

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING AGENDA

**TUESDAY, JANUARY 13, 2026, 9:00 AM AND WEDNESDAY, JANUARY 14, 2026, 9:00 AM**  
COUNTY ADMINISTRATION CENTER,  
BOARD CHAMBER, ROOM 310  
1600 PACIFIC HIGHWAY, SAN DIEGO, CA 92101

**LAND USE LEGISLATIVE SESSION**  
**WEDNESDAY, JANUARY 14, 2026, 9:00 AM**

Order of Business

- A. Roll Call to Reconvene from Tuesday, January 13, 2026
- B. Closed Session Report
- C. Non-Agenda Public Communication: Individuals can address the Board on topics within its jurisdiction that are not on the agenda. According to the Board's Rules of Procedure, each person may speak at only one Non-Agenda Public Communication session per meeting. Speakers can choose to speak during either the General Legislative or Land Use Legislative Session.
- D. Consent Agenda
- E. Discussion Items

**Viewing Agenda Materials**

All documents and attachments related to agenda items are available for public viewing. You can access them online at [www.sandiegocounty.gov/cob](http://www.sandiegocounty.gov/cob), or in person at the Clerk of the Board's Office, located at 1600 Pacific Highway, Room 402, San Diego, CA 92101. The Board Meeting calendar is online at [www.sandiegocounty.gov/bos/calendar.html](http://www.sandiegocounty.gov/bos/calendar.html).

**How to Speak at a Board Meeting**

If you would like to speak at the meeting, either in person or by phone, you can sign up by visiting <https://PublicComment.SanDiegoCounty.gov>. On the form, you will be asked to enter your name and choose how you would like to participate, either by attending in person or calling in virtually. If you choose to speak by phone, please make sure to enter a valid phone number so we can identify you when you call. You will also be asked to select the agenda item or items you wish to comment on and indicate whether you are in favor, opposed, or neutral. Once you submit the form, you will receive a confirmation email. If you need the information on the website in another language, simply click the Translate button at the top of the page and select your preferred language.

You can also submit a comment in writing at [www.sandiegocounty.gov/ecomment](http://www.sandiegocounty.gov/ecomment), via email to [PublicComment@sdcounty.ca.gov](mailto:PublicComment@sdcounty.ca.gov), or by mail to 1600 Pacific Highway, Room 402, San Diego, CA 92101.

## **Board Actions and Recommendations**

The Board of Supervisors may take action on any item listed on the meeting agenda. While each agenda item includes recommendations, these are only suggestions and do not limit what the Board may ultimately decide. Individuals should not assume that the Board will follow the recommendations.

## **Accessibility Accommodations**

The County is committed to making Board meetings accessible to everyone. If you need accommodations to participate, please contact us at least three days before the meeting by calling 619-531-5434 (TTY 619-531-4803) or emailing [PublicComment@sdcounty.ca.gov](mailto:PublicComment@sdcounty.ca.gov). If you need a sign language interpreter, you can call 619-531-4908. Assistive Listening Devices are also available from the Clerk of the Board's Office in Room 402.

## **Language Interpretation Services**

The County of San Diego wants everyone to be able to participate in Board meetings—no matter what language they speak. A Spanish interpreter is available at every Board of Supervisors meeting to assist those who wish to speak to the Board in Spanish. If you need interpretation in another language, please request it at least 72 hours before the meeting by calling 619-531-5434 or emailing [PublicComment@sdcounty.ca.gov](mailto:PublicComment@sdcounty.ca.gov).

In addition, the County can provide space in the Board Chamber's Observation Balcony for those providing or receiving interpretation, supporting the use of personal devices like phones or headsets, or help connect you to outside interpretation services for other languages. Please contact the Clerk of the Board in advance so we can make the necessary arrangements. Interpretation must not interrupt the meeting, in accordance with Government Code Section 54957.95.

## **Levine Act Notice – Campaign Contribution Disclosures**

Under the Levine Act (Government Code § 84308), anyone involved in a proceeding before the Board, such as for a license, permit, or other entitlement for use, must disclose any campaign contributions over \$500 made to Board Members within the past 12 months. This includes contributions made by the parties themselves or their agents. The disclosure must include the name of the contributor and recipient, the amount, and the date of the contribution. Disclosures can be made orally during the meeting or in writing on the request-to-speak form.

## **Board of Supervisors' Agenda Items**

### **CONSENT AGENDA**

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.

<b>Agenda #</b>	<b>Subject</b>
1.	ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2025-26, APPROVE REIMBURSEMENT AGREEMENTS BETWEEN THE COUNTY OF SAN DIEGO AND THE CITIES OF ESCONDIDO, SAN DIEGO AND SAN MARCOS AND RELATED CEQA EXEMPTION (4 VOTES)

2. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE CULVERT REPAIR AND REPLACEMENT AND RELATED CEQA EXEMPTION

## DISCUSSION ITEMS

<b>Agenda #</b>	<b>Subject</b>
3.	NOTICED PUBLIC HEARING: REPORT BACK AND SEEK DIRECTION ON THE DRAFT SOCIALLY EQUITABLE CANNABIS PROGRAM AND RELATED CEQA EXEMPTION
4.	PROTECTING SAN DIEGANS FROM THE IMPACTS ASSOCIATED WITH LARGE ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS
5.	TRAFFIC ADVISORY COMMITTEE (01/14/2026 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 01/28/2026 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING, AND CEQA EXEMPTION FINDING)
6.	NOTICED PUBLIC HEARING: RESOLUTION TO REVISE THE TRANSPORTATION STUDY GUIDE FOR VEHICLE MILES TRAVELED TO REMOVE THE INFILL AREA AND SMALL PROJECT SCREENING CRITERIA AND CEQA EXEMPTIONS

THIS PAGE IS INTENTIONALLY LEFT BLANK.

