



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

NORA VARGAS  
First District

JOEL ANDERSON  
Second District

TERRA LAWSON-REMER  
Third District

NATHAN FLETCHER  
Fourth District

JIM DESMOND  
Fifth District

**DATE:** August 18, 2021 and September 1, 2021

**05**

**TO:** Board of Supervisors

### SUBJECT

**PROPOSED ORDINANCE CHANGES TO PROVIDE FINAL ENGINEERING FLEXIBILITY (08/18/2021 – 1<sup>st</sup> Reading; 09/01/2021 – 2<sup>nd</sup> Reading) (DISTRICTS: ALL)**

### OVERVIEW

On February 12, 2020, (6), the Board of Supervisors (Board) directed staff in the Department of Planning & Development Services (PDS,) to reduce time and costs of discretionary permit processing across seven categories and return to the Board with recommendations for review and direction. The discretionary permitting process requires various technical studies and analyses, multiple stages of evaluation, and the determination of compliance with policies and regulations, all of which can be a costly and lengthy process. PDS staff has prepared options to increase discretionary permit processing efficiencies that reduce time and costs for customers, as well as make the process more predictable and transparent. All seven categories are described in the background section of the Board Letter. One of the categories is the subject of this Board Letter, as described below.

The Board directed staff to return with the Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) by February 2023. This effort will not reduce the quality of PDS review of permit applications or create shortcuts or loopholes in the permitting process that would impact public safety, quality of life, environmental protection, or limit intended public participation. Instead, the effort allows applicants some flexibility when responding to outside agency conditions, without having to necessarily go through new permitting with the County as currently required.

The discretionary permit process applies to projects that are subject to CEQA and require the exercise of judgement on the part of decision makers. Examples of discretionary projects are Tentative Maps, Major Use Permits, Minor Use Permits, and Site Plans. Examples of projects that are exempt from CEQA are building permits, which are approved if the project complies with all applicable regulations. These are called ministerial permits. Final engineering plans, such as grading and improvement plan permits, further refine the design of a project while building plans develop this information to the level of detail needed for construction.

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After a discretionary permit (e.g., a subdivision or a use permit) is approved, if changes are made to a project or there are changes to law after a project is approved, a subsequent discretionary permitting process is required. In the case of subdivision maps to divide one property into separate individual lots, a revised map may be required. In the case of use permits, a minor deviation allowing up to a 10 percent change to an approved permit may be allowed. If the proposed change exceeds 10 percent, a modification may be required. Proposed project changes can be the result of updated State or federal regulatory requirements such as stormwater law changes, fire or building code changes, and biological resource law changes. By providing final engineering flexibility, the County can allow certain project changes required to comply with changes in State or federal regulatory requirements, without requiring a modification to a use permit or a revised map if specific findings are made, as listed below.

Proposed changes as a result of State or federal regulatory changes would be provided an additional 10 percent change allowance, if the following findings are met: 1) the change does not result in a new or substantially increased significant impact in accordance with CEQA; 2) the change does not result in a situation that would be detrimental to the health, safety, or welfare of the public; and 3) the change does not result in the elimination of project features required to meet the County code requirements. Examples of project features required to meet the County code requirements that cannot be eliminated include: trails that provide connection through the project that are needed for regional connectivity; reduction in the overall amount of parkland approved with the original project; elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project; and elimination of space needed for required water supply wells or onsite wastewater treatment systems (septic). To implement Final Engineering Flexibility, changes will be made to the County Zoning Ordinance, Subdivision Ordinance, and Grading Ordinance.

**RECOMMENDATION(S)  
PLANNING COMMISSION**

On April 16, 2021, Planning Commission considered staff's recommendation of the Proposed Ordinance Changes to Provide Final Engineering Flexibility and recommended approval of staff's recommendation to the Board.

**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services concurs with the Planning Commission's recommendations stated below.

1. Find that the Final Program EIR for the General Plan, dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, was completed in compliance with the CEQA and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum thereto, dated February 11, 2021, on file with PDS as PDS2020-MISC-20-029, before making its recommendation on the Zoning Ordinance, Subdivision Ordinance, and Grading Ordinance Amendments.

