

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, MARCH 13, 2024, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. Roll Call
- B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Supervisor, if applicable.
- C. Closed Session Report
- D. 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.
- E. Approval of the Statement of Proceedings/Minutes for the meeting of February 28, 2024.
- F. Consent Calendar
- G. 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.

Supporting documentation and attachments for items listed on this agenda can be viewed online at www.sandiegocob.com or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101. To access the meeting virtually and offer public comment via a call-in option, please go to: www.sandiegocounty.gov/telecomments for instructions.

ASSISTANCE FOR PERSONS WITH DISABILITIES:

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LANGUAGE TRANSLATION ASSISTANCE:

Language translation services for public speakers are available upon request to the Clerk of the Board of Supervisors at least 72 hours prior to the meeting (refer to Board Policy A-139 for additional information). Please contact the Clerk of the Board's office at (619) 531-5434 or via e-mail at publiccomment@sdcounty.ca.gov.

LEVINE ACT NOTICE: DISCLOSURES REQUIRED ON SPECIFIED ITEMS (GOVERNMENT CODE § 84308)

The Levine Act states that parties to any proceeding involving a license, permit or other entitlement for use pending before the Board must disclose on the record of the proceeding any campaign contributions of more than \$250 (aggregated) made by the parties or their agents to Board Members within the preceding 12 months. Participants with financial interests, and agents of either parties or participants, are requested to disclose such contributions also. The disclosure must include the name of the party or participant and any other person making the contribution; the name of the recipient; the amount of the contribution; and the date the contribution was made. This disclosure can be made orally during the proceeding or in writing on a request to speak.

Board of Supervisors' Agenda Items

CONSENT CALENDAR

All agenda items listed under this section are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the Board of Supervisors or the Chief Administrative Officer so requests, in which event, the item will be considered separately in its normal sequence.

- | Agenda # | Subject |
|-----------------|--|
| 1. | ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ORDINANCE AMENDMENTS TO THE GRADING, CLEARING AND WATERCOURSES ORDINANCE TO ALLOW BY-RIGHT MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING PROJECTS UNDER STATE LAW AND CEQA ADDENDUM
[FUNDING SOURCE: EXISTING ONE-TIME GENERAL PURPOSE REVENUE (GPR)] |
| 2. | CONTINUED ITEM FROM FEBRUARY 28, 2024 (04):
PALOMAR AIRPORT ADVISORY COMMITTEE: AN ORDINANCE AMENDING SECTIONS 731 AND 732, ARTICLE XL, OF THE ADMINISTRATIVE CODE REGARDING MEMBERSHIP AND SELECTION OF THE SAN DIEGO COUNTY PALOMAR AIRPORT ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (2/7/2024 - FIRST READING; 2/28/2024 - SECOND READING; 3/13/2024 - THIRD READING) |
| 3. | LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION |

4. TRANSFER APPROPRIATIONS, ISSUE A NOTICE OF FUNDING AVAILABILITY FOR AWARD OF GRANT AGREEMENT(S) FOR BROADBAND ACCESS AND AFFORDABILITY AND RELATED CEQA EXEMPTION [FUNDING SOURCE: AMERICAN RESCUE PLAN ACT (ARPA) FUNDS]
5. ESTABLISHMENT OF A SEPARATE INTEREST-BEARING TRUST FUND FOR THE ON-GOING MANAGEMENT OF APPROXIMATELY 82 ACRES OF OPEN SPACE LAND AND RELATED CEQA FINDING (LENNAR HOMES/MCCRINK) [FUNDING SOURCE: INTEREST ACCRUED BY THE ESTABLISHED ENDOWMENT]
6. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR PEDESTRIAN SAFETY IMPROVEMENTS AT FOUR INTERSECTIONS IN THE COMMUNITIES OF LA PRESA, SPRING VALLEY AND FALLBROOK AND RELATED CEQA EXEMPTION [FUNDING SOURCES: FEDERAL HIGHWAY ADMINISTRATION (FHWA) GRANT FUNDS AND RF FUND BALANCE] **(4 VOTES)**
7. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR PEDESTRIAN CROSSING ENHANCEMENTS AT 17 LOCATIONS IN THE COMMUNITIES OF SPRING VALLEY, LA PRESA, BONITA, VALLEY CENTER, RAMONA, FALLBROOK, JAMUL, AND EL CAJON AND RELATED CEQA EXEMPTION [FUNDING SOURCES: FEDERAL HIGHWAY ADMINISTRATION (FHWA) GRANT FUNDS AND ROAD FUND (RF) FUND BALANCE] **(4 VOTES)**

DISCUSSION ITEMS

- | Agenda # | Subject |
|-----------------|---|
| 8. | TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (03/13/2024 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 04/10/2024 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING) [FUNDING SOURCE: STATE HIGHWAY USER TAX ACCOUNT] |
| 9. | NOTICED PUBLIC HEARING:
LOCAL MICROENTERPRISE HOME KITCHEN OPERATION ORDINANCE AMENDMENT AND RELATED CEQA EXEMPTION (3/13/2024 - Introduction and First Reading; 4/10/2024 - Second Reading) |
| 10. | 2023 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT AND FINDING OF NO PROJECT UNDER CEQA |

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**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ORDINANCE AMENDMENTS TO THE GRADING, CLEARING AND
WATERCOURSES ORDINANCE TO ALLOW BY-RIGHT
MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING
PROJECTS UNDER STATE LAW AND CEQA ADDENDUM
(DISTRICTS: ALL)**

OVERVIEW

On February 28, 2024 (12), the Board of Supervisors took action to further consider and adopt the Ordinance on March 13, 2024.

On May 24, 2023 (12), as part of the Options for Removing Barriers to Housing and Facilitating the County's Status as a Pro-housing Jurisdiction, the Board of Supervisors (Board) directed staff to update the Grading, Clearing and Watercourses Ordinance (Ordinance) to allow by-right ministerial grading permits for by-right housing projects authorized by State law. In an effort to address the housing shortage, the Board directed a wide range of actions to assist development in unincorporated communities, from modernizing regulations and streamlining permitting processes to waiving fees for certain types of housing, establishing a regional funding source and creating a Housing Blueprint to explore everything that the County of San Diego (County) can do to facilitate the production and provision of housing to all people at all income levels. Development that qualifies as by-right must conform to zoning and building codes and does not require discretionary approval.

The Ordinance contains regulations for development involving grading, clearing, and watercourses. It is comprised of nine chapters containing information related to permit requirements, regulations, and design standards for applicable development and contains related definitions. This Ordinance ensures public safety by preventing slope failure, foundation failure, expansive soil damage, and erosion and drainage problems. Developers or property owners for projects, such as commercial centers, wineries, or single-family homes, are required to obtain grading permits for the movement of soil. The Ordinance can prompt additional discretionary review of projects, meaning environmental analysis under the California Environmental Quality Act (CEQA) based on any potential impacts that could occur from grading. While the Ordinance helps protect resources, such as sensitive habitats and cultural resources, the Ordinance may also impact a housing project's processing time and cost. In response to Board direction, staff reviewed other jurisdictions' practices, legal requirements, and stakeholder comments to help remove barriers and streamline additional housing developments. This amendment will clarify that environmental review is not needed for ministerial grading projects and will reduce processing time and cost if the development proposal is deemed by-right.

Today's action implements Short-Term Action 13: Grading Ordinance Amendment directed by the Board as part of the effort to amend the Ordinance to make grading permits ministerial for by-right housing developments under State law. This Ordinance amendment revises Section 87.202(h) to clarify that grading projects that are exempt from the CEQA under State law, including ministerial permits, are exempt from having to obtain a grading permit.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the Ordinance (second reading) titled:
AN ORDINANCE AMENDING THE GRADING, CLEARING AND WATERCOURSES
ORDINANCE, TITLE 8, DIVISION 7, OF THE SAN DIEGO COUNTY CODE TO ALLOW
BY-RIGHT MINISTERIAL GRADING PERMITS FOR BY-RIGHT HOUSING PROJECTS,
DATED FEBRUARY 28, 2024 (Clean Copy) (Attachment A).