**1. SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD CONSTRUCTION CONTRACTS FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY AND SLURRY SEAL TREATMENTS FOR FISCAL YEAR 2025-26, APPROVE REIMBURSEMENT AGREEMENTS BETWEEN THE COUNTY OF SAN DIEGO AND THE CITIES OF ESCONDIDO, SAN DIEGO AND SAN MARCOS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

**OVERVIEW**

The County of San Diego (County) Department of Public Works (DPW) maintains nearly 2,000 centerline miles of roads in the unincorporated areas of San Diego County. The County's average Pavement Condition Index (PCI), an industry-standard rating system used to rate the condition of roads, dropped from 70 in 2012 to 60 in 2016. The change in PCI was due to reduced levels of road maintenance work because of rising construction costs and declining gas tax revenue as vehicles became more fuel efficient. As a result of the Senate Bill 1 (SB1) initiative and the associated resurfacing projects, the condition of County-maintained roads has improved significantly over the past eight years, with the current average PCI at 69. The County maintains a Board-directed goal of achieving PCI 70 by the end of FY 2025-26 and is on track to achieve this goal. DPW estimates receiving \$64.9 million in State SB1 gas tax revenue in FY 2025-26 to continue the road resurfacing program. To maintain eligibility for this revenue, the Board must adopt a resolution each year approving a list of proposed projects and submit these to the California Transportation Commission (CTC). On May 21, 2025 (4), the Board adopted the annual resolution and proposed list of roads to be resurfaced during FY 2025-26 using State SB1 gas tax revenue. The list includes approximately 95.54 centerline miles of County-maintained roads to be resurfaced with available road resurfacing funding included in DPW's FY 2025-26 Operational Plan. Part of today's item is to establish appropriations and advertise and award construction contracts for this Board-adopted list of projects.

Additionally, DPW has identified one County-maintained road that crosses into the City of Escondido, one County-maintained road that crosses into the City of San Diego, and two County-maintained roads that cross into the City of San Marcos, where resurfacing coordination will be mutually beneficial and better serve residents. Part of today's item is to authorize the Clerk of the Board to execute, upon receipt, reimbursement agreements with the Cities of Escondido, San Diego, and San Marcos for payment of costs to the County to complete road resurfacing work.

DPW also provides road maintenance services for almost 100 miles of private roads through the Permanent Road Division (PRD) Program. DPW has identified a combined 4.26 centerline miles of road resurfacing in seven PRD Zones in FY 2025-26 based on available funding, road segment condition, road segment traffic volume, maintenance of egress routes in case of disasters, and community input. Road work was identified through field reviews and coordinated with road committees in each PRD Zone.

Today's item seeks approval for the Board to establish appropriations and approve the advertisement and subsequent award of multiple construction contracts for asphalt concrete overlay and slurry seal treatments on County-maintained, city-maintained, and these PRD Zone roads. The total cost for all FY 2025-26 projects is estimated at \$73,023,808. Advertisement and

award of the construction contracts are scheduled for Spring 2026. Construction for FY 2025-26 projects is scheduled to begin in summer 2026 and be completed by fall 2027.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines that the proposed projects and approval of the associated revenue agreements are categorically exempt from CEQA review because they involve the maintenance of existing public roads involving no or negligible expansion of existing use.
2. Establish appropriations of \$609,744 in the Department of Public Works Road Fund, Services & Supplies, for the AC Overlay 2526 A (North) and Pavement Seal 2526 (North) projects based on revenue from the Agreements with the Cities of Escondido, San Diego and San Marcos. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award multiple construction contracts and to take other actions authorized by Section 401 et seq. of the Administrative Code with respect to contracting for asphalt concrete overlay and slurry seal projects on County-maintained, city-maintained, and PRD Zone roads as identified in Attachments A through E, which are on file with the Clerk of the Board.
4. Authorize the Clerk of the Board to execute, upon receipt, revenue agreements with the Cities of Escondido, San Diego and San Marcos for road resurfacing in accordance with Board Policy B-29 and Attachments A through C, which are on file with the Clerk of the Board.
5. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contracts in accordance with Board Policy F-41, Public Works Construction Projects.

## **EQUITY IMPACT STATEMENT**

The Department of Public Works (DPW) uses best management practices when preserving the County-maintained road network and responds to community feedback through the Tell Us Now! mobile app and toll-free hotlines. The collective information is evaluated by DPW and used to develop a list of roads requiring maintenance that is balanced proportionally to the total centerline miles within each County district. Approximately 55% of the roads on the maintenance list are located within underserved communities as defined in the most recent version of CalEnviroScreen (4.0) and Healthy Places Index (3.0) GIS layer. The projects will provide significant benefits to the residents, including enhancements to the Americans with Disabilities Act (ADA) pedestrian ramps and drainage improvements that will improve access and mobility for non-motorized road users. Road resurfacing facilitates transit and allows cars and buses to travel to underserved communities to bring workers to job centers and other resources. County of San Diego construction contracts are advertised to the public, competitively bid, and help stimulate the local economy.

## **SUSTAINABILITY IMPACT STATEMENT**

Timely maintenance of County roads promotes economic, environmental, social, and health sustainability, while preventing costlier future repairs and supporting fiscal responsibility. Asphalt concrete rehabilitation incorporates 25% recycled material from deteriorated roads, conserving thousands of tons of aggregate annually and advancing the County's recycling and pollution reduction goals. Well-maintained roads reduce vehicle maintenance needs, offering social sustainability benefits. Drainage upgrades-such as culvert, curb, and gutter rehabilitation-enhance water quality and extend infrastructure lifespan, aligning with environmental sustainability objectives. Installing ADA-compliant pedestrian ramps improves walkability and transit access, supporting public health, reducing emissions, and contributing to a greener, carbon-free future.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2025-26 Operational Plan in Permanent Road Divisions (PRD) and partially included in the Fiscal Year 2025-26 Operational Plan in the Department of Public Works (DPW) Road Fund. If approved, this request will establish additional appropriations of \$609,744, resulting in additional costs and revenue for the DPW Road Fund, as outlined in recommendation 2 to coordinate resurfacing activities with neighboring cities for roads that cross jurisdictional boundaries. The funding sources for this request are revenues from agreements with the Cities of Escondido (\$288,516), San Diego (\$268,186), and San Marcos (\$53,042). The total cost for all FY 2025-26 projects is estimated at \$73,023,808, including an 8% contingency for County-maintained roads and a 20% contingency for city-maintained and PRD Zone roads for unforeseen conditions that may arise during construction. The funding sources are State SB1 gas tax revenue (\$62,953,444), Road Fund fund balance (\$2,181,000), TransNet (\$6,200,000), City of Escondido revenue agreement (\$288,516), City of San Diego revenue agreement (\$268,186), City of San Marcos revenue agreement (\$53,042), and PRD Zones' available prior year fund balance (\$1,079,620). There will be no change in net General Fund costs and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

Road maintenance improves the condition of the roads, facilitates the transit of goods, and eases movement to jobs, schools, shopping and medical centers, and government services. County of San Diego construction contracts are also publicly advertised and competitively bid, and help stimulate the local economy. 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.

