

Anti-Displacement Regional Training

Housing Acceleration Program - Technical Assistance

Agenda



Welcome and Overview





Local Case Study: City of San Diego

Framing Displacement Strategies & Tenant Protections

Affordable Housing Preservation and Alternative Forms of Homeownership

Q&A

Conclusion/Upcoming Steps





Introductions

Introductions

- 1. Name
- 2. Jurisdiction
- 3. Are there any anti-displacement strategies you are working on? Any you want to know more about?



Overview of SANDAG Anti-Displacement Strategy

Presentation Overview

What we've done

Existing Conditions Assessment

Best Practice Research

What remains

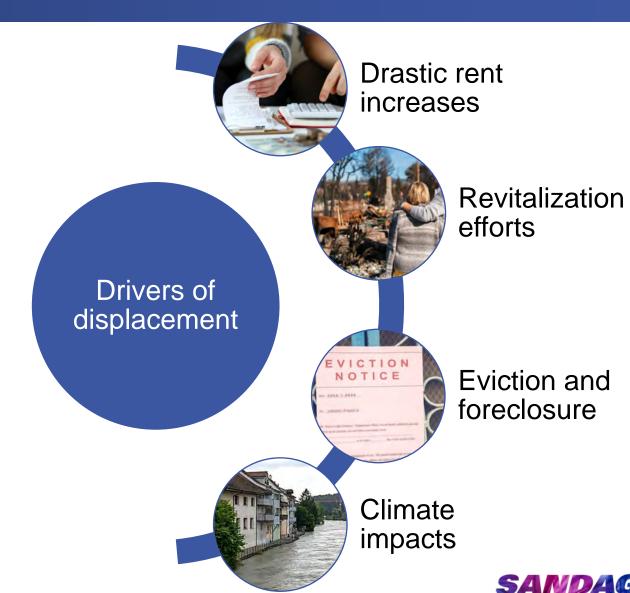
Anti-Displacement Toolkit

Residential Displacement in the SANDAG Region **Setting the Stage & Definition**



How the report defines residential displacement

Involuntary relocation of existing residents for reasons outside their control.



SANDAG's Strategy to Prevent Community Displacement

Stakeholder Engagement

Existing Conditions Assessment

Combines lived experience with housing data

April-May

Best Practice Research

Identifies policies to prevent displacement by creating more homes, preserving affordability, and supporting long-term stability for renters and homeowners

May-June

Anti-Displacement Toolkit

Empowers jurisdictions to implement key housing policies to prevent displacement

Today

SANDAG's Strategy to Prevent Community Displacement

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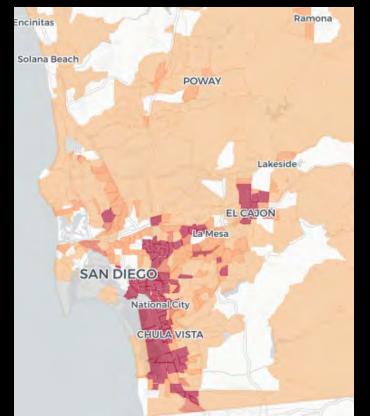
Anti-Displacement Toolkit

Empowers jurisdictions to implement key housing policies to prevent displacement

July-November

SANDAG

Existing Conditions Assessment





Four Key Data Findings

- 1. Displacement is a significant problem throughout the region, especially in urban and suburban areas.
- 2. Affordable neighborhoods are also experiencing displacement, resulting in limited housing options to move into.
- 3. San Diego County has a severe lack of rental units affordable to households making less than 50% of the Area Median Income.
- 4. San Diego County's Latino and Black populations are most affected by displacement

Key takeaways from stakeholder engagement

- 1. Displacement is driven by (among other factors):
 - a. Rising costs of living (not only rent, but also utilities and high deposit requirements)
 - b. Widespread harassment and abuse by landlords
 - c. Lack of enforcement of limited renter protections, especially for undocumented people
 - d. Limited knowledge of renter protections/rights
- 2. There is a need for regional resources to connect low-income renters with affordable housing options and resources
- 3. Many families have relocated from the San Diego region to Mexico to escape high housing costs



SANDAG Anti-Displacement Study Best Practices Report

repared by LeSar Development Consultants

July 2023















Best Practices Report



Key Finding

A variety of approaches are needed to prevent residential displacement



Producing more homes



Preserving affordability



Production policies





Increase housing production across the board

Inclusionary housing and developer incentives Equitable Transit
Oriented
Development