EQUITY IMPACT STATEMENT

Planning & Development Services (PDS) is guided by several Regulatory Codes, Administrative Codes, and Board Policies to serve the region and customers consistently and equitably. The recommendation to amend the Ordinance will provide clarifying language and continue to guide departmental project processing practices. Improved clarity will result in a greater understanding of the regulations by the public, more efficient administration by staff, and the potential for reduced project review cycles, which saves costs and time for applicants. Amending the Ordinance supports the local economy by working with the public, the agricultural industry, and environmental stakeholders to clarify and improve permit processing and regulations.

SUSTAINABILITY IMPACT STATEMENT

This amendment is aligned with Sustainability Goal #2, assisting in providing just and equitable access to housing. This action will also promote the development of new housing in VMT Efficient Areas, which will result in lower carbon emissions, in alignment with Sustainability Goal #3, facilitating the transition to a green, carbon-free economy.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan in Planning & Development Services (PDS). The funding source is existing one-time General Purpose Revenue (GPR). Approximately \$150,000 was allocated for project management, meetings, stakeholder engagement and outreach, research, analysis, including staff recommendation for the Ordinance Update. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

2. **SUBJECT: CONTINUED ITEM FROM FEBRUARY 28, 2024 (04):
PALOMAR AIRPORT ADVISORY COMMITTEE: AN ORDINANCE
AMENDING SECTIONS 731 AND 732, ARTICLE XL, OF THE
ADMINISTRATIVE CODE REGARDING MEMBERSHIP AND
SELECTION OF THE SAN DIEGO COUNTY PALOMAR AIRPORT
ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION
(2/7/2024 - FIRST READING; 2/28/2024 - SECOND READING; 3/13/2024
- THIRD READING) (DISTRICTS: 3 AND 5)**

OVERVIEW

McClellan-Palomar Airport is located in the City of Carlsbad and is one of eight airports owned by the County of San Diego (County) and operated by the Department of Public Works (DPW).

Palomar Airport was constructed on County-owned property, and when it opened in 1959, the surrounding area consisted mainly of agricultural uses and a landfill. Today, the airport serves the region as a vital air transportation hub, an emergency services facility, and an economic engine that supports 2,590 local jobs. Additionally, it generates \$72 million in tax revenues and \$461 million in economic activity annually.

On January 5, 1988 (43), the Board of Supervisors (Board) added Article XL to the San Diego County Code of Administrative Ordinances (Administrative Code) to formalize the duties, responsibilities, membership, and selection of the Palomar Airport Advisory Committee (PAAC). The PAAC was originally established to develop a noise control plan for the airport; however, its duties have expanded to advising the Board and the Chief Administrative Officer on airport land use, development, master planning, and operational issues. The PAAC has also grown to provide a forum for neighboring communities to speak on matters involving the airport.

The criteria for PAAC membership, including the nomination and appointment process, are defined in Article XL of the Administrative Code. The PAAC is currently comprised of nine members who have a general interest in aviation, aviation leasing or business, and an understanding of the surrounding communities. During the formation of the PAAC in 1988, Palomar Airport was within the boundaries of the Third Supervisorial District and was bordering the Fifth Supervisorial District. At that time, PAAC membership stood at eleven members nominated by both districts, with four from the Third Supervisorial District and seven from the Fifth Supervisorial District. Following a subsequent supervisorial boundary redistricting approved by the Board on July 31, 2001 (18), Palomar Airport was located entirely within the boundaries of the Fifth Supervisorial District. As a result, the Board amended Article XL of the Administrative Code to reduce the membership to nine and to have the Fifth Supervisorial District nominate all nine members. Discussions with City of Carlsbad, prompted by the development of the Palomar Airport Master Plan in 2018, eventually led to the amendment of Article XL on January 9, 2019 (04) to enable the cities of Carlsbad, Vista, San Marcos, and Oceanside to recommend PAAC seats to the Board for consideration through the Fifth Supervisorial District. The remaining five seats continued to be nominated by the Fifth Supervisorial District.

On January 15, 2022, the County Independent Redistricting Commission completed redistricting of the supervisorial districts. As a result of redistricting, the footprint of Palomar Airport now resides entirely within the Third Supervisorial District with aircraft operations impacting surrounding communities in both the Third and Fifth Supervisorial Districts.

On November 7, 2023 (15) to better align PAAC membership with recent redistricting, the Board approved a resolution to direct an amendment of Section 731 - Membership and Selection of Administrative Code Article XL. The Board directed staff to return with an amendment to Article XL to formalize PAAC membership and nomination changes as described below.

The recommended changes to the PAAC Ordinance are to:

- 1) Divide eight of the nine PAAC seats evenly among District 3 and District 5, with four nominations assigned to each respective district;
- 2) Require that of the four Third District nominations, two be for persons residing in the City of Carlsbad and two for persons residing within the Third District;

- 3) Require that of the four Fifth District nominations, three be for a person residing in one of each of the three cities of Oceanside, San Marcos, and Vista and one for a person residing in the Fifth District;
- 4) Require the ninth member of the PAAC be nominated by the County's Chief Administrative Officer, and be an industry representative with expertise and experience at Palomar Airport in aviation and/or aeronautical airport business operations within fields such as, but not limited to a pilot, mechanic, airplane owner, airport property business owner who is a lessee or sub-lessee, or other related fields and have a demonstrated interest in the economic viability of the airport;

Each of the eight members nominated by a Supervisor would continue to serve terms that run concurrent with the appointing Supervisor, with the CAO appointment's term running concurrent with the District 3 Supervisor.

On February 7, 2024, the Board voted to approve the CEQA exemption and the introduction of the ordinance to reflect the direction given at the November 7, 2023, hearing. Due to an administrative error, on February 28, 2024, an amendment was proposed for the second hearing to reinsert language that was inadvertently removed from the ordinance to prevent having more than three members on the PAAC with financial interests from voting on recommendations. The Board voted to approve the amendment to the ordinance and continue the item for a third hearing. Today's request is for the Board to adopt the ordinance with the additional amendment that was approved on February 28, 2024.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project subject to review under the California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3) because the selection and membership of the Palomar Airport Advisory Committee is not a project as defined by Section 15378 of the state CEQA Guidelines.
2. Adopt the Ordinance as amended after introduction on February 28, 2024 entitled:
AN ORDINANCE AMENDING SECTIONS 731 AND 732, ARTICLE XL, OF THE ADMINISTRATIVE CODE REGARDING MEMBERSHIP AND SELECTION OF THE SAN DIEGO COUNTY PALOMAR AIRPORT ADVISORY COMMITTEE.

EQUITY IMPACT STATEMENT

San Diego County's eight airports provide vital air transportation hubs, emergency response facilities, and economic engines. In alignment with County policy and with federal obligations, County Airports pursues delivery of these services in a fair and equitable manner and actively works to remove barriers, encourage participation, and provide competitive opportunities for Disadvantaged Business Enterprises. As part of the National Plan of Integrated Airport Systems, County Airports connect rural, suburban, and urban communities, business, and people by facilitating more than 518,000 commercial, corporate, government, and private aircraft operations annually. As bases for CalFire, US Forest Service, Sheriff ASTREA (Aerial Support to Regional Enforcement Agencies), and Mercy Air, County Airports ensure the readiness and rapid response of emergency services for residents throughout the county, including underserved communities. If the Board approves today's resolutions, it will allow the PAAC to continue to

provide its expertise and guidance to County Airports in regard to Palomar Airport, while also enabling the County to continue to ensure its membership reflects the communities around the airport.

SUSTAINABILITY IMPACT STATEMENT

The PAAC plays an important role in community access and engagement in the operation and development of Palomar Airport and today's action is consistent with the County's sustainability goal of providing just and equitable access to County services and resources in support of sustainable communities. County Airports is currently underway with the creation of a Sustainability Management Plan (SMP) which will guide Palomar Airport, as well as all County Airports, to the path of environmentally sustainable projects and initiatives. The PAAC will be a stakeholder in the creation of the SMP.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

Maintaining the resiliency of existing airport facilities is one of the most important components of County Airports and ensures the safe and efficient movement of people and goods and supports sustainability in the local economy.

