

The LUEG 2024 Sunset Review looked at two Regulatory Codes and seven Board policies. These items were up for review, and a summary of the recommended changes are presented below.

Approve amendments to and establish the sunset review date of December 31, 2031 for the following title of the County Regulatory Code:

- Title 6: Health and Sanitation

Determine no change is necessary and approve the sunset review date of December 31, 2031 for the following title of the County Regulatory Code:

- Title 5: Regulation of Buildings, Mobilehome and Special Occupancy Parks and Trailer Coaches

Approve amendments to and establish the sunset review date of December 31, 2031 for the following Board Policies:

- I-053 Cost Responsibility for the Construction of Flood Control and Drainage Facilities Within Road Rights-of-Way
- I-073 Hillside Development Policy
- I-118 Refund and Relief Policy When Permits and Projects are Issued in Error
- I-121 Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications

Establish the sunset review date of December 31, 2031 with no changes to the following Board Policies:

- G-006 User Fees County Parks and Recreation Facilities
- I-044 Procedure for Designing New County-Owned Community/Local Parks
- I-070 Reporting Complaint and/or Violations History for Planning Actions Brought Before Hearing Boards

The following pages briefly describe the proposed changes for each item.

County of San Diego Regulatory Code**Recommend Approval & Extend the Sunset Date (Standard Date of 2031):**

- **Title 5: Regulation of Buildings, Mobilehome and Special Occupancy Parks and Trailer Coaches (PDS) – no amendments**

The purpose of Title 5 is to regulate the construction, maintenance, and safety standards for buildings, mobilehome parks, special occupancy parks, and trailer coaches. It helps to ensure these structures are safe, habitable, and comply with local building codes and aims to protect public health and welfare by enforcing standards for sanitation, fire safety, and structural integrity. No changes are proposed to Title 5.

- **Title 6: Health and Sanitation (DEHQ) – amendments recommended**

The purpose of this code is to provide guidance regarding health and sanitation. This includes various aspects such as food safety, public swimming pools, and water management. This code is meant to align with the County's Operational Plan to protect the health and safety of residents and preserve and enhance the natural and built environment by unifying the County's efforts in land use, environmental protection and preservation, agriculture, recreation, and infrastructure development and maintenance.

This review encompassed the entire code which is composed of 10 divisions, or sections, that involve several departments and offices. The Department of Environmental Health and Quality (DEHQ), Department of Public Works (DPW), Department of Agriculture, Weights and Measures (AWM), Department of Parks and Recreation (DPR), Planning & Development Services (PDS), Sheriff's Office, Health and Human Services Agency (HHS), and Public Safety Group (PSG) have all reviewed Code to update the language for consistency with prior Board actions, provide clarity, remove outdated language or sections that no longer apply due to State law changes, and reflect current operational standards.

The following are the highlights of the proposed updates for this Code:

DEHQ proposes amending the Code throughout for clarity and consistency with existing Regulation. This includes: removal of outdated definitions, updated terminology, grammar and formatting changes, and clarity when referencing existing operations process.

DPW proposes amending the Code under Division 7, Chapter 8: Watershed Protection, Stormwater Management and Discharge Control. The purpose of this chapter is to protect water resources by establishing requirements that prevent stormwater pollution, including development site design criteria, to comply with State and Federal law under the Regional Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit. Proposed changes will clarify definitions for consistency with the NPDES Permit and address discrepancies in the development plan review process to determine stormwater site design. The changes provide clarity and consistency with existing regulation & regional MS4 permit, process, and is consistent with MS4 permit requirements. Much of existing ordinance matches regulations set forth in MS4 permit and additional comprehensive watershed protection ordinance update to commence with next MS4 Permit (expected 2025).

AWM proposes to make revisions to Division 2, Chapter 9: Beekeeping and Apiaries and Division 3, Chapter 2: Pest Control. Proposed changes for Chapter 9 will update language to reflect current scientific terminology, expand the definition of undesirable honeybee behavior, further define water supply requirements, include required abatement methods, and update notification requirements to be consistent with State Food and Agricultural code sections.

The proposed change for Chapter 2: Pest Control will remove section 63.208 Structural Pest Control Board Examination and Fee. AWM no longer provides exams, which are instead administered through the Structural Pest Control Board at third-party testing centers.

PSG and the Sheriff's Office propose to repeal the following chapters from Title 6 County Code of Regulation:

- Chapter 5: Massage Establishments and Massage Therapists
- Chapter 6: Bathhouses

These two chapters should be repealed given the change in California laws over a decade ago that affect the way the County regulates the massage industry. The California Massage Therapy Council (CAMTC) was created by the California Legislature through the enactment of Senate Bill 731 and re-authorized by Assembly Bill 1147 and later in 2016 by Assembly Bill 2194. CAMTC is a private nonprofit public benefit corporation made up of a volunteer Board of Directors appointed by California cities, counties, law enforcement, massage schools, the Department of Consumer Affairs, professional massage associations and other stakeholders as authorized by law in California Business and Professions Code sections 4600 et. seq.

