment E I-137 Amended (Clean, Option 3) .pdf

Attachment F - I-137 (Strikethrough) Amended (Option 3).pdf

Approver's Name	Approvers Job Title	Approver's Department	Time and Date of Final Approval
Renee Loewer	Group Finance Director	Land Use & Env Group	11/7/2019 10:11:52 AM
Nicole Temple			11/7/2019 10:46:52 AM
Mel Millstein	Group Program Manager	Land Use & Env Group	11/7/2019 10:11:52 AM
Mark Wardlaw	Director	Planning And Development Servi	11/7/2019 10:38:24 AM
Justin Crumley		County Counsel	11/7/2019 10:21:50 AM

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**Attachment A - Board of Supervisor  
Policy I-137 (Minor Changes, Clean  
Version, Option 1)**

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b>Subject</b>	<b>Policy Number</b>	<b>Page</b>
Processing Inactive Projects	I-137	1 of 2

Purpose

To increase efficiency and decrease costs for Planning & Development Services (PDS) and its customers by developing a program within PDS that reduces the ongoing administrative management and costs of processing privately initiated discretionary projects with a history of inactivity.

Background

PDS is responsible for continually processing several hundred discretionary projects within time parameters established by numerous State and local laws, ordinances, and policies. Currently more than one-third of the projects being processed with PDS have a history of case inactivity. In order to meet established review and processing times, PDS spends a considerable amount of time attempting to obtain requested additional information and/or funds required to move a project through the discretionary process. These types of projects result in a diversion of staff resources, affect internal efficiencies with regards to being able to process other discretionary projects in an expeditious manner, and result in periodic charges to applicants, who many times, are not able to expeditiously proceed with their project due to financial hardships or other similar external factors.

Policy

It is the policy of the Board of Supervisors that, effective January 1, 2010, applicants for projects considered inactive will be notified in writing that the project will be placed into an idle status within 60 days of issuance of written notification. Projects will be classified as inactive if required information and/or document(s) are not received by PDS within 12 months from the due date specified in the most recent County correspondence letter, such as a scoping or technical study comment letter.

Placement of an inactive project into an idle status means that the project will 1) be administratively placed on hold and designated as idle, 2) the PDS Project Manager will be removed from the project, and 3) the project file(s) will be retained in an idle status library. Upon being designated as idle, all future project inquiries will be directed to an appointed PDS Project Coordinator. Projects placed in idle status are allowed to remain in such status for a cumulative total of 2 years, unless an extension is granted by the Director of PDS.

An extension of the 2-year period may be requested by submission of a letter prior to the expiration of the idle status. The letter must describe the reason(s) the applicant is not able to expeditiously proceed with the project due to financial hardships or other similar external factors and include a proposed date for expiration of the idle status.

If an inactive project is not reactivated, or the applicant/applicant representative fails to submit an extension request prior to expiration, PDS will bring the project forward to the appropriate decision-maker with a recommendation of denial due to inadequate progress as authorized by the California Environmental Quality Act (CEQA) Guidelines Section 15109, or by Section 362 of Article XX of the San Diego County Administrative Code, Schedule B, 5 and 6.

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

<b>Subject</b>	<b>Policy Number</b>	<b>Page</b>
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In order to reactivate the project, the applicant will be first required to apply for and attend an Initial Consultation Pre-Application Meeting to allow PDS time to review the project and meet with the project applicant to discuss the applicability of new and/or revised ordinances, policies, standards (including compliance with the Guidelines for Determining Significance and Report Format and Content Requirements for applicable subject areas). Following the analysis and meeting, the submission of required project documentation for continued project processing will formally reactivate the project.

The financial responsible party, as identified in the project application, will be responsible for all charges related to the administrative functions identified in this policy, including charges for the time needed to become familiar with the project and process the project in accordance with the above established criteria.

This policy is not intended to be used as a tool to allow an applicant to place their project on hold when there is evidence that the project has unresolvable conflicts with applicable ordinances, codes, policies, and regulations.

Exceptions

This policy does not apply to any properties, where there is a discretionary project on file with PDS, for which a code violation has been issued or has an active codes case.

Sunset Date

This policy will be reviewed for continuance by December 31, 2026.

Board Action

10/21/09 (6)

10/31/12 (4)

CAO Reference

1. Department of Planning & Development Services

**Attachment A - Board of Supervisor  
Policy I-137 (Minor ~~No~~ Changes, Clean  
Version, Option 1)**

**COUNTY OF SAN DIEGO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

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Processing Inactive Projects	I-137	1 of 2

Purpose

To increase efficiency and decrease costs for Planning & Development Services (PDS) and its customers by developing a program within PDS that reduces the ongoing administrative management and costs of processing privately initiated discretionary projects with a history of inactivity.