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Find that 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 August 3, 2011, 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 the EIR was certified as explained in An Addendum to the Previously Certified Environmental Impact Report, LOG No. 02-ZA-00 for the County of San Diego (Attachment A on file with the Clerk of the Board).

2. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Zoning Ordinance Amendment titled:

AN ORDINANCE AMENDING SECTION 7609 OF THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATING TO MINOR DEVIATION OF PLAN (Attachment B, on file with the Clerk of the Board).

3. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Subdivision Ordinance Amendment titled:

AN ORDINANCE AMENDING SECTIONS 81.501 AND 81.801 OF THE COUNTY OF SAN DIEGO SUBDIVISION ORDINANCE RELATING TO MAPS AND PARCEL MAPS TO CONFORM TO REQUIREMENTS (Attachment C, on file with the Clerk of the Board).

4. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Grading Ordinance Amendment titled:

AN ORDINANCE AMENDING SECTIONS 87.203 AND 87.207 OF THE COUNTY OF SAN DIEGO GRADING ORDINANCE RELATING TO ISSUANCE OF GRADING PERMITS AND GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUS DISCRETIONARY LAND USE APPROVAL (Attachment D, on file with the Clerk of the Board).

If, on August 18, 2021, the Board takes action as recommended then, on September 1, 2021:

1. Consider and adopt the Ordinance Amending Section 7609 of the County of San Diego Zoning Ordinance Relating to Minor Deviation of Plan (second reading).
2. Consider and adopt the Ordinance Amending Sections 81.501 and 81.801 of the County of San Diego Subdivision Ordinance Relating to Maps and Parcel Maps to Conform to Requirements (second reading).
3. Consider and adopt the Ordinance Amending Sections 87.203 and 87.207 of the County of San Diego Grading Ordinance Relating to Issuance of Grading Permits and Grading Plans or Improvement Plans for Projects with Previous Discretionary Land Use Approval (second reading).

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### **EQUITY IMPACT STATEMENT**

No disadvantaged communities or Live Well Communities will be negatively impacted by the proposed efforts. The Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) will provide greater flexibility to applicants between the early design and final engineering of a project without creating shortcuts or loopholes in the permitting process that would otherwise impact public safety, quality of life, environmental protection, or limit intended public participation. Final Engineering Flexibility requires findings to ensure adverse impacts will not occur to parks, trails, emergency access or travel time, traffic, water wells, or septic systems in any communities. Final engineering flexibility would also provide options that are low cost and equitable for all permit applicants to more easily navigate through the permitting process.

The effort is not focused on a specific neighborhood but is applied throughout the unincorporated county. Because the effort provides options to reduce the time and cost spent on permit processing, the efforts would be more equitable to all permit applicants than current permitting process options.

The effort would not adversely affect equity or result in unintended consequences to public health, housing, food, access and affordability, or jobs. For information on the outreach conducted as part as this effort, please see the Public Input section of this Board Letter.

### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years. The Proposed Ordinance Changes to Provide Final Engineering Flexibility will be implemented through publicly or privately initiated projects which are publicly or privately funded. Private development costs will be paid for by the private sector through the entitlement and permit processes. Public project costs will be identified during project development and funded in future Operational Plans.

### **BUSINESS IMPACT STATEMENT**

The Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) would reduce the time and cost of permit processing for applicants. This effort would reduce review time by up to 11½ months and reduce costs to applicants by up to \$30,000.

### **ADVISORY BOARD STATEMENT**

Fourteen community engagement meetings were held to inform the public on the efforts and to solicit comments. Comments received have been integrated into the efforts. Implementation will be analyzed on a case-by-case basis as projects are proposed to ensure compliance with regulations, County guidelines, and County ordinances.