3. **SUBJECT: LOCAL EMERGENCY REVIEW: PROCLAMATION OF LOCAL EMERGENCY FOR U.S.-MEXICO TRANSBOUNDARY POLLUTION ENVIRONMENTAL CRISIS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

On June 27, 2023 (16), the County of San Diego (County) Board of Supervisors (Board), issued a Proclamation of Local Emergency (Proclamation) as a result of the continued conditions for detrimental impacts to the environment, economy, and property within San Diego county, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630. The Proclamation further asked the Governor to proclaim a State of Emergency in San Diego county. Government Code section 8630(c) requires local governing bodies to review the need for continuing the local emergency at least once every 60 days until the local emergency is terminated.

On July 19, 2023 (4), September 13, 2023 (3), November 8, 2023 (2), December 6, 2023 (2), and January 24, 2024 (1) the Board found that there is a continuing need for the local emergency. This is a request to find that a review of the local emergency has been conducted and that the local emergency will remain in effect.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proclamation of local emergency is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and (3), 15061(b)(3), and 15378(b)(4)&(5) because the action is an administrative action intended to facilitate state and federal funding, does not commit the County to a specific project, and will not have a reasonably foreseeable direct or indirect effect on the environment.
2. Find that there is a need to continue the local emergency and that the local emergency shall continue subject to review requirements until terminated pursuant to Government Code section 8630(d).

EQUITY IMPACT STATEMENT

The communities closest to the San Diego International Border, including the communities of Imperial Beach, San Ysidro, Otay Mesa, and Tijuana River Valley are identified by SB 535 (2012) and CalEnviroScreen 4.0 as being Environmental Justice communities having high pollution burdens for impaired water bodies, elevated PM2.5, elevated linguistic isolation, and poverty rates. By supporting the local emergency proclamation, the County of San Diego remains committed to working with local, state, federal, and Mexican authorities to improve conditions for these communities. Local Environmental Justice communities have decades of suffering from various pollution sources, have been advocating and working to raise their concerns to the various agencies, and have engaged to elevate the need for data collection to document environmental injustices.

SUSTAINABILITY IMPACT STATEMENT

This action letter aligns with the County of San Diego’s sustainability goals to protect the environment and promote our natural resources, diverse habitats and cultivate a natural environment for residents, visitors, and future generations to enjoy.

FISCAL IMPACT

There is no fiscal impact associated with this request to continue the emergency. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

Increased beach water closures resulting from sewage impacts have a direct effect for the surrounding community due to decreased tourism, patronage of local businesses, and opportunities for youth recreation and camps. By continuing a local emergency, the County of San Diego will be able to engage businesses and non-profit service providers that have been impacted by the restricted access to local beaches and oceans with the goal of assisting in identifying ways to connect them to any state or federal relief programs.

4. SUBJECT: TRANSFER APPROPRIATIONS, ISSUE A NOTICE OF FUNDING AVAILABILITY FOR AWARD OF GRANT AGREEMENT(S) FOR BROADBAND ACCESS AND AFFORDABILITY AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

On June 8, 2021 (3), the San Diego County Board of Supervisors (Board) took critical action in advancing support to San Diego community members by approving the framework for the use of American Rescue Plan Act (ARPA) funding, totaling \$653.5 million. This Board-approved framework established appropriations for infrastructure, including \$10 million to increase broadband access for the unincorporated areas. These ARPA funds must be obligated by December 31, 2024, and spent by the end of calendar year 2026.

Following the Board’s action on ARPA funds, the County contracted with Guidehouse Inc. to develop the Comprehensive Broadband Plan (Plan) as the first phase of the project. The Plan was developed with stakeholder and community input through in-person forums, virtual workshops and online surveys. The Plan was released in January 2023 and identified internet accessibility, affordability, and adoption needs in the unincorporated areas of the region, ranked by census tracts. Census tracts are used by the Census Bureau to identify communities with similar demographic characteristics. During the second phase of the project, the County contracted with Arcadis to develop an approach to implement the Plan which included broadband infrastructure mapping, project identification, and cost analysis. In the third phase, internet service providers (ISPs) will be selected through a Notice of Funding Availability (NOFA) to expand broadband access and affordability to the priority ranked census tracts identified in the Plan.

There are an estimated 37,000 households in the unincorporated areas that need access to affordable and reliable internet, representing about 22 percent of the unincorporated area. The amount of funding available is not enough to get broadband access to every single one of the 37,000 households, which is why the strategy for use of these funds must maximize the reach of every dollar and focus on the communities most in need.

Today’s request is to transfer appropriations of \$9 million to the Land Use and Environment Group Executive Office, Services & Supplies, approve the issuance of a NOFA for broadband projects, and authorize the award of grant agreement(s) to the selected proposer(s). The development of the NOFA will include stakeholder outreach, alignment with County policies and programs, be informed by the Comprehensive Broadband Plan, and will include evaluation criteria that ensures reliable and affordable internet service is provided to hard-to-reach and low-income communities.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the CEQA Guidelines because the activity is not a project as defined by Section 15378(b)(4) of the State CEQA Guidelines as it involves government fiscal activities, including the issuance of a Notice of Funding Availability (NOFA) and delegates authority for the future award of grant agreements without a commitment or approval of specific projects.

2. Transfer appropriations of \$9 million from the Finance Other, General Miscellaneous Expense, Other Charges to Land Use and Environment Group Executive Office, Services & Supplies, for the broadband infrastructure program, based on the American Rescue Plan Act funds.
3. Approve and authorize the Chief Administrative Officer, or designee, to advertise a NOFA and award grant agreement(s) to increase broadband access and affordability in the unincorporated county.

EQUITY IMPACT STATEMENT

The County's Comprehensive Broadband Plan (Plan) was developed with considerable stakeholder and community input through in-person forums, virtual workshops, and online surveys. The Plan identified where low-income students, non-English speakers, seniors, and others in the unincorporated area are most in need access to the internet for daily life, school, work and healthcare that do not always have access to reliable, affordable internet.

The Plan identifies ways the County and a network of partners (e.g., internet service providers, SANDAG, the State, municipalities, etc.) can improve digital equity throughout the unincorporated area in the region. The Notice of Funding Availability (NOFA) development will be informed by community input, particularly from unserved areas in the priority census tracts, on evaluation criteria that will be used for selecting project proposals.

SUSTAINABILITY IMPACT STATEMENT

Online connectivity will expand community access to remote employment, telehealth, virtual community events and distance learning opportunities. The expansion of broadband infrastructure in areas that are unserved or underserved can result in remote options for residents and businesses, both of which could reduce greenhouse gas emissions from miles traveled in the region.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2023-24 Operational Plan in the Land Use and Environment Group Executive Office, Services & Supplies. If approved, this request will result in costs and revenue of \$9 million in Fiscal Year 2023-24. The funding source is the American Rescue Plan Act (ARPA) funds. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Awards resulting from the Notice of Funding Availability (NOFA) process are expected to create economic development by enabling online job searches, job creation, and access to the digital economy. Expansion of broadband in the unincorporated areas will also have long-term benefits in supporting the community's access to remote employment opportunities.

5. SUBJECT: ESTABLISHMENT OF A SEPARATE INTEREST-BEARING TRUST FUND FOR THE ON-GOING MANAGEMENT OF APPROXIMATELY 82 ACRES OF OPEN SPACE LAND AND RELATED CEQA FINDING (LENNAR HOMES/MCCRINK) (DISTRICT: 2)

OVERVIEW

San Diego County has some of the most diverse habitats in the United States, with more than 200 rare, threatened, or endangered species inhabiting the region. To protect the region's biodiversity, in 1997, the County of San Diego (County) partnered with 11 other jurisdictions, community stakeholders, the United States Fish and Wildlife Service, and California Department of Fish and Wildlife (Wildlife Agencies) to develop the Multiple Species Conservation Program (MSCP). The MSCP is a long-term, regional habitat conservation program focused on balancing the protection of plant and animal species with recreation, development, and agricultural activities within the San Diego region. On October 22, 1997 (1), the County Board of Supervisors (Board) adopted the 50-year MSCP South County Subarea Plan, which includes the unincorporated areas in the southwestern portion of the region. The South County Subarea Plan requires the County, Wildlife Agencies, and partnering agencies to conserve 98,379 acres; this overall preserve is collectively referred to as the MSCP Preserve.