Public sector land banking

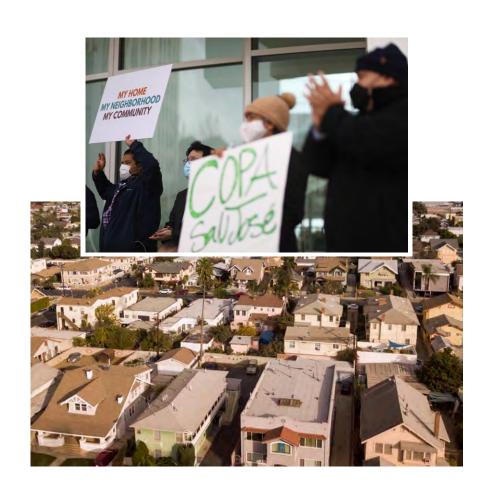
Upzoning

ADU incentives

Reduce construction and regulatory costs

Increase affordable housing production

Preservation policies



Acquisition and rehabilitation of market rate housing

Community Land Trusts (CLTs) Extending existing affordability covenants

Homeowner rehabilitation programs

Restrictions on condominium conversions

Tenant
Opportunity to
Purchase Act
(TOPA)

Local or regional preservation staff

Community
Opportunity to
Purchase Act
(COPA)

Stability policies





Rent stabilization

Rental assistance

Tenant legal services/right to counsel

Right to return policies

Community benefits agreements

Local preference policies for new affordable housing

Anti-harassment policies

Tenant eviction protections

Expanding homeownership

Foreclosure prevention

Key takeaways from stakeholder engagement

CBO/service providers (preservation prioritized)

- ✓ Supported CLTs, extending existing affordability covenants
- Desire to unlock vacant and underutilized land

City & county staff (production prioritized)

- Supported inclusionary policies
- Supported policies that resulted in the production of new affordable housing development

Impacted community members (stability prioritized)

- ✓ Supported policies that created access to rental assistance, tenant legal services, rent stabilization
- Supported preservation policies such TOPA/COPA and homeowner rehabilitation programs
- ✓ Supported policies that created new affordable housing

Housing Developers (production prioritized)

- ✓ Supported streamlining and reducing regulatory barriers
- X Skeptical of preventing condo conversions as a preservation strategy
- X Skeptical of stability policies that layer bureaucracy on developers/landlords



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Anti-Displacement Toolkit



Why create community typologies

Existing Conditions Assessment

identified different levels of displacement risk across the region



Best Practices Report

identified policies to prevent displacement across the region



Anti-Displacement Toolkit

Prioritize anti-displacement policies for different community conditions

Each community in the region is unique, but tend to have some condition conditions:

Displacement risk

Transit/infrastructure improvement

Other economic and racial factors

How we created community typologies

Identify key data points for analysis:

- -Displacement risk
- -Household tenure type
- -Affordability
- -Mobility Hub plans



Reviewing 54
different
combinations of
variables to
identify which are
most important.
Displacement risk
level did not
explain enough of
the differences in
community
conditions.



Identified five most common typologies and their key data points

Identifying the five community typologies

1. Redeveloping Urban Yes **Communities Active** displacement tracts 2. Racially Diverse Suburban No and Exurban Communities Mobility Hub planned? 3. Higher Cost Inland No **Communities** At-Risk displacement tracts 4. Lower Cost Inland and Remaining affordability? Yes **Suburban Communities** 5. Stable Coastal and Suburban Low-Risk displacement **Communities** tracts

Typology 1: Redeveloping Urban Communities

Redeveloping Urban Communities

Definition	 Tracts experiencing Active Displacement and within Mobility Hubs
Other Factor	 Mobility hub status: all tracts within this typology are in mobility hubs.
Priority Policy Categories	 Neighborhood Stability, Preservation, Production



Typology 1 Sample Tract: Redeveloping Urban Communities

National City Tract 117

Median Income: \$33,850

Median Rent: \$1,184

Renters: 75.2%





Typology 2: Racially Diverse Suburban and Exurban Communities

Racially Diverse Suburban and Exurban Communities

Definition	 Tracts experiencing Active Displacement and outside Mobility Hubs
Other Factor	 Mobility hub status: all tracts within this typology are outside mobility hubs.
Priority Policy Categories	 Neighborhood Stability, Preservation