Informational presentations were provided to the Community Planning Group (CPG) and Community Sponsor Group (CSG) Chairs, the Bonsall CPG, Borrego Springs CPG, Spring Valley CPG, Valley Center CPG, Fallbrook CPG, Fallbrook Land Use Subcommittee, Fallbrook Design Review Subcommittee, and Hidden Meadows CSG from August 2020 to February 2021. Additional coordination occurred with the Planning & Development Services (PDS) Environmental Stakeholders Working Group, which includes groups like the Wildlife Habitat Conservation Coalition, the San Diego Green New Deal Alliance, the Nature Conservancy and the

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Endangered Habitats League; and the Land Development Technical Working Group, which consists of land development practitioners; and the Building Industry Association.

## **INVOLVED PARTIES**

N/A

## **PLANNING COMMISSION VOTE**

On April 16, 2021, the Planning Commission voted 5 Ayes, 1 No, 1 Absent to recommend approval to the Board of Supervisors for the Proposed Ordinance Changes to Provide Final Engineering Flexibility (Ayes: Edwards, Ashman, Calvo, Hitzke, Pallinger; Noes: Hough; Absent: Barnhart).

The Planning Commission recommended approval of the item due to expected reduction in time, expense, and expedited processing of applicant permits. Staff clarified to the Planning Commission that Final Engineering Flexibility will provide an additional 10 percent change allowance only to comply with State and federal laws and will not result in additional processes for applicants.

Following the Planning Commission hearing, changes were made to the Ordinance Amendment Forms (Attachments B – G) to clarify that changes required to a project only as a result of State and federal laws shall be provided an additional 10 percent change allowance in addition to what is currently allowed in the ordinance, which is 10 percent, for up to a total 20 percent change. The language presented to the Planning Commission in the Planning Commission report did not clarify this distinction, which was discussed and considered during the hearing. Because staff provided clarity during the Planning Commission Hearing, staff found that an additional Planning Commission recommendation was not required due to these changes.

## **BACKGROUND**

On February 12, 2020, (6), the Board of Supervisors (Board) directed staff to reduce time and costs of permit processing across seven categories. Categories 2 and 3 are being presented to the Board today. Category 4 will be presented to the Board at a later date. The seven categories are described below.

1. *Implementing a self-certification process for engineers:* This category provides seven self-certification options during building permit review for private engineers. The certification options include landscape plans, private roads, minor grading permits (pad only), single-family minor grading permits, residential driveways, traffic control permits, commercial tenant improvements.

*Status:* The seven self-certification programs have been completed and are available for use.

2. *Implementing permit and California Environmental Quality Act (CEQA) evaluation requirements:* This category requires updating the County's California Environmental Quality Act (CEQA) Guidelines for Determining Significance, Hydrology and Water Quality (Updated CEQA Guidelines) with options for applicants to conduct a planning-level design analysis during the discretionary permit process.

*Status:* This category is the subject of a separate agenda item today.

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3. *Proposed County ordinance changes to provide final engineering flexibility (Final Engineering Flexibility):* This category includes ordinance amendments to the Zoning Ordinance, Grading Ordinance, and Subdivision Ordinance to increase the amount of flexibility to revise a project to comply with State and federal laws without the need for a subsequent discretionary review process.  
*Status:* On-schedule and the subject of this Board Letter.

4. *Increasing opportunities to expand checklist exemptions to certain permit processes:* This category expands the use of waivers and checklist exemptions and shifts certain discretionary permits to ministerial permits.

The existing code provides two alternatives to processing a Site Plan for design review that are not subject to CEQA: 1) a community Planning or Sponsor Group may recommend a waiver of a Site Plan, or 2) a checklist can be established that describes required design guidelines and features, replacing the use of discretion to approve a Site Plan. A Site Plan is a discretionary permit which is not allowed by right, require the exercise of judgement by the public agency, and is subject to environmental review. A ministerial project refers to permits that are allowed by right if specific requirements are met.

To shift some discretionary permits to ministerial permits, these changes require amendments to county code, including the Zoning and Subdivision Ordinance, and environmental review. A checklist will also be established, indicating the requirements to obtain the permit, removing the discretionary from the review process.

*Status:* This category's estimated timeframe to return to the Board is February 2023. Stakeholder outreach is in process and will be followed by environmental analysis and public review of the proposed ordinance changes.