The MSCP Preserve is assembled through preserve lands acquired by the County and its federal, State, and local non-profit partners (conserved lands), and lands added to the MSCP Preserve through mitigation from private development projects (private mitigation). Private mitigation is estimated to contribute 33,713 acres to the MSCP Preserve. To ensure conserved lands are managed and monitored per the terms of the MSCP, private Resource Management Plans (RMPs) are required as a condition of development entitlements and are approved by the County's Planning & Development Services (PDS).

On December 13, 1995 (2), the Board approved Tentative Map 5069RPL3 (Resolution 95-465), McCrink Ranch Project (Project). The Conditions of Approval that were required for the Project include the transfer of 270 acres to the County or an entity satisfactory to the County for conservation purposes, and that an RMP (formerly referred to as a Habitat Management Plan) be developed and implemented.

In 1995, the McCrink Ranch RMP was approved by PDS and approximately 188 acres were conveyed to the County Department of Parks and Recreation (DPR); this land is referred to as the Santa Fe Valley Preserve. To fulfill the condition, the developer of the Project (Lennar Homes) will transfer the remaining portion of the required open space to DPR, which is the approximately 82 acres of real property with Assessor's Parcel Numbers 265-320-25-00 and 267-060-49-00 (the Property, Attachment A). County of San Diego Administrative Code 73 (d), Acceptance of Interests in Real Property by Dedication gives the Department of General Services (DGS) authority to accept the dedication of the approximately 82 acres. This action is completing the Conditions of Approval associated with the Board-approved Tentative Map 506RPL3 (Resolution 95-465).

Lennar Homes will also provide DPR a non-wasting endowment of \$786,235 to fund management, monitoring, and maintenance activities described in the RMP in perpetuity. Additionally, Lennar Homes will provide DPR initial one-time funding of \$70,682 for initial stewardship activities including environmental assessment. Once Lennar Homes completes these obligations, PDS will provide documentation that these conditions have been satisfied.

Through the transfer of the approximately 82 acres, DPR's existing 300-acre Santa Fe Valley Preserve would be expanded to approximately 382 acres, providing adjacent coastal sage scrub and chaparral habitat for coastal California gnatcatchers and other sensitive species. Accepting this property transfer and associated endowment and initial funding also enhances conservation under the MSCP and supports multiple County sustainability goals, habitats and biodiversity, biological connectivity, greenhouse gas reductions, and benefits water and air quality.

The Property was appraised by a County third-party appraiser, Anderson and Brabant, Inc., in August 2023 for \$2,060,000 (approximately \$25,000/acre), which has been determined to be fair and reasonable by the Department of General Services (DGS). However, given that the transfer of the Property to DPR is occurring because of the requirements of a development Project, this land will be accepted by the County at no cost.

Today's requested action will authorize the Director, DPR, or designee to implement a Property Maintenance Agreement (Attachment B) and direct the Auditor and Controller to establish a separate interest-bearing trust fund for a management and monitoring endowment fund in the amount of \$786,235 received by DPR.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the Environmental Impact Report (EIR) on file with the Department of Planning and Development Services for the Santa Fe Valley Specific Plan including the McCrink Ranch Project, Tentative Map 5069RPL3, dated October 20, 1995 and certified on December 13, 1995, State Clearinghouse #1995081014, was completed in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgment and analysis of the Board of Supervisors; and

Find on the basis of substantial evidence in the record before your Board there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR, dated December 13, 1995, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since said EIR was certified as explained in the Environmental Review Update Checklist, dated February 27, 2024 (Attachment C).

2. Authorize the Director, Department of Parks and Recreation, or designee to implement the Property Maintenance Agreement (Attachment B) with Lennar Homes.

3. Direct the Auditor and Controller to establish a separate interest-bearing trust fund for a management and monitoring endowment fund received by the Department of Parks and Recreation, with interest earnings allocated and distributed to the new fund.

EQUITY IMPACT STATEMENT

The Department of Parks and Recreation implementation of the Property Maintenance Agreement with Lennar Homes and establishment of a separate interest-bearing trust fund for the on-going management of approximately 82 acres of open space land is anticipated to result in positive public health impacts by implementing a process for improving water and air quality for all residents.

SUSTAINABILITY IMPACT STATEMENT

The proposed implementation of the Property Maintenance Agreement with Lennar Homes and establishment of a separate interest-bearing trust fund for the on-going management of approximately 82 acres of open space land supports multiple County of San Diego (County) Sustainability Goals, including County Sustainability Goal No. 4 by protecting outdoor air quality and County Sustainability Goal No. 6 by protecting native ecosystems and habitats.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2023-24 Operational Plan in the Department of Parks and Recreation (DPR). If approved, this will result in the establishment of a non-wasting endowment of \$786,235 provided by Lennar Homes to the County to allow certain specific management, monitoring, and maintenance activities described in the RMP to be performed in perpetuity. Lennar Homes will also provide DPR an initial funding requirement of \$70,682 to fund initial stewardship activities including environmental assessment. Existing staff will be used to manage the preserve.

Future costs for preserve management are estimated at \$33,415 a year and will be included in future Operational Plans. The funding for this will be interest accrued by the established endowment. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

6. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR PEDESTRIAN SAFETY IMPROVEMENTS AT FOUR INTERSECTIONS IN THE COMMUNITIES OF LA PRESA, SPRING VALLEY AND FALLBROOK AND RELATED CEQA EXEMPTION (DISTRICTS: 1, 4 & 5)**

OVERVIEW

The Department of Public Works (DPW) maintains nearly 2,000 miles of roadways, bridges, guardrails, signs, traffic signals, and crosswalks, all part of the transportation network. As an ongoing effort to enhance the transportation system safety, the County developed a Local Roadway Safety Plan (LRSP) which provides a framework for analyzing, identifying, and prioritizing roadway safety improvements to reduce severe injury and fatal collisions on local roadways.

The LRSP process resulted in a prioritized list of improvements based on a database containing the roadway network, community planning areas, and collision severity and frequency. The database also layered health and social justice data from the Healthy Places Index (HPI) to ensure that underserved populations are prioritized. The Healthy Places Index is a platform that maps data on social conditions that drive health, like education, job opportunities, clean air and water, and other indicators. The HPI supports efforts to prioritize equitable community investments.

The LRSP identified County-maintained intersections with the highest collision types involving pedestrians. Four intersections in the unincorporated communities of La Presa, Spring Valley, and Fallbrook were the only signalized intersections found to have experienced severe (severe injury or fatality) pedestrian-related collisions over a 5-year period (January 2015 to December 2019). Additionally, the four locations are within underserved communities.

The Department of Public Works was successful in securing grant funding from the Highway Safety Improvement Program (HSIP) for the design and construction of improvements at the four locations listed. The HSIP is a federal-aid program that aims to reduce traffic fatalities and serious injuries on all public roads. The program also allows States to use up to 10% of their HSIP funds on specified safety projects. The County was successful in securing the California local HSIP dedicated funds for these intersections and will continue to pursue both the federal and State HSIP funds in upcoming call for projects, which are typically made at an interval of two years and require a minimum Benefit/Cost Ratio.

The LRSP identified a toolbox of safety countermeasures for pedestrian-related collisions, such as high-visibility crosswalk markings that assist users in deciding where to cross and alerts drivers of users crossing the street. Crosswalk visibility markings are combined with other countermeasures such as curb ramps, audible and tactile pedestrian pushbuttons, and pedestrian countdown signal heads to improve pedestrian safety and accessibility at signalized intersections.