Typology 2 Sample Tract: Diverse Suburban and Urban-Fringe Communities

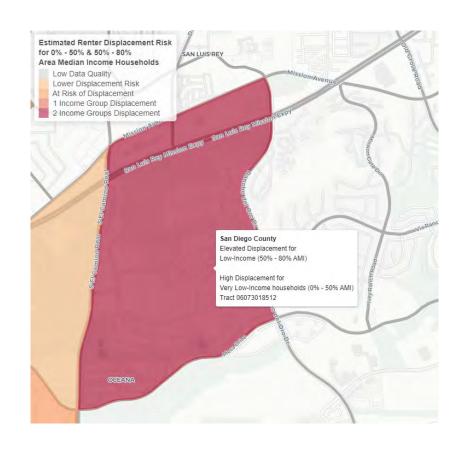
Oceanside Tract 185.12

Median Income: \$52,260

Median Rent: \$1,915

Renters: 36.5%





Typology 3: Higher Cost Inland Communities

Higher Cost Inland Communities

Definition	 Tracts currently At-Risk of Displacement and within Not Affordable to low-income households 			
Other Factor	 Affordability: not affordable to renter households earning up to 80% AMI. 			
Priority Policy Categories	 Neighborhood Stability, Production 			



Typology 3 Sample Tract: Higher Cost Inland Communities

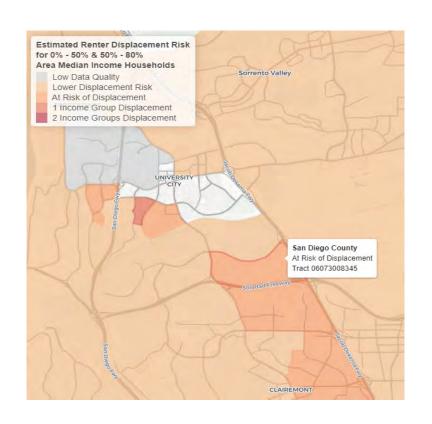
City of San Diego (University City) Tract 83.45

Median Income: \$83,214

Median Rent: \$2,083

Renters: 59.3%





Typology 4: Lower Cost Inland and Suburban Communities

Lower Cost Inland and Suburban Communities

Definition	 Tracts currently At-Risk of Displacement and Affordable to low- income households
Other Factor	 Affordability: affordable for households earning up to 80% AMI.
Priority Policy Categories	 Neighborhood Stability, Preservation



Typology 4 Sample Tract: <u>Lower Cost Inland and Suburban Communities</u>

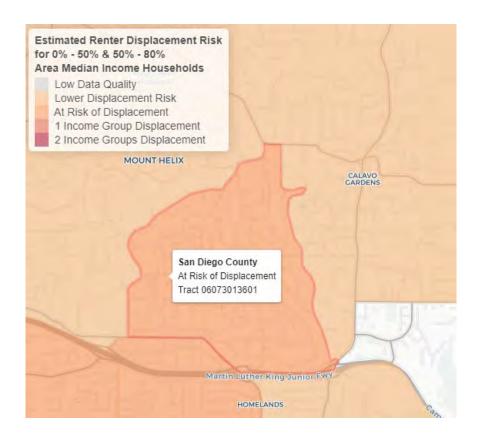
County of San Diego (Unincorporated) Tract 136.01

Median Income: \$98,400

Median Rent: \$1,508

Renters: 33.1%





Typology 5: Stable Coastal and Suburban Communities

Stable Coastal and Suburban Communities

Definition	 Tracts experiencing Low Risk of Displacement
Other Factors	 Affordability: generally unaffordable for renter households earning up to 80% AMI. Tenure mix: generally majority homeowners.
Priority Policy Categories	 Neighborhood Stability, Production



Typology 5 Sample Tract: Stable Coastal and Suburban Communities

Encinitas Tract 176.03

Median Income: \$161,250

Median Rent: \$3,014

Renters: 20.8%





Next step: Identifying policies for communities

	Best practice policy priority area		
	Production	Preservation	Stability
1. Redeveloping Urban Communities	Moderate priority	High priority	High priority
2. Racially Diverse Suburban and Exurban Communities	Low priority	Moderate priority	High priority
3. Higher Cost Inland Communities	High priority	Low priority	High priority
4. Lower Cost Inland and Suburban Communities	Moderate priority	High priority	High priority
5. Stable Coastal and Suburban Communities	High priority	Low priority	High priority



Reflection Questions

Guided discussion and stakeholder feedback

Reflection Question 1

Would thinking about the region in terms of these different communities help you use this toolkit to identify, create, and implement anti-displacement policies?

1. Redeveloping Urban Communities

2. Racially Diverse Suburban and Exurban Communities

5. Stable Coastal and Suburban Communities

4. Lower Cost Inland and Suburban Communities

3. Higher Cost Inland Communities

Reflection Question 2



What would be needed to help make this toolkit a useful resource for your community?

Anti-displacement Policies in City of San Diego

Jeff Ryan, AICP

Development Project Manager City Planning Department

City of San Diego



Regional Housing Needs Assessments



- The City of San Diego must permit **108,036 new homes** by 2029.
- Since 2021, only **10,428 permits** were issued (less than 10% of the 2029 requirement).
- Permits for low-income and moderate-income homes are lacking.