5. *Implementing a project issue resolution process:* The issue resolution process in place since 2003 was updated to make the process more transparent and accessible and provide more options for applicants to elevate issues, including the creation of a new "Second Opinion," addition of an informational flyer, and updates to the Issue Resolution Request conference form and website. The Second Opinion provides applicants an opportunity to request a second opinion from senior staff or management to resolve a project issue.

*Status:* Update provided to the Board December 2020. Project issue resolution has been updated to make more publicly visible and to provide more options to elevate issues.

6. *Increasing internal coordination and accountability:* The category involved a Business Process Re-Engineering (BPR) effort to increase coordination and accountability among departments and increase efficiencies that reduce time and cost for customers.

*Status:* BPR completed in 2020 and update provided to the Board in December 2020. Actions and improvements will be prioritized and implemented over three years. Actions and improvements include simplifying application forms, improving public engagement, improving the pre-application process, and improving project review and scoping by providing a detailed scope of work tailored to the project.

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7. *Consideration to create a formal working group with industry representatives:* This category involved the formation of the Land Development Technical Working Group which consists of architects, landscape architects, engineers, contractors, developers, and environmental and planning practitioners to obtain input on land development matters.  
*Status:* PDS continues to meet with the Land Development Technical Working Group every other month for input on development of policy and codes and improvement efforts.

Final Engineering Flexibility is part of a comprehensive effort, directed by the Board on February 12, 2020 (6), to identify ways to reduce time and costs of discretionary and final engineering permit processing, as well as to improve transparency and public engagement. The Board directed staff to return with Final Engineering Flexibility by February 2023, which is the subject of this Board Letter.

The land development process generally consists of three phases: (1) the discretionary permitting phase, where an applicant receives the necessary entitlements to develop the project; (2) the site preparation phase, where the applicant receives the necessary grading and improvement permits to grade and install the infrastructure to serve the project; and (3) the building permit phase, where the applicant receives the permits to construct the buildings associated with the project.

There are two types of permits in the land development process: ministerial permits and discretionary permits. Ministerial permits, such as building permits, are approved by staff if the project complies with all applicable regulations. A single-family home built on a legal parcel is typically approved through a ministerial building permit without conditions of approval (conditions). Discretionary permits require general and project specific conditions and mitigation measures to meet State and County regulations and requirements and to address environmental impacts. Examples of discretionary permits are the following: Tentative Parcel Maps (subdivisions of four lots or fewer) or Tentative Maps (subdivisions of five lots or greater), Administrative Permits, Site Plans, and Major Use Permits. The site preparation phase can also require a discretionary permit which includes major grading plan permits, improvement plan permits, and grading plan change permits. Discretionary permits are approved by a decision maker, either the Director of PDS, Zoning Administrator, Planning Commission, or Board. On February 12, 2020 (6), the Board directed staff to prepare an update to the Zoning and Subdivision Ordinance and return to the Board with options that allow flexibility for project changes that are required to comply with State and federal requirements of outside agencies. The changes must not impact parks, trails, or other project features.

Changes are proposed to the Zoning Ordinance, Subdivision Ordinance, and the Grading Ordinance to provide greater flexibility after a discretionary permit is approved but before final engineering. After a discretionary permit (e.g., a subdivision or a use permit) is approved, changes or additions to State or federal laws such as for stormwater, fire or building codes, and biological resources, may require a project to be redesigned to comply. To allow for these changes, a subsequent discretionary permit process may be required. For instance, the existing ordinances requires a revised map for subdivision maps, or a minor deviation allowing up to a 10 percent change for use permits. A minor deviation allows a 10 percent change to an approved use permit.

