



County of San Diego

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NOTICE OF PREPARATION DOCUMENTATION

DATE: **REVISED** December 23, 2020

PROJECT NAME: COUNTY OF SAN DIEGO CLIMATE ACTION PLAN UPDATE

PROJECT NUMBER(S): PDS2020-POD-20-016 and PDS2020-GPA-20-004

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

ENV. REVIEW NUMBER: PDS2020-ER-20-00-002

This Notice of Preparation has been revised to extend the public review period and the date of the scoping meeting, as indicated on page 6. There are no other changes to this Notice of Preparation.

PURPOSE OF THE NOTICE OF PREPARATION:

The County of San Diego (County) is sending notice that a Supplemental Environmental Impact Report (Supplemental EIR) will be prepared for the Climate Action Plan (CAP) Update (hereafter, "CAP" or "project"). The County is seeking input from the public and agencies on potential environmental impacts of the CAP, ways to mitigate those impacts, and alternatives that may lessen those impacts. The County is also seeking input on potential GHG reduction strategies and measures to be included in the CAP. To review the impacts, mitigation measures, and alternatives from the 2018 CAP Supplemental EIR (2018 CAP SEIR), please see the following link: [2018 CAP SEIR](#).

The overall objective of the CAP is to reduce GHG emissions generated from activities within the unincorporated County (community) and GHG emissions generated by County facilities and operational activities throughout the County, including facilities and operations located within incorporated cities (County operations) to meet or exceed GHG reduction goals under State laws.

The County will conduct stakeholder outreach for the CAP. This Notice of Preparation is the first step in the CEQA process.

PROJECT BACKGROUND:

The County Climate Action Plan (2018 CAP) was adopted and the Final 2018 CAP SEIR was certified by the County Board of Supervisors on February 14, 2018. The 2018 CAP was adopted to comply with the County's 2011 General Plan Conservation and Open Space (COS) Goal COS-20, Policy COS-20.1, and 2011 General Plan Update Program Environmental Impact Report (2011 GPU PEIR) Mitigation Measures CC-1.2, CC-1.7, and CC-1.8. The General Plan Goal COS-20 requires reduction of community and County operations greenhouse gas emissions and Policy COS-20.1 requires preparation, maintenance, and implementation of a CAP. To review the Conservation and Open Space Element of the General Plan, see the following link: [General Plan](#). The 2018 CAP required a General Plan Amendment (GPA) to update COS-20 and COS-20.1 to comply with existing State law. The 2018 CAP SEIR project included the 2018 CAP, this associated GPA to the County's 2011 General Plan and revision to the associated Mitigation Monitoring and Reporting Program, a threshold of significance for greenhouse gases (GHGs), and revised County Guidelines for Determining Significance for Climate Change.

After the County adopted the 2018 CAP and certified the 2018 CAP SEIR, the Sierra Club, Center for Biological Diversity, Cleveland National Forest Foundation, Climate Action Campaign, Endangered Habitats League, Environmental Center of San Diego, and Preserve Wild Santee filed a petition challenging the 2018 CAP as violating the California Environmental Quality Act (CEQA). In a separate action, Golden Door Properties, LLC, also challenged the 2018 CAP as violating CEQA. On December 24, 2018, the Superior Court ruled that the 2018 CAP approval did not comply with CEQA. The Superior Court ordered the County to set aside and vacate the February 14, 2018, approvals and the certification of the 2018 CAP SEIR. This decision was later affirmed in part by the California Court of Appeal, Fourth Appellate District (Appellate Court), on June 12, 2020, in *Golden Door Properties, LLC, v. County of San Diego*, 50 Cal. App. 5th 467. As a result, the County Board of Supervisors rescinded the 2018 CAP and 2018 CAP SEIR, and associated approvals, on September 30, 2020.

In addition to requiring rescission of the 2018 CAP and related approvals, the Superior Court ordered the County to submit an estimated schedule to prepare a new CAP and Guidelines for Determining Significance for Climate Change ("Guidelines"), and comply with CEQA and the State Planning and Zoning Law. The Superior Court has retained jurisdiction to determine compliance. In response to the court's decision, the County will prepare a CAP Update, Guidelines, and Supplemental EIR to address the court's opinion.

The County will continue implementing sustainability measures to reduce GHGs as part of its ongoing commitment to the environment and to progress towards accomplishment of statewide reduction targets. Information on the County's sustainability efforts and 2018 CAP and 2018 CAP SEIR documents are available at the following link: [2018 CAP](#).

PROJECT DESCRIPTION:

The CAP will include preparation of an updated GHG Emissions Inventory and Projections and preparation of updated GHG Emissions Targets to determine if additional or revised measures are needed. The Appellate Court struck down the 2018 CAP SEIR but did not find fault with the 26 GHG reduction measures in the 2018 CAP. The County may revise, expand, or replace the 2018 CAP GHG reduction measures and may prepare new GHG reduction measures for the project.