## **2. SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE CULVERT REPAIR AND REPLACEMENT AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

### **OVERVIEW**

The County of San Diego (County) Department of Public Works (DPW) maintains over 18,000 drainage culverts in the unincorporated region. Drainage culverts convey water away from roadways, enhancing safety for roadway users and protecting the County's transportation and drainage system from deterioration and costly future repairs. DPW regularly assesses the

condition of County-maintained culverts during field reviews and has identified locations for repair and replacement. These locations have been prioritized based on the condition of the culvert, community needs, project readiness, and resource availability.

This construction contract is anticipated to repair or replace 62 existing stormwater drainage culverts of varying sizes and lengths at locations throughout the unincorporated County. The list of culverts identified for repair or replacement is in Attachment A, by County district, approximate location, and communities benefiting from the repairs. These improvements will restore the structural integrity and functionality of the drainage systems as well as reduce the risk of flooding and roadway failures on County-maintained roads.

Today's action requests that the County Board of Supervisors approve the advertisement and award of a construction contract for Countywide culvert repair and replacement. As indicated in Attachment A, the bid package has been structured with a minimum number of locations included in the Base Bid, and two additional culverts listed as an Additive Alternate if the bid price is favorable and allows for these additional repairs. Construction costs are estimated to be \$8,650,000, including a 15 percent contingency for unexpected conditions during construction. Total project costs are estimated at \$9,995,000. Construction is scheduled to begin in spring 2026 and be completed in 2028.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15301(c) and 15302 (c) of the California Environmental Quality Act (CEQA) that the proposed project is categorically exempt from CEQA review because it involves the maintenance, replacement, and/or reconstruction of existing culverts involving no or negligible expansion of existing use.
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and to take other actions authorized by Section 401 et seq. of the Administrative Code with respect to contracting for Countywide culvert repair and replacement.
3. 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 Contracts.

## **EQUITY IMPACT STATEMENT**

The Department of Public Works strives to preserve, enhance, and promote quality of life and environmental resources through the implementation of projects that improve stormwater conveyance. Maintaining these systems provides equitable benefits for communities by reducing flood risks, maintaining property values, ensuring public safety, and protecting environmental quality. Properly functioning culverts effectively channel floodwater, protecting property and infrastructure throughout the unincorporated area. By ensuring the stormwater conveyance systems function efficiently, communities can mitigate flood risks and enhance public safety.

## **SUSTAINABILITY IMPACT STATEMENT**

Maintaining existing stormwater conveyance systems has economic, environmental, public health, and sustainability benefits. Maintaining these stormwater conveyance systems in a timely manner helps prevent more costly future maintenance efforts, thereby reducing environmental impacts and supporting economic sustainability. The culvert repair and replacement proposed in this action will enhance water quality by effectively channeling floodwater to minimize disruption of the environment. The improvements will also help prevent erosion and flooding, which contribute to the County of San Diego's sustainability goal of protecting ecosystems and habitats.

## **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2025-26 Operational Plan in the Department of Public Works, Road Fund. If approved, construction costs are estimated to be \$8,650,000, which includes a 15% contingency for unforeseen conditions that may arise during construction. Total project costs are estimated to be \$9,995,000. The funding source is available prior year Road Fund fund balance. There will be no change in net General Fund costs and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

County 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 typically based on rates specified in 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.

### **3. SUBJECT: NOTICED PUBLIC HEARING: REPORT BACK AND SEEK DIRECTION ON THE DRAFT SOCIALLY EQUITABLE CANNABIS PROGRAM AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)**

## **OVERVIEW**

The Board of Supervisors (Board) has taken several steps to create a safe, equitable, and environmentally responsible legal cannabis industry in the unincorporated areas of San Diego County. The goal is to align State and County regulations, expand economic and agricultural opportunities, and minimize impacts on public health, safety, and the environment. On January 27, 2021 (4), the Board directed the Chief Administrative Officer (CAO) to develop the Socially Equitable Cannabis Program (SECP), the term used for the overall County program, including amendments to the Zoning Ordinance and Regulatory Code, and advise on cannabis taxes. The Board also directed staff to explore a Social Equity Program (SEP) for applicants as part of the overall SECP. On June 9, 2021 (2), the Board provided further direction to prepare a Program Environmental Impact Report (PEIR) to analyze the environmental effects of permitting new cannabis facilities. On June 15, 2022 (7), the Board expanded that direction to include 16 additional measures to address community concerns and mitigate potential impacts, including a

Community Equity Contribution Program (CECP) to ensure cannabis facilities provide benefits to surrounding neighborhoods. On April 30, 2024 (31), the Board provided direction on SEP eligibility criteria tiers, aiming to promote fair access to the cannabis industry for individuals adversely impacted by cannabis criminalization.

This item provides an update on the draft SECP, a summary of the environmental analysis (PEIR), and stakeholder feedback received to date. This item also provides the Board with an opportunity to provide direction on three key program decision points so that staff can prepare the final draft County Zoning Ordinance and Regulatory Code for the Board's final consideration in summer 2026. When staff returns to the Board in summer 2026, the Board will have the ability to re-consider any program features in light of final environmental review and additional stakeholder feedback.

