



# County of San Diego

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## NOTICE OF PREPARATION DOCUMENTATION

**DATE:** October 20, 2016

**PROJECT NAME:** COUNTY OF SAN DIEGO CLIMATE ACTION PLAN AND GENERAL PLAN AMENDMENT

**PROJECT NUMBER(S):** PDS2015-POD-15-002 and PDS2016-GPA-16-007

**PROJECT APPLICANT:** County of San Diego – Planning & Development Services

**ENV. REVIEW NUMBER:** PDS2016-ER-16-00-003

### PROJECT BACKGROUND:

In August 2011, the County of San Diego (County) prepared and adopted the *2011 County of San Diego General Plan Update* (GPU) and certified the Final Program Environmental Impact Report (PEIR), which assessed the potential environmental impacts of implementing the 2011 GPU. Within the GPU, the County adopted goals and policies aimed at reducing countywide greenhouse gas (GHG) emissions. Further, the County adopted a mitigation measure identified in the PEIR that called for the preparation of a Climate Change Action Plan designed to reach specified GHG reduction targets. In June 2012, the County approved a Climate Action Plan (2012 CAP) and Guidelines for Determining Significance (Guidelines), and adopted an Addendum to the 2011 GPU PEIR.

Following the approval of the 2012 CAP and Guidelines, the Sierra Club filed suit challenging the approvals and the adequacy of the associated environmental review. In a ruling issued on October 29, 2014 (*Sierra Club v. County of San Diego*, 231 Cal. App. 4<sup>th</sup> 1152 [2014]), the Fourth District Court of Appeal held that the 2012 CAP did not meet the description set forth in the adopted mitigation measure (GPU PEIR Mitigation Measure CC-1.2) and that an EIR was needed for the plan.

In response to the court's decision and considering changes that have occurred since preparation of the 2012 CAP, the County is proceeding with preparation of a new stand-alone CAP. The CAP would result in changes to Goal COS-20 and Policy COS-20.1 of the 2011 GPU and Mitigation Measures (MM) CC-1.2, CC-1.7, and CC-1.8 in the GPU PEIR addressing preparation of a CAP and GHG reduction targets.

### PROJECT DESCRIPTION:

The project is a new CAP. The CAP (described in more detail below) would necessitate changes to Goal COS-20 and Policy COS-20.1 of the 2011 GPU and mitigation adopted in the PEIR (Mitigation

Measures CC-1.2, CC-1.7, and CC-1.8). As a result, an associated action of the project is an amendment to the 2011 GPU and proposed adoption of new or revised mitigation for the 2011 GPU PEIR.

An EIR will be prepared for the CAP and associated actions (General Plan Amendment) and it will serve two discrete purposes:

- 1) the EIR will provide a program-level analysis of the CAP and actions described therein; and
- 2) the EIR will be prepared as a Supplement to the 2011 GPU PEIR to evaluate the proposed amendments to the General Plan goal and policy referenced above and proposed adoption of new or revised mitigation measure(s) related to the CAP and GHG emission reduction targets as described below.

### **CEQA Requirements**

The California Environmental Quality Act (CEQA) requires that public agencies consider the potentially significant adverse environmental effects of projects over which they have discretionary approval authority before taking action on those projects (Public Resources Code [PRC] Section 21000 et. seq.). According to California Code of Regulations (CCR) Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental effect. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

The CAP is a comprehensive plan for the County to identify the strategies, measures, and actions that would need to be undertaken to reduce GHG emissions consistent with legislative requirements. As such, consistent with the requirement of CEQA Guidelines Section 15168, the County is preparing a program EIR that evaluates the scope of actions proposed under the CAP.

With regard to the General Plan Amendment and modifications to the mitigation measures in the certified PEIR (Mitigation Measures CC-1.2, CC-1.7, and CC-1.8), CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified EIR covering the project for which a subsequent discretionary action is required. CEQA Guidelines, Sections 15162(a) and 15163, state that when an EIR has been certified for a project, no subsequent or supplement to an EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) 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 previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
- b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15163 states that a lead agency may choose to prepare a supplement to the EIR rather than a subsequent EIR if changes proposed would meet the conditions described in Section 15162 and only minor additions and changes would be necessary to make the previous EIR adequate. The proposed General Plan Amendment for the CAP is related to a limited set of policies of the 2011 GPU. As such, the County is proceeding with preparation of a Supplement to the 2011 GPU PEIR. This document will address whether the CAP and proposed changes to Goal COS-20 and Policy COS-20.1 of the 2011 GPU and Mitigation Measures CC-1.2, CC-1.7, and CC-1.8 adopted in the 2011 GPU PEIR would result in any new or substantially more severe environmental impacts than those previously evaluated in the certified 2011 GPU PEIR.