An LRSP is advantageous in securing funds for safety improvements and is also now a requirement for capturing HSIP grant funding. The HSIP grant program is administered by the California Department of Transportation (Caltrans) and its purpose is to reduce fatalities and serious injuries on all public roads. The HSIP requires a data-driven approach to improving safety and focuses on a variety of lower-cost safety improvements.

Among the four intersections, there have been a total of 12 reported pedestrian-involved collisions over a 5-year period (January 2015 to December 2019). All the intersections are part of the county's General Mobility Element and are located on essential roadways providing access within and through the unincorporated areas. It is essential that Mobility Element roadways operate safely and efficiently due to their importance both locally and regionally.

- 1. Jamacha Road and Elkelton Boulevard (La Presa/Spring Valley)** - This intersection currently has three parallel crosswalks and one continental crosswalk. The wide crossing distances make this intersection a candidate for high-visibility crosswalks as well as accessible pedestrian pushbuttons that beep/vibrate and pedestrian countdown signal heads. Surrounding land uses include local businesses and residential areas, as well as Avondale Elementary School and Mount Miguel High School.

2. **Sweetwater Road and Troy Street (Spring Valley)** - This intersection currently has two parallel crosswalks making it a candidate for retrofitting to high-visibility continental crosswalks. The continental design is meant to make it easier for drivers and pedestrians to identify. Pushbuttons and pedestrian signal heads will be upgraded per the latest standards. Surrounding land uses include local businesses and residential areas.
3. **South Mission Road and West Alvarado Street (Fallbrook)** - This intersection currently has high-visibility crosswalk markings on all legs of the intersection and is a candidate for curb ramp improvements as well as upgrades to pushbuttons and pedestrian signal heads. Surrounding land uses include local businesses and residential areas. The Foundation for Senior Care Adult Day Care and Fallbrook Branch Library are located at this intersection.
4. **South Mission Road and Clemmens Lane (Fallbrook)** - This intersection currently has high-visibility crosswalk markings on all legs of the intersection and is a central intersection in the Fallbrook Historic Downtown, suitable for curb ramp, pushbutton, and pedestrian signal head improvements. Surrounding land uses include local businesses and residential areas.

Installing high-visibility crosswalks, curb ramps, audible and tactile pushbuttons, and pedestrian countdown signal heads will improve accessibility and safety for pedestrians, including children and individuals with vision or hearing loss. The proposed improvements have nationally recognized crash reduction factors (CRF). A crash reduction factor is the percentage of crash reduction that might be expected after implementing a given countermeasure at a specific site. For example, installation of high-visibility pedestrian crossing at a signalized intersection can be expected to result in 30% less crashes involving pedestrians. The purpose of providing pedestrian connections that are safe and continuous is to support and encourage people to walk for everyday trips. Active modes of travel are increasingly recognized as an important way of improving public health, incorporating sustainable practices, and increasing the quality of life in communities.

This is a request for the Board of Supervisors (Board) to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is scheduled to begin by June 2024 and completed by August 2024. The total estimated project cost is \$958,554, including design, environmental review, and construction support. The construction contract cost is estimated at \$530,736 including a 15% contingency for unforeseen conditions, and the funding sources are Federal Highway Administration (FHWA) grant funds (\$466,830) and Road Fund fund balance (\$63,906).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project is categorically exempt from CEQA review because it involves the maintenance and repair of existing County-maintained curbs, gutters, and sidewalks involving no or negligible expansion of existing use.

2. Establish appropriations of \$530,736 in the Department of Public Works Road Fund Detailed Work Program in Fiscal Year 2023-24 for the construction of Pedestrian Safety Improvements at Four Intersections Project based on revenue from the Federal Highway Administration (FHWA) grant funds (\$466,830) and available prior year Road Fund fund balance (\$63,906). **(4 VOTES)**
3. Authorize the Director of Purchasing and Contracting to advertise and award a contract and to take any action authorized by Section 401 et seq., of the Administrative Code, with respect to contracting for the Pedestrian Safety Improvements at Four Intersections Project.
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 transportation system must be safe for all road users, for all modes of transportation, in all communities, and for people of all incomes, races, ethnicities, ages, and abilities. A typical approach for prioritizing intersection and roadway segment locations for targeted assessments and improvements to enhance transportation safety is to determine high-risk locations based on the highest collision frequency. To ensure a more encompassing and equitable approach was taken in developing the ranking process of the County of San Diego Local Roadway Safety Plan (LRSP), collision severity data and public health metrics from the Healthy Places Index (HPI) were added as additional factors in the LRSP's data-driven assessment. The HPI score ranks a neighborhood from 1 to 99 (less to more healthy conditions) showing the relative impact of conditions in a selected area compared to all other similar places in the state.

Based on the number of collisions that occurred over the five-year study period, DPW compiled a list of the top five intersection locations for each of the 23 planning communities to ensure adequate representation of projects across all the communities. Three criteria were then used to rank each of the intersections: 1) HPI Score, giving additional weight to intersections located in an area with low HPIs, 2) Collision Rate Score, to consider the intersection's risk based on traffic volumes, and 3) Collision Severity Score, to account for the degree and frequency of collision-related injuries. The County was able to use this sophisticated and equity-driven methodology to obtain grant funding to install new pedestrian facilities at 17 locations that will support safe and accessible travel for vulnerable road users within underserved communities.

SUSTAINABILITY IMPACT STATEMENT

The pedestrian safety improvements at four locations will have social, health and wellbeing, and environmental sustainability benefits. Installing new curb ramps, continental crosswalks, and accessible pedestrian signal heads and pushbuttons will improve accessibility and pedestrian traffic safety for the surrounding communities. These improvements will contribute to San Diego County's sustainability goals of protecting the health and well-being of everyone in the region. Safety improvements also encourage walkability within the communities which will further the County of San Diego's sustainability goals of transitioning to a green, carbon-free economy by reducing greenhouse gas emissions.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year (FY) 2023-24 Operational Plan in the Department of Public Works, Road Fund (RF). If approved, this request will result in additional construction contract costs and revenue of \$530,736 including a 15% contingency tied to recommendation 2. The funding sources are Federal Highway Administration (FHWA) grant funds (\$466,830) and RF fund balance (\$63,906). The total project estimated costs for the Pedestrian Safety Improvements at Four Intersections Project are \$958,554. The funding sources are FHWA grant funds (\$567,630) and RF fund balance (\$390,924). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in the collective bargaining agreements. A skilled and trained workforce requirement will be included in the contract in compliance with the County's Working Families Ordinance requirements for County construction projects.

7. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR PEDESTRIAN CROSSING ENHANCEMENTS AT 17 LOCATIONS IN THE COMMUNITIES OF SPRING VALLEY, LA PRESA, BONITA, VALLEY CENTER, RAMONA, FALLBROOK, JAMUL, AND EL CAJON AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

OVERVIEW

The Department of Public Works (DPW) maintains nearly 2,000 miles of roadways, bridges and guardrails, signs, traffics signals and crosswalks. In October 2018, the Board of Supervisors adopted the County of San Diego Active Transportation Plan (ATP), a General Plan Mobility Element amendment, and a Complete Streets Policy to support efforts to promote active and safe mobility options through pedestrian and bicycle improvements in the unincorporated county.

As part of the ATP, existing conditions for the pedestrian network were collected and analyzed through a Pedestrian Gap Analysis (PGA), including a comprehensive inventory of more than 700 miles of public road segments. The PGA also documented the distance from local generators, such as schools, and integrated local socioeconomic, safety and health data into ranked locations within each community. Building on these efforts to enhance the region's transportation system, the County also developed a Local Road Safety Plan (LRSP) to proactively identify roadway segments and intersections with the highest safety needs. As a result of this evaluation work, the County identified pedestrian infrastructure improvements as one of the County's top safety priorities and identified potential grant funding sources, such as the Highway Safety Improvement Program (HSIP).