The options on the three key decision points presented by staff today reflect direction from the Board and stakeholder feedback. Staff developed the draft SECP to create a consistent framework for permitting and regulating new cannabis businesses in the unincorporated area. The SECP could allow a range of commercial cannabis uses, including cultivation, manufacturing, distribution, testing, microbusinesses, retail, consumption lounges, and temporary cannabis events. Staff has prepared: (1) draft Zoning Ordinance and Regulatory Code amendments, establishing where cannabis businesses may operate and the standards they must meet; (2) a proposed licensing and permitting process; (3) a PEIR evaluating potential environmental effects; and (4) an SEP to promote fair access for individuals disproportionately affected by cannabis criminalization.

Since the Board's initial direction in 2021, County staff have conducted over 280 outreach meetings with the public, cannabis businesses, social equity advocates, Community Planning and Sponsor Groups (CPSGs), tribal governments, cannabis industry advocates, environmental groups, regulatory agencies, and public health and safety advocates. Staff released the draft PEIR and ordinances for public review in January 2025 and conducted extensive outreach with social equity applicants, environmental groups, CPSGs, community members, and others. The PEIR found that, even with strong safeguards in place, impacts such as odor, noise, and groundwater use could remain significant and unavoidable. Feedback reflected a wide range of perspectives from those supporting a program that aligns with State law to others strongly opposed to allowing cannabis facilities in the unincorporated area. Community members and several CPSGs recommend maintaining the existing ban, while others identified additional regulations they would want to see if the Board adopted the SECP. Staff also heard significant feedback regarding temporary cannabis events and onsite consumption lounges, with many raising concerns about impaired driving, odor, exposure to minors, and overall compatibility with surrounding communities. These activities would be subject to State licensing and oversight, along with enforcement to ensure public safety and compliance.

Based on this diverse input, along with direction from the Board, staff developed three program options across the key decision points, incorporating feedback on the types of facilities allowed, identification of sensitive uses requiring buffers, buffer distances, and separation requirements between facilities. Generally speaking, the options under each decision point are organized from least to most restrictive from a regulatory standpoint (A is the least restrictive, C is the most restrictive). The Board may select one of the following options, or a variation, as preliminary guidance to the summer 2026 hearing when a final decision will be made.

### **Decision Point #1: Land Use**

Each of these program options seek to balance alignment with State law, community and stakeholder concerns, and equitable access to the legal cannabis market. While all three program options include the same main regulations and safeguards, such as odor control, lighting standards, water use requirements, and security, they differ in geographic implications of how and where cannabis facilities can be allowed.

**Option A: Align with State Standards:** Allow all cannabis facility types. Require a 600-foot buffer from schools, day cares, and youth centers to cannabis facilities, consistent with the January 27, 2021 (4) Board direction, and State regulations; OR

**Option B: Adopt Blended Regulations:** Allow all cannabis facility types and modify the draft ordinance amendment to require a 1,000-foot buffer from an expanded list of sensitive uses to cannabis facilities, consistent with the June 15, 2022 (7) Board direction. Remove residential care facilities and public trails from the expanded list of sensitive uses to allow for more potential retail locations, and modify the 1,000-foot buffer from preserves to only apply to mixed-light and outdoor cultivation facilities. Require additional buffers applicable to mixed-light and outdoor cultivation; OR

**Option C: Prohibit Outdoor Cultivation:** Modify the draft ordinance amendment to allow all cannabis facility types, except for outdoor cultivation. Require a 1,000-foot buffer from an expanded list of sensitive uses to cannabis facilities, consistent with the June 15, 2022 (7) Board direction. Require additional buffers applicable to mixed-light cultivation.

### **Decision Point #2: Regulations on Temporary Events & Consumption Lounges**

Staff is presenting the Board with the option to specifically regulate the Temporary Cannabis Events and Onsite Consumption Lounges because of the substantial feedback received on these facility types. Many stakeholders expressed concern about intoxicated driving, odor, exposure to minors, and overall community compatibility. These activities would be subject to State licensing and oversight, as well as enforcement to ensure compliance with public safety and operating standards.

**Option A:** Retain Temporary Cannabis Events and Onsite Consumption in SECP for Further Consideration.

**Option B:** Remove Temporary Cannabis Events and Onsite Consumption Lounges from the SECP.

### **Decision Point #3: Community Equity Contribution Program (CECP)**

Staff are also seeking direction on the CECP, which includes incentives for direct benefits to the community where these facilities and operations will be located. Staff conducted research and collaborated with the community through outreach sessions and identified a potential approach for the CECP. The CECP could be implemented through Community Incentive Grants, which have the potential to provide on-going community benefits once the business is operational. This would allow cannabis businesses that provide a community benefit to apply for and receive tax

rebates or grants, ensuring sufficient time for new cannabis businesses to obtain all their required permits/licenses before making a community contribution. Direction will allow staff to further develop the Community Incentive Grants program with additional detail.

**Option A:** Continue to develop the CECP and include in final ordinance return in Summer 2026.

**Option B:** Do not continue to develop the CECP and focus solely on development and administration of the SEP.

Following Board direction on these items, staff will prepare the final PEIR and ordinances for Board consideration in summer 2026. At the summer 2026 hearing, the Board may consider and adopt any of the project alternatives, including maintaining the existing County prohibition on new cannabis business if it determines a regulated program is not appropriate at that time. If the Board direction in summer 2026 is significantly different than what was directed today and analyzed in the environmental review, an additional hearing and potentially further environmental analysis may be required. The Governor's Office of Business and Economic Development has awarded OERJ grant funding, but funding cannot be disbursed until cannabis programming and amendments have been approved. This funding is only available through October 31, 2026 and requires a decision on the SECP Board adoption by that time to allow funds to be disbursed to SEP applicants.