To incorporate GHG reduction goals under new State laws adopted since 2011, the project will include amendments to Goal COS-20 and Policy COS-20.1 of the General Plan and 2011 GPU PEIR Mitigation Measures CC-1.2, CC-1.7, and CC-1.8, similar to the 2018 CAP. Policy COS-20.1 was also amended in 2018 so that the CAP could be used in the analysis of cumulative GHG impacts of projects covered by the CAP (e.g., projects consistent with density allowed in the General Plan), pursuant to CEQA Guidelines section 15183.5. The amendments to Goal COS-20 and Policy COS-20.1, a threshold of significance for GHGs, and a revised Guidelines will be required. These actions, analysis of GHG reduction measures, and any other action necessary to comply with CEQA will be analyzed in the Supplemental EIR for the project. In addition to amendments to Goal COS-20 and Policy COS-20.1, refinements or additions to General Plan policies may be required as part of the project or a project alternative, which may require additional amendments to the General Plan. The Appellate Court also determined that the County was required to identify and analyze a “smart growth” alternative to reduce vehicle miles travelled and associated GHG impacts. The project will include at least one “smart growth” alternative and other alternatives as part of a reasonable range to reduce significant impacts from the project.

The Supplemental EIR for the project will serve two discrete purposes:

1. The Supplemental EIR will provide a program-level analysis of the project and actions described therein; and
2. The Supplemental EIR will address the court’s ruling and will supplement the 2011 GPU PEIR.

The CAP may consider strategies and reduction measures, and supporting efforts organized under the same five categories as the 2018 CAP:

1. Built Environment and Transportation;
2. Energy;
3. Solid Waste;
4. Water and Wastewater; and
5. Agriculture and Conservation.

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) Title 14, 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.

The project will supplement the 2011 GPU PEIR. CEQA Guidelines sections 15162 through 15164 set forth the requirements for additional environmental review 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 EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The project will require a Supplemental EIR pursuant to CEQA Guidelines section 15163 because the CAP updates and implements the General Plan Goal COS-20 and Policy COS-20.1; and Mitigation Measures CC-1.2, CC-1.7, and CC-1.8 of the 2011 GPU PEIR.

The CAP will also be used for future project-specific environmental documents by being prepared consistent with the tiering and streamlining provisions of CEQA Guidelines section 15183.5. The Supplemental EIR will provide the appropriate level of environmental review to allow future projects that are within the activities covered by the CAP (e.g., projects consistent with density allowed in the General Plan) to tier from and streamline their analysis of GHG emissions pursuant to CEQA Guidelines section 15183.5(b)(2).

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 General Plan, 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 County may utilize some or all of the 26 measures in the 2018 CAP as GHG reduction measures for the project, or other measures. The 2018 CAP SEIR identified significant impacts from implementation of these 26 measures for Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural, Historic, and Paleontological Resources; Energy; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Transportation and Traffic; and Tribal Cultural Resources. The Final 2018 CAP SEIR and potentially significant effects can be found here: [2018 CAP SEIR](#).

The following is a list of the subject areas to be analyzed in the Supplemental EIR:

Aesthetics	Agriculture and Forestry Resources
Air Quality	Biological Resources
Cultural Resources	Energy

Geology and Soils	Greenhouse Gas Emissions
Hazards and Hazardous Materials	Hydrology and Water Quality
Land Use and Planning	Mineral Resources
Noise	Population and Housing
Public Services	Recreation
Transportation	Tribal Cultural Resources
Utilities and Service Systems	Wildfire

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 Supplemental EIR. On March 17, 2020, California Governor Gavin Newsom issued Executive Order N-29-20, relating to the convening of public meetings in the State of California in response to the COVID-19 pandemic. The Executive Order outlined requirements for public meetings to take place telephonically or electronically without the need for the public or agencies to attend in person. This meeting will be held virtually on January 28, 2021, 6:00 p.m. to 8:00 p.m. Please follow this link for instructions on how to participate in this virtual scoping meeting: [CAP Update](#).

Comments on this Notice of Preparation document will be accepted for 57 days following the issuance of the first notice on December 10, 2020, and must now be received no later than February 4, 2021. The County is providing 27 extra days. Comments on the Notice of Preparation document must be sent to Planning & Development Services (PDS) via email or to the address listed below and should reference the project numbers (PDS2020-POD-20-016 and PDS2020-GPA-20-004, and PDS2020-ER-20-00-002) and project name (County of San Diego Climate Action Plan Update).

Comment letters may be submitted electronically via e-mail at: CAP@sdcountry.ca.gov. Due to the COVID-19 pandemic and State orders, non-essential County staff are working remotely. The County requests that all comments be provided electronically. If a hard copy submittal is necessary, it may be submitted to:

County of San Diego
Planning & Development Services
Attention: Kelly Bray
CAP Project Manager
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Attachments:

- Exhibit 1 Regional Map
- Exhibit 2 San Diego County