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The proposed ordinance changes would allow greater flexibility for projects to make these project changes required by State or federal regulatory requirements without the need for coming back to the County for a subsequent discretionary permit process, as long as the following findings are met: 1) the change does not result in a new or substantially increased significant impact in accordance with CEQA; 2) the change does not result in a situation that would be detrimental to the health, safety, or welfare of the public; and 3) the change does not result in the elimination of project features required to meet the County code requirements. Examples of project features required to meet the County code requirements that could be modified but cannot be eliminated include: trails that provide connection through the project that are needed for regional connectivity; reduction in the overall amount of parkland approved with the original project; elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project; or elimination of space needed for required water supply wells or onsite wastewater treatment systems (septic).

The proposed ordinance changes would allow an additional 10 percent change allowance in the County Zoning Ordinance, Subdivision Ordinance, and the Grading Ordinance for projects, meaning that the additional 10 percent change allowance would not be counted towards what is already allowed in the Zoning Ordinance for use permits, the Subdivision Ordinance as part of County staff's review for final maps, or the Grading Ordinance for grading or improvement plans. Currently, an applicant can propose changes up to 10 percent to the project to correspond with the changes required by outside agencies. The new addition being proposed today, would allow an additional 10 percent change for changes requested by outside agencies. These changes would not alleviate a projects requirement to meet State and federal laws.

An example of changes required by State or federal laws is new or revised stormwater requirements. As stormwater requirements are updated, there could be a need for additional or larger basins to treat stormwater which can result in a need to add detention basins or similar features to retain and treat stormwater. After the last update to the stormwater regulations, projects are often redesigned to comply with the new regulations by replacing residential lots with additional or larger basins. These changes occur during final engineering and when combined with other project design changes, and they often result in a greater than 10 percent change.

The ordinance amendments are recommended because projects proposing changes to comply with State or federal regulatory requirements would be required to meet specific findings to ensure that there are no impacts to parks, trails, emergency access or travel time, traffic, water wells, or septic systems that would substantially affect the project. In addition, these changes would not reduce the quality of the County's review or create shortcuts or loopholes in the permitting process that would impact public safety, quality of life, environmental protection, or limit intended public participation. Staff will also continue the process of notifying Community Planning and Sponsor Groups of changes made to approved projects at the time they are submitted.

## **PROJECT ANALYSIS**

Staff analyzed approximately 30 other jurisdictions in California to prepare options for the Board of Supervisors (Board) to consider at the February 12, 2020 (6) hearing. The other jurisdictions researched included all 18 cities in San Diego county; the cities of Los Angeles, Riverside, Sacramento and Irvine; and counties of Los Angeles, Riverside, Orange, Sacramento, and San Luis



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Obispo. The focus of the research was to (1) identify how other jurisdictions reduce time and cost processing discretionary permits, and (2) identify how other jurisdictions increase flexibility between early design and final engineering of a project.

Of the approximate 30 jurisdictions reviewed, 18 jurisdictions have a process in place for a minor deviation or substantial conformance process similar to the County's existing process. The cities of San Diego, Los Angeles, Sacramento, San Marcos, Chula Vista, Oceanside, El Cajon, Irvine, Encinitas, Escondido, Del Mar, Poway, and Santee have a similar process to the County and the counties of Los Angeles, Riverside, Sacramento and San Luis Obispo offer minor deviations or substantial conformance reviews. The substantial conformance process is a process which ensures the grading and improvement plans are in substantial conformance with the previously approved discretionary permit plans. None of the jurisdictions researched reduce or eliminate the need for subsequent discretionary review when changes are the result of regulatory requirements of outside agencies. The County would be the only jurisdiction to exempt changes from regulatory requirements of outside agencies. At the February 12, 2020, Board hearing, the Board directed staff to update the Zoning and Subdivision Ordinances and return to the Board for consideration with options on criteria.

Options reviewed for final engineering changes ranged from continuing current practices to exempting changes resulting from outside agencies from subsequent discretionary review without any criteria. This option was not pursued because outside agency requirements could lead to substantial project changes, such as loss of park land, trails, roads, or landscaping without allowing staff and/or decision makers to review.

Below is a summary of the Proposed Ordinance Change to Provide Final Engineering Flexibility (Final Engineering Flexibility), including the potential time and cost savings. The current practice takes approximately 12 months, and the cost varies based on the scope and complexity of change up to approximately \$30,000 for each permit.