## **RECOMMENDATION(S)**

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) as specified under Section 15061(b)(3) of the CEQA Guidelines. Subsequent actions will be reviewed pursuant to CEQA and presented to the Board for consideration prior to approval.
2. Provide direction on land use program components based on stakeholder feedback. The Board may recommend one of the options identified below or a variation thereof as preliminary guidance:
  - A. Program Option A - Align with State Standards:** Allow all cannabis facility types consistent with State-defined buffers from sensitive uses.
  - B. Program Option B - Adopt Blended Regulations:** This option is more restrictive than State standards and would modify the draft ordinance amendment to still allow all cannabis facility types with expanded buffers and a modified list of sensitive uses.
  - C. Program Option C - Prohibit Outdoor Cultivation:** This is the most restrictive option that would modify the draft ordinance amendment to allow all cannabis facility types except for outdoor cultivation with added buffers and sensitive uses.
3. Provide direction on refining program regulations based on stakeholder feedback regarding consumption lounges and temporary cannabis events. The Board may recommend one of the Policy Options identified below:

- A. Option A:** Retain Temporary Cannabis Events and Onsite Consumption in SECP for Further Consideration.
  - B. Option B:** Remove Temporary Cannabis Events and Onsite Consumption Lounges from the SECP.
- 4. Provide direction on whether to continue to develop the Community Equity Contribution Program (CECP) Community Incentive Grants, which would allow cannabis businesses that provide a community benefit to apply for and receive rebates or grants based on the payment status of their cannabis taxes.
  - A. Option A -** Continue to Develop the CECP.
  - B. Option B -** Do Not Continue to Develop the CECP.

### **EQUITY IMPACT STATEMENT**

On January 27, 2021 (4), the Board of Supervisors (Board) directed staff to develop the Socially Equitable Cannabis Program (SECP) with the goal of creating a safe and equitable legal cannabis industry in the unincorporated area. A core component of SECP is the Social Equity Program which seeks to rectify the injustices caused by the War on Drugs by ensuring individuals disproportionately impacted by cannabis criminalization have priority access to business opportunities.

### **SUSTAINABILITY IMPACT STATEMENT**

The Socially Equitable Cannabis Program (SECP) aims to establish an environmentally responsible and socially equitable legal cannabis industry within unincorporated areas. The draft amendments to the Zoning Ordinance define land use standards and operational regulations for cannabis facilities designed to protect safety and welfare; minimize potential negative impacts on communities and the environment; and ensure compliance with local and State laws. All cannabis facilities would be required to conform to the County General Plan and any applicable specific plans, master plans, and all applicable zoning and regulatory standards and State regulations. Throughout the development of the SECP, staff collaborated closely with regulatory agencies, technical advisory groups, and the public to ensure alignment with environmental standards and best practices. The SECP is being developed to establish a framework through which new cannabis facilities mitigate environmental impacts and protect natural resources, water, and energy consumption.

### **FISCAL IMPACT**

#### *Recommendations 1-3*

There is no fiscal impact associated with recommendations 1 through 3. Staff anticipate returning to the Board of Supervisors (Board) with the final Program Environmental Impact Report and ordinances at a future hearing. Any specific potential fiscal impacts associated with program adoption will be identified at a future hearing. There will be no change in net General Fund costs and no additional staff years.

#### *Recommendation 4*

If the Board directs staff to implement the Community Equity Contribution Program (CECP), there is no fiscal impact in Fiscal Year 2025-26 in the Finance and General Government Group, Office of Equity and Racial Justice (OERJ). There would be future program costs and revenue estimated at \$20,000 per year beginning in Fiscal Year 2027-28 in OERJ, which would be included in future Operational Plans and funded by existing resources and staffing based on General Purpose Revenue for the Social Equity Program (SEP). Costs are not projected to begin until Fiscal Year 2027-28 because in order to qualify for CECP, new cannabis businesses must be operational and be up to date on tax payments for one year. It is projected to take one to two years to get through State and County licensing processes. There will be no change in net General Fund costs and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

There is no business impact associated with today's recommendations. Staff anticipates returning to the Board of Supervisors (Board) with the final Socially Equitable Cannabis Program (SECP) at a future hearing. If the final SECP is adopted, depending on the direction provided by the Board, the SECP could create jobs in the unincorporated areas, as part of a regulated cannabis industry. Any specific potential business impacts associated with program adoption will be identified at a future hearing.

#### **4. SUBJECT: PROTECTING SAN DIEGANS FROM THE IMPACTS ASSOCIATED WITH LARGE ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS (DISTRICTS: ALL)**

#### **OVERVIEW**

Large artificial intelligence (AI) data centers are being developed across the country at a rapid pace. They typically range in size from hundreds of thousands to millions of square feet and are quite literally powering the emerging and unprecedented societal shift toward AI. These facilities house and interconnect thousands of advanced computer chips, particularly graphics processing units (GPUs), which are essential for data and power-intensive tasks designed to train large language models, machine learning networks, and other data-heavy processes that are driving the development of AI technologies like OpenAI's ChatGPT and xAI's Grok, among many others.

AI data centers require incredible amounts of electricity and water to operate and can significantly strain local infrastructure and grid capacity. For example, consider that a single moderately-sized facility - in terms of power - of 100 megawatts (MW) consumes as much as 100,000 households' worth of electricity annually, according to the International Energy Agency (IEA). And that's just the beginning. A single 100 MW project, as large as it is, pales in comparison to facilities currently being proposed or constructed approaching or exceeding 1,000 MW in size, which would be capable of consuming an amount of electricity equivalent to over a *million* households. OpenAI's Stargate Project alone, for instance, plans to develop 10 gigawatts (10,000 MW) of AI data center capacity by 2029.

To meet the ever-growing power demand of emerging AI systems, across the country large data centers are quickly becoming one of the fastest-growing electricity users, with power demand set to possibly double over the next decade. Large technology companies are seeking available land with proximity to existing and/or planned utility infrastructure to develop additional data centers. Given the availability of land and utility infrastructure in the unincorporated County, we should expect similar project proposals to begin being submitted in our region soon. However, much like we saw with the growing demand for battery energy storage system (BESS) projects, current County regulations do not specifically address the size, scale, specific impacts, or utility demands of AI data centers. Without proper safeguards in-place, this level of power demand could result in significant increases in electricity rates for residents and small businesses already grappling with an electricity affordability crisis.

