COUNTY OF SAN DIEGO CLIMATE ACTION PLAN UPDATE
EIR # PDS2020-ER-20-00-002
STATE CLEARINGHOUSE NUMBER 2020120204
ATTACHMENT G

May 2024

CEQA FINDINGS

a. Certify that the SEIR dated May 2024 on file with Planning & Development Services as EIR # PDS2020-ER-20-00-002 has been completed in compliance with CEQA and the State CEQA Guidelines, that the SEIR was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained therein before approving the project, and that the SEIR reflects the independent judgment and analysis of the Board of Supervisors.

b. Adopt the findings concerning the avoidance or substantial lessening of significant environmental effects through mitigation measures or alternatives pursuant to CEQA Guidelines section 15091 (Section II, III, and V below).

c. Adopt the Statement of Overriding Considerations pursuant to State CEQA Guidelines section 15093 (Section IX below).

d. Adopt the Decision and Explanation Regarding Recirculation of the Draft Supplemental Environmental Impact Report pursuant to State CEQA Guidelines Section 15088.5(e) (Section VII below).

e. Adopt the Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines section 15091(d) (Attachment H).

f. Adopt the Findings related to the 2011 General Plan Update PEIR Mitigation Measure CC-1.2 (Section VI below).

FINDINGS PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15088.5, 15090, 15091 AND 15093

COUNTY OF SAN DIEGO CLIMATE ACTION PLAN UPDATE

MAY 2024

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CEQA FINDINGS REGARDING SIGNIFICANT EFFECTS FOR THE COUNTY OF SAN DIEGO CLIMATE ACTION PLAN UPDATE SCH #2020120204

I. INTRODUCTION

The following Findings are made for the County of San Diego Climate Action Plan Update (CAP Update, or Project), which is being considered for approval based on consideration of the alternatives, Project objectives, Project benefits, environmental impacts, stakeholder input received during public review, Planning Commission public workshops and other community engagement, and numerous other factors. The CAP Update is composed of the following: the CAP; an associated General Plan Amendment (GPA) to the County's 2011 General Plan Update (General Plan) and corresponding revision to mitigation in the Program Environmental Impact Report (PEIR) (SCH#: 2002111067) prepared for the 2011 General Plan Update (2011 GPU PEIR); and a revised Guidelines for Determining Significance for Climate Change (Guidelines), including a threshold of significance for greenhouse gas (GHG). The CAP Update, which contains nine GHG reduction strategies, 21 GHG reduction measures, and 35 quantified implementing actions that the County would implement to reduce GHG emissions to reach emission reduction targets of 1,683,156 million metric tons of carbon dioxide equivalent ($MTCO_2e$) in 2030 or 43.6 percent below 2019 levels and 434,185 $MTCO_2e$ in 2045 or 85.4 percent below 2019 levels. Additionally, 35 "Path to Net Zero" actions put the County on a path to reach net zero emissions by 2045. The CAP Update, as described in detail in the Final SEIR, will be presented to the decision markers for adoption.

The environmental impacts of the CAP Update are addressed in a Supplemental Environmental Impact Report (SEIR) dated May 2024, which is incorporated by reference herein.

The Final SEIR prepared for the CAP Update consists of three components:

A) Programmatic evaluation of the physical environmental impacts anticipated to result from implementation of the CAP Update that could be new or substantially more severe than those disclosed in the 2011 GPU PEIR and a reasonable range of alternatives

B) Summary of Changes to the Draft SEIR, Comment Letters and Responses to Comments on the Draft SEIR

C) Technical Appendices to the Final SEIR

The Final SEIR evaluated the following environmental areas of potential concern: 1) Aesthetics; 2) Agriculture and Forestry Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural and Paleontological Resources; 6) Energy; 7) Environmental Justice; 8) Greenhouse Gas Emissions; 9) Hazards and Hazardous Materials; 10) Hydrology and Water Quality; 11) Land Use and Planning; 12) Noise; 13) Transportation; 14) Tribal Cultural Resources; and 15) Wildfire. Potential impacts for Geology and Soils, Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Services are identified as Effects Found Not to be Significant (and discussed in Chapter 3 of the Final SEIR).

The Final SEIR functions as a supplement to the 2011 GPU PEIR and as such the analysis throughout relies upon pertinent information that is provided in the 2011 GPU PEIR and was adopted with the 2011 General Plan. Specifically, as a supplement, the analysis relied upon the adopted 2011 General Plan policies and 2011 GPU PEIR mitigation measures and applied those

policies and mitigation measures to the Project prior to rendering an impact conclusion. Where impacts were concluded to remain significant after application of all relevant policies and mitigation measures of the 2011 General Plan, additional mitigation was considered and recommended in the Final SEIR. The Findings discussed below address the significant impacts of the Project after application of relevant 2011 General Plan policies, 2011 GPU PEIR mitigation measures, and Final SEIR mitigation measures. Where 2011 GPU PEIR or Final SEIR mitigation measures were applied, those mitigation measures are referenced in the Mitigation Monitoring and Reporting Program.

The County of San Diego (County) Board of Supervisors (Board) concurs with the conclusions in the Final SEIR that geology and soils, mineral resources, population and housing, public services, recreation, and utilities and services will not result in potentially significant impacts. But the remaining environmental issues evaluated will include impacts that are significant and unavoidable. For the 10 environmental subject areas in which environmental impacts will remain significant and unavoidable, even with the implementation of mitigation measures, overriding considerations exist to approve the Project (Sections III and IX, below).

The California Environmental Quality Act (CEQA) (California Public Resources Code §21000 *et. seq.*) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 *et. seq*.) require that no public agency shall approve or carry out a project for which and EIR identifies one or more significant environmental effects unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale and facts supporting each finding.

The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment;

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR (CEQA, §21081(a); Guidelines, §15091(a)).

For each significant effect identified for the CAP Update, one of the above three findings applies. Therefore, the discussion of significant impacts, and mitigation measures where possible, are organized below by finding rather than by environmental subject area.

In analyzing potential impacts, the Final SEIR noted that many of the projects that would be implemented under the CAP Update would require further discretionary permits from the County, such as grading permits, triggering additional review under CEQA. Under these circumstances, projects will be reviewed under CEQA and 2011 General Plan policies, and applicable mitigation measures from the Final SEIR will be incorporated to the extent feasible by future discretionary projects to avoid or substantially lessen the significant impacts resulting from the projects.

However, the Final SEIR also acknowledged there may be circumstances where further discretionary permits are not required (e.g., small-scale renewable energy projects), and no additional CEQA review would occur. In addition, even with implementation of applicable policies

and mitigation measures, the locations and details of many of the projects are currently unknown and it cannot be determined with certainty that impacts would be reduced to a less-than-significant level because of many influencing variables such as location, size, design, and technology. The Final SEIR concluded there would be no other mechanisms available to review potential significant environmental impacts and impose or implement feasible mitigation measures. Therefore, the CAP Update may have significant and unmitigated environmental impacts related to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural and paleontological resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, and tribal cultural resources. Details of these conclusions are provided in the findings below (Section III). A Statement of Overriding Considerations is being adopted to address these significant and unmitigated impacts (Section IX below).

II. POTENTIALLY SIGNIFICANT EFFECTS WHERE MITIGATION IS AVAILABLE TO REDUCE IMPACTS TO LESS THAN SIGNIFICANT (CEQA GUIDELINES SECTION 15091(A)(1)

Pursuant to Section 21081(A) of the Public Resources Code and Section 15091(A)(1) of the State CEQA Guidelines, the County Board finds that, for each of the following significant effects identified in the Final SEIR, changes or alternatives have been required in, or incorporated into, the CAP Update which mitigate or avoid the potentially significant effects on the environment. The potentially significant effects and mitigation measures are stated fully in the Final SEIR. These findings are explained below and are supported by substantial evidence in the record of proceedings.

To the extent these findings conclude that mitigation measures identified in the Final SEIR are feasible, the County hereby binds itself to implement those measures. These findings are not merely informational, but also constitute a binding set of obligations upon the County and responsible agencies that take effect upon the County's adoption of the resolutions certifying the Final SEIR and approving the CAP Update.

In adopting these findings, the County concurrently adopts a Mitigation Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code section 21081.6. This MMRP is designed to ensure the CAP Update complies with the feasible mitigation measures identified below during implementation of the CAP Update and is incorporated herein by this reference.

A. Biological Resources

1. **Significant Effect: State and Federally Protected Wetlands:** Implementation of the CAP Update solid waste Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in construction and operation of new or expanded solid waste facilities; water and wastewater Measures W-1 through W-3 could result in installation of new or replaced ancillary structures; agriculture and conservation Action A-4.1b would result in evaluation of opportunities to increase affordable farmworker housing in the unincorporated county; energy Measure E-3, Action E-3.2, and Action E-3.3 could result in energy efficiency retrofits on existing residential and non-residential structures and County facilities, including small scale and large scale renewable energy systems; and built environment and transportation measures and associated implementing actions could result in construction and operation of electrification improvements, electric vehicle infrastructure, and infrastructure to support bikes and pedestrians. Specific locations for future projects associated with the CAP Update have not been identified. Therefore, implementation of future projects associated with the CAP Update could result in direct and cumulative

impacts related to degradation or removal of state or federally protected wetlands. (See Final SEIR p. 2.4-26 through 2.4-32 and 2.4-47).

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond existing federal and state permitting requirements, compliance with the County's adopted General Plan policies, and implementation of adopted 2011 GPU PEIR mitigation measures, is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to biological resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-3.1 and COS-3.2 (Final SEIR p. 2.4-6). The mitigation measures applicable to biological resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Bio-1.6, Bio-1.7, Bio-2.1, Bio-2.3, and Bio-2.4 (Final SEIR p. 2.4-53).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, wetlands impact associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.4-26 through 2.4-32 and 2.4-47).

B. Hazards and Hazardous Material

1. **Significant Effect: Public and Private Airports:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in the construction of new or expanded solid waste facilities; Action A-4.1b would have the potential to result in new farmworker housing in the unincorporated county, if opportunities to increase farmworker housing in the unincorporated area are identified; and Action E-2.2 and Action E-3.3 could result in the construction of new renewable energy infrastructure and energy efficiency retrofits on existing residential and non-residential structures and County facilities, including small-scale and large-scale renewable energy systems. Specific locations for these future projects have not been identified, and future projects may be located near a public or private airport resulting in impacts related to airport safety. Therefore, there would be a potential for future projects associated with the CAP Update to be located near public and/or private airports resulting in direct and cumulative impacts related to safety hazards or excessive noise impacts. (See Final SEIR p. 2.9-25 through 2.9-33, 2.9-50, and 2.9-51)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to airport hazards that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies S-17.2, S-17.3, S-17.4 (Final SEIR p. 2.9-13). The mitigation measures applicable to airport hazards that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Haz-1.1, Haz-1.3, and Haz-1.5 (Final SEIR p. 2.9-53 and 2.9-54).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, airport hazards associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.9-25 through 2.9-33, 2.9-50, and 2.9-51).

2. **Significant Effect: Emergency Response and Evacuation Plans:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in the construction of new or expanded solid waste facilities; Action A-4.1b would have the potential to result in new farmworker housing in the unincorporated county, if opportunities to increase farmworker housing in the unincorporated area are identified; Action E-2.2 and Action E-3.3 could result in the construction of new renewable energy infrastructure and energy efficiency retrofits on existing residential and non-residential structures and County facilities, including small-scale and large-scale renewable energy systems; and Measure T-3 would result in construction of new or expanded pedestrian and bicycle improvements and electric vehicle charge stations. Construction activities associated with future projects under the CAP Update would have the potential to result in direct and cumulative impacts related to emergency response plans if authorities are not properly notified or emergency routes are blocked. (See Final SEIR p. 2.9-33 through 2.9-39 and 2.9-51)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to emergency responses and evacuation plans that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies S-1.2, S-1.3, M-1.2, M-3.3, and M-4.3 (Final SEIR p. 2.9-10 and 2.9-11). The mitigation measures applicable to emergency response and evaluation plans impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Haz-3.1, Haz-3.2, and Haz-3.3 (Final SEIR 2.9-53 and 2.9-54).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to emergency response and evaluation plans associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.9-33 through 2.9-39 and 2.9-51).

C. Hydrology and Water Quality

1. **Significant Effect: Surface Hydrology and Drainage:** Implementation of CAP Update Actions SW1.1 and SW-2.1 could result in the construction of new or expanded solid waste facilities; Action A-4.1b would have the potential to result in new farmworker housing in the unincorporated county if opportunities to increase farmworker housing in the unincorporated area are identified; and Measure E-2 and Measure E-3 could result in energy efficiency retrofits on existing residential and non-residential structures and County facilities, including small-scale and large-scale renewable energy systems. Construction activities associated with these future projects could involve the use of heavy equipment, paving, ground disturbance, and other typical construction activities that could result in direct and cumulative impacts related to temporary changes in drainage patterns. (See Final SEIR p. 2.10-40 through 2.10-48, 2.10-49, and 2.10-50)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The polices applicable to hydrology and water quality that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.5, LU-6.10, LU-6.12, COS-5.1, S-9.1, S-9.2, S-10.4 through S-10.7, and S-11.1 through S-11.6 (Final SEIR p. 2.10-12, 2.10-13, and 2.10-15 through 2.10-17). The mitigation measures applicable to hydrology and water quality impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Hyd-3.1, Hyd-3.2, Hyd-3.3, Hyd-4.1, Hyd-4.2, Hyd-4.3, Hyd-6.1, and Hyd-8.2 (Final SEIR p. 2.10-52 and 2.10-53).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to surface hydrology and drainage associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.10-40 through 2.10-48, 2.10-49, and 2.10-50).