Background

PDS is responsible for continually processing several hundred discretionary projects within time parameters established by numerous State and local laws, ordinances, and policies. Currently more than one-third of the projects being processed with PDS have a history of case inactivity. In order to meet established review and processing times, PDS spends a considerable amount of time attempting to obtain requested additional information and/or funds required to move a project through the discretionary process. These types of projects result in a diversion of staff resources, affect internal efficiencies with regards to being able to process other discretionary projects in an expeditious manner, and result in periodic charges to applicants, who many times, are not able to expeditiously proceed with their project due to financial hardships or other similar external factors.

Policy

It is the policy of the Board of Supervisors that, effective January 1, 2010, applicants for projects considered inactive will be notified in writing that the project will be placed into an idle status within 60 days of issuance of written notification. Projects will be classified as inactive if required information and/or document(s) are not received by PDS within 12 months from the due date specified in the most recent County correspondence letter, such as a scoping or technical study comment letter.

Placement of an inactive project into an idle status means that the project will 1) be administratively placed on hold and designated as idle, 2) the PDS Project Manager will be removed from the project, and 3) the project file(s) will be retained in an idle status library. Upon being designated as idle, all future project inquiries will be directed to an appointed PDS Project Coordinator. Projects placed in idle status are allowed to remain in such status for a cumulative total of 2 years, unless an extension is granted by the Director of PDS.

An extension of the 2-year period may be requested by submission of a letter prior to the expiration of the idle status. The letter must describe the reason(s) the applicant is not able to expeditiously proceed with the project due to financial hardships or other similar external factors and include a proposed date for expiration of the idle status.

If an inactive project is not reactivated, or the applicant/applicant representative fails to submit an extension request prior to expiration, PDS ~~may~~ will bring the project forward to the appropriate decision-maker with a recommendation of denial due to inadequate progress as authorized by the California Environmental Quality Act (CEQA) Guidelines Section 15109, or by Section 362 of Article XX of the San Diego County Administrative Code, Schedule B, 5 and 6.

**COUNTY OF SAN DIEGO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

<b>Subject</b>	<b>Policy Number</b>	<b>Page</b>
Processing Inactive Projects	I-137	2 of 2

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The financial responsible party, as identified in the project application, will be responsible for all charges related to the administrative functions identified in this policy, including charges for the time needed to become familiar with the project and process the project in accordance with the above established criteria.

This policy is not intended to be used as a tool to allow an applicant to place their project on hold when there is evidence that the project has unresolvable conflicts with applicable ordinances, codes, policies, and regulations.

Exceptions

This policy does not apply to any properties, where there is a discretionary project on file with PDS, for which a code violation has been issued or has an active codes case.

Sunset Date

This policy will be reviewed for continuance by December 31, 2026.

Board Action

10/21/09 (6)

10/31/12 (4)

CAO Reference

1. Department of Planning & Development Services

**Attachment B – Board of Supervisors  
Policy I-137 (~~No~~ Minor Changes,  
Strikeout/Underline Version, Option 1)**

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

**Policy  
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Processing Inactive Projects

I-137

1 of 2

Purpose

To increase efficiency and decrease costs for ~~the Department of Planning & Development Services (PDS) ("Department")~~ and its customers by developing a program within PDS ~~the Department~~ that reduces the ongoing administrative management and costs of processing privately initiated discretionary projects with a history of inactivity.

Background

~~The Department PDS~~ is responsible for continually processing several hundred discretionary projects within time parameters established by numerous ~~state~~ State and local laws, ordinances, and policies. Currently more than one-third of the projects being processed with PDS ~~the Department~~ have a history of case inactivity. In order to meet established review and processing times, PDS ~~the Department~~ spends a considerable amount of time attempting to obtain requested additional information and/or funds required to move a project through the discretionary process. These types of projects result in a diversion of staff resources, affect internal efficiencies with regards to being able to process other discretionary projects in an expeditious manner, and result in periodic charges to applicants, who many times, are not able to expeditiously proceed with their project due to financial hardships or other similar external factors.

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**COUNTY OF SAN DIEGO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

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Sunset Date

This policy will be reviewed for continuance by December 31, 2026 ~~December 31, 2019~~.

Board Action

10/21/09 (6)

10/31/12 (4)

CAO Reference

1. Department of Planning & Development Services

**Attachment B – Board of Supervisors  
Policy I-137 (Minor Changes,  
Strikeout/Underline Version, Option 1)**

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

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Processing Inactive Projects	I-137	1 of 2

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**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

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1. Department of Planning & Development Services