Not wanting to recreate the situation we encountered with BESS projects - that they can be processed and approved without specific regulations tailored to their unique impacts (thermal runaway, toxic plumes, etc.) - the County should be proactive and begin looking at policy solutions *now*, before an influx of AI data center project proposals flood our region, leaving residents more vulnerable to their impacts. Without specific regulations, these projects will likely default to a standard permitting process which won't necessarily protect ratepayers from spikes in electricity rates and significant impacts on our water supplies and other critical infrastructure.

It's in the spirit of protecting San Diegans from the impacts of emerging AI that today's item directs the Chief Administrative Officer (CAO) to evaluate the potential local impacts of AI data centers and return to the Board with relevant information and potential policy options to help protect residents, small businesses, and critical infrastructure, while still allowing reasonable development to move forward.

## **RECOMMENDATION(S)** **SUPERVISOR JIM DESMOND**

1. Direct the Chief Administrative Officer (CAO) to prepare a report addressed to the Board within 180 days that evaluates the potential development of large AI data centers in the unincorporated County, and that specifically answers the following questions:
  - a. How many AI data centers are currently constructed in San Diego County?
  - b. How many AI data centers are currently proposed or have submitted plans for permit review?
  - c. Under existing zoning and regulations, where could large AI data centers be developed, including proximity to sensitive receptors? For instance - could they be permitted in residential zones? What about commercial, industrial, etc.?
  - d. Under the current permitting process, what opportunities exist for public notice, community engagement, and input should an AI data center be proposed?
  - e. What impacts could large AI data centers have on electricity rates, water usage, local infrastructure, air quality, noise, fire risk, and emergency response?
  - f. What potential impacts could an increasing use and/or reliance of AI have on the local workforce, including job displacement or changes in employment sectors?
  - g. What actions, if any, is the County currently taking to prepare for or manage the accelerating growth in AI data center development?
  - h. Any other relevant information the Board should take into consideration?

2. Direct the CAO to include in the same 180-day report potential policy options that the Board may consider to reduce impacts from large AI data centers. These options may include, but are not limited to:
  - a. Ratepayer and water protection measures, such as:
    - i. Community benefit requirements consistent with project size, such as contributions to ratepayer assistance programs.
    - ii. Set limits on water usage and/or requirements for on-site water recycling.
    - iii. Requirements for projects to cover the cost of new or upgraded utility infrastructure needed to serve the project.
    - iv. Incentives or requirements for on-site energy generation.
  - b. Siting and development standards, such as:
    - i. Restrictions on locating large AI data centers near residential areas or sensitive receptors such as schools, day care and senior care centers, and hospitals.
    - ii. Incentives to locate facilities within appropriate commercial or industrial zones.
    - iii. Standards related to setbacks, building height, lighting, landscaping, and overall site design.

### **EQUITY IMPACT STATEMENT**

Lower-income, rural and other disadvantaged communities are likely more vulnerable to the impacts of large AI data centers. Higher utility rates will exacerbate financial pressures on all of us, but households struggling the most with the rising cost of living will be hit the hardest. Communities near proposed facilities may also experience localized impacts, including noise and visual impacts. Establishing clear standards and protections before projects are proposed ensures the impacts are not disproportionately borne by more vulnerable populations.

### **SUSTAINABILITY IMPACT STATEMENT**

Large AI data centers require enormous amounts of electricity and water. Without appropriate safety measures in place, future projects could significantly impact the electrical grid and increase demand for limited local water resources. Projects must minimize their impact on existing infrastructure, incorporate on-site energy generation where feasible, and contribute appropriately to help make our region a place where people can thrive.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2025-26 Operational Plan in the Planning & Development Services (PDS) and the Land Use and Environment Group, Office of Sustainability and Environmental Justice (OSEJ) departments. The staff currently working on unincorporated area regulations for privately initiated Battery Energy Storage Systems could concurrently complete this report back by leveraging project similarities, with updated project timelines for BESS. Staff are currently supported by existing General Purpose Revenue and \$35,000 in estimated program revenue, which would need to be replaced if work were redirected towards the AI efforts. In addition to staff time, it is estimated that \$115,000 would be needed to support one-time consultant costs related to the evaluation of the potential development of large AI data centers in the unincorporated County with potential policy options for the Board to consider.

The total estimated GPR need of \$150,000 (\$35,000 program revenue backfill for existing staff and \$115,000 for consultant costs) would be funded by reallocating \$135,000 within PDS and \$15,000 within OSEJ. Within PDS, \$135,000 is available from funds previously allocated for the Battery Energy Storage System (BESS) project due to a better understanding of the environmental analysis, scope and outreach, resulting in lower anticipated costs. Within OSEJ, \$15,000 is available from projected operational savings. There will be no change in net General Fund costs and no additional staff years. There may be future fiscal impacts of the recommendations which will be presented to the Board for consideration and approval.

## **BUSINESS IMPACT STATEMENT**

N/A

**5. SUBJECT: TRAFFIC ADVISORY COMMITTEE (01/14/2026 - ADOPT RECOMMENDATIONS INCLUDING INTRODUCING AN ORDINANCE; 01/28/2026 - SECOND READING OF AN ORDINANCE, UNLESS ORDINANCE IS MODIFIED ON SECOND READING, AND CEQA EXEMPTION FINDING) (DISTRICTS: 1, 3, & 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 1950s to provide traffic regulations and recommendations within the unincorporated areas of the region. The TAC proposes policies that will enhance safety, reduce congestion, and be legally enforceable. The TAC meets every two months to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County of San Diego (County) maintained roads. Upon receipt of a request or recommendation for the implementation of a traffic safety measure in unincorporated areas, the TAC reviews and investigates the requested item, including engineering and traffic condition studies. The TAC recommendations are provided to the Board for consideration. The TAC recommends the Board act on eight items from August 1, 2025 TAC meeting agenda:

<b>District. Item</b>	<b>Location</b>	<b>Request</b>	<b>Description</b>
1. 1-A	Presioca Street & Harness Street in Spring Valley.	Review requested by residents.	Establish an all-way stop intersection.
3. 3-A*	Rambla de las Flores from La Granada to La Orilla in Rancho Santa Fe.	Review requested by DPW staff.	Combine with the southern speed zone segment, establish a 35 MPH speed limit, and certify the 35 MPH speed limit.
3. 3-B*	Rambla de las Flores from La Orilla to Linea del Cielo in Rancho Santa Fe.	Review requested by DPW staff.	Combine with the northern speed zone segment, establish a 35 MPH speed limit, and certify the 35 MPH speed limit.