The Department of Public Works was successful in securing grant funding from the HSIP for the design and construction of improvements at the 17 locations listed below. The HSIP is a federal-aid program that aims to reduce traffic fatalities and serious injuries on all public roads. The program also allows states to use up to 10% of their HSIP funds on specified safety projects. The County was successful in securing the maximum grant amount of \$250,000 California local HSIP dedicated funds for these intersections and will continue to pursue both the Federal and State HSIP funds in upcoming calls for projects, which are typically made at an interval of two years and require a minimum Benefit/Cost Ratio.

Following the Federal and State Department of Transportation's changes to transportation safety policies, the County has shifted from a conventional safety approach in which intersection improvements were ranked solely on the highest collision frequency to an approach where collision severity and public health metrics are added as additional factors for ranking intersection improvements. The Healthy Places Index (HPI), a tool developed by the Public Health Alliance of Southern California that combines 25 community health and social justice characteristics into a single indexed score, was added as additional factors in the LRSP's data-driven assessment. The HPI score ranks a neighborhood from 1 to 99 (less to more healthy conditions) showing the relative impact of conditions in a selected area compared to all other similar places in the state.

Three criteria were used in LRSP to rank intersection improvements in the unincorporated areas: 1) HPI Score, giving additional weight to intersections located in an area with low HPIs, 2) Collision Rate Score, to consider the intersection's risk based on traffic volumes, and 3) Collision Severity Score, to account for the degree and frequency of collision related injuries. The County was able to use this sophisticated and equity-driven methodology to obtain grant funding to install new pedestrian facilities at 17 locations that will support safe and accessible travel for vulnerable road users within underserved communities.

The following 17 locations in the unincorporated communities of Spring Valley, La Presa, Bonita, Valley Center, Ramona, Fallbrook, Jamul, and El Cajon were identified in the LRSP for the implementation of two, lower-cost safety countermeasures: accessible pedestrian pushbuttons that beep/vibrate and pedestrian countdown signal heads. DPW was successful in securing the maximum grant amount of \$250,000 California local HSIP dedicated funds for these intersection improvements.

1. Austin Dr. and Sweetwater Spring Blvd. (Spring Valley, District 4)
2. Loma Ln. and Sweetwater Springs Blvd. (Spring Valley, District 4)
3. Elkelton Blvd. and Paradise Valley Rd. (La Presa, District 1)
4. Jamacha Rd. and Leland St. (La Presa, District 1)
5. Jamacha Rd. and Kempton St. (La Presa, District 1)
6. Sweetwater Rd. and Blossom Lane. (La Presa, District 1)
7. Bonita Rd. and Sweetwater Rd. (Bonita, District 1)
8. Cole Grade Rd. and Pauma Heights Rd. (Valley Center, District 5)
9. Cole Grade Rd. and Valley Center School Rd. (Valley Center, District 5)
10. D Street and Tenth Street. (Ramona, District 2)
11. H Street and Tenth Street. (Ramona, District 2)
12. Hanson Ln. and San Vicente Rd. (Ramona, District 2)
13. Fallbrook St. and Heald Lane. (Fallbrook, District 5)

14. Fallbrook St. and Stage Coach Ln. (Fallbrook, District 5)
15. Jamul Dr. and Steele Canyon Rd. (Jamul, District 2)
16. Marlinda Way and Pepper Dr. (El Cajon, District 2)
17. Peerless Dr. and Pepper Dr. (El Cajon, District 2)

Installing pushbuttons that beep/vibrate and pedestrian countdown signal heads will improve accessibility and safety for pedestrians of all ages and abilities, making strides toward the County’s “Complete Street.” This policy calls for designs that allow people of all ages and abilities to be active and safe when they travel or move about their community. Installing accessible pedestrian features at intersections enables pedestrians with disabilities to cross the street with less difficulty. Accessible pedestrian features also increases the safety of other vulnerable road users, such as children and the elderly by giving pedestrians information about how much crossing time remains.

This is a request for the Board of Supervisors (Board) to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the Project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is scheduled to begin by the summer 2024 and be completed by fall 2024. The total estimated project cost is \$576,107 including design, environmental review, and construction support. The construction contract cost is estimated at \$337,226, including a 15% contingency for unforeseen conditions, and the funding sources are Federal Highway Administration (FHWA) grant funds (\$207,100) and Road Fund fund balance (\$130,126). While the funding source is the FHWA, per Senate Bill (SB) 137 Section 182.85, Caltrans is authorized to exchange federal local assistance funds for non-federal State Highway Account (SHA) funds. This allows State funds to be used for delivering these projects.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project is categorically exempt from CEQA review because it involves the maintenance and repair of existing County-maintained traffic signals, sidewalks, and roads involving no or negligible expansion of existing use.
2. Establish appropriations of \$337,226 in the Department of Public Works Road Fund Detailed Work Program in Fiscal Year 2023-24 for the construction of Pedestrian Crossing Enhancements at 17 Locations based on revenue from the Federal Highway Administration (FHWA) (\$207,100) and available prior year Road Fund fund balance (\$130,126). **(4 VOTES)**
3. Authorize the Director of Purchasing and Contracting to advertise and award a contract and to take any action authorized by Section 401 et.se., of the Administrative Code, with respect to contracting for the Pedestrian Crossing Enhancements at 17 Locations Project.
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 transportation system must be safe for all road users, for all modes of transportation, in all communities, and for people of all incomes, races, ethnicities, ages, and abilities. Federal and State Department of Transportation's transportation safety policies have shifted from a conventional safety approach in which intersection improvements are ranked solely on the highest collision frequency to an approach where collision severity and public health metrics are added as additional factors for ranking intersection improvements. To ensure a more encompassing and equitable approach was taken in developing the ranking process of the County of San Diego Local Road Safety Plan (LRSP), collision severity data and public health metrics from the Healthy Places Index (HPI) were added as additional factors in the LRSP's data-driven assessment. The HPI score ranks a neighborhood from 1 to 99 (less to more healthy conditions) showing the relative impact of conditions in a selected area compared to all other similar places in the state.

Based on the number of collisions that occurred over the five-year study period, DPW compiled a list of the top five intersection locations for each of the 23 planning communities to ensure adequate representation of projects across all the communities. Three criteria were then used to rank each of the intersections: 1) HPI Score, giving additional weight to intersections located in an area with low HPIs, 2) Collision Rate Score, to consider the intersection's risk based on traffic volumes, and 3) Collision Severity Score, to account for the degree and frequency of collision-related injuries. The County was able to use this sophisticated and equity-driven methodology to obtain grant funding to install new pedestrian facilities at 17 locations that will support safe and accessible travel for vulnerable road users within underserved communities.

SUSTAINABILITY IMPACT STATEMENT

The pedestrian crossing enhancements at 1717 locations will have social, health and wellbeing, and environmental sustainability benefits. Installing new accessible pedestrian signals (APS) heads and pushbuttons will improve accessibility and pedestrian traffic safety for the surrounding communities. These improvements will contribute to San Diego County's sustainability goals of protecting the health and well-being of everyone in the region. Safety improvements also encourage walkability within the communities which will further the County of San Diego's sustainability goals of transitioning to a green, carbon-free economy by reducing greenhouse gas emissions.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year (FY) 2023-24 Operational Plan for the Department of Public Works (DPW) Road Fund Detailed Work Program. If approved, this request will result in additional construction contract costs and revenue of \$337,226 including a 15% contingency tied to recommendation 2. The funding sources are Federal Highway Administration (FHWA) grant funds (\$207,100) and Road Fund (RF) fund balance (\$130,126). The total project estimated costs for the Pedestrian Crossing Enhancements at 17 Locations Project are \$576,107. The funding sources are FHWA (\$249,600) and RF fund balance (\$326,507). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County of San Diego construction contracts are competitively and publicly bid and help stimulate the local economy by creating primarily construction-related employment opportunities. All workers employed on public works projects must be paid prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in the collective bargaining agreements. A skilled and trained workforce requirement will be included in the contract in compliance with the County’s Working Families Ordinance requirements for County construction projects.