Balancing Act

Anti-displacement measures ensure existing residents benefit from housing development, protect communities from gentrification, and provide housing for new residents.

Community Needs

Naturally Affordable Homes

Economic Justice

New Development

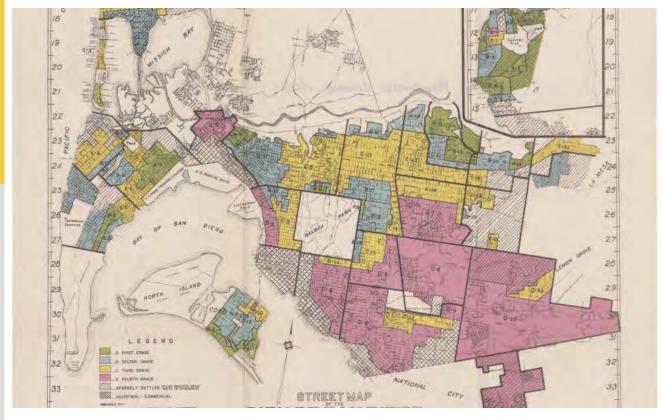
Market Rate Homes

Deed Restricted Affordable Homes

Economic Growth



The Harmful Legacy of "Redlining"



Redlining Map of San Diego

- "Hazardous" or "Redlined" areas in San Diego were typically occupied by lower income residents and people of color
- Racist banking principles informed private and public mortgage lending practices for much of the 20th century
- Often places with most development and displacement were redlined, displacing marginalized communities

Anti-displacement Policies in San Diego

Housing Element

- Updated every 8 years
- Sets housing goals and objectives
- Adopted by City Council, Certified by State

Land Development Code

- Updated regularly
 with Housing Action
 Packages, Land
 Development Codes,
 and other initiatives
- Adopted by City
 Council

Community Plan Updates

- Updated every 20 to 30 years
- Adopted by City Council



Housing Element: Goals and Objectives

01

Facilitate the Construction of Quality Housing

02

Improve the existing Housing Stock

03

Provide New Affordable Housing 04

Enhance Quality of Life 05

Exemplify
Sustainable
Development
and Growth

06

Publicize
Housing
Needs and
Resources

Goal 4: Enhance Quality of Life Objective

- L. Protect public health and safety
- M. Create vibrant, equitable communities
- N. Prevent displacement



Housing Element: Policies

Objective N: Prevent Displacement

- HE-N.1: Coordinate housing strategies and programs across different communities and sectors
- HE-N.2: Deter practices that decrease affordable housing supply
- HE-N.3: Help relocate mobile home residents displaced by redevelopment
- HE-N.4: Encourage development of resources to help "at-risk" persons avoid evictions/foreclosures
- HE-N.5: Utilize mapping and analytical tools to predict/identify changing neighborhoods
- HE-N.6: Partner with local/regional orgs to identify joint strategies and funding opportunities to help stabilize neighborhoods
- HE-N.7: Engage community members before neighborhoods change



Municipal Code: Dwelling Unit Replacements

- Deed-restricted and naturally affordable units/SRO rooms must be replaced on-site.
- Replacement units must be made available to folks in the same or lower income category
- Additional provisions apply within the Coastal Zone, pertaining to bedroom ratios and off-site replacement.

Municipal Code: Tenant Protections

- Previous tenants of protected homes have right-of-firstrefusal
- Tenants of protected DUs can stay in the unit until 6 months before demolition, and must receive notice 12 months before demolition
- Many regulations do not take affect until after two years of tenancy
- Recently strengthened by the **Tenant Protection Ordinance**, signed on May 25, 2023.

Municipal Code: Tenant Protection Ordinance

- Tenants now receive protections on day 1 of their tenancy.
- Tenants who are evicted for no fault of their own are entitled to up to 3 months of rent relocation assistance.
- Tenants have more protections when it comes to substantial remodels that can and cannot be used for a no-fault eviction.
- Tenants have more notice when substantial renovations will happen and more options for temporary relocation.

You can learn more about the Tenant Protection Ordinance at the following website:

https://www.sandiego.gov/citycouncil/cd9/housing-tenant-protections



Municipal Code: Affordable Housing Programs

Inclusionary Housing

- New developments with 10+ homes must provide deedrestricted affordable housing
- Within the Coastal Overlay Zone, New Developments with 5+ homes must provide deed-restricted affordable housing

Affordable Housing as an incentive

- Bonus Accessory Dwelling Units
- State Density Bonus Law
- Complete Communities: Housing Solutions

Community Plan Updates



Barrio Logan Community Plan

- Increase homeownership opportunities for residents
- Promote and preserve affordable housing options
- Retains and relocates existing tenants
- Provide residents extended notice and options to return to new affordable units in cases of planned demolition.