Final Engineering Flexibility	Time and Cost Savings
Allow additional changes up to 10 percent without requiring a modification or revised map: Update the Zoning and Subdivision Ordinances and return to the Board to exempt projects from subsequent County review for projects solely to comply with regulatory requirements of outside agencies unless there are impacts to parks, trails, emergency access or travel time, traffic, water wells, or septic.	Approximate time savings of 11½ months, and cost savings up to \$30,000 to the applicant. The cost and time savings will depend on the scope and complexity of change for each permit PDS processes approximately one Revised Map and four Modifications each year.
The changes allowed under this option would be in addition to the ten percent change allowed under the current minor deviation or substantial conformance process. Changes	

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from regulatory requirements of outside agencies will be no more than ten percent.	
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Under the ordinance changes, some changes to approved projects up to 10 percent could occur based on outside agency requirements if certain criteria are met as listed in the above table. Any project changes would be reviewed by the County to ensure that there are no increased significant impacts in accordance with CEQA; no detriment to the health, safety, or welfare of the public; and no new impacts to parks, trails, emergency access or travel time, traffic, water wells, or septic. This would ensure that the overall design and intent of the approval is protected from substantial change.

### **ENVIRONMENTAL STATEMENT**

A Program Environmental Impact Report for the County of San Diego's (County) General Plan Update, Environmental Review Number 02-ZA-00, State Clearing House Number 2002111067, was certified by the Board of Supervisors on August 3, 2011 (GPU EIR). The GPU EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics; 2) Agricultural Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural And Paleontological Resources; 6) Geology And Soils; 7) Hazards and Hazardous Materials; 8) Hydrology and Water Quality; 9) Land Use and Planning; 10) Mineral Resources; 11) Noise; 12) Population and Housing; 13) Public Services; 14) Recreation; 15) Transportation and Traffic; 16) Utilities and Service Systems, and 17) Climate Change. It was determined that only Geology/Soils and Population/Housing would not involve potentially significant impacts. The remaining environmental issues would have significant and unavoidable impacts, though the impacts for Cultural and Paleontological Resources, Land Use and Planning, Recreation, and Climate Change would be mitigated below a level of significance.

The Final Engineering Flexibility Zoning Ordinance Amendment, Subdivision Ordinance Amendment, and Grading Ordinance Amendment would not involve substantial changes in the magnitude of impacts identified in the GPU EIR. As explained in the Environmental Review Update Checklist Form (Attachment A) prepared pursuant to CEQA Guidelines Sections 15162 through 15164, none of the proposed changes require major revisions of the GPU EIR due to new significant effects or the substantial increase in the severity of previously identified effects. There are no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the GPU EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, there is not new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the GPU EIR was certified that result in significant effects or more severe effects than the GPU EIR. Accordingly, no additional environmental review is required.

Furthermore, any project that would be subject to this ordinance would still be subject to review under CEQA, including review under CEQA Guidelines Sections 15162-15164 for any project changes.

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## **PUBLIC INPUT**

The Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) included a public outreach process that involved ongoing coordination with internal specialists, other County Departments, Community Planning & Sponsor Groups, Design Review Boards, and other external stakeholders, including the Planning & Development Services (PDS) Environmental Stakeholders Working Group, which consists of groups like the Wildlife Habitat Conservation Coalition, the San Diego Green New Deal Alliance; the Nature Conservancy and the Endangered Habitats League; the Land Development Technical Working Group, which consists of land development practitioners; and the Building Industry Association. PDS also noticed the Wildlife Agencies (U.S. Fish and Wildlife Service and CA Department of Fish and Wildlife), U.S. Army Corps of Engineers, and the Regional Water Quality Control Board during public disclosure. No comments were received by the entities that were noticed during public disclosure. A total of fourteen stakeholder meetings were held from August 2020 to May 2021 to provide presentations and gather public input.