8. SUBJECT: TRAFFIC ADVISORY COMMITTEE AND RELATED CEQA EXEMPTION (03/13/2024 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 04/10/2024 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: 1 & 5)

OVERVIEW

The Traffic Advisory Committee (TAC) supports the Department of Public Works (DPW) traffic engineering program. The TAC was established by the Board of Supervisors (Board) in the 1960s to provide traffic regulations and recommendations within the unincorporated areas of the region. To be effective, the TAC proposes policies that will enhance safety, reduce congestion, and be legally enforceable. 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.

Members of the public and other agencies can make requests or recommendations for transportation needs within the unincorporated areas of the region. The TAC 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. Requests or recommendations such as changes to traffic control, speed limits, stop signs, traffic signals, or parking regulations require direction and approval from the Board of Supervisors (Board). Upon receipt of a request or recommendation for the implementation of a traffic safety measure in unincorporated areas, the TAC reviews and investigates the requested item, including using engineering and traffic condition studies. The TAC recommendations are provided to the Board for consideration.

The TAC recommends the Board act on five items from the October 27, 2023, TAC meeting agenda:

Items from the 10/27/2023 TAC Meeting			
District	Item	Location	Action
1	1-A*	Sweetwater Road from State Route 54 to Central Avenue in Bonita	Reduce the 45 MPH speed limit to 40 MPH and certify.

Items from the 10/27/2023 TAC Meeting			
District	Item	Location	Action
5	5-A*	Poinsettia Avenue from South Santa Fe Avenue to Smilax Road in San Marcos	Reduce the 40 MPH speed limit to 35 MPH and certify.
5	5-B*	South Santa Fe Avenue from the Vista city limits to Smilax Road in Vista/San Marcos	Reduce the 45 MPH speed limit to 40 MPH and certify.
5	5-C*	Mission Road from Winter Haven Road to Hill Avenue in Fallbrook	(1) Reduce the 50 MPH speed limit to 45 MPH and certify. (2) Certify the 35 MPH speed limit.
5	5-D*	Lake Wohlford Road from Guejito Road to the Escondido city limits in Valley Center	Reduce the 50 MPH speed limit to 45 MPH and certify.
* Indicates second reading of the ordinance is required. These items are not in the vicinity of tribal lands.			

Approval of Item 1-A Sweetwater Road in Bonita (District 1), Item 5-A on Poinsettia Avenue in San Marcos (District 5), Item 5-B on South Santa Fe Avenue in Vista/San Marcos (District 5), Item 5-C on Mission Road in Fallbrook (District 5), and Item 5-D on Lake Wohlford Road in Valley Center (District 5) would support speed enforcement which enhances roadway safety. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for enforcement. If approved, DPW shall install or revise existing speed limit signs and striping to implement the Board’s direction within 30 days.

The Board’s action on Item 1-A Sweetwater Road in Bonita (District 1), Item 5-A on Poinsettia Avenue in San Marcos (District 5), Item 5-B on South Santa Fe Avenue in Vista/San Marcos (District 5), Item 5-C on Mission Road in Fallbrook (District 5), and Item 5-D on Lake Wohlford Road in Valley Center (District 5) would introduce an ordinance to amend speed limit zones. This action would revise the County Code and requires two steps. On March 13, 2024, the Board would consider the TAC items. If the Board takes action as recommended on March 13, then on April 10, 2024, a second reading and adoption of ordinance amending the County Code would be necessary to implement the Board’s direction. If the proposed ordinance is altered on April 10, 2024, then on that date a subsequential meeting date will be selected for the ordinance’s adoption.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 1:

Item 1-A. Sweetwater Road from State Route 54 to Central Avenue in Bonita - Reduce the existing 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Poinsettia Avenue from South Santa Fe Avenue to Smilax Road in San Marcos - Reduce the existing 40 MPH speed limit to 35 MPH and certify the 35 MPH speed limit for radar enforcement.

Item 5-B. South Santa Fe Avenue from the Vista city limits (near Montgomery Drive) to Smilax Road in Vista/San Marcos - Reduce the existing 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

Item 5-C. Mission Road from Winter Haven Road to Hill Avenue in Fallbrook - (1) Reduce the existing 50 MPH speed limit to 45 MPH and certify the 45 MPH speed limit for radar enforcement from Winter Haven Road to 880' south of Pepper Tree Lane. (2) Certify the existing 35 MPH speed limit for radar enforcement from 880' south of Pepper Tree Lane to Hill Avenue.

Item 5-D. Lake Wohlford Road from Guejito Road to the Escondido city limit (east of Valley Center Road) in Valley Center - Reduce the existing 50 MPH speed limit to 45 MPH and certify the 45 MPH speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County of San Diego maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.
3. Approve the introduction of the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.35.1., 72.164.55., 72.169.52., 72.169.62., AND 72.169.62.1., DELETING SECTION 72.169.55., AND ADDING SECTION 72.164.55.1. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO. (All Items)

If, on March 13, 2024, the Board takes action as recommended, then, on April 10, 2024:

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.35.1., 72.164.55., 72.169.52., 72.169.62., AND 72.169.62.1., DELETING SECTION 72.169.55., AND ADDING SECTION 72.164.55.1. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO. (All Items)

EQUITY IMPACT STATEMENT

The review of traffic signs, intersection controls, 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, ethnicities, ages, and abilities. Understanding travel patterns, where correctable crashes are occurring, and the disproportionate impacts on certain communities will allow the Department of Public Works to identify actions to address the underlying causes, improve safety, and ensure there is justice in the enforcement of traffic regulations.

DPW's Local Roadway Safety Plan (LRSP) reviews correctable collisions along road segments within the unincorporated areas of the region and uses the Healthy Places Index (3.0) and CalEnviroScreen 4.0 to ensure underserved populations are prioritized. The Traffic Advisory Committee (TAC) relies on the LRSP 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 most drivers, the TAC also relies on various community engagement methods such as the Tell Us Now! Mobile app, toll-free hotlines, and a customer service request program to intake reports on a wide variety of traffic concerns and ensure the concerns are addressed.

SUSTAINABILITY IMPACT STATEMENT

The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a public forum every six weeks to find timely, reasonable, and cost-effective in-road traffic solutions that reduce costly traffic delays, mitigate vehicle idling to reduce emissions, improve fire response times and regional readiness, and ensure justice in enforcement of traffic regulations.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2023-24 Operational Plan of the Department of Public Works Road Fund. If approved, this request will result in costs and revenue of \$13,992 in FY 2023-24 for staff time, materials, and supplies. The funding source is State Highway User Tax Account. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

9. **SUBJECT: NOTICED PUBLIC HEARING:
LOCAL MICROENTERPRISE HOME KITCHEN OPERATION
ORDINANCE AMENDMENT AND RELATED CEQA EXEMPTION
(3/13/2024 - Introduction and First Reading; 4/10/2024 - Second Reading)
(DISTRICTS: ALL)**

OVERVIEW

The Department of Environmental Health and Quality (DEHQ) is the local enforcement agency of the California Retail Food Code for all 18 incorporated cities, as well as the unincorporated communities in the region. There are two types of home-based food service facilities that DEHQ regulates as part of their Food Program; Cottage Food Operation (CFO) and Microenterprise Home Kitchen Operation (MEHKO). A CFO is a home-based business where certain low-risk food products not requiring refrigeration are made in private home kitchens and sold as a fully packaged and labeled product to consumers. A MEHKO is a home-based business where home cooks can prepare and sell a wide range of foods in a home kitchen that require time and temperature control to prevent bacteria growth that can lead to foodborne illness.

On November 8, 2023 (6), the Board approved the first reading of the proposed MEHKO and the CFO program ordinance, including a few decisions from the dais that needed to be incorporated into the written ordinance attached to the Board letter for the second reading. On December 6, 2023 (1), the Board took unanimous action to approve the second reading of the proposed MEHKO and CFO program. However, due to an administrative error, the ordinance attached to the Board letter at the second reading on December 6, 2023, inadvertently did not include all of the Board's decisions made during the first reading on November 8, 2023.