Proposed Anti-displacement Measures

Dwelling Unit Protections

• Make existing protections permanent by eliminating the citywide January 1, 2025 expiration date.

Condo Conversions

• Conforms local code w/ state law to provide tenants first-rights-of-refusal for units converted into condominiums.

Priority Rental Preference for Affordable Units

• Directs agencies to identify ways to grant existing residents priority preference to rent new deed-restricted affordable units.



Discussion

Jeff Ryan, AICP
City of San Diego
jtryan@sandiego.gov

Scan Here

Want to learn more about proposed anti-displacement policies?



www.sandiego.gov/housingactionpackage



Anti-Displacement Strategies



Agenda

- Anti-Displacement Policies in AFFH and Housing Elements
- 2. Stability Policy
 - a. Tenant Protection Ordinance and Right to Counsel
- 3. Preservation and Production Policy
 - a. Community Land Trust as a Displacement Strategy

Affirmatively Furthering Fair Housing (AFFH)

In 2018, the California State Legislature passed AB 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA). The law:

- Requires all state and local public agencies to facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities
- Creates new requirements that apply to all housing elements due for revision on or after January 1, 2021

HCD's AFFH Goals and Actions Framework for Housing Elements

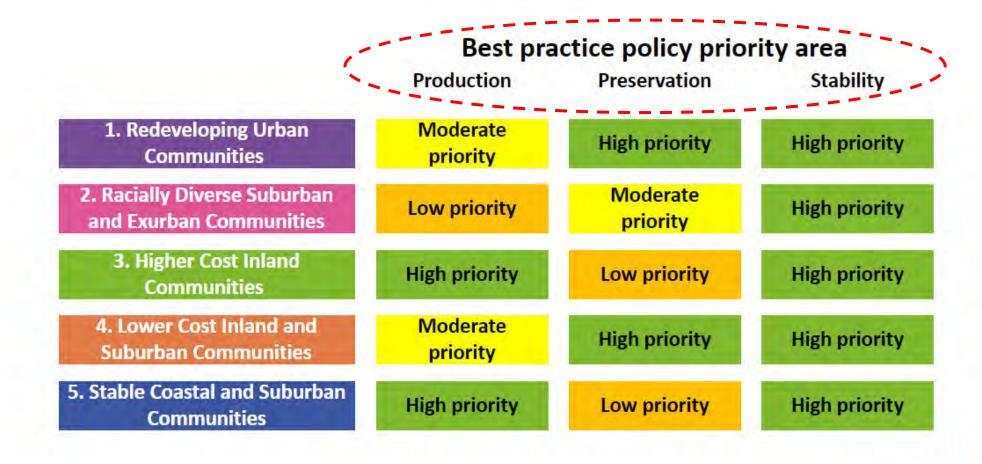
- Enhancing mobility strategies and promoting inclusion for protected classes
- 2. Encouraging development of new affordable housing in high-resource areas
- 3. Implementing place-based strategies to encourage community revitalization, including preservation of existing affordable housing
- 4. Protecting existing residents from displacement

SANDAG Anti-Displacement Study Best Practices Report

Best practice policy priority area Preservation Production Stability 1. Redeveloping Urban Moderate **High priority High priority** Communities priority 2. Racially Diverse Suburban Moderate Low priority High priority and Exurban Communities priority 3. Higher Cost Inland **High priority** Low priority High priority Communities 4. Lower Cost Inland and Moderate **High priority** High priority Suburban Communities priority 5. Stable Coastal and Suburban High priority Low priority **High priority** Communities



SANDAG Anti-Displacement Study Best Practices Report





Anti-Displacement Strategy Spotlight Presentations

- Stability Policies
 - Tenant Protection Ordinance
 - Right to Counsel

- Production and Preservation Policies
 - Community Land Trusts



Tenant Protection Ordinance + Right to Counsel

Tenant Protection Act

The California Tenant Protection Act (AB 1482) took effect on January 1, 2020 and expires in 2030, which provides statewide tenant protections including:

- Limits on rent increases
- Just cause eviction protections
- Relocation fees for no-fault evictions

Tenant Protection Ordinance

Local jurisdictions can pass Tenant Protection Ordinances to strengthen statewide protections already in place and impose stricter requirements for those pursuing no-fault causes for all units. These ordinances can expand the definition of and/or include harsher punishments for harassment and retaliation by the landlords.

- City of Chula Vista (March 2023)
- City of San Diego (June 2023)



crisis, and beyond

WHAT DOES SHLA DO?