### **General Plan Amendment**

The 2011 GPU established a goal to reduce cumulative GHG emissions within the unincorporated County to 1990 levels by 2020 to be consistent with the statewide goal established by Assembly Bill (AB) 32 (the California Global Warming Solutions Act of 2006). To meet this goal, the County adopted the following goal and policy within the 2011 GPU (see pages 5-38 and 5-39 of the 2011 GPU, County of San Diego, 2011a):

#### **GPU Goal COS-20 (Governance and Administration)**

Reduction of local GHG emissions contributing to climate change that meet or exceed requirements of the Global Warming Solutions Act of 2006.

#### **GPU Policy COS-20.1 (Climate Change Action Plan)**

Prepare, maintain, and implement a climate change action plan with a baseline inventory of GHG emissions from all sources; GHG emissions reduction targets and deadlines, and enforceable GHG emissions reduction measures.

The 2011 GPU PEIR incorporated a mitigation measure (CC-1.2) which, in combination with other identified mitigation measures, would achieve the GPU Goal COS-20 and Policy COS-20.1 of reducing cumulative GHG emissions within the unincorporated County to 1990 levels by 2020. The same mitigation measure also established a 2020 target for County operations (see page 2.17-30 of the 2011 GPU PEIR, County of San Diego, 2011b):

#### **GPU PEIR Mitigation Measure (MM) CC-1.2**

Prepare a County Climate Change Action Plan with an update baseline inventory of greenhouse gas emissions from all sources, more detailed greenhouse gas emissions reduction targets and deadlines; and a comprehensive and enforceable GHG emissions reduction measures that will achieve a 17% reduction in emissions from County operations from 2006 by 2020 and a 9% reduction in community emissions between 2006 and 2020. Once prepared, implementation of the plan will be monitored and progress reported on a regular basis.

The 2011 GPU and GPU PEIR MM CC-1.2 did not address GHG reductions or GHG reduction goals beyond 2020 for emissions from unincorporated communities (community emissions) or County operations. County operational emissions are tracked and monitored annually through the Climate Registry Information System (CRIS-Climate Registry), which assists the County in tracking progress towards County operations GHG reductions.

The 2011 GPU PEIR MM CC-1.7 requires the County to incorporate the California Air Resources Board (CARB's) recommendations for climate change CEQA thresholds into the County Guidelines for Determining Significance for Climate Change. If CARB does not release the recommendations, then the County is required to prepare its own threshold.

**GPU PEIR MM CC-1.7**

Incorporate the California ARB's recommendations for a climate change CEQA threshold into the County Guidelines for Determining Significance for Climate Change. These recommendations will include energy, waste, water, and transportation performance measures for new discretionary projects in order to reduce GHG emissions. Should the recommendation not be released in a timely manner, the County will prepare its own threshold. (see pages 2.17-30 and 2.17-31 of the 2011 GPU PEIR, County of San Diego, 2011b)

The 2011 GPU PEIR MM CC-1.8 requires the County to revise the County Guidelines for Determining Significance based on the CAP.

**GPU PEIR MM CC-1.8**

Revise County Guidelines for Determining Significance based on the Climate Change Action Plan. The revisions will include guidance for proposed discretionary projects to achieve greater energy, water, waste, and transportation efficiency. (see page 2.17-31 of the 2011 GPU PEIR, County of San Diego 2011b)

With the passage of Senate Bill (SB) 32 (as amended, Pavley. California Global Warming Solutions Act of 2006: emissions limit), which requires statewide GHG emission reductions to 40% below the 1990 levels by 2030, the County has determined that the 2011 GPU Goal COS-20, 2011 GPU Policy COS-20.1, and 2011 GPU PEIR Mitigation Measure CC-1.2 need to be updated to reflect the requirements of SB 32. Further, the CAP could result in the need for modifications to 2011 GPU Mitigation Measures CC-1.7 and CC-1.8. These proposed changes will be evaluated in the project's EIR (Supplement to the 2011 GPU PEIR).

The CAP will be prepared and the 2011 GPU goal and policy and the 2011 GPU PEIR mitigation measures outlined above will be updated to achieve the following:

- Analyze GHG emissions beyond 2020 to be consistent with SB 32;
- Establish a community GHG emission reduction target through the horizon year of 2030 consistent with guidance provided in SB 32; and
- Establish a comprehensive approach to reduce community GHG emissions by incorporating technologically feasible and cost-effective GHG emission reduction measures.

**Climate Action Plan**

The CAP is being developed in response to the previously described court ruling and State legislation and policies that are aimed at reducing statewide GHG emissions. This includes Executive Order (EO) S-3-05, which recommends a 2050 statewide GHG reduction target of 80 percent below 1990 levels; SB 32, which requires a 2030 statewide GHG reduction target of 40 percent below 1990 levels; and AB 32, which tasked the California Air Resources Board (ARB) with developing a Climate Change Scoping Plan to establish an interim target to achieve 1990 levels of GHG emissions by 2020 and provide a path for local governments to contribute their fair share of the GHG reductions necessary to achieve the target.

The CAP will include measures and actions to reduce current community emissions from the unincorporated County in proportion to the State's goals.