<b>District. Item</b>	<b>Location</b>	<b>Request</b>	<b>Description</b>
5. 5-A*	Stage Coach Lane from Mission Road to 1,580' south of Calavo Road in Fallbrook.	Review requested by DPW staff.	Combine with the northern speed zone segment, relocate the northern endpoint to Fallbrook Street, establish a 40 MPH speed limit, and certify the 40 MPH speed limit for radar enforcement.
5. 5-B*	Stage Coach Lane from 1,580' south of Calavo Road to Reche Road in Fallbrook.	Review requested by DPW staff.	Combine with the southern speed zone segment, relocate the northern endpoint to Fallbrook Street, establish a 40 MPH speed limit, and certify the 40 MPH speed limit for radar enforcement.
5. 5-C*	Stage Coach Lane from Reche Road to Mission Road in Fallbrook.	Review requested by DPW staff.	Relocate the southern endpoint to Fallbrook Street and certify the 35 MPH speed limit for radar enforcement.
5. 5-D*	Rainbow Heights Road from Rice Canyon Road to end of County maintenance (at Sombrero Road, a private road) in Rainbow.	Review requested by residents.	Establish a 30 MPH speed limit and certify the 30 MPH speed limit for radar enforcement.
5. 5-E	San Marino Drive and Hermosita Drive in Lake San Marcos.	Review requested by residents.	Establish an all-way stop intersection.

\*Item requires two hearings.

Approval of Item 1-A on Presioca Street and Harness Street (District 1) and 5-E on San Marino Drive and Hermosita Drive in Lake San Marcos (District 5) would enhance safety for pedestrians, bicyclists, and motorists by assigning a full stop to all vehicles approaching the intersections. Properly posted intersection stop controls reduce the number and severity of collisions by assuring reasonable drivers enter intersections at a low speed and have more time to take heed of the traffic situation.

Approval of Items 3-A on Rambla de las Flores in Rancho Santa Fe (District 3), 3-B on Rambla de las Flores in Rancho Santa Fe (District 3), 5-A on Stage Coach Lane in Fallbrook (District 5), 5-B on Stage Coach Lane in Fallbrook (District 5), 5-C on Stage Coach Lane in Fallbrook (District 5), and 5-D on Rainbow Heights Road in Rainbow (District 5) would support speed

enforcement which enhances roadway safety. Properly posted speed limits inform drivers on safe speeds, reduce the number and severity of collisions, and allow for enforcement.

The Board's action on Items 1-A on Presioca Street and Harness Street (District 1) and 5-E on San Marino Drive and Hermosita Drive in Lake San Marcos (District 5) does not revise the San Diego County Code of Regulatory Ordinances (County Code) and therefore does not require a second reading of an ordinance. Board direction on January 14, 2026 would allow implementation by DPW.

The Board's action on 3-A on Rambla de las Flores in Rancho Santa Fe (District 3), 3-B on Rambla de las Flores in Rancho Santa Fe (District 3), 5-A on Stage Coach Lane in Fallbrook (District 5), 5-B on Stage Coach Lane in Fallbrook (District 5), 5-C on Stage Coach Lane in Fallbrook (District 5), and 5-D on Rainbow Heights Road in Rainbow (District 5) would introduce an ordinance to amend and establish speed limit zones. This action would revise the County Code and requires two steps. On January 14, 2026, the Board will consider the TAC items. If the Board takes action as recommended, then on January 28, 2026, a second reading and adoption of ordinances amending the County Code would be necessary to implement the Board's direction. If the proposed ordinance is altered on January 28, 2026, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

## **RECOMMENDATION(S)**

### **TRAFFIC ADVISORY COMMITTEE**

#### **District 1:**

Item 1-A. Presioca Street and Harness Street in Spring Valley - Establish an all-way stop intersection.

#### **District 3:**

Item 3-A. Rambla de las Flores from La Granada to La Orilla in Rancho Santa Fe - Combine with the southern speed zone segment, establish a 35 MPH speed limit, and certify the 35 MPH speed limit.

Item 3-B. Rambla de las Flores from La Orilla to Linea del Cielo in Rancho Santa Fe - Combine with the northern speed zone segment, establish a 35 MPH speed limit, and certify the 35 MPH speed limit.

#### **District 5:**

Item 5-A. Stage Coach Lane from Mission Road to 1,580' south of Calavo Road in Fallbrook - Combine with the northern speed zone segment, relocate the northern endpoint to Fallbrook Street, establish a 40 MPH speed limit, and certify the 40 MPH speed limit for radar enforcement.

Item 5-B. Stage Coach Lane from 1,580' south of Calavo Road to Reche Road in Fallbrook - Combine with the southern speed zone segment, relocate the northern endpoint to Fallbrook Street, establish a 40 MPH speed limit, and certify the 40 MPH speed limit for radar enforcement.

Item 5-C. Stage Coach Lane from Reche Road to Mission Road in Fallbrook - Relocate the southern endpoint to Fallbrook Street and certify the 35 MPH speed limit for radar enforcement.

Item 5-D. Rainbow Heights Road from Rice Canyon Road to end of County maintenance (at Sombrero Road, a private road) in Rainbow - Establish a 30 MPH speed limit and certify the 30 MPH speed limit for radar enforcement.

Item 5-E. San Marino Drive and Hermosita Drive in Lake San Marcos - Establish an all-way stop intersection.

### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control on County 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. Adopt the following Resolutions:

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO.

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 304 RELATING TO THE ESTABLISHMENT OF STOP INTERSECTIONS IN THE COUNTY OF SAN DIEGO.