Stay Housed LA Program

- In 2019, 4,200 eviction cases in L.A. County found that approximately 10% of tenants facing eviction in the County had legal representation, while 90% of landlords do.
- Black and Latino people are more likely than every other racial group in the County to be rent-burdened, at 62% and 56% respectively, compared to White Angelenos at 51%, and experience the highest rates of eviction compared to other racial groups.
- Additionally, Black, and Latino Angelenos experience the highest rates of eviction compared to other racial groups.

Between August 2020 & April 2023, we have...

- Reached 1,401,738 tenants
- Hosted 1,095 workshops attended by 22,293 tenants
- Supported 16,627 tenants with navigation services
- Legal services to 18,613 tenants
- Provided \$3,424,000 in rental assistance to 384 households

BY THE NUMBERS...



Los Angeles County Approves Landmark Right to Counsel Ordinance, Ensuring Legal Representation for Tenants Facing Eviction

Board of Supervisors Passes Motion to Provide Universal Access to Legal Representation

Search for...

d

What is Right to Counsel

A right to counsel ordinance would provide free legal counsel to all low-income tenants along with a suite of permanently-funded services.

- Legal representation for low-income families
- Community education through workshops & clinics
- Targeted outreach & organizing to build tenant power
- Emergency rental assistance

Why Right to Counsel

- Homelessness Prevention
 - Eviction causes homelessness
- Access to Justice
- Health & well-being
 - Decreased impact on physical and mental health of people in eviction proceedings
 - Decreased negative impact on children, including their health, education, and potential future earnings
- Community well-being
 - Increased family and community stability
 - Decreased impact on law enforcement
 - Increased trust in the justice system and civic engagement

Why Right to Counsel

- Cost Benefit Analysis*
 - LA County saves \$250.4 million
 - LA City saves \$120.3 million

In potential costs avoided related to emergency shelter, housing programs, health care costs, and foster care. Including additional streams of revenue that could be realized by Los Angeles County schools. The County and the City may also realize value in keeping tenants who are currently living in affordable or rent stabilized units in those units. - Analysis by Stout Ricisu Ross, LLC

Community Land Trusts as a Displacement Strategy



Brisa Aviles
Founding Member of Tierras
Indigenas CLT



Leo Goldberg
Co-Director For Policy And Capacity
Building, California CLT Network

Community Land Trusts as an Anti-Displacement Strategy

California Community Land Trust Network

Tuesday July 25, 2023

Perpetual Home Affordability-Stewardship-Community Control

Why Community Land Trusts?

Community ownership and CLTs are strategies for sustaining and our low-income and BIPOC communities

- Resisting displacement by creating stable, affordable housing opportunities
- ✓ Establishing grassroots, democratic control over neighborhood decision-making
- ✓ Providing services and facilities that the market will not

What is a Community Land Trust? Origins

Building on cooperative ownership strategies from around the world





The New Communities Inc.



What is a Community Land Trust?



What is a Community Land Trust? Housing Models



99 YEAR GROUND LEASE

COMMUNITY OWNERSHIP OF LAND



What is a Community Land Trust? Non-Housing Uses



Urban Agriculture

Small Businesses

Open Spaces **Community Spaces**









99 YEAR GROUND LEASE

COMMUNITY OWNERSHIP OF LAND



Diversity of Projects



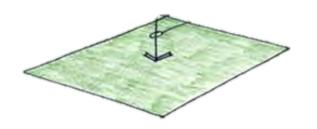








Split Ownership



CLT's retain ownership of land, enabling them to serve their communities across decades.



The "improvements" (aka whatever is on the land – often housing) is owned separately.

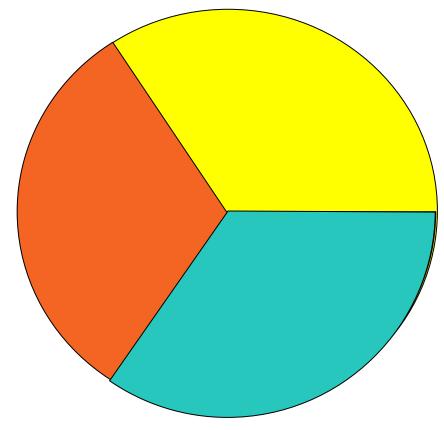


A "ground lease" lays out the mutual responsibilities of the CLT and the owner of the improvements, legally ensuring that both will upkeep their commitment to permanent affordability for low-income people

How? - Community Control

Residents and community members guide their CLTs through membership structures and 3 part boards:

- → CLT Residents
- → Community members
- → Stakeholders representing the public interest and/or bringing community development expertise



Many CLTs have 1/3 of each category, but there are many variations, and startup CLTs often don't have residents for some period.