To achieve these objectives, the CAP will:

- Identify the expected climate change effects on the County, including areas of vulnerability, and potential adaptation strategies, measures, and actions that could be implemented to reduce these effects;
- Include a summary of baseline GHG emissions and the potential growth of these emissions over time;
- Identify GHG emissions reduction targets and goals to reduce the unincorporated County's contribution to climate change; and,
- Identify and evaluate strategies, measures, and actions to comply with statewide GHG reduction targets and goals and to adapt to climate change impacts.

The CAP will also be used for future project-specific environmental documents by being prepared consistent with the tiering and streamlining provisions of Section 15183.5 of the State CEQA Guidelines. The EIR will provide the appropriate level of environmental review to allow future projects to tier from and streamline their analysis of GHG emissions pursuant to CEQA Guidelines Section 15183.5(b)(2).

As part of CAP evaluation, the CAP strategies, measures, and actions will be assessed and monitored. Reporting on the status of the actions, periodic updates to the GHG emissions inventory, and other monitoring activities will provide the mechanisms to ensure that the County is making progress towards the CAP's stated goals.

The CAP will also include provisions for how the County's operations contribute their fair share of GHG reductions through local actions and operations, consistent with MM CC-1.2 of the 2011 GPU PEIR. The CAP will include a summary of baseline GHG emissions from County operations and potential growth of these emissions to 2020. The CAP will identify strategies, measures, and actions to reduce GHG emissions from County operations.

It is anticipated the CAP will consider GHG reduction strategies for the following sectors:

- Built Environment and Transportation (On-Road Transportation & Off-Road Transportation)
- Energy (Electricity & Natural Gas)
- Solid Waste
- Agriculture and Conservation
- Water
- Wastewater

#### **PROJECT LOCATION:**

The County of San Diego is located in the southwestern corner of the State. The County is bordered by the Pacific Ocean to the west, Riverside County to the north, Imperial County to the east, Orange County at the northwest corner, and the Republic of Mexico to the south (Exhibit 1).

The planning area for the CAP is the same planning area considered for the 2011 GPU, which encompasses all unincorporated land in the County of San Diego (Exhibit 2). The unincorporated County is composed of 3,570 square miles and represents 84 percent of the total land area in the County.

**PROBABLE ENVIRONMENTAL EFFECTS:**

The following is a list of the subject areas to be analyzed in the CAP EIR.

Aesthetics	Hydrology and Water Quality
Agriculture and Forestry Resources	Land Use and Planning
Air Quality	Mineral Resources
Biological Resources	Noise
Cultural and Historical Resources	Population and Housing
Geology and Soils	Public Services
Greenhouse Gas Emissions	Recreation
Energy	Transportation and Traffic
Hazards and Hazardous Materials	Utilities and Service Systems

With regards to the Supplement to the 2011 GPU PEIR, it is anticipated that the scope of analysis would be limited to GHG Emissions/Global Climate Change.

**PUBLIC SCOPING MEETING:**

Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting will be held to solicit comments regarding the scope and analysis of the Supplement to the 2011 GPU PEIR. This meeting will be held on **November 3, 2016, 6:00 p.m. to 8:00 p.m., at the County Operations Center (COC) Conference Center Hearing Room, located at 5520 Overland Avenue, San Diego, CA 92123.**

Comments on this Notice of Preparation document will be accepted for 30 days following the issuance of this notice, and must be received no later than **November 21, 2016.** Comments on the Notice of Preparation document must be sent to the PDS address listed below and should reference the project numbers (PDS2015-POD-15-002, PDS2016-GPA-16-007, and PDS2016-ER-16-00-003) and project name (County of San Diego Climate Action Plan & General Plan Amendment). Comments may be submitted to:

County of San Diego  
Planning & Development Services  
Attention: Bulmaro Canseco  
CAP Project Manager  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

Comment letters may also be submitted electronically via e-mail at: CAP@sdcounty.ca.gov.

**References:**

County of San Diego. 2011a (August). County of San Diego, General Plan Update. Available at: <http://www.sandiegocounty.gov/content/sdc/pds/generalplan.html>. Prepared by County of San Diego. Accessed September 15, 2016.

County of San Diego. 2011b. San Diego County General Plan Update, Final Environmental Impact Report. Available at: <http://www.sandiegocounty.gov/content/sdc/pds/gpupdate/environmental.html>. Prepared by County of San Diego, Department of Planning and Land Use. Accessed September 15, 2016.

*Sierra Club v. County of San Diego*, 231 Cal. App. 4<sup>th</sup> 1152 (2014)

**Attachments:**

- Exhibit 1: Regional Map
- Exhibit 2: San Diego County



**Exhibit 1: Regional Map**





**Legend**

- Cities
- Unincorporated Areas
- San Diego County Boundary

0 6 12 Miles

Base: National Atlas G14010011 03 001

Source: San Diego County

**Exhibit 2: San Diego County**