The ordinance approved on December 6, 2023, which became effective January 5, 2024, included Board selected options to:

- Authorize the continuation of a permanent MEHKO Program.
- Authorize MEHKO businesses to sell non-potentially hazardous food with up to two permitted carts.
- Allow MEHKO business to serve as a commissary with up to two permitted carts.
- Authorize CFO Businesses to sell non-potentially hazardous food with up to two permitted carts.

The ordinance approved on December 6, 2023, which became effective January 5, 2024, inadvertently did not include the Board's decision on November 8, 2023, regarding the following selected options to:

- Approve an increase in the number of meals that a MEHKO business operating a cart can serve from current State Law of a maximum of 30 meals per day and no more than 90 meals per week to 80 meals per day and no more than 200 meals per week.
- Approve an increase in the maximum gross annual sales that a MEHKO business operating a cart can sell from current State Law of \$100,000 per year to \$150,000 per year.

Today, the Board is being requested to adopt an amendment to the ordinance for the MEHKO Program that includes the Board direction from November 8, 2023, that was not included in the December 6, 2023, approval due to an administrative error. Adoption of the proposed ordinances requires two steps. On March 13, 2024, the Board is requested to approve the first reading of an ordinance. If approved, the selected ordinances will be brought back for adoption on April 10, 2024.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activities are exempt from California Environmental Quality Act (CEQA) as specified under Section 15061(b)(3) of the State CEQA Guidelines, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect.
2. Consider and adopt the following Ordinance amending the County Code of Regulatory Ordinances (second reading).
ORDINANCE AMENDING A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO) PROGRAM THROUGHOUT THE COUNTY OF SAN DIEGO.

EQUITY IMPACT STATEMENT

Continuing to permit and regulate home-based food business, such as Microenterprise Home Kitchen Operation (MEHKO) and/or Cottage Food Operation (CFO), in the region would result in economic benefits to local communities and home cooks from a wide variety of backgrounds. Data from Riverside County, the first county to adopt a MEHKO program, found that MEHKO operators were 85% people of color and 60% women. Currently, there are 606 CFO and 73 MEHKO home based food businesses in the San Diego region. Home based food businesses create opportunities for self-reliance and empowerment for local community members, such as immigrants, by increasing their family income and contributing positively to the local economy.

SUSTAINABILITY IMPACT STATEMENT

The Microenterprise Home Kitchen Operation (MEHKO) program promotes new, home-based businesses, supporting the County of San Diego (County) Strategic Initiative of creating policies to reduce and eliminate poverty, promoting economic sustainability for all, by providing just and equitable access to vulnerable populations in partnerships with communities. Additionally, the MEHKO Program supports the County Strategic Initiative of protecting and promoting our agricultural resources by protecting the health and wellbeing of everyone in region by expanding the market for healthy, sustainable, and local food.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendation to adopt an amendment to the ordinance for the MEHKO Program. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Due to the high start-up costs for restaurants, it is challenging for many cooks to benefit independently from their labor, skills, and limited resources, reducing an opportunity to produce a viable income. Alternatively, home cooks may choose to operate illegally, which can be treated as a criminal act. Home-based businesses, such as Microenterprise Home Kitchen Operation and Cottage Food Operation Programs, have the following positive impacts:

- Regulates unsafe private kitchen practices that may cause foodborne illness when food is cooked at unpermitted facilities.
- Promotes food justice in communities that do not have access to healthy and affordable food options.
- Enables home cooks, who are mostly underrepresented groups such as women, immigrants, and people of color, to use their skills to generate income.

Home-based businesses allow home cooks of all socioeconomic levels the opportunity to start a home-based business, preparing and serving food to the public throughout the region.

10. SUBJECT: 2023 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT AND FINDING OF NO PROJECT UNDER CEQA (DISTRICTS: ALL)

OVERVIEW

The General Plan and Housing Element Annual Progress Report (APR) outlines the County of San Diego’s (County’s) progress and status in implementing the General Plan and the Housing Element over the last calendar year (2023). Annual reporting on the County’s implementation of the General Plan and its Housing Element increases the transparency of public information and keeps the public informed of the impact of the County’s programs and initiatives. All California counties and cities are required to provide an APR to the Governor’s Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD) (Government Code Section 65400(a)(2)). Additionally, Government Code Section 65400(a)(2)(B) requires all jurisdictions to include a report on the status of implementing the Housing Element of the General Plan (Housing Element). APRs allow OPR and HCD to identify statewide land use decision-making trends and determine how local planning and development activities relate to statewide planning goals and policies.

The 2023 APR is an annual monitoring tool for both the County and the State that summarizes the past year’s planning activities like general plan amendments, and implementation measures like capital improvement program activities-but it does not make changes to the General Plan or the Housing Element. The General Plan is a policy document that also serves as the blueprint for development in the unincorporated area. It is required to cover eight elements, or topics, including land use, environmental justice, and housing. The Housing Element includes housing-related goals, policies, and programs to address the existing and projected future housing needs of populations at all income segments and life stages in the County’s unincorporated communities. The APR serves as a tool for the State and County to assess the progress in producing housing identified in the County’s housing allocation, or the amount and affordability level of housing that we are required to plan for and strive to produce. This allocation is discussed in the Housing Element but is established through a separate process every eight years in conjunction with the General Plan Housing Element update. This process is called the Regional Housing Needs Allocation (RHNA) and its Sixth Cycle covers the years 2021 through 2029. The San Diego Association of Governments (SANDAG) counts 2023 as the third year of the Sixth Cycle.

Planning & Development Services (PDS) prepared this APR with support from the Departments of Homeless Solutions and Equitable Communities (HSEC), Housing & Community Development Services (HCDS), General Services (DGS), Public Works (DPW), and Parks and Recreation (DPR). The full 2023 General Plan and Housing Element APR is available in Attachment A, “General Plan and Housing Element Annual Progress Report.” Today’s requested action is to accept the 2023 General Plan and Housing Element APR, including the annual update on the implementation of the Housing Element.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is not subject to the California Environmental Quality Act (CEQA) because it is not a project as defined in Sections 15060(c)(3) and 15378(b)(5) of CEQA Guidelines.

2. Accept the 2023 General Plan Annual Progress Report (Attachment A).

EQUITY IMPACT STATEMENT

The General Plan and Housing Element Annual Progress Report (APR) outlines the County of San Diego's (County's) progress and status in implementing the General Plan and the Housing Element from January 1 to December 31 of each year. Annual reporting on the County's implementation of the General Plan and Housing Element helps increase transparency and keeps the public informed about the impact that the County's programs and initiatives have on providing equitable solutions to local issues. The report provides information on the County's efforts to meet the housing needs of individuals and families from all economic segments of the unincorporated communities, including from those with (1) very low incomes (households with up to 50 percent of the Area Median Income [AMI]), (2) low incomes (households with 51 percent to 80 percent of the AMI), (3) moderate incomes (households with 81 percent to 120 percent of the AMI), and (4) those with above moderate incomes (households with greater than 120 percent of the AMI). The APR is an aggregate of land use planning and housing data that can be used to make data driven decisions about policies and programs that improve outcomes related to equity, including those that increase access to affordable housing and improve conditions for people experiencing homelessness, low-income communities, and communities of color.

SUSTAINABILITY IMPACT STATEMENT

The General Plan and Housing Element Annual Progress Report (APR) accounts for the County of San Diego's (County's) progress in implementing the goals, policies, and programs outlined in the General Plan and Housing Element, including those related to sustainable development and protecting and promoting the County's natural resources and addressing climate change. The APR is an aggregate of land use planning and housing data that can be used to make policy decisions and develop programs that promote equity and environmental sustainability, as well as ensure the community's well-being. This effort supports the County's "Sustainability" strategic initiative to align the County's available resources with services that promote economic stability. The APR promotes economic stability by providing transparent data, equitable access to information, operational accountability, and enterprise-wide collaboration.

FISCAL IMPACT

There is no fiscal impact associated with today's action to accept the 2023 General Plan and Housing Element Annual Progress Report (APR). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A