How? - Stewardship

Stewardship = <u>Support Services</u> + <u>Monitoring and Enforcement</u>

- ✓ Financial counseling
- ✓ Foreclosure prevention
- ✓ Community organizing
- ✓ Resource pooling

- ✓ Occupancy requirements
- ✓ Rent and resale restrictions
- ✓ Property maintenance
- ✓ Ability to intervene in emergencies

Goal: the long term stability, affordability, and financial wellbeing of both buildings and their residents

CLT Action in San Diego

Tierras Indigenas CLT

8 founding board members made up of local residents and organizers

Serving the Historic Barrios of San Diego - Barrio Logan, Logan Heights, Sherman Heights, Mt. Hope, Stockton, Grant Hill, Shelltown, and Southcrest

We will undertake the following...

- ⋆ Decommodify land and housing
- ★ Develop without displacement
- ★ Create shared neighborhood spaces
- ★ Create and steward community gardens and urban agriculture
- ★ Engage in environmental restoration
- ★ Grow collective consciousness through organizing and education
- ★ Preserve culture and reclaim our indigenousness

"Rooted in Comunidad, Cultivating Equity" TCC Project Area Map







CLT Preservation Strategies

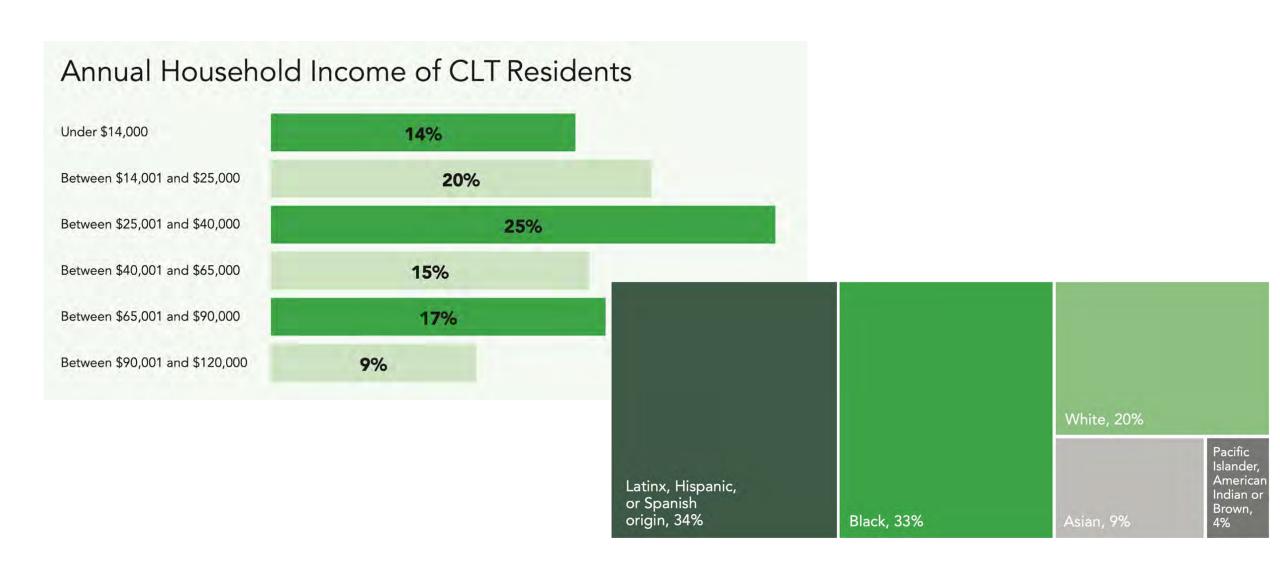


The California CLT Network

- → 30+ CLTs in 22 counties
- → Over 3,500 Residents
- → 1,172 General Members
- → 163 Board Members
- → 82 Staff



CA CLTs Primarily Serve Low-Income and BIPOC Populations



Homeownership and CLTs

All of the subsidy is retained and recycled in the home



Preservation Case Study



1685 Solano Ave., Berkeley

- 13 units in high opportunity nhood with little rental housing
- Tenant mobilization against attempted evictions
- Bay Area CLT intervention
- Undergoing housing cooperative formation

Preservation Case Study

East Bay Grandmother Facing Eviction Joins Forces With Land Trust to Buy Her Home — Thanks to New Law



By Erin Baldassari Apr 26, 2021 Save Article









Jocelyn's House, Pinole

- Teacher and grandmother faced eviction from rental SFH
- Partnered with Northern CA Land Trust to acquire home
- Undergoing rehab after which it will be transferred to Jocelyn

Foreclosure Intervention Housing Preservation Program (FIHPP)

- \$500mil for preservation of housing in or at risk of foreclosure
- Eligibility: 1-25 unit market rate buildings
- Rollout: 2024
- Local Governments have a role to play...
 - (c) A "foreclosure risk intervention sale" is defined in accordance with subdivision (c) of Section 50720.4 of the Health and Safety Code. Additional indicators of foreclosure risk at the time of sale include, but are not limited to, the following:
 - (1) The property has outstanding citations from a local government body for habitability problems.
 - (2) A local government body has identified the property as at risk of foreclosure.