CAMTC is required by California Business and Professions Code section 4600 et. seq. to:

- Create and implement a voluntary certification program for the massage therapy profession that will enable consumers to easily identify credible Certified Massage Therapists (CMTs);
- Ensure that certified massage professionals have completed sufficient training at approved schools; and
- Approve massage schools. As of July 1, 2016, CAMTC only accepts education from massage school programs that have been CAMTC approved.

These State laws changed the regulation of massage establishments in the unincorporated areas of the region, and eliminated the way the County had been regulating massage establishments under the County Code, which included the Sheriff's Office review, approval, and issuance of operating permits.

Additionally, the Sheriff's Office Licensing Division has not issued a massage license since 2011. The Licensing Division has had inquiries from CAMTC asking as to why we are not enforcing the ordinance. The division has repeatedly explained any complaints or alleged unlawful activities are investigated by the Sheriff's Special Investigations Division, since the Business and Professions Code preempts the massage regulation for law enforcement agencies. Regarding compliance inspections, the consensus internally is that they are better facilitated by Code Enforcement and the County Health Department for both bathhouses and massage establishments given the inspection criteria. In the last 34 years, no bathhouse license has been issued by the Sheriff's Licensing Division.

County of San Diego Board of Supervisors Policies

Recommend Approval & Extend the Sunset Date (Standard Date of 2031):

Planning & Development Services

• **I-070 Reporting Complaint and/or Violations History for Planning Actions Brought Before Hearing Boards**

The purpose of this policy is to establish a policy and procedure for providing the Planning Commission, and/or the Board of Supervisors with a record of complaints and/or violations on property for a land division, a use permit, a Rezone, or General Plan Amendments for which project approval is requested. The policy has been reviewed and found to remain applicable with no recommended changes other than a sunset date extension to December 31, 2031.

• **I-073 Hillside Development Policy**

The purpose of this policy is to minimize the effects of disturbing natural terrain and provide for creative design for hillside developments. The policy provides guidelines to assist the Board of Supervisors, the Planning Commission, the Director of Planning & Development Services, and staff in the evaluation of hillside development in the unincorporated area. It is intended that this policy serve as a guideline and supplement to any other applicable regulations, including the Resource Protection Ordinance. It is also intended that this policy provide advance notice of what may be required when reviewing development proposals in hillside areas. The proposed minor revisions update the policy to reflect the change of name from the Department of Environmental Health (DEH) to the Department of Environmental Health & Quality (DEHQ).

• **I-118 Refund and Relief Policy When Permits and Projects are Issued in Error**

The purpose of this policy is to establish a policy for identifying the circumstances for which an applicant is eligible for a refund of fees paid or other relief where an error has been made in the permit or approval process. The proposed minor revisions update the policy to reflect the change of name from Department of Environmental Health (DEH) to Department of Environmental Health & Quality (DEHQ) and to clarify that the policy also applies to the San Diego County Fire Protection District since they are involved in reviewing and charging projects.

• **I-121 Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications**

The purpose of this policy is to outline the procedure for determining public convenience or necessity for alcoholic beverage license applications. This policy helps ensure that new licenses serve the community's needs and do not negatively impact the area. The proposed minor revisions to the policy are to reflect the change of name from the Department of Environmental Health (DEH) to the Department of Environmental Health & Quality (DEHQ) and to clarify that the role of the Health and Human Services agency is to provide optional input on the neighborhood compatibility criteria contained within the policy.

Department of Parks and Recreation

- **G-006 User Fees County Parks and Recreation Facilities**

The policy covers charging of fees for the use of County operated parks and recreation facilities and to establish certain group exemptions to said policy. The policy has been reviewed and found to remain applicable with no recommended changes other than sunset date extensions to December 31, 2031.

- **I-044 Procedure for Designing New County-Owned Community/Local Parks**

This policy provides a procedure to ensure that the Department of Parks and Recreation, and applicants for subdivision or development projects solicit community input on the design of new local parks. The policy has been reviewed and found to remain applicable with no recommended changes other than sunset date extensions to December 31, 2031.

Department of Public Works

- **I-053 Cost Responsibility for the Construction of Flood Control and Drainage Facilities Within Road Rights-of-Way**

The purpose of this policy is to define and assign financial responsibility between the San Diego County Flood Control District and the County for drainage facilities constructed within County-maintained road rights of way. The proposed updates are minor, non-substantive changes to the cost share methodology for clarification purposes.