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 305 RELATING TO THE ESTABLISHMENT OF THROUGH HIGHWAYS IN THE COUNTY OF SAN DIEGO.

4. Approve the introduction of the following Ordinance:

ORDINANCE ADDING SECTION 72.169.8.4., AMENDING SECTIONS 72.161.9., 72.169.54., AND 72.169.58., AND DELETING SECTIONS 72.161.9.1., AND 72.169.75. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

If, on January 14, 2026, the Board takes action as recommended, then, on January 28, 2026:

1. Adopt the following Ordinance:

ORDINANCE ADDING SECTION 72.169.8.4., AMENDING SECTIONS 72.161.9., 72.169.54., AND 72.169.58., AND DELETING SECTIONS 72.161.9.1., AND 72.169.75. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

### **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 allows 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 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 that underserved populations are prioritized. The Traffic Advisory Committee (TAC) relies on the Local Roadway Safety Plan and performs reviews of regulatory traffic control devices such as signs and markings. While adherence to sign and marking standards developed by the California Department of Transportation is crucial to obtaining the compliance of 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 proposed actions have social, health and well-being, and environmental sustainability benefits. The Traffic Advisory Committee has made addressing sustainability a top priority by partnering with local communities and industry leaders in a public forum every two months 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 2025-26 Operational Plan in the Department of Public Works, Road Fund. If approved, this request will result in costs and revenue of \$15,034.00 in Fiscal Year 2025-26 for staff time, materials, and supplies. The funding source is the State Highway User Tax Account. There will be no change in net General Fund costs and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

**6. SUBJECT: NOTICED PUBLIC HEARING:  
RESOLUTION TO REVISE THE TRANSPORTATION STUDY GUIDE  
FOR VEHICLE MILES TRAVELED TO REMOVE THE INFILL AREA  
AND SMALL PROJECT SCREENING CRITERIA AND CEQA  
EXEMPTIONS (DISTRICTS: ALL)**

### **OVERVIEW**

The proposed action today revises the County's 2022 Transportation Study Guide (TSG) related to Vehicle Miles Traveled (VMT) to remove the thresholds for small project exemptions and infill areas to comply with recent court directives.

In 2013, the State of California passed Senate Bill 743 (SB 743), which changed how jurisdictions, including the County of San Diego (County), analyze transportation impacts from privately and publicly initiated projects under the California Environmental Quality Act (CEQA). SB 743 identified Vehicle Miles Traveled (VMT) as the standard to evaluate a project's transportation-related environmental impacts. VMT replaces motorist delay and associated level of service (LOS) as the metric for traffic impact analysis under CEQA. VMT measures both the volume of daily vehicle trips generated, and the average distance people drive

to and from destinations by specific types of land uses. The intent behind SB 743 was to balance the needs of congestion management (traffic) with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation such as walking and biking.

On September 28, 2022 (6), the Board of Supervisors (Board) adopted the County's Transportation Study Guide (TSG). This 2022 TSG established a threshold for analyzing transportation impacts in the unincorporated area under the California Environmental Quality Act (CEQA) using vehicle miles traveled (VMT) as a metric, as required by State law. The County's 2022 TSG was challenged in court shortly after adoption, and as a result, the County has been ordered to revise two of its VMT thresholds.

In November 2022, the Cleveland National Forest Foundation (CNFF) and the Coastal Environmental Rights Foundation (CERF) filed a lawsuit against the County alleging the 2022 TSG violated CEQA because the thresholds regarding infill area and small projects were adopted without substantial evidence. In December 2023, the trial court found the County's infill area and small project exemptions were supported by substantial evidence and upheld the 2022 TSG. However, this ruling was appealed by CNFF and CERF, and in April 2025, the appellate court found that the County's infill area and small project thresholds were not supported by substantial evidence. The County petitioned the California Supreme Court to review the decision and was supported by amici briefs from the County Counsel's Association and the League of California Cities. Ultimately, however, the Court denied review of the case, rendering the appellate court's decision final. In October 2025, the trial court issued a writ of mandate ordering the County to revise its TSG to remove the infill area and small project thresholds.

The proposed action today revises the County's 2022 TSG to remove those thresholds to comply with the court's direction. Staff will continue evaluating VMT mitigation program options and will return in Summer 2026 for Board direction, as well as consideration of other potential revisions to the TSG. The Board retains the ability to take future action related to the TSG and VMT. Additionally, today's court-mandated revisions to the TSG to remove the infill areas and small project exemptions would apply to in-process projects in the unincorporated area. However, staff have reviewed these projects and determined that most of them are consistent with the County's General Plan and qualify to streamline under CEQA using the 15183-exemption process, which allows projects to move forward without VMT mitigation. For the limited number of in-process projects that do not qualify for a 15183 CEQA exemption, staff have contacted those individual project applicants and are working with them to identify options to continue moving projects forward.

## **RECOMMENDATION(S) CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA

Guidelines section 15061(b)(3), because the resolution is an administrative action and it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

2. Adopt a resolution entitled: RESOLUTION TO REVISE THE TRANSPORTATION STUDY GUIDE FOR VEHICLE MILES TRAVELED TO REMOVE THE INFILL AREA AND SMALL PROJECT SCREENING CRITERIA (Attachment A).

### **EQUITY IMPACT STATEMENT**

An analysis of transportation impacts as measured by VMT will reduce environmental and health impacts associated with transportation, including noise, air quality and safety, and help accomplish the goals of Senate Bill 743 to balance the needs of congestion management with goals related to infill development, promotion of public health, and reduction of greenhouse gas emissions.

### **SUSTAINABILITY IMPACT STATEMENT**

The revised 2022 TSG will reduce VMT and greenhouse gas (GHG) emissions within the unincorporated area, helping to meet the State and County's climate, health, and mobility goals through implementation of Senate Bill 743.

### **FISCAL IMPACT**

There is no fiscal impact associated with the revisions to the 2022 TSG presented today. There will be no change in net General Fund costs and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

THIS PAGE IS INTENTIONALLY LEFT BLANK.