How Local Govs Can Support CLTs



How Local Govs Can Support CLTs

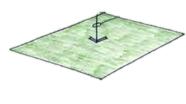
Every CLT needs

→ Operating funds to support staff and administration



- → <u>Land</u> to build or grow on
- → Financing to acquire, build and/or rehab the land &







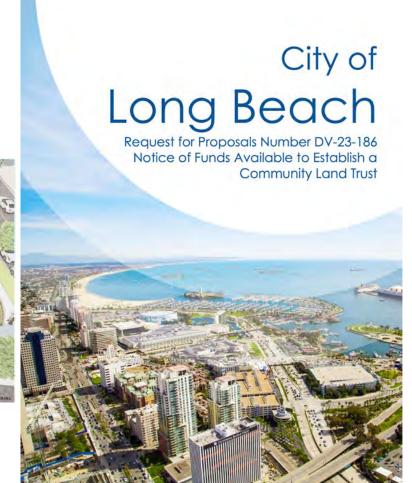
How Local Govs Can Support CLTs

Strategy	Outcomes
Operating Funding	Support emerging CLTs
Provide Public Land/Properties	CLTs maintain properties for the benefit of lower income community members
Notify of FIHPP-Eligible Properties	Turn market-rate housing into affordable housing
Development Subsidy	Help CLTs compete with speculators and develop units for lower-income families
Technical Assistance	Build capacity of emerging CLTs to strengthen financial sustainability

How Local Govs Can Support CLTs: Examples







How Local Govs Can Support CLTs: Examples

LA County CLT Pilot

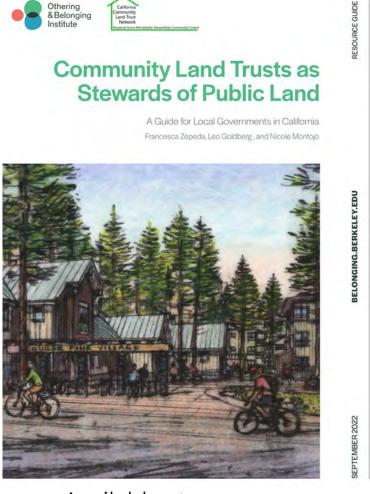
- → \$14mil
- → 5 CLT-CDC Partnerships
- → Funded the acquisition and rehab of 8 buildings



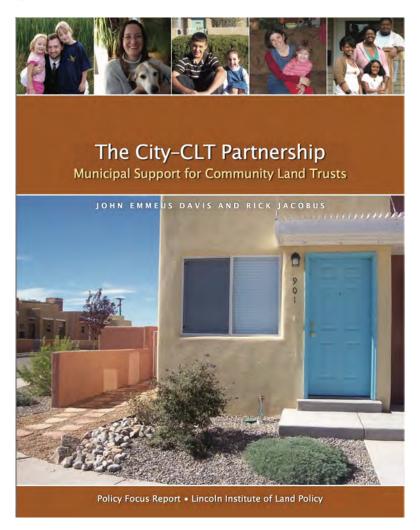




How Local Govs Can Support CLTs: Resources



Available at www.cacltnetwork.org



Available at www.lincolninst.edu

Thanks for Listening

Questions?

Brisa Aviles - brisaaviles@gmail.com

Leo Goldberg - leo.goldberg@cacltnetwork.org

www.cacltnetwork.org



Questions?

What's Next?

- Local Staffing Assistance & Legislation Tracking (Ongoing)
- Regional Trainings/Templates and Toolkits:
 - Objective Design Standards Workshop

Reminder! Submit TA Requests to:

SANDAG_HAPTA@ascentenvironmental.com

Housing Policy & Planning Tool *Soft Launch*







APR Regional Housing Data Explorer

Policy Resources (including resources from HAP TA)

Affordable Housing Case Studies

Connect with SANDAG's HAP-TA Team

Project website:

sandag.org/projects-and-programs/regional-initiatives/housing-and-land-use/housing-acceleration-program

Local Staffing Assistance Requests
Email: SANDAG_HAPTA@AscentEnvironmental.com

Contact SANDAG

Email: carrie.simmons@sandag.org

Phone: (619) 837-6503

