

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 30, 2020**

MINUTE ORDER NO. 4

SUBJECT: RESOLUTION RESCINDING AND VACATING ADOPTION OF THE FINAL CLIMATE ACTION PLAN (DISTRICTS: ALL)

OVERVIEW

On February 14, 2018 (1), the County of San Diego (County) Board of Supervisors (Board) adopted the 2018 Climate Action Plan and the associated California Environmental Quality Act (CEQA) Findings, including the 2018 Final Supplemental Environmental Impact Report (Final SEIR) to the 2011 General Plan Update Program Environmental Impact Report. After the County adopted the 2018 Climate Action Plan and Final 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 (collectively, “Sierra Club”) filed a petition challenging it as violating CEQA (Case Nos. 2012-101054 and 2018-14081). In a separate action, Golden Door Properties, LLC, also challenged it as violating CEQA (No. 2018-13324). On December 24, 2018, the Superior Court ruled that the 2018 Climate Action Plan is inconsistent with the County’s General Plan and that its 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 Final SEIR. This decision was later affirmed in part by the California Court of Appeal, Fourth Appellate District (Appellate Court).

The Appellate Court ruled that the 26 Climate Action Plan greenhouse gas reduction measures are CEQA compliant and that the 2018 Climate Action Plan is not inconsistent with the County’s General Plan. However, the Appellate Court affirmed the Superior Court’s ruling ordering the County to set aside its approval of the 2018 Climate Action Plan and related actions because of deficiencies in the Final SEIR. The County will revise the Climate Action Plan and correct the inadequacies identified within the Final SEIR in consultation with environmental, community, and industry groups. Pending adoption of a new Climate Action Plan, the County will continue to implement the 26 greenhouse gas reduction measures and sustainability initiatives and programs identified in the 2018 Climate Action Plan to reduce greenhouse gas emissions to meet the State’s 2030 reduction target.

Today’s request is for the Board to adopt a resolution to rescind the 2018 Climate Action Plan and Final SEIR, related environmental findings, and associated actions as described below.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt proposed resolution titled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RESCINDING AND VACATING ADOPTION OF THE FINAL CLIMATE ACTION PLAN (CAP), RELATED RESOLUTIONS NOS. 18-020, 18-021 AND 18-022, CAP GUIDELINES FOR SIGNIFICANCE, CAP CONSISTENCY REVIEW CHECKLIST, CAP REPORT REQUIREMENTS AND RELATED CEQA FINDINGS AND CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR), which will effect all of the following:
 - a. Rescind and vacate the adopted CEQA Findings for Modified Option 3 (Supplemental Information Modifying Option 3, Attachment D), which include the certification and findings regarding significant effects of the project, the mitigation and monitoring

program, the Statement of Overriding Considerations, and the recirculation statement prepared pursuant to CEQA Guidelines Sections 15088.5, 15090, 15091, 15093, and 15097, and de-certify the Final SEIR.

- b. Rescind and vacate the adopted Guidelines for Determining Significance for Climate Change, dated January 2018.
- c. Rescind and vacate the adopted Resolution No. 18-020, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE GREENHOUSE GAS THRESHOLD OF SIGNIFICANCE, DATED JANUARY 2018.
- d. Rescind and vacate the adopted Final Climate Action Plan for Modified Option 3: Residential and Non-residential Development.
- e. Rescind and vacate the adopted Climate Action Plan Consistency Review Checklist, dated January 2018.
- f. Rescind and vacate the adopted Report Format and Content Requirements for Climate Change, dated January 2018.
- g. Rescind and vacate the adopted Resolution No. 18-021, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS UPDATING THE 2011 GENERAL PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT MITIGATION MEASURES CC 1.2, CC 1.7, AND CC 1.8.
- h. Rescind and vacate the adopted Resolution No. 18-022, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE GENERAL PLAN AMENDMENT PDS2016 GPA 16 007, AMENDING THE 2011 GENERAL PLAN UPDATE GOAL COS 20 AND POLICY COS 20.1.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Fletcher, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, adopting Resolution No. 20-164, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RESCINDING AND VACATING ADOPTION OF THE FINAL CLIMATE ACTION PLAN (CAP), RELATED RESOLUTIONS NOS. 18-020, 18-021 AND 18-022, CAP GUIDELINES FOR SIGNIFICANCE, CAP CONSISTENCY REVIEW CHECKLIST, CAP REPORT REQUIREMENTS AND RELATED CEQA FINDINGS AND CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Marvice Mazyck, Chief Deputy