Final Engineering Flexibility was advertised for a 30-day public disclosure period from February 11, 2021 to March 15, 2021. Over 80 consultant firms, agencies, and jurisdictions, as well as approximately 100 individuals who have requested to be notified of these types of projects, were noticed with information about the proposed changes. Two emails were received requesting clarifications or recommending minor language updates and are included in the Final Engineering Flexibility Correspondence (Attachment H).

## **DEPARTMENT REASONS FOR RECOMMENDATION**

Proposed Ordinance Changes to Provide Final Engineering Flexibility (Final Engineering Flexibility) would increase the amount of flexibility to revise a project to comply with regulatory requirements without the need for a subsequent discretionary review process.

The Final Engineering Flexibility effort provides greater clarity to applicants and the public on permit expectations and compliance. The effort provides for options with greater time and cost savings to applicants while protecting public safety, quality of life, and the environment.

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

Today's proposed action to adopt the Proposed Ordinance Changes to Provide Final Engineering Flexibility and associated environmental documents supports the Operational Excellence Strategic Initiative in the County of San Diego's 2021-2026 Strategic Plan by pursuing policy and program changes to positively impact residents. Today's proposed action also supports the Sustainable Environments/Thriving Strategic Initiative by providing and promoting services that increase the well-being of residents and increase consumer and business confidence.

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Respectfully submitted,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer

**ATTACHMENTS:**

*Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board's website at [www.sandiegocounty.gov/content/sdc/cob/bosa.html](http://www.sandiegocounty.gov/content/sdc/cob/bosa.html).*

- Attachment A – AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT, LOG NO. 02-ZA-00 FOR THE COUNTY OF SAN DIEGO
- Attachment B – AN ORDINANCE AMENDING SECTION 7609 OF THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATING TO MINOR DEVIATION OF PLAN (Clean Copy)
- Attachment C – AN ORDINANCE AMENDING SECTIONS 81.501 AND 81.801 OF THE COUNTY OF SAN DIEGO ORDINANCE RELATING TO MAPS AND PARCEL MAPS TO CONFORM TO REQUIREMENTS (Clean Copy)
- Attachment D – AN ORDINANCE AMENDING SECTIONS 87.203 AND 87.207 OF THE COUNTY OF SAN DIEGO GRADING ORDINANCE RELATING TO ISSUANCE OF GRADING PERMITS AND GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUSLY APPROVED DISCRETIONARY LAND USE APPROVAL (Clean Copy)
- Attachment E – AN ORDINANCE AMENDING SECTION 7609 OF THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATING TO MINOR DEVIATION OF PLAN (Strike-out/Underline Copy)
- Attachment F – AN ORDINANCE AMENDING SECTIONS 81.501 AND 81.801 OF THE COUNTY OF SAN DIEGO ORDINANCE RELATING TO MAPS AND PARCEL MAPS TO CONFORM TO REQUIREMENTS (Strike-out/Underline Copy)
- Attachment G – AN ORDINANCE AMENDING SECTIONS 87.203 AND 87.207 OF THE COUNTY OF SAN DIEGO GRADING ORDINANCE RELATING TO ISSUANCE OF GRADING PERMITS AND GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUSLY APPROVED DISCRETIONARY LAND USE APPROVAL (Strike-out/Underline Copy)
- Attachment H – Final Engineering Flexibility Correspondence

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ENGINEERING FLEXIBILITY (08/18/2021 – 1<sup>st</sup> Reading; 09/01/2021 – 2<sup>nd</sup>  
Reading) (DISTRICTS: ALL)

**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:** ☐ Yes ☒ No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**

☐ Yes ☒ No

**PREVIOUS RELEVANT BOARD ACTIONS:**

July 24, 2019 (3), Streamlining the Discretionary Permit Process; February 12, 2020 (6), Options  
to Streamline the Discretionary Permit Process

**BOARD POLICIES APPLICABLE:**

N/A

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

N/A

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

N/A

**ORIGINATING DEPARTMENT:** Planning & Development Services

**OTHER CONCURRENCE(S):** Department of Public Works  
Department of Environmental Health and Quality  
Department of Parks and Recreation

**CONTACT PERSON(S):**

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