D. Noise

1. **Significant Effect: Excessive Groundborne Vibration:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in the construction of new or expanded solid waste facilities; Measure W-3 would have the potential to result in installation of stormwater and wastewater treatment systems on-site; Action A-4.1b would result in evaluation of opportunities to increase affordable farmworker housing in the unincorporated county; Action E-3.2.b could result in development of small-scale and large scale renewable energy systems; and Actions T-3.1 and T-6.2 would result in installation of signal communication, curb extension, and electric vehicle charging. Construction of these future projects could involve the use of limited heavy-duty equipment that would result in direct and cumulative impacts related to groundborne vibration. (See Final SEIR p. 2.12-21 through 2.12-26, 2.12-31, and 2.12-32)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policy applicable to groundborne vibration that was adopted as part of the 2011 General Plan and is applicable to the Project is General Plan Policy N-3.1 (Final SEIR p.2.12-6). The mitigation measures applicable to groundborne vibration impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Noi-2.1 and Noi-2.4. (Final SEIR p. 2.12-34)

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to groundborne vibration associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.12-21 through 2.12-26, 2.12-31, and 2.12-32).

2. **Significant Effect: Excessive Noise from a Public or Private Airport:** Implementation of the CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in the construction of new or expanded solid waste facilities; Action A-4.1b would result in evaluation of opportunities to increase affordable farmworker housing in the unincorporated county, if opportunities to increase farmworker housing in the unincorporated area are identified; and Actions T-1.1, T-3.1, and T-6.2 would result in transportation infrastructure improvements. The specific locations of these future projects have not been identified. If the future projects under the CAP Update are located within the vicinity of a private airstrip or an airport land use plan, 2 miles of a public airport, or the 60 annual Community Noise Equivalent Level noise contour of a public airport, direct and cumulative impacts to people at these locations could occur. (See Final SEIR p. 2.12-26 through 2.12-30, and 2.12-32)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to airport noise that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies N-4.9, S-17.2, S-17.3, and S-17.5 (Final SEIR p. 2.12-7). The mitigation measures applicable to airport noise impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Noi-5.1 and Noi-5.3. (Final SEIR 2.12-34)

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to airport noise associated with the CAP Update would be reduced to less than significant. (Final SEIR p. 2.12-26 through 2.12-30, and 2.12-32)

E. Transportation

1. **Significant Effect: Substantially Increase Hazards Due to a Design Feature:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in potential construction of new or expanded solid waste facilities; Actions W1.1, W-2.2, W-2.3, and W-2.4 would involve construction of new recycled water and stormwater capture and reuse infrastructure within the unincorporated county; Action A-4.1b would have the potential to result in new farmworker housing in the unincorporated county if opportunities to increase farmworker housing in the unincorporated area are identified; and Actions E-1.1 and E-3.3 would have the potential to result in construction of new infrastructure to promote renewable energy use and electrification, including small-scale and large-scale renewable energy systems. Development of these future projects could result in construction of new roadways and result in direct and cumulative impacts related to transportation hazard. (See Final SEIR 2.13-35 through 2.13-44, and 2.13-53)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to hazardous design features that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-2.8, LU-5.5, LU-6.10, M-4.3, M-4.4, M-4.5, M-9.1, and M-11.7 (Final SEIR p. 2.13-12, 2.13-13, 2.13-15, 2.13-17, and 2.13-19). The mitigation measures applicable to hazardous design features impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Tra-1.3 and Tra-1.4 (Final SEIR 2.13-54).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to hazardous design features associated with the CAP Update would be reduced to less than significant. (Final SEIR 2.13-35 through 2.13-44, and 2.13-53)

2. **Significant Effect: Result in Inadequate Emergency Access:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in potential construction of new or expanded solid waste facilities; Actions W1.1, W-2.2, W-2.3, and W-2.4 would involve construction of new recycled water and stormwater capture and reuse infrastructure within the unincorporated county; and Actions E-1.1 and E-3.3 could result in development of various renewable energy projects, including energy efficiency retrofits on existing residential and non-residential structures and County facilities as well as new large-scale renewable energy systems. Construction activities associated with these future projects could result in direct and cumulative impacts related to degradation of traffic operation, including emergency vehicle access. (See Final SEIR p. 2.13-44 through 2.13-51, 2.13-53 and 2.13-54)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to emergency access that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-2.8, LU-6.10, M-1.2, M-4.4, S-4.5, and S-16.1(Final SEIR p. 2.13-12 through 2.13-15, 2.13-19, and 2.13-20). The mitigation measures applicable to emergency access impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Tra-1.3, Tra-1.4, and Tra-4.4 (Final SEIR p. 2.13-55).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to inadequate emergency access associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.13-44 through 2.13-51, 2.13-53 and 2.13-54).

F. Wildfire

1. **Significant Effect: Exacerbate Wildfire Risks:** Implementation of CAP Update Action SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in potential construction of new or expanded solid waste facilities in unincorporated county; Actions A-2.1 and A-2.2 would involve planting drought tolerant and low-fire potential trees on County-owned lands and on private property and Action A-4.1b could result in the identification of opportunities for new farmworker housing, if opportunities to increase farmworker housing in the unincorporated area are identified; and Measures E-2 and E-3 could result in small-scale energy efficiency retrofits on existing residential and non-residential structures and County facilities and large-scale renewable energy systems. During construction and operation, there would be increased human activities and ignition sources at the future project sites, including equipment that could create a spark or be a source of heat. In addition, planting trees would result in increased fuel load that could exacerbate wildfire risks in the unincorporated county. (See Final SEIR p. 2.15-12 through 2.15-17, 2.15-28, and 2.15-29)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to wildfire that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.10, LU-6.11, S-4.1 through S-4.7, and S-5.1 (Final SEIR p. 2.15-7 and 2.15-8). The mitigation measures applicable to wildfire impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Haz-4.3, Pub-1.5, Pub-1.6, and Pub-1.7 (Final SEIR p. 2.15-30 and 2.15-31).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to exacerbating wildfire risks associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.15-12 through 2.15-17, 2.15-28, and 2.15-29).

2. **Significant Effect: Install Infrastructure That Exacerbates Fire Risk:** Implementation of the CAP Update Action SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b would result in potential development of new or expanded solid waste facilities; Action A-4.1b would evaluate opportunities to increase farmworker housing, and thus may result in future development of new farmworker housing in the unincorporated county; Action E-3.2, and Action E-3.3 could result in development of new renewable energy systems; and Measures T-3 and T-5 would result in new or expanded pedestrian and bicycle improvements, electric vehicle charging stations, and other measures and actions to promote sustainable transportation option. Development of these future projects could result in development or improvement of infrastructure (e.g., roadways and power lines) that could result in direct and cumulative impacts related to exacerbation of fire risk. (See Final SEIR p. 2.15-17 through 2.15-23, and 2.15-29)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to wildfire that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-10.2, S-4.1, S-4.2, S-4.3, S-4.4, S-4.6, S-4.7, and S-5.1 (Final SEIR p. 2.15-7 and 2.15-8). The mitigation measures applicable to wildfire impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Haz-4.3, Pub-1.5, Pub-1.6, and Pub-1.7 (Final SEIR 2.15-31 and 2.15-32).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to installation of infrastructure that exacerbate wildfire risks associated with the CAP Update would be reduced to less than significant (Final SEIR p. 2.15-17 through 2.15-23, and 2.15-29).

3. **Significant Effect: Expose People or Structures to Post-Fire Risks:** Implementation of CAP Update SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in potential construction of new or expanded solid waste facilities in the unincorporated county and Action A-4.1b could result in the identification of opportunities to increase farmworker housing in the unincorporated county. Construction of new or expanded solid waste facilities and farmwork housing would have the potential to expose people and structures to significant risks during and after a wildfire event. Implementation of CAP Update energy measures and actions could result in development of small-scale and large-scale renewable energy development. Small-scale renewable projects generally do not include the development of new structures and maintenance of these facilities requires limited presence of employees that could be affected by post-fire risks. However, large-scale renewable energy infrastructure would likely be in primary undeveloped locations that are productive for generating renewable energy. If the large-scale renewable energy projects are located in flood zones, landslide susceptible areas, or unstable slopes, the direct and cumulative impacts related to exposing people or structures to post-fire landslides, slope instability, or flooding could be significant. (See Final SEIR p. 2.15-23 through 2.15-28, and 2.15-30)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.

Mitigation Measures: No other Project-related mitigation beyond compliance with the County's adopted General Plan policies and implementation of adopted 2011 GPU PEIR mitigation measures is required for individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to wildfire that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.10, LU-6.11, S-4.1, S-4.2, S-4.3, S-4.4, S-4.6, S-4.7, S-9.1, S-9.2, S-10.3, S-10.4, and S-10.6 (Final SEIR p. 2.15-7 and 2.15-8). The mitigation measures applicable to wildfire impacts that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Haz-4.3, Pub-1.5, Pub-1.6, and Pub-1.7 (Final SEIR p. 2.15-32).

With implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, impacts related to exposing people or structure to pose-fire risks associated with the CAP

Update would be reduced to less than significant (Final SEIR p. 2.15-23 through 2.15-28, and 2.15-30).

III. CEQA GUIDELINES SECTION 15091 FINDINGS FOR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH FEASIBLE MITIGATION MEASURES OR ALTERNATIVES ARE NOT AVAILABLE (CEQA GUIDELINES SECTION 15091(A)(3)

Pursuant to Section 21081(A) of the Public Resources Code and Section 15091(A)(3) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that while changes or alterations have been required in the SEIR that reduce the significant environmental effects on the environment for each of the following significant effects identified in the Final SEIR to the extent feasible, specific economic, legal, social, technological, or other considerations make additional mitigation to fully avoid or minimize impacts infeasible. These findings are explained below and are supported by substantial evidence in the record of proceedings.

In adopting these findings, the County concurrently adopts an MMRP pursuant to Public Resources Code section 21081.6. This MMRP is designed to ensure future projects under the CAP Update comply with the feasible mitigation measures identified below during implementation of the CAP Update and is incorporated herein by reference.

A. Aesthetics

1. **Significant Effect: Scenic Vistas and Scenic Resources:** Implementation of the CAP Update Action E-3.3 could result in development of large-scale renewable energy systems, which would potentially result in direct and cumulative impacts to scenic vistas because of the introduction of new vertical elements within the viewshed of a scenic vista or affect scenic resources through the removal or alteration of a scenic resource during the course of development (Impact Aes-1 and Impact-C-Aes-1). Implementation of the CAP Update would result in new or more severe significant impacts not disclosed in the 2011 GP PEIR (See Final SEIR p. 2.1-9 through 2.1-20; p. 2.1-34 and 2.1-35).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update - Mitigation Measure Aes-1: During the environmental review process for future Major Use Permits for all large-scale renewable energy projects, the County Guidelines for Determining Significance for Visual Resources and Dark Skies and Glare shall be applied. When aesthetic impacts are determined to be significant, feasible and appropriate project-specific mitigation measures shall be incorporated. Examples of standard mitigation measures within the County Guidelines include: siting/location considerations; minimizing development and grading of steep slopes; natural screening and landscaping; undergrounding utilities; inclusion of buffers; and lighting restrictions. (Final SEIR p. 2.1-38)

Facts in Supporting Findings: The policies applicable to aesthetics and visual resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.6, LU-6.9, LU-10.2, LU-11.2, LU-12.4, COS-11.1, COS-11.3, and

COS-12.2 (Final SEIR p. 2.1-4 and 2.1-5). The mitigation measures applicable to aesthetics and visual resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Aes-1.2, Aes-1.6, Aes-1.7, Aes-1.8, and Aes-1.9 (Final SEIR p. 2.1-37 and 2.1-38).

Final SEIR CAP Update Mitigation Measure Aes-1 would reduce the potential for significant impacts related to scenic vistas and scenic resources; however, it is not possible to guarantee that all project and cumulative impacts to scenic vistas and scenic resources would be reduced to a less-than-significant level because of the uncertainty of the types, locations, and scale of future renewable energy projects. Additional mitigation was contemplated as part of the SEIR that would implement a development cap upon large-scale renewable energy projects. However, this potential mitigation measure was rejected as infeasible because it may reduce the effectiveness of CAP Update Action E-3.3 and diminish the potential for the County to achieve the 2030 GHG emissions reduction target established by the CAP Update. It is unknown how many individual projects and specific type of large-scale renewable energy systems would be required to meet the GHG reduction goals of the CAP Update because the design, siting, and economic feasibility characteristics of the options under consideration vary widely. For the reasons stated in Sections 2.1.3.3 and 2.1.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Section 2.1.3.3 and 2.1.3.6 and all other aesthetic related evidence in the administrative record.

2. **Significant Effect: Visual Character or Quality:** Implementation of CAP Update Action E-3.3 could result in development of large-scale renewable energy systems. Development of large-scale renewable energy systems would potentially result in direct and cumulative impacts to visual character or quality because of the allowable height, increased visual contrasts, view blockage, or skylining from sensitive viewing locations. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.1-20 through 2.1-27; p. 2.1-35 and 2.1-36).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Mitigation Measure Aes-1: See description above (Final SEIR p. 2.1-38).

Facts in Supporting Findings: The policies applicable to aesthetic and visual resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.6, LU-6.9, LU-10.2, LU-11.2, LU-12.4, COS-11.1, COS-11.3, and COS-12.2 (Final SEIR p. 2.1-4 and 2.1-5). The mitigation measures applicable to aesthetic and visual resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Aes-1.2, Aes-1.6, and Aes-1.8 (Final SEIR p. 2.1-39).

Even with implementation of 2011 General Plan policies, 2011 GPU PEIR mitigation measures, and CAP Mitigation Measure Aes-1, it is not possible to guarantee that all impacts to visual character or quality would be reduced because the specific locations for renewable energy projects have not yet been identified and it is unknown how many and what types of projects would be required to meet the GHG reduction goals of the CAP Update. No other

feasible mitigation is available. For the reasons stated in Sections 2.1.3.4 and 2.1.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.1.3.4 and 2.1.3.6 and all other aesthetic related evidence in the administrative record.

3. **Significant Effect: Light and Glare:** Implementation of CAP Update Action E-3.3 could result in development of large-scale renewable energy systems. Development of large-scale renewable energy systems would potentially result in direct and cumulative impacts to light and glare because of the need for safety lighting and the introduction of infrastructure that may emit some glare. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.1-27 through 2.1-34, 2.1-36, and 2.1-37).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Aes-2: Require that a Lighting Mitigation Plan be prepared as part of the MUP discretionary review process for all large-scale renewable energy projects. The Lighting Mitigation Plan shall demonstrate that the design and installation of all permanent lighting for large wind turbines is such that light bulbs and reflectors are not visible from public viewing areas; lighting does not cause reflected glare; and illumination of the project facilities, vicinity, and nighttime sky is minimized. The Lighting Mitigation Plan shall demonstrate consistency with the Light Pollution Code (Section 59.100 et al.) and Sections 6322 and 6324 of the Zoning Ordinance to ensure outdoor light fixtures emitting light into the night sky do not result in a detrimental effect on astronomical research and to ensure reflected glare and light trespass is minimized (Final SEIR p. 2.1-42).

CAP Update Mitigation Measure Aes-3: Require that a Shadow Flicker Study be prepared as part of the MUP discretionary review process for large-scale wind turbine projects. The Shadow Flicker Study shall utilize a shadow flicker model run to determine the potential shadow flicker that could occur at sensitive receptors within 2,000 meters (6,562 feet) of the proposed turbines. Due to the fact that some receptors may lie within 60 degrees due north of the turbines, outside of the sun's path at any given point in the year, those receptors may be excluded from the study. Beyond 2,000 meters, the human eye would not be able to discern a shadow cast from a wind turbine. The modeling shall utilize many different inputs, including:

1) Real Data
    - Actual coordinates of turbines
    - Actual coordinates of receptors
    - Actual topographic data
2) Conservative Assumptions
    - Specifications of the turbines being considered with the highest hub height and longest rotor diameter

- 100 percent turbine operation
- No vegetative screening
- Receptors can be impacted from all directions (i.e., “greenhouse mode”)

3) Realistic Features

- Actual wind data from a local meteorological tower to account for the percentage of time wind blows from each direction
- National Weather Service sunshine probability data to approximate average cloud cover (Final SEIR p. 2.1-42 and 2.1-43).

Facts in Supporting Findings: The policies applicable to aesthetic and visual resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-13.1, COS-13.2, and COS-13.3 (Final SEIR p. 2.1-5 and 2.1-6). The mitigation measures applicable to aesthetic and visual resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Aes-4.1 and Aes-4.2 (Final SEIR p. 2.1-40).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures and CAP Mitigation Measure Aes-2 and Aes-3, it is not possible to guarantee that all direct aesthetic and visual resources impacts would be reduced because the specific locations for renewable energy projects have not yet been identified and it is unknown how many and what types of projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation is available. For the reasons stated in Sections 2.1.3.5 and 2.1.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.1.3.5 and 2.1.3.6 and all other aesthetic related evidence in the administrative record.

B. Agriculture and Forestry Resources

1. **Significant Effect: Direct or Indirect Conversion of Agricultural Resources:** Implementation of CAP Update Action E-3.3 has potential to indirectly result in the development of large-scale renewable energy systems. The specific locations, types, and magnitudes of the large-scale renewable energy systems are unknown at this time. These large-scale renewable energy systems could be located in or near areas intended for agricultural uses resulting in conversion of agricultural resources to non-agricultural uses. Therefore. development of large-scale renewable energy systems could potentially result in direct and cumulative impacts to direct or indirect conversion of agricultural resources. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.2-11 through 2.2-18, 2.2-31, and 2.2-32).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Agr-1: During the environmental review process for future Major Use Permits for all large-scale renewable energy projects, the County Guidelines for Determining Significance for Agricultural Resources shall be applied. When impacts to Important Farmland are determined to be significant, feasible and appropriate project-specific mitigation measures shall be incorporated. Examples of standard mitigation measures within the County Guidelines include: avoidance of agricultural resources; preservation of agriculture; and inclusion of compatibility buffers near areas intended for agricultural uses. (Final SEIR p. 2.2-37).

Facts in Supporting Findings: The policies applicable to agricultural and forestry resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-7.1, LU-16.1, LU-16.3, COS-6.2, and COS-6.4 (Final SEIR p. 2.2-6 and 2.2-7). The mitigation measures applicable to agricultural and forestry resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Agr-1.1, Agr-1.2, Agr-1.3, Agr-1.4, and Agr-1.5 (Final SEIR p. 2.2-35 and 2.2-36).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures and CAP Update Mitigation Measure Agr-1, it is not possible to guarantee that all direct or indirect agricultural conversion impacts would be reduced because the specific locations for renewable energy projects have not yet been identified and it is unknown how many and what types of projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation is available. For the reasons stated in Sections 2.2.3.3 and 2.2.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.2.3.3 and 2.2.3.6 and all other aesthetic and forestry resources related evidence in the administrative record.

2. **Significant Effect: Conflict with Agricultural or Forest Zoning or Williamson Act Contract Lands:** Implementation of CAP Update Action E-3.3 would result in the development of large-scale renewable energy systems. The specific locations, types, and magnitudes of the large-scale renewable energy systems are unknown at this time. These large-scale renewable energy systems could be located in or near areas intended for agricultural uses resulting in conflicts with agricultural zoning or Williamson Act contracts. Therefore, development of large-scale renewable energy systems would potentially result in direct and cumulative impacts to Williamson Act contracts and agricultural zoning (Impact AG-2 and Impact-C-AG-2). Implementation of the CAP Update would result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.2-18 through 2.2-25 and 2.2-32 through 2.2-34).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Agr-1: See description above (Final SEIR p. 2.2-37).

Facts in Supporting Findings: The policies applicable to agricultural and forestry resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-7.1 LU-16.1, LU-16.3, COS-6.2, and COS-6.4 (Final SEIR p. 2.2-6

and 2.2-7). The mitigation measure that is applicable to agricultural and forestry resources that was adopted as a part of the 2011 GPU PEIR and is applicable to the Project is Agr-2.1 (Final SEIR p. 2.2-37).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures and CAP Update Mitigation Measure Agr-1, it is not possible to guarantee that all Williamson Act and agricultural zoning conflict impacts would be reduced because the specific locations for renewable energy projects have not yet been identified and it is unknown how many and what types of projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation is available. For the reasons stated in Sections 2.2.3.4 and 2.2.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.2.3.4 and 2.2.3.6 and all other aesthetic and forestry resources related evidence in the administrative record.

3. **Significant Effect: Direct or Indirect Conversion of Forest Land:** Implementation of CAP Update Action E-3.3 has potential to indirectly result in the development of large-scale renewable energy systems. The county does not include lands zoned specifically for forest land, timberland, or timberland production. However, forest resources may be present in areas within the County's jurisdiction, including areas surrounding state parks and national forests. The specific locations, types, and magnitudes of the large-scale renewable energy systems are unknown at this time. These large-scale renewable energy systems could be located in or near areas with forest resources resulting in conversion of forest land to non-forest uses. Therefore, development of large-scale renewable energy systems would potentially result in direct and cumulative impacts to direct or indirect conversion or loss of forest land (Impact AG-3 and Impact-C-AG-3). Implementation of the CAP Update would result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.2-25 through 2.2-30 and 2.2-34).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Agr-2: During the environmental review process for future Major Use Permits for all large-scale renewable energy projects, the County Guidelines for Determining Significance for Biological Resources shall be applied. When impacts to forest land are determined to be significant, feasible and appropriate project-specific mitigation measures shall be incorporated. Examples of standard mitigation measures within the County Guidelines include: avoidance of sensitive resources; preservation of habitat; revegetation; and resource management (Final SEIR p. 2.2-39).

Facts in Supporting Findings: The policies applicable to agricultural and forestry resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-16.1, LU-16.3, COS-6.2, and COS-6.4 (Final SEIR p. 2.2-6 and 2.2-7).

Even with implementation of 2011 General Plan policies and CAP Update Mitigation Measure Agr-2, it is not possible to guarantee that direct and indirect forest conversion impacts would not occur because the specific locations for renewable energy projects have not yet been

identified and it is unknown how many and what types of projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation is available. For the reasons stated in Sections 2.2.3.5 and 2.2.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.2.3.5 and 2.2.3.6 and all other aesthetic and forestry resources related evidence in the administrative record.

C. Air Quality

1. **Significant Effect: Air Quality Violations:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in new waste handling and recycling facilities; Actions A-2.1, A-2.2, and A-4.1b would have the potential to result in tree planting activities and development of additional farmworker housing, if opportunities to increase farmworker housing in the unincorporated area are identified; Actions E-1.1, E-2.2, E-3.2, and E-3.3 could result in development of small-scale and large-scale renewable energy systems; and Actions T-3.1, T-3.1.a, T-5.1, and T-6.2 would have the potential to result in new hydrogen fueling, electric vehicle charging stations, transit-supportive roadway treatments, and bicycle and pedestrian infrastructure improvements. Development of these future projects would potentially result in direct and cumulative impacts to air quality standards because construction emissions may lead to short-term air emissions such that air quality standards are exceeded. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.3-19 through 2.3-28, 2.3-52 and 2.3-53).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Air-2.1: Require construction contractors to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall operate on at least an EPA-approved Tier 3 or newer engine. Exemptions can be made for specialized equipment where Tier 3 engines are not commercially available within 200 miles of the proposed project location. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA-approved Tier 2 engine. (Final SEIR p. 2.3-60).

Facts in Supporting Findings: The policies applicable to air quality that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-14.9, COS-14.10, COS-15.1, COS-15.3, COS-15.4, COS-15.6, COS-16.2, and COS-16.3 (Final SEIR p. 2.3-7 and 2.3-8). The mitigation measures applicable to air quality that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Air-2.1, Air-2.2, Air-2.3, Air-2.4, Air-2.5, Air-2.6, Air-2.7, Air-2.8, Air-2.9, Air-2.10, Air-2.11, Air-2.12, and Air-2.13 (Final SEIR p.2.3-55 through 2.3-57).

Even with implementation of 2011 General Plan policies, 2011 GPU PEIR mitigation measures and CAP Update Mitigation Measure Air-2.1, it is not possible to guarantee that air quality violations would not occur because the specific sizes and locations of facilities and

projects implemented under CAP Update (e.g., projects associated with Actions SW-4.1.a, SW-4.1.b, A-2.1, A-2.2, A-4.1b, E-1.1, E-2.2, E-3.2, E-3.3, T-3.1, T-3.1.a, T-5.1, and T-6.2) have not yet been identified and it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation beyond existing federal and state permitting requirements is available. For the reasons stated in Sections 2.3.3.4 and 2.3.3.8 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.3.3.4 and 2.3.3.8 and all other air quality related evidence in the administrative record.

2. **Significant Effect: Non-attainment of Criteria Pollutants:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in new waste handling and recycling facilities; Action W-1.1 would involve utilities upgrades such as greywater systems, smart irrigation, and stormwater capture systems; Actions A-2.1, A-2.2, and A-4.1b would have the potential to result in tree planting activities and development of additional farmworker housing, if opportunities to increase farmworker housing in the unincorporated area are identified; Actions E-1.1, E-2.2, E-3.2, and E-3.3 could result in development of small-scale and large-scale renewable energy systems; and Actions T-3.1, T-3.1.a, T-5.1, and T-6.2 would have the potential to result in new hydrogen fueling, electric vehicle charging stations, transit-supportive roadway treatments, and bicycle and pedestrian infrastructure improvements. Development of these future projects would potentially result in direct and cumulative impacts related to exceedances of local criteria air pollutant thresholds for nonattainment pollutants during construction activities. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR. (See Final SEIR p. 2.3-28 through 2.3-37 and 2.3-53)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Air-2.1 See description above (Final SEIR p. 2.3-60).

Facts in Supporting Findings: The policies applicable to agricultural and forestry resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-14.9, COS-14.10, COS-15.1, COS-15.3, COS-15.4, COS-15.6, COS-16.2, and COS-16.3 (Final SEIR p. 2.3-7 and 2.3-8). The mitigation measures applicable to air quality that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Air-2.1, Air-2.2, Air-2.3, Air-2.4, Air-2.5, Air-2.6, Air-2.7, Air-2.8, Air-2.9, Air-2.10, Air-2.11, Air-2.12, and Air-2.13 (Final SEIR p.2.3-55 through 2.3-57).

Even with implementation of 2011 General Plan policies, 2011 GPU PEIR mitigation measures, and CAP Update Mitigation Measure Air-2.1, it is not possible to guarantee that significant non-attainment criteria air pollutant emissions would not occur because the specific sizes and locations of facilities and projects implemented under the CAP Update (e.g., projects associated with Actions SW-4.1.a, SW-4.1.b, A-2.1, A-2.2, A-4.1b, E-1.1, E-2.2, E-3.2, E-3.3, T-3.1, T-3.1.a, T-5.1, and T-6.2) have not yet been identified and it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation beyond existing federal and state permitting requirements is available. For

the reasons stated in Sections 2.3.3.5 and 2.3.3.8 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.3.3.5 and 2.3.3.8 and all other air quality related evidence in the administrative record.

3. **Significant Effect: Sensitive Receptors:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in new waste handling and recycling facilities; Actions W-1.1, W-2.1 through W2.4, and W-3.1 would result in installation of stormwater and greywater capture systems, irrigation systems, and water-efficient appliances; Actions A-2.1, A-2.2, and A-4.1b would have the potential to result in tree planting activities and development additional farmworker housing, if opportunities to increase farmworker housing in the unincorporated area are identified; Actions E-1.1, E-2.2, E-3.2, and E-3.3 could result in development of small-scale and large-scale renewable energy systems; and Actions T-3.1, T-3.1.a, T-5.1, and T-6.2 would have the potential to result in new hydrogen fueling, electric vehicle charging stations, transit-supportive roadway treatments, and bicycle and pedestrian infrastructure improvements. Development of these future projects would generally involve the use of offroad construction equipment and haul trucks which would result in the emission of toxic air contaminants and possibly expose sensitive receptors to these emissions. Therefore, the CAP Update would potentially result in direct and cumulative impacts related to sensitive receptors because construction emissions may lead to short-term air emissions such that standards are exceeded. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.3-37 through 2.3-47, 2.3-53 and 2.3-54).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Air-2.1 See description above (Final SEIR p. 2.3-60).

Facts in Supporting Findings: The policies applicable to agricultural and forestry resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Policies COS-14.8, COS-14.9, COS-14.10, and COS-16.3 (Final SEIR p. 2.3-7 and 2.3-8). The mitigation measure applicable to air quality that was adopted as a part of the 2011 GPU PEIR and is applicable to the Project is Air-4.1 (Final SEIR p. 2.3-60).

Even with implementation of 2011 General Plan policies, 2011 GPU PEIR mitigation measures, and CAP Update Mitigation Measures Air-2.1, it is not possible to guarantee that significant sensitive receptor impacts would not occur because the specific sizes and locations of facilities and projects implemented under the CAP Update (e.g., projects associated with Actions SW-4.1.a, SW-4.1.b, A-2.1, A-2.2, A-4.1b, E-1.1, E-2.2, E-3.2, E-3.3, T-3.1, T-3.1.a, T-5.1, and T-6.2) have not yet been identified and it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation beyond existing federal and state permitting requirements is available. For the reasons stated in Sections 2.3.3.6 and 2.3.3.8 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.3.3.6 and 2.3.3.8 and all other air quality related evidence in the administrative record.

D. Biological Resources

1. **Significant Effect: Special-Status Plant and Wildlife Species:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in new or expanded composting and recycling facilities; Action A-4.1b would have the potential to result in new farmworker housing in unincorporated county, if opportunities to increase farmworker housing in the unincorporated area are identified; Actions E-3.2b and E-3.3 could result in development of small-scale and large-scale renewable energy systems; and Actions T-3.1 and T-6.2 would result in installation of electric vehicle charging stations, traffic signal, or curb extensions. Development of these future projects would result in potentially direct and cumulative impacts to special-status species or their habitats during construction and operation activities. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (See Final SEIR p. 2.4-11 through 2.4-20, 2.4-45, and 2.4-46).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Bio-1: During the environmental review process for future MUPs for large-scale renewable energy projects, the County Guidelines for Determining Significance for Biological Resources shall be applied. When impacts on biological resources are determined to be significant, feasible and appropriate project-specific mitigation measures shall be incorporated. Examples of standard mitigation measures within the County Guidelines include: avoidance of sensitive resources; preservation of habitat; revegetation; resource management; and restrictions on lighting, runoff, access, and/or noise. (Final SEIR p. 2.4-51).

CAP Update Mitigation Measure Bio-2: Update the County Guidelines for Determining Significance for Biological Resources to include, or incorporate by reference, recommendations from the California Department of Fish and Wildlife, the Avian Power Line Interaction Committee, the USFWS Draft Guidance, and the California Energy Commission (e.g., California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development). Examples of recommended mitigation measures include: site screening; pre-permitting monitoring; acoustic monitoring; buffer zone inclusion; reduction of foraging resources near turbines and transmission lines; specific lighting to reduce bird collisions; post-construction monitoring; and avian protection plans. (Final SEIR p. 2.4-51).

Facts in Supporting Findings: The policies applicable to biological resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies s COS-1.3, COS-1.6, COS-1.7, COS-1.8, COS1.9, COS-1.10, COS-1.11, COS-2.1, COS-2.2, LU-6.1, LU-6.2, LU-6.3, LU-6.4, LU-6.6, LU6.7, LU-10.2, and M-12.9 (Final SEIR p. 2.4-5 through 2.4-8). The mitigation measures applicable to biological resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Bio-1.5, Bio-1.6, Bio-1.7, and Bio-2.1 (Final SEIR p. 2.4-50).

Even with implementation of 2011 General Plan policies, 2011 GPU PEIR mitigation measures, and CAP Update Mitigation Measures Bio-1 and Bio-2, it is not possible to guarantee that significant special-status species impacts would not occur because the specific sizes and locations of facilities and projects implemented under the CAP Update (e.g., projects associated with Actions SW-1.1, SW-2.1, A-4.1b, E-3.2b, E-3.3, T-3.1, and T-6.2) have not yet been identified and it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation beyond existing federal and state permitting requirements is available. For the reasons stated in Sections 2.4.3.3 and 2.4.3.9 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.4.3.3 and 2.4.3.9 and all other biological resources related evidence in the administrative record.

2. **Significant Effect: Riparian Habitat or Sensitive Natural Communities:** Implementation of CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in the construction of new or expanded solid waste facilities and Action E-3.3 could result in the construction of new largescale renewable energy systems. Development of these future projects would involve construction activities that would result in physical disturbance to the land. Ground disturbing activities would have the potential to result in direct and cumulative impacts to riparian habitat or sensitive natural communities. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.4-20 through 2.4-26, and 2.4-46).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure Bio-1: See description above (Final SEIR p. 2.4-51).

CAP Update Mitigation Measure Bio-2: See description above (Final SEIR p. 2.4-51).

Facts in Supporting Findings: The policies applicable to biological resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-1.1, COS-1.2, COS-1.3, COS-1.6, COS-1.7, COS-1.8, COS-1.9, COS-2.1, COS-2.2, COS-3.1, and COS-3.2 (Final SEIR p. 2.4-5 through 2.4-7). The mitigation measures applicable to biological resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Bio-1.6, Bio-1.7, Bio-2.1, and Bio-2.2 (Final SEIR p. 2.4-51 and 2.4-52).

Even with implementation of 2011 General Plan policies, 2011 GPU PEIR mitigation measures and CAP Update Mitigation Measures Bio-1 and Bio-2, it is not possible to guarantee that significant riparian or sensitive natural community impacts would not occur because the specific sizes and locations of facilities and projects implemented under the CAP Update (e.g., projects associated with Measures SW-1 through SW-4 and Action E-3.3) have not yet been identified and it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation beyond existing federal and state permitting requirements is available. For the reasons stated in Sections 2.4.3.4 and

2.4.3.9 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.4.3.4 and 2.4.3 and all other biological resources related evidence in the administrative record.

3. **Significant Effect: Wildlife Movement Corridors and Nursery Sites:** Implementation of CAP Update Measure E-3, Action E-3.2, and Action E-3.3 could result in development of energy efficiency retrofits projects, small-scale renewable energy systems, and large-scale renewable energy systems. Implementation of small-and large-scale renewable energy facilities could adversely affect wildlife corridors and nursery sites because of the ability to install small systems without a discretionary permit, and because of the large swaths of land that would be required for large-scale wind and solar development. Therefore, small-scale and large-scale renewable energy development could result in direct and cumulative impacts to wildlife movement corridors and nurseries. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.4-32 through 2.4-38, 2.4-47 and 2.4-48).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing federal and state permitting requirements, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to biological resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-1.1 through COS-1.5 (Final SEIR p. 2.4-5 and 2.4-6). The mitigation measures applicable to biological resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Bio-1.6 and Bio-1.7 (Final SEIR p. 2.4-54).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, it is not possible to guarantee that significant wildlife movement corridors and nursery site impacts would not occur because the specific sizes and locations of small-scale and large-scale renewable energy systems implemented under the CAP Update have not yet been identified, they could occur outside regional conservation plan areas, and it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation beyond existing federal and state permitting requirements is available. For the reasons stated in Sections 2.4.3.6 and 2.4.3.9 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.4.3.6 and 2.4.3.9 and all other biological resources related evidence in the administrative record.

E. Cultural and Paleontological Resources

1. **Significant Effect: Historical Resources:** Implementation of CAP Update Measure E-2 and Measure E-3 could result in development of energy efficiency retrofits, small-scale

renewable energy systems, and large-scale renewable energy development. It is possible that wind and solar renewable energy improvements could change the historic building or setting of historical resources resulting in significant direct and cumulative historical resources impacts (Impact CULT-1 and Impact C-CULT-1). Implementation of the CAP Update would result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.5-9 through 2.5-14, 2.5-28 and 2.5-29).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing regulations, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policy applicable to cultural and historic resources that was adopted as part of the 2011 General Plan and is applicable to the Project is General Plan Policy COS-8.1 (Final SEIR p. 2.5-4). The mitigation measures applicable to cultural and historic resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Cul-1.1 and Cul-1.6 (Final SEIR p. 2.5-34).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, it is not possible to guarantee that significant historic resources impacts would not occur because the specific sizes and locations of renewable energy systems implemented under the CAP Update have not yet been identified, they could be located on or near historic structures, could occur without discretionary review, and because it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation beyond existing federal and state permitting requirements is available. For the reasons stated in Sections 2.5.3.3 and 2.5.3.7 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.5.3.3 and 2.5.3.7 and all other cultural and historical resources related evidence in the administrative record.

2. **Significant Effect: Archaeological Resources:** Implementation of CAP Update Measure E-2 and Measure E-3 could result in development of energy efficiency retrofits, small-scale renewable energy systems, and large-scale renewable energy development. Development of small-scale ground-mounted wind turbines or solar energy panels would be allowed on a parcel as an accessory use without discretionary review. Small-scale renewable energy systems could result in ground disturbance through excavation and grading to create a secure foundation. Because of the lack of discretionary oversight, significant impacts to archaeological resources could occur during ground-disturbing activities and impacts would not be mitigated. Therefore, development of small-scale wind turbines could potentially result in direct and cumulative impacts related to archaeological resources (Impact CULT-2 and Impact C-CULT-2). Implementation of the CAP Update would result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.5-14 through 2.5-19, 2.5-29 and 2.5-30).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing regulations, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to cultural and historical resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-7.1, COS-7.2, and COS-7.3 (Final SEIR p. 2.5-4). The mitigation measures applicable to cultural and historical resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Cul-1.1, Cul-1.6, Cul-2.1, Cul-2.2, Cul-2.3, Cul-2.5, and Cul-2.6 (Final SEIR p. 2.5-34 and 2.5-35).

Small-scale renewable energy systems could be approved without discretionary review and could have the potential to result in significant archaeological impacts during ground disturbing activities. Therefore, even with implementation of 2011 General Plan policies and 2011 GPU PEIR Mitigation measures, development of small-scale renewable energy systems could result in archaeological impacts that would not be mitigated. No other feasible mitigation is available. For the reasons stated in Sections 2.5.3.4 and 2.5.3.7 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.5.3.4 and 2.5.3.7 and all other cultural and historical resources related evidence in the administrative record.

3. **Significant Effect: Paleontological Resources:** Implementation of CAP Update Measure E-3, Action E-3.2, and Action E-3.3 could result in development of small-scale renewable energy systems. Development of small-scale ground-mounted wind turbines or solar energy panels would be allowed on a parcel as an accessory use without discretionary review. Small-scale renewable energy systems could result in ground disturbance through excavation and grading to create a secure foundation. Because of the lack of discretionary oversight, significant impacts to paleontological resources could occur during ground-disturbing activities and impacts would not be mitigated. Therefore, development of small-scale wind turbines could potentially result in direct and cumulative impacts related to paleontological resources (Impact CULT-3 and Impact C-CULT-3). Implementation of the CAP Update would result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.5-19 through 2.5-23 and 2.5-31).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing regulations, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to paleontological resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan

Policies COS-9.1 and COS-9.2 (Final SEIR p. 2.5-4 and 2.5-5). The mitigation measures applicable to paleontological resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Cul-3.1 and Cul-3.2 (Final SEIR p. 2.5-35).

Small-scale renewable energy systems could be approved without discretionary review and could have the potential to result in significant paleontological impacts during ground disturbing activities. Therefore, even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, development of small-scale renewable energy systems could result in significant paleontological impacts that would not be mitigated. No other feasible mitigation is available. For the reasons stated in Sections 2.5.3.5 and 2.5.3.7 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.5.3.5 and 2.5.3.7 and all other cultural and historical resources related evidence in the administrative record.

4. **Significant Effect: Human Remains:** Implementation of CAP Update Measure E-3, Action E-3.2, and Action E-3.3 could result in development of small-scale renewable energy systems. Development of small-scale ground-mounted wind turbines or solar energy panels would be allowed on a parcel as an accessory use without discretionary review. Small-scale renewable energy systems could result in ground disturbance through excavation and grading to create a secure foundation. Because of the lack of discretionary oversight, significant impacts to human remains could occur during ground-disturbing activities and impacts would not be mitigated. Therefore, development of small-scale wind turbines could potentially result in direct and cumulative impacts related to human remains (Impact CULT-4 and Impact C-CULT-4). Implementation of the CAP Update would result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.5-23 through 2.5-28 and 2.5-32).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing regulations, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policy applicable to cultural and historic resources that was adopted as part of the 2011 General Plan and is applicable to the Project is General Plan Policy COS-7.5 (Final SEIR p. 2.5-4). The mitigation measure applicable to cultural and historic resources that was adopted as a part of the 2011 GPU PEIR and is applicable to the Project is Cul-4.1 (Final SEIR p. 2.5-35).

Small-scale renewable energy systems could be approved without discretionary review and could have the potential to result in significant human remains impacts during ground disturbing activities. Therefore, even with implementation of 2011 General Plan policy and 2011 GPU PEIR mitigation measure, development of small-scale renewable energy systems could result in significant human remains impacts that would not be mitigated. No other feasible mitigation is available. For the reasons stated in Sections 2.5.3.6 and 2.5.3.7 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.5.3.6 and 2.5.3.7 and all other cultural and historical resources related evidence in the administrative record.

F. Hazards and Hazardous Materials

1. **Significant Effect: Wildland Fires:** Implementation of CAP Update Action E-3.3 could result in the development of large-scale renewable energy systems. Construction and operation of large-scale renewable energy projects would have the potential to introduce people and structures into areas highly susceptible to wildland fires. Development of large-scale renewable energy systems could result in significant direct and cumulative impacts related to exposing people or structures to significant risks of loss, injury, or death involving wildland fires. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR 2.9-39 through 2.9-45, 2.9-51 and 2.9-52).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing regulations, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to hazards and hazardous materials that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.11, S-4.1, S-4.2, S-4.3, S-4.4, S-4.6, and S-4.7 (Final SEIR p. 2.9-10 and 2.9-12). The mitigation measures applicable to hazards and hazardous materials that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Haz-4.1, Haz-4.2, Haz-4.3, Haz-4.4, Pub-1.5, Pub-1.6, and Pub-1.7 (Final SEIR p. 2.9-54 and 2.9-55).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, it is not possible to guarantee that significant wildfire impacts would not occur because the specific sizes and locations of facilities and projects implemented under the CAP Update Action E-3.3 have not yet been identified, they could occur adjacent to vegetation and areas susceptible to wildland fires, and it is unknown how many projects would be required to meet the GHG reduction goals of the CAP Update. No other feasible mitigation is available. For the reasons stated in Sections 2.9.3.6 and 2.9.3.8 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.9.3.6 and 2.9.3.8 and all other hazards and hazardous materials related evidence in the administrative record.

G. Hydrology and Water Quality

1. **Significant Effect: Surface Water and Groundwater Quality:** Implementation of the CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in new or expanded composting and recycling facilities; Action A-4.1b would have the potential to result in new farmworker housing in the unincorporated county if opportunities to increase farmworker housing in the unincorporated area are identified; Measure E-2 and Measure

E-3 could result in energy efficiency retrofits on existing residential and non-residential structures and County facilities; and Actions T-4.1 and T-4.2 would result in improvements to transportation infrastructure. Development of these future projects would potentially result in direct and cumulative impacts to water quality standards because of construction activities and the uncertainty about the types of projects that would be undertaken. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.10-22 through 2.10-31, 2.10-48, and 2.10-49).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing regulations, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to hydrology and water quality that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.5, LU-6.9, LU-16.3, COS-4.3, COS-4.4, COS-5.2, COS-5.3, and COS-5.4 (Final SEIR p. 2.10-12 through 2.10-15). The mitigation measures applicable to hydrology and water quality that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Hyd-1.1, Hyd-1.2, Hyd-1.3, Hyd-1.4, and Hyd-1.5 (Final SEIR p. 2.10-51).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, it is not possible to guarantee that significant water quality impacts would not occur because the specific sizes and locations of facilities and projects implemented under the CAP Update (e.g., projects associated with Actions SW-1.1, SW-2.1, A-4.1b, T-4.1 and T-4.2 and Measures E-2 and E-3). No other feasible mitigation is available. For the reasons stated in Sections 2.10.3.3 and 2.10.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.10.3.3 and 2.10.3.6 and all other hydrology and water quality related evidence in the administrative record.

2. **Significant Effect: Groundwater Supply and Recharge:** Implementation of the CAP Update Actions SW SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b could result in new or expanded composting and recycling facilities; Action A-4.1b would have the potential to result in new farmworker housing in the unincorporated county if opportunities to increase farmworker housing in the unincorporated area are identified; and Action E-3.3 could result in development of large-scale renewable energy systems. Development of these future projects would potentially result in direct and cumulative impacts to groundwater resources because of construction and operational activities and the uncertainty about the types of projects that would be undertaken. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.10-31 through 2.10-40 and 2.10-49).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with existing regulations, the County's adopted General Plan policies, and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to hydrology and water quality that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.5, LU-6.10, LU-16.13, COS-5.1, S-10.1 through S-10.6, and S-11.1 through 11.6 (Final SEIR p. 2.10-12 through 2.10-17). The mitigation measures applicable to hydrology and water quality that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Hyd-2.1, Hyd-2.2, Hyd-2.3, Hyd-2.4, and Hyd-2.5 (Final SEIR p. 2.10-51 and 2.10-52).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, it is not possible to guarantee that significant groundwater impacts would not occur because of the nature of the projects and the potential demand for large amounts of water. No other feasible mitigation is available because the specific sizes and locations of facilities and projects implemented under the CAP Update (e.g., projects associated with Actions SW-1.1, SW-2.1, A-4.1b, and E-3.3) have not yet been identified. For the reasons stated in Sections 2.10.3.4 and 2.10.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.10.3.4 and 2.10.3.6 and all other hydrology and water quality related evidence in the administrative record.

H. Land Use and Planning

1. **Significant Effect: Physically Divide an Established Community:** Implementation of CAP Update Action E-3.3 would have the potential to result in the development of large-scale renewable energy projects. Development of large-scale renewable energy systems would potentially result in direct and cumulative impacts to physical division of communities because of the potential need for road improvements (Impact LU-1 and Impact-C-LU-1). Implementation of the CAP Update would result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.11-13 through 2.11-21 and 2.11-31).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable. **Mitigation Measures:** No other feasible Project-related mitigation beyond compliance with the County's adopted General Plan policies and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to land use and planning that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies LU-6.5, LU-12.4, LU-16.3, COS-4.1, COS-4.2, COS-4.5, EJ-2.3, EJ-2.5, EJ-2.7, and EJ-5.2 (Final SEIR p. 2.11-6 through 2.11-9). The mitigation measures applicable to land

use and planning that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Lan-1.1, Lan-1.2, and Lan-1.3 (Final SEIR p. 2.11-32 and 2.11-33).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, it is not possible to guarantee that community division impacts would not occur because projects could result in the construction of roads that divide existing communities because the specific sizes and locations of large-scale renewable energy systems implemented under the CAP Update have not yet been identified. No other feasible mitigation is available. For the reasons stated in Sections 2.11.3.3 and 2.11.3.5 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.11.3.3 and 2.11.3.5 and all other land use and planning related evidence in the administrative record.

I. Noise

1. **Significant Effect: Excessive Noise Levels:** Implementation of CAP Update Action E-3.3 would have the potential to result in the development of large-scale renewable energy projects. Development of large-scale wind turbines would potentially result in direct and cumulative impacts to excessive noise levels because of possible low-frequency noise associated with large wind turbines. Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.12-11 through 2.12-21, and 2.12-31).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures: No other feasible Project-related mitigation beyond compliance with the County's adopted General Plan policies and 2011 GPU PEIR mitigation measures, is available and could be applied to individual projects under the CAP Update.

Facts in Supporting Findings: The policies applicable to noise that were adopted as part of the 2011 General Plan and are applicable to the Project include Policy LU-2.8, N-1.4, N-1.5, N-2.1, N-4.1, N-4.2, N-6.3, and N-6.4 (Final SEIR p. 2.12-5 through 2.12-7). The mitigation measures applicable to noise that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Noi-1.1, Noi-1.3, and Noi-2.4 (Final SEIR p. 2.12-33).

Even with implementation of 2011 General Plan policies and 2011 GPU PEIR mitigation measures, it is not possible to guarantee that noise impacts would not occur because it cannot be determined with certainty that impacts would be reduced below a level of significance because the specific sizes and locations of large-scale wind turbines implemented under the CAP Update have not yet been identified, and noise waivers could be granted. No other feasible mitigation is available. For the reasons stated in Sections 2.12.3.3 and 2.12.3.6 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.12.3.3 and 2.12.3.6 and all other noise- related evidence in the administrative record.

J. Tribal Cultural Resources

1. **Significant Effect: Tribal Cultural Resources:** Implementation of the CAP Update Actions SW-1.1, SW-2.1, SW-4.1a, SW-4.1b, W-1.1, W-2.2 through W-2.4, A-4.1b, E-1.1, E-3.3, T-3.1, and T-3.1a could result in the development of new or expanded recycling and composting facilities, new recycled water and stormwater capture and reuse infrastructure, new farmworker housing in unincorporated county if opportunities to increase farmworker housing are identified, renewable energy systems, and bicycle, pedestrian, park-and-ride facilities. Development of these future projects would involve ground disturbing activities that would potentially result in direct and cumulative impacts related to tribal cultural resources (Impact TCR-1 and Impact C-TCR-1). Implementation of the CAP Update would not result in new or more severe significant impacts than disclosed in the 2011 GPU PEIR (Final SEIR p. 2.14-10 through 2.14-15).

Finding: Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final SEIR. Effects remain significant and unavoidable.

Mitigation Measures:

CAP Update Mitigation Measure TCR-1: Require development to avoid tribal cultural resources, if feasible. If complete avoidance is not possible, require development to mitigate impacts to tribal cultural resources pursuant to Assembly Bill 52 and CEQA Sections 21080.3.1 and 21084.3 (Final SEIR p. 2.14-16).

Facts in Supporting Findings: The policies applicable to tribal cultural resources that were adopted as part of the 2011 General Plan and are applicable to the Project include General Plan Policies COS-7.4 and COS- 7.6 (Final SEIR p. 2.14-7). The mitigation measures applicable to tribal cultural resources that were adopted as a part of the 2011 GPU PEIR and are applicable to the Project include Cul-2.2, Cul-2.4, Cul-2.5, Cul-2.6, and Cul-4.1 (Final SEIR p. 2.14-15 and 2.14-16).

Even with implementation of 2011 General Plan policies, 2011 GPU PEIR mitigation measures, and CAP Update Mitigation Measure TCR-1, it is not possible to guarantee that tribal cultural resources impacts would not occur because the specific sizes and locations of facilities and projects implemented under the CAP Update (e.g., projects associated with Action SW-1.1, SW-2.1, SW-4.1a, SW-4.1b, W-1.1, W-2.2 through W-2.4, A-4.1b, E-1.1, E-3.3, T-3.1, and T-3.1a) have not yet been identified. No other feasible mitigation is available. For the reasons stated in Sections 2.14.3.3 and 2.14.3.4 of the Final SEIR, the direct and cumulative impacts would remain significant and unavoidable.

Reference: Final SEIR Sections 2.14.3.3 and 2.14.3.4 and all other hydrology and tribal cultural resources in the administrative record.

IV. FINDINGS REGARDING SPECIFIC MITIGATION MEASURES

The Final SEIR identifies mitigation measures that the County has determined to be infeasible as listed below.

- As discussed in Section 2.1.5 of the Final SEIR, other mitigation was considered to reduce aesthetic impacts but was ultimately determined to be infeasible (e.g., development cap on large-scale renewable energy projects, Wind Energy Ordinance EIR mitigation).

- As discussed in Section 2.2.5 of the Final SEIR, other mitigation was considered to reduce agriculture and forestry impacts but was ultimately determined to be infeasible (e.g., development cap on large-scale renewable energy projects, Wind Energy Ordinance EIR mitigation).

- As discussed in Section 2.3.5 of the Final SEIR, other infeasible mitigation measures in the 2011 GPU PEIR have been reviewed (e.g., reduction of emission from construction equipment, locally sourced construction materials, and reduction of emissions from on-road motor vehicles). Because the CAP Update includes measures (e.g., Actions T-2.2, SW-1.1a, T-3.1 and T-3.1a) that are similar to the infeasible mitigation measures identified in the 2011 GPU PEIR, no additional feasible mitigation is available.

- As discussed in Section 2.4.5 of the Final SEIR, other mitigation was considered to reduce biological resources impacts but was ultimately determined to be infeasible (e.g., development cap on large-scale renewable energy projects, Wind Energy Ordinance EIR mitigation).

- As discussed in Section 2.5.3 of the Final SEIR, because it is possible to install small-scale wind turbines as an accessory use without discretionary review, no feasible mitigation is available to mitigate cultural and paleontological resources impacts.

- As discussed in Sections 2.9.3.6 of the Final SEIR, because the majority of the unincorporated county is located in a High or Very High Fire Hazard Severity Zone and development of large-scale renewable energy projects would have the potential to introduce people and structures to areas highly susceptible to wildland fires, no feasible mitigation is available to mitigate wildland fire hazard impacts.

- As discussed in Sections 2.10.3 of the Final SEIR, other mitigation was considered to reduce groundwater supply impacts but was ultimately determined to be infeasible (e.g., importing water from non-impacted groundwater basins, placement of moratorium on building permits and development application).

- As discussed in Section 2.11.5 of the Final SEIR, other mitigation was considered to reduce land use and planning impacts but was ultimately determined to be infeasible (e.g., development cap on large-scale renewable energy projects, Wind Energy Ordinance EIR mitigation).

- As discussed in Section 2.12.5 of the Final SEIR, other mitigation was considered to reduce noise impacts but was ultimately determined to be infeasible (e.g., elimination of noise waiver for large-scale wind turbines, development cap on large-scale renewable energy projects)

- As discussed in Sections 2.12.5 of the Final SEIR, other mitigation was considered to reduce traffic impacts but was ultimately determined to be infeasible (e.g., development cap, Wind Energy Ordinance mitigation).

All the mitigation measures identified in the Final SEIR are feasible and will be adopted. No alternative mitigation measures for significant impacts were identified during public review of the Draft SEIR. Except for those mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Program, discussed in the Final SEIR, and explained in these findings, the County of San Diego finds that there are no feasible mitigation measures that would substantially lessen or avoid any significant effect that the Project would have on the environment.

V. FINDINGS REGARDING ALTERNATIVES

Introduction: Legal Background

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible."

Section 15126.6(f) further states that the "range of alternatives in an EIR is necessary to permit a reasoned choice." Thus, the following discussion focuses on alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the Project, even if the alternative would impede the attainment of some project objectives or would be more costly. Consistent with the California Supreme Court Ruling in *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings*, however, the County's analysis of alternatives is limited to the consideration of projects that could achieve the fundamental Project objectives. (*In re Bay-Delta, 43 Cal.4th 1143, 1165* " an EIR need not study in detail an alternative that is infeasible or that the lead agency has reasonably determined cannot achieve the project's underlying fundamental purpose.

With regard to project alternatives, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project." (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 981 (*CNPS*), citing *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 (*Mira Mar*).) "But 'differing factors come into play at each stage.'" (*CNPS*, *supra*, 177 Cal.App.4th at p. 981.) "For the first phase—inclusion in the EIR—the standard is whether the alternative is *potentially* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489 [italics original]; CEQA Guidelines, § 15126.6, subd. (a).) "By contrast, at the second phase—the final decision on project approval—the decision-making body evaluates whether the alternatives are *actually* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981 [italics original], citing CEQA Guidelines, § 15091, subd. (a)(3).) "At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as potentially feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489.)

"While it is up to the EIR preparer to identify alternatives as potentially feasible, the decision making body 'may or may not reject those alternatives as being infeasible' when it comes to project approval." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, quoting *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1504.) "Rejection by the decision makers does not undermine the validity of the EIR's alternatives analysis." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489.) "Like mitigation measures, potentially feasible alternatives

‘are suggestions which may or may not be adopted by the decisionmakers.’" (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, quoting *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d 241, 256.)

“When it comes time to decide on project approval, the public agency’s decision making body evaluates whether the alternatives are *actually* feasible.” (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489, and CEQA Guidelines, § 15091, subd. (a)(3).) “While staff may draft the necessary findings, the decision making body is responsible for the ultimate determination of feasibility, which cannot be delegated.” (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing CEQA Guidelines, §§ 15025, subd. (b)(2), § 15091, subd. (a)(3).) “At this final stage of project approval, the agency considers whether “[s]pecific economic, legal, social, technological, or other considerations ... make infeasible the mitigation measures or alternatives identified in the environmental impact report.” (*CNPS*, *supra*, 177 Cal.App.4th at p. 1000, citing Pub. Resources Code, § 21081, subd. (a)(3).) “Broader considerations of policy thus come into play when the decision-making body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives.” (*CNPS*, *supra*, 177 Cal.App.4th at p. 1000.) Thus, “it does not subvert the CEQA environmental review process for the ultimate decision maker to reject as infeasible alternatives identified in the EIR.” (*Ibid*.)

At the decision-making stage, "‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego*, *supra*, 133 Cal.App.3d at p. 417; *CNPS*, *supra*, 177 Cal.App.4th at p. 1001; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17.) Relatedly, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509; *CNPS*, *supra*, 177 Cal. App. 4th 957, 1001; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); and *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 43 Cal.4th at pp. 1165, 1166.) In addition, a proposed alternative may also be *legally infeasible*. (*Sequoyah Hills*, *supra*, 23 Cal.App.4th at p. 715 [proposed reduced housing alternative would have violated Government Code section 65589.5, the Housing Accountability Act].) Another factor in the actual feasibility of a proposal is whether it “can actually accomplish the reduction or elimination of certain of the project's adverse environmental effects ‘within a reasonable period of time.’" (*Natural Resources Defense Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, 1205, 1221 (*NRDC*), citing Pub. Resources Code, § 21061.1 [definition of “feasible”] and CEQA Guidelines, § 15364 [same].)

The alternatives in the Supplemental EIR were formulated in part to satisfy the directives of the Court of Appeal in *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 546-550 (*Golden Door*), which held that an earlier version of the document had a deficient discussion of project alternatives. In particular, the court held that the document should have included at least one “smart growth alternative” focused on reducing VMT. The court explained that “a smart growth land use alternative is reasonably related to GHG emission reduction”; that “a project alternative based on reducing GHG emissions by implementing smart growth policies affecting GPAs is broadly consistent with CAP objectives”; and that “it is reasonable to expect at least one project alternative in the SEIR to have been focused primarily on significantly reducing VMT.” (*Id*. at pp. 548-549.)

As the Draft EIR noted in section 5.5.1, the appellate court defined “smart growth” as “compact, efficient, and environmentally sensitive pattern of development that focuses future growth away from rural areas and closer to existing and planned job centers and public facilities, while preserving open space and making more efficient use of existing urban infrastructure.” (*Golden Door*, *supra*, 50 Cal.App.4th at p. 534, fn. 40.)

Section 5.5.1 then went on to explain the County’s process for formulating smart growth alternatives as follows:

> This draft SEIR also includes consideration of smart growth alternatives that are intended to significantly reduce VMT as required by the Court of Appeal for Division One of the Fourth Appellate District (Appellate Court) in *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. The smart growth alternatives discussed below propose actions that, if adopted in addition to the CAP Update measures and actions, are intended to further reduce GHG emissions by reducing VMT through changes in development patterns. Note, however, that the efficacy of alternatives focused on incentives and disincentives for future development is limited because most forecast VMT in the unincorporated county is associated with existing development. Substantial reductions in countywide VMT would require changes to the travel patterns of the existing population and Board-directed land use and zoning changes. For example, siting mixed-use development and neighborhood serving retail near residential development can bring employment and shopping opportunities closer to existing residents, thus reducing VMT. Moving all household growth to specific areas along with changes to employment and commercial land uses in those areas could both minimize VMT from future growth and potentially reduce VMT associated with existing residents. Land use strategies that promote density and mixed-use development also make transit service more feasible to implement, which could shorten/replace existing vehicle trips. Other strategies to address existing VMT include either disincentivizing driving or incentivizing not driving, such as road user charges or programs that pay employees to work from home or pay residents to not make certain trips.
>
> In addition to reducing VMT and GHG emissions, adopting and implementing a smart growth alternative in the unincorporated area could result in development outcomes aligned with previously directed policy objectives, such as increasing housing diversity and affordability levels near jobs and transit and reducing sprawling land use patterns. The General Plan, for which the CAP Update serves as a mitigation measure, was designed to achieve "smart growth" objectives including concentrating development in designated villages with integrated infrastructure and nonresidential uses. Achieving these goals reduces VMT attributable to new development. See Section 1.3 in Chapter 1, “Project Description,” of this draft SEIR, regarding the County’s efforts through the General Plan to focus development within village areas and closer to services in the western portion of the incorporated county. In addition, please refer to Table I-1 in the General Plan regarding sustainability policies.
>
> Adoption of a smart growth alternative would further focus development in areas close to employment centers, commercial services and amenities, and public facilities such as schools, fire stations, libraries, and parks/recreational opportunities. This approach assists in maximizing the use of existing

> infrastructure, preserves open space and natural resources, and reduces the distance individuals need to travel to meet their needs. Smart growth tends to create a greater range in housing and transportation options by incentivizing redevelopment of underutilized properties, thereby offering more choices and, potentially, a greater range of prices. Smart growth may also contribute to the economic development potential of existing communities by providing new investment opportunities, providing a framework for capital improvements, and supporting more efficient development patterns that allow for a wider mix of uses. A key component of smart growth as an approach to development and conservation is encouraging all stakeholders to participate in the decision-making process. Involving a broad set of stakeholders in planning for smart growth can help foster distinctive communities with a strong sense of place, resulting in increased access for a wider range of residents while creating new placemaking opportunities through the planning process. Due to each place's unique characteristics and stakeholder desires, development outcomes associated with applying new, focused, smart growth strategies in unincorporated communities would largely depend on the communities themselves and the viability of the strategies, programs, and incentives that would be implemented.

In Section 5.5.2, the Draft EIR went on to say the following about the implementation of smart growth strategies:

> Implementation of smart growth alternatives that result in changes to the adopted General Plan land use map would require subsequent planning by County staff to develop tools to modify the application of the adopted General Plan. State laws facilitating housing streamlining and development (including Senate Bill 330, known as the Housing Crisis Act) also prevent the County from reducing residential capacity on a site zoned for housing without identifying replacement capacity. In addition, it is difficult to downzone higher density housing element sites identified and approved by the State as feasible sites for lower-income development. Government Code Section 65863 requires that cities and counties ensure that their general plans provide for regional housing needs. In addition, cities and counties are required to have no “net loss” of lower and moderate-income dwelling units. The County cannot take action that would reduce identified affordable housing sites for these income categories.
>
> Because these alternatives extend beyond the scope of the CAP Update, which is a program of measures and actions to address GHG emissions from development under the adopted General Plan and government operations, implementation of the smart growth alternatives would require subsequent planning and comprehensive stakeholder engagement, as well as subsequent CEQA analysis. If the Board directs staff to prepare a smart growth alternative for adoption, potential strategies that could be employed include mapping revisions or overlays and tools to facilitate approvals of “smart growth” projects, as described below.
>
> - **Smart Growth Overlay**: A land use overlay is a designation added to the underlying zoning of parcels. Areas subject to the overlay would be subject to a special set of policies and/or rules for development, similar to the County’s Forest Conservation Initiative overlay. Parcels within the Smart Growth Overlay would have a designator assigned that would govern the rules, policies, and procedures (e.g., incentives) for development. Parcels

outside of the Smart Growth Overlay would have a different set of rules, policies, and procedures (e.g., disincentives) for development. Possible incentives are listed above.

- **Zoning Changes**: The County may also make changes to the underlying zoning of land within the unincorporated county. This may include up-zoning parcels, establishing minimum densities, implementing duplex and lot splits, and identifying mixed use and residential designations in underutilized commercial areas. Zoning changes would require future implementing actions if the Board directs changes.

- **Tools to Make Smart Growth Development Easier**: Dense development in key locations that concentrates growth can support smart growth and implement mapping revisions. The County may develop tools that facilitate the planning application process (e.g., zone box simplification) for certain project types. Streamlining approvals with reduced costs and expedited process may encourage smart growth development patterns.

  The County may also perform infrastructure studies to find deficiencies and develop public/private partnerships to address infrastructure limitations on selected development.

- **Limit General Plan Amendments**. Based on the understanding that the General Plan already embodies "smart growth" principles as adopted, the County could explore feasible limitations on the GPAs that include changes to the General Plan land use map or density that are not aligned with the County's smart growth goals.

- **Transfer of Development Rights Program**. A transfer of development rights program allows a developer to essentially purchase the rights from a property that the community wants to preserve and transfer those rights to another property. However, this is a complex program that is highly dependent on market dynamics and only works if there is a suitable "receiver site" that can receive density for additional housing units and property owners or developers willing to purchase development rights for that increased density. The purchase of property by a land trust allows land to be placed under a conservation easement. Alternatively, a bond measure could allow the community to essentially tax itself to purchase the land for public open space. Each of these options present challenges requiring additional investigation. Such a program could help the County limit development in areas disfavored under a smart growth analysis.

Certification of the SEIR is a necessary step in the adoption of the CAP Update. Adoption of a smart growth alternative is optional, and the Board can both certify this SEIR and adopt the CAP Update while also directing staff to prepare a smart growth alternative for Board consideration at a later date.

Alternatives Addressed in Final EIR

The Final SEIR analyzed the following alternatives to the Project:

- CAP Update Alternatives
    - No Project Alternative
    - Distributed Generation Only Alternative
- Smart Growth Alternatives
    - Fire Safe and VMT Efficient Alternative
    - Village Support Areas Alternative
    - Sustainable Communities Strategy Alternative
    - General Plan Goal and Policy Edits

A comparison of those alternatives is presented in Table 1 below. Analyses of these alternatives are included in the Final SEIR (see Final SEIR Sections 5.4, 5.5, and 5.6). A number of alternatives were considered and rejected, as described in Section 5.3 of the Final SEIR, pursuant to CEQA Guidelines Section 15126.6(c).

These findings contrast and compare the alternatives where appropriate to demonstrate that the selection of the Project, while still causing certain unavoidable significant environmental impacts, would result in substantial environmental, planning, public safety, economic, and other benefits. In rejecting the balance of the alternatives that were analyzed in the Final SEIR, the County of San Diego, through the Board of Supervisors, has examined the Project objectives and weighed the ability of each of the various alternatives to meet the objectives. The Board finds that the Project best meets the Project objectives while balancing the environmental impacts. The objectives that were adopted by the County, and which set the framework for the Project, are as follows:

1) Reduce community-related GHG emissions within the unincorporated county and County operations-related GHG emissions to meet and exceed the County's GHG reduction targets for 2030 and 2045, as aligned with state reduction targets (as set forth in Senate Bill (SB) 32 [2016] and Assembly Bill (AB) 1279 [2022]), that does not rely on the purchase of carbon offsets to meet emission reduction targets;

2) Incorporate feasible and effective GHG reduction strategies, measures, and actions that reduce GHG emissions from community-wide activities in the unincorporated county and from County operations to establish actions to meet a goal of net zero carbon emissions by 2045 as aligned with AB 1279;

3) Implement 2011 GPU PEIR Mitigation Measure CC-1.2 to prepare a CAP to reduce GHG impacts from implementation of the General Plan, and update Mitigation Measure CC-1.2 to be consistent with changes in state law, and the State CEQA Guidelines;

4) Develop a CAP that supports the sustainability principles found in the County of San Diego General Plan Guiding Principles by doing the following: support a reasonable share of projected regional growth; promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in compact development patterns to the extent feasible; promote environmental stewardship that protects and/or enhances natural resources and habitats; ensure development that accounts for physical constraints and natural hazards; provide and support a multimodal transportation network that enhances connectivity; maintain environmentally sustainable communities and reduce GHG emissions;

and preserve agriculture as an integral component of the region's economy, character, and open space network;

5) Develop a CAP that sets clear goals and identifies metrics (i.e., co-benefits and equity-based outcomes) to guide implementation to make substantial progress toward attaining environmental justice and equity;

6) Develop a CAP that includes sufficiently adaptable long-term strategies that will consider and incorporate, as feasible, additional GHG reduction strategies that embrace continued innovation, technological advances, and the creation of high-quality jobs in the County; and

7) Accomplish the foregoing objectives in a manner that minimizes undue and unnecessary economic impacts on businesses and property owners, and that avoids regulatory takings under the federal and state constitutions.

The following provides a summary of the Project and each alternative fully analyzed in Chapter 5 of the Final SEIR. The summary includes rationale as to why the Board has determined that the Project is preferred over each of the alternatives and why an alternative has been rejected.

No Project Alternative

Description

The No Project Alternative (refer to Section 5.4.1.1 of the Final SEIR, p. 5-11) assumes that the CAP Update would not be adopted and implemented. As a result, the County would not adopt strategies, measures, and supporting efforts to reduce GHG emissions in accordance with state-mandated reduction targets. New developments would continue to be reviewed under CEQA.

Finding

The Board of Supervisors rejects the No Project Alternative as infeasible for the following reasons. First, the alternative fails to meet any of the seven Project objectives and would result in substantially greater GHG emissions and vehicle miles travelled (VMT) impacts when compared to the Project. Second, in approving the GPU in 2011, the Board of Supervisors, through GPU PEIR Mitigation Measure CC-1.2, committed itself to the approval of a CAP as a means of GHG emissions from development under the 2011 GPU. Mitigation Measure CC-1.2 remains an enforceable County obligation (as reflected in Goal COS-20 and Policy COS-20.1) that the Board is committed to implementing. The No Project Alternative would not satisfy this enforceable obligation. And third, the No Project Alternative would represent an undesirable outcome from a public policy standpoint, insofar as it would preclude the achievement of GHG emissions reductions that can be achieved through the proposed CAP. In summary, the Board rejects the No Project Alternative because these specific economic, legal, social, technological or other considerations make the alternative infeasible.

Facts in Support of the Finding

Under the No Project Alternative, none of the GHG reduction measures or supporting efforts set forth by this CAP Update would be implemented to reduce GHG emissions from buildout of the 2011 General Plan. While new development in the County would continue to be reviewed for project consistency with Statewide GHG targets, energy efficiency and GHG reduction measures at the level anticipated under the CAP Update would likely not be implemented without the CAP

Update requiring them. While individual projects would need to demonstrate compliance with applicable regulations, a mechanism by which the County could enforce reductions (i.e., CAP Update Consistency Checklist) and ensure communitywide targets could be met, would not be in place. The County also would not have a tracking and monitoring system in place to monitor its progress towards achieving state-mandated reduction targets. Without the CAP Update, individual projects would be responsible for demonstrating GHG reductions on a project-by-project basis through a variety of mechanisms (e.g., design features, mitigation). Under the No Project Alternative, the County would not have a program in place to meet the legislative reduction targets in SB 32 of 40 percent below 1990 levels by 2030 and AB 1279 of 85 percent below 1990 levels by 2045. In addition, without a CAP in place, the No Project Alternative would not achieve any of the SEIR's Project objectives and would not provide a streamlining mechanism for future development projects to evaluate their GHG impacts.

The Project would meet SB 32 and AB 1279 reduction targets for 2030 and 2045 and would meet all Project objectives. The No Project Alternative has been rejected because it fails to meet any of the seven Project objectives and would result in substantially greater GHG emissions and VMT impacts when compared to the Project.

References

Final SEIR Section 5.4.1 and all other alternatives related evidence in the administrative record.

Distributed Generation Only Alternative

Description

The Distributed Generation Only Alternative would modify Action E-3.3 to develop a program to provide 100 percent renewable energy to residents and businesses through distributed generation (Final SEIR Section 5.4.1.1, p. 5-11 through 5-19). The Distributed Generation Only Alternative would be similar to the Project with the exception of the modified Action E-3.3.

Under Action E-3.3, the County would develop a program to provide 100 percent renewable energy to residents and businesses participating in San Diego Community Power by 2030. The County anticipates that, pursuant to this CAP action, private developers and utility companies would implement large-scale renewable infrastructure projects to meet the energy demand generated by this action; development of this infrastructure would require compliance with CEQA and regulatory requirements. Under the Distributed Energy Only Alternative, Action E-3.3 would be modified to develop a program to provide 100 percent renewable energy to residents and businesses through distributed generation. Large-scale renewable energy systems could still be developed, and their associated impacts could occur. However, this alternative would eliminate the demand for these systems induced by the CAP Update, thereby reducing the total number of systems that would be anticipated within the county. Therefore, overall impacts that are specific to the construction and operation of large-scale renewable energy projects, such as conversion of undeveloped open space to energy infrastructure, would be reduced compared to the project.

Finding

The Board of Supervisors rejects the Distributed Generation Only Alternative as infeasible, as it would result in an outcome that, from a public policy standpoint, is undesirable and would be less effective than the Project in meeting key project objectives, such as reducing community-related GHG emissions within the unincorporated county and meeting and exceeding the County's GHG

reduction targets for 2030 and 2045. The Board is also concerned that, given the importance of reducing GHG emissions as quickly as feasible, the alternative cannot be implemented within a reasonable period of time. The Board reaches these conclusions because, for reasons discussed below, the Distributed Generation Only Alternative would have greater impacts than the proposed CAP Update on GHG emissions and would delay implementation of renewable energy facilities within the County.

CAP Action E-3.3 would promote the construction of distributed generation systems for the generation and storage of renewable energy. This alternative, through modifications to that proposed action, would eliminate the potential demand for large-scale renewable energy systems generated by the CAP Update. Large-scale renewable energy systems could still be developed by the utility providers; however, the renewable energy demand generated by CAP Update implementation would not be anticipated to indirectly induce development of large-scale renewable infrastructure. Therefore, overall impacts associated with the construction and operation of large-scale renewable energy systems would be reduced compared to the Project.

Under this alternative, development of distributed generation systems would be further encouraged and enabled through mechanisms such as permit process improvements and zoning code updates, potentially including a renewable energy zoning overlay with the goal of developing a program to provide 100 percent renewable energy to residents and businesses through distributed generation. Prior to establishment of such mechanisms, a detailed feasibility study would be necessary to determine how much energy could be generated by distributed energy, the types of distributed generation systems appropriate for various geographies, and the programs necessary to promote adoption of these technologies. For this reason, the Distributed Generation Only Alternative would require longer lead time to fully develop the mechanisms required to implement this alternative and to produce sufficient renewable energy to meet the emissions targets compared to implementation of large-scale renewable energy systems under the CAP Update.

The Board rejects this alternative as infeasible in part due to the uncertainty regarding the type and volume of projects required to establish the distributed generation systems, the inherent potential for site-specific design challenges associated with the establishment of distributed energy systems that would both meet electricity demands in the unincorporated county and achieve emissions reductions targets, the uncertainty regarding consumer adoption of distributed energy technology, and the uncertainty regarding demand given the ability of service providers to purchase energy elsewhere. All of these factors will make the alternative less effective than the Project in reducing GHG emissions. In summary, the Distributed Generation Only Alternative has been rejected because specific economic, legal, and technological considerations make the alternative infeasible.

Facts in Support of the Finding

The Distributed Generation Only Alternative would result in similar types and significance of impacts for issue areas as the Project, including for air quality, hazards and hazardous materials, noise, transportation, tribal cultural resources, and wildfire. Although the Distributed Generation Only Alternative would result in reduced impacts related to biological resources, cultural and paleontological resources, and hydrology and water quality compared to the Project, these impacts would remain significant and unavoidable under this alternative. More importantly, the Distributed Generation Only Alternative would have greater impacts than the proposed CAP Update on GHG emissions. The Distributed Generation Only Alternative would delay GHG emissions reductions that would occur under the proposed CAP by requiring that further study be

conducted to determine whether sufficient renewable energy could be feasibly provided to county residents by 2030 through distributed energy infrastructure to meet the established emissions reductions targets. It is anticipated that a large volume of distributed energy projects would be required to produce energy to meet electricity demand and achieve emissions reduction targets.

Furthermore, the capacity for distributed energy infrastructure to meet projected energy demand has not been confirmed and the County anticipates that traditional renewable energy infrastructure technology (e.g., rooftop solar) may not provide all of the County's energy needs. Innovative technologies that are not widely available and potentially cost prohibitive would be required. Moreover, the adoption of distributed energy generation would remain largely a consumer choice and the County cannot legally require that all consumers comply with the premise of this alternative.

Implementation of the Distributed Generation Only Alternative also would require additional actions to develop mechanisms to encourage and enable development of distributed generation systems, such as conducting a feasibility study, improving permitting process, updating the zoning code, and developing an overlay map, to encourage and enable development of distributed generation systems. Even with the establishment of standardized mechanisms, distributed energy systems to serve individual users or communities would undergo separate design, review, and construction processes. Thus, even with the incentives included in this alternative, it is anticipated that there would be a longer lead time for the development of distributed energy systems than development of large-scale renewable energy projects. It is not anticipated that this alternative would be implemented in time to produce sufficient electricity to both meet electricity demands in the unincorporated county and achieve emissions reductions equivalent to the proposed Action E-3.3 in the CAP Update. During this period, it is assumed that a greater proportion of the energy demand in the unincorporated county would be met through non-renewable energy sources. Therefore, the Distributed Generation Only Alternative could result in greater near term GHG emissions impacts compared to the Project. Given the longer lead time required to establish mechanisms to implement this alternative and to conduct feasibility study, there is not sufficient evidence to support that this alternative can be implemented in time to meet the SB 32 GHG emissions reduction target by 2030.

The County currently has existing programs that propose the development of distributed generation systems (e.g., small, grid-connected systems that deliver electricity near its place of origin, such as solar and wind energy generation sited on top of or adjacent to buildings and connected to a micro-grid). For example, the County's Solar and EV Ready Ordinance, adopted in 2015, requires newly constructed residential dwelling to include solar-ready electrical equipment and roof space for easy installation of future solar photovoltaics. In addition, the County has offered a streamlined web-based permitting platform since 2013, which served as an example for the State permit streamlining law passed in 2014. From 2014 to 2022, 408,954 kilowatts of distributed generation solar photovoltaic systems have been installed.

As discussed above, there are technological and legal considerations that are anticipated to affect implementation of this alternative. While implementation of the Distributed Generation Only Alternative would lessen significant and unavoidable impacts related to biological resources and cultural and paleontological resources compared to the Project, impacts would not be reduced to a less-than-significant level. This alternative would have similar significant and unavoidable impacts to the Project related to air quality, hazards and hazardous materials, hydrology and water quality, noise, transportation, and tribal cultural resources. Additionally, given the lead time required to implement the Distributed Generation Only Alternative, it is expected that energy demand in the unincorporated county would continue to be met through non-renewable energy

sources until the alternative can be fully implemented. Therefore, this alternative would be expected to result in greater GHG emissions impacts than the Project. Because this alternative could not be implemented in time to meet the SB 32 GHG emissions reduction target and would not avoid all of the significant and unavoidable impacts associated with the Project, this alternative has been rejected as infeasible.

References

Final SEIR Section 5.4.1.2; alternatives related response to comments; and all other alternatives related evidence in the administrative record.

Smart Growth Alternatives

Description

As discussed above, the Final SEIR also includes consideration of smart growth alternatives that are intended to significantly reduce VMT as required by the Court of Appeal for Division One of the Fourth Appellate District (Appellate Court) in *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. The smart growth alternatives propose actions that, if adopted in addition to the CAP Update measures and actions, are intended to further reduce GHG emissions by reducing VMT through changes in development patterns and/or incentivizing development in smart growth locations (see Final SEIR Section 5.5, p. 5-19 through 5-32). The smart growth alternatives considered in the Final SEIR are summarized as follows:

Fire Safe and VMT Efficient Alternative

The Fire Safe and VMT Efficient Alternative is a smart growth alternative that the County developed through stakeholder outreach (see Final SEIR Section 5.5.3.1 p. 5-25 through 5-27). The smart growth geographies were defined as areas that are both outside of areas mapped by the California Department of Forestry and Fire Protection as areas with High or Very High fire risk and within areas mapped by the County as at least 15 percent below the regional average for residential VMT. Figures 5-1a through 5-1j in the Final SEIR (p. 5-49 through 5-67) show the potential smart growth areas for this alternative with considerations of VMT efficient area, Fire Hazard Severity Zones, existing services, and employment centers. Future land development that is consistent with the General Plan would be focused in currently urbanized areas within these smart growth boundaries.

The Fire Safe and VMT Efficient Alternative would focus future growth away from rural areas and closer to existing and planned job centers and public facilities. Because of the limited geography within this area and because the County would not prohibit development of properties outside of the fire safe and VMT efficient areas, this alternative assumes that half of the growth that would have occurred outside of the smart growth area would instead be developed in these areas. Furthermore, because this alternative is proposed in addition to, not instead of, the CAP Update, it is assumed that the Fire Safe and VMT Efficient Alternative would be implemented in addition to all measures and actions in the CAP Update.

Village Support Areas Alternative

The Village Support Areas Alternative builds on the Villages established in the adopted General Plan (see Final SEIR Section 5.5.3.2 p. 5-27 through 5-29). This alternative would establish 0.5-mile buffers around the established Villages, referred to as Village Support Areas, wherein

housing development and services to support development in the Villages would be encouraged. The Village Support Areas Alternative would promote compatible and connected growth in the Village Support Areas to realize the planned densities in the Villages. Figures 5-2a through 5-2j in the Final SEIR (see Final SEIR p. 5-71 through 5-89) illustrate the relationship between the existing Villages, Village Support Areas, existing services, and planned employment centers in the county. Similar to the Fire Safe and VMT Efficient Alternative, this alternative would not replace the CAP Update but would be implemented in addition to all measures and actions in the CAP Update.

Sustainable Communities Strategy Alternative

The Sustainable Communities Strategy Alternative would focus growth on the portions of the Mobily Hubs (identified in the San Diego Association of Government's [SANDAG's] 2021 Regional Plan) that are in the unincorporated county (see Final SEIR Section 5.5.3.3 p. 5-29 through 5-31). The land use map established in the Regional Plan, which is the basis of the Sustainable Communities Strategy Alternative, and other data related to public services and employment are provided as Figures and 5-3a through 5-3j in the Final SEIR (see Final SEIR p. 5-93 through 5-111). Similar to the Fire Safe and VMT Efficient Alternative, this alternative would not replace the CAP Update but would be implemented in addition to all measures and actions in the CAP Update.

In the Regional Plan, SANDAG has identified strategies that generally align with and encourage smart growth development. The Regional Plan incorporates smart growth planning concepts into a regional growth pattern focused around "Mobility Hubs." Mobility Hubs are envisioned as places of activity where capital transportation investment will support future housing and jobs and encompass areas that are both within incorporated city boundaries and within the unincorporated county. Future capital investment in Mobility Hubs, as identified by the Regional Plan, would include: "transit leap" (i.e., improvements on transit accessibility an efficiency); "complete corridors" (i.e., network investments to improve efficiency of all transportation types); investment in alternative transportation options that provide last-mile connections to transit centers; and improvements to technology and communication systems. The Sustainable Communities Strategy Alternative would focus growth in the portions of the Mobility Hubs that are in the unincorporated county (see Draft EIR Figure 5-3). The land use map established in the Regional Plan, which is the basis of the Sustainable Communities Strategy Alternative, and other data related to public services and employment are provided as Draft EIR Figures and 5-3a through 5-3j.

The adopted SANDAG 2021 Regional Plan assumes 9,902 new households in the unincorporated County between the base year (2016) and 2050 (with almost all of the growth occurring between the base year and 2035). Additionally, implementation of the Road User Charge is assumed in the transportation modeling currently available from SANDAG and was captured in this analysis because the 2021 Regional Plan version of the model includes the Road User Charge as a funding source for the Regional Plan. The Road User Charge directly affects auto operating costs; therefore, including the Road User Charge results in lower VMT forecasts in the Regional Plan than scenarios without the Road User Charge.

However, the SANDAG Board voted on September 22, 2023 against including the Road User Charge in the 2025 Regional Plan. On September 23, 2022 the SANDAG Board directed SANDAG staff to prepare an amendment to the 2021 Regional Plan without the Road User Charge. The SANDAG Board of Directors adopted the proposed amendment on October 13, 2023. The 2021 Regional Plan includes other policy and transportation network assumptions beyond the Road User Charge that further result in lower VMT, and many of these assumptions

rely upon public vote, funding, or SANDAG Board actions. Therefore, this scenario does not represent reasonably foreseeable land use, transportation policy/network, and VMT under the County's adopted General Plan.

General Plan Goal and Policy Edits Alternative

In addition to, or in lieu of, any of the smart growth alternatives described above, County staff have identified potential amendments to General Plan goals and policies from the Land Use, Conservation and Open Space, Mobility, and Safety Elements of the adopted General Plan that would further enhance the smart growth principles described above and embodied in the General Plan (see Final SEIR Section 5.5.3.4 p. 5-31 and 5-32). The proposed edits to General Plan goals and policies are shown in Table 5-1 of the Final SEIR. Similar to the Fire Safe and VMT Efficient Alternative, this alternative would not replace the CAP Update but would be implemented in addition to all measures and actions in the CAP Update.

Findings Regarding Feasibility

Fire Safe and VMT Efficient Alternative

The Board of Supervisors declines at present to delay approval of the CAP in order to take the many steps and considerable amount of time needed to seek public input on, formulate, fully vet, and approve a fully developed Fire Safe and VMT Efficient Alternative. In light of the facts (i) that the County has been legally bound since 2011 to implement GPU PEIR Mitigation Measure CC-1.2 (as reflected in Goal COS-20 and Policy COS-20.1) and (ii) that global climate change is such a pressing policy matter that timely adoption of the CAP is a matter of upmost importance, the Board concludes that, for the time being at least, the Fire Safe and VMT Efficient Alternative cannot be accomplished within a reasonable period of time and for that reason is infeasible at present. (See Pub. Resources Code, § 21061.1 [definition of "feasible"] and CEQA Guidelines, § 15364 [same]; *NRDC*, *supra*, 98 Cal.App.5th at p. 1221 ["[w]e do not disagree with SCAQMD's suggestion that the phrase 'within a reasonable period of time' should be considered in the context of the timeline for a project overall"].)

Importantly, approval of the CAP does not preclude the County and Board from pursuing land use changes along the lines of the Fire Safe and VMT Efficient Alternative. The CAP and this alternative are not mutually exclusive but could be complementary over the course of a reasonable period of time. As explained in section 5.5.2 of the Draft EIR ("Implementation of Smart Growth Strategies"), the detailed formulation and approval of a smart growth alternative such as the Fire Safe and VMT Efficient Alternative would require additional actions and public process beyond the time frame of the CAP Update. For example, the Board would have to direct staff to prepare a Smart Growth Zoning Overlay Ordinance, which would place a smart growth zoning designation on properties within the selected smart growth areas. An overlay is a new zone or "layer" that could be added on top of existing zoning. The overlay zone would identify those properties that would be eligible for future programs or process improvements that would incentivize residential, commercial, and mixed-use growth within the smart growth boundary. Depending upon the nature and extent of the regulatory framework within the Smart Growth Overlay Ordinance, additional environmental analysis may be required prior to implementation. After adopting the CAP Update and Smart Growth Zoning Overlay Ordinance, staff would conduct existing conditions analyses within the selected communities to better understand the barriers to smart growth and the opportunities that each community presents. Barriers to smart growth could include lack of critical infrastructure such as fire stations, or schools, or result from land uses or zoning not aligning with the highest-and-best use for individual parcels which may cause extra

processing time and costs. The existing conditions analysis would also consider how to incentivize and create opportunities for smart growth, including a focus on identification of opportunity sites for redevelopment, market and economic incentives (e.g., fee waivers, streamlining) to encourage new mixed uses and housing diversity, and a consideration of fee structures (i.e., reduction in development fees) to support new development and supportive capital improvements. The analysis would describe where land use changes should be made, how to support future transportation infrastructure, how to incentivize diverse housing types and redevelopment of underutilized sites that support the development of low-and-middle-income housing, and how to support mixed-uses. Within the communities that were selected for smart growth, staff would align existing programs to streamline new housing at low- to middle-income levels by ensuring that smart growth areas were included in the work program. In future phases of outreach, staff would begin to concurrently advance conversations with community residents, businesses, and other interested stakeholders to better identify how they would like to see smart growth strategies implemented in their community. This would form the foundation of future policies that would guide resulting growth and future outcomes including locations for new housing, transit investments, and expanded accessibility and locations for locally serving amenities or commercial spaces and public spaces. Individual community needs and development outcomes would vary based on the existing conditions and community identity, and programs could be considered and brought back for the Board's consideration.

In some communities, a smart growth alternative could result in proposed increases in residential density, known as "up-planning" which may require changes to the General Plan land use map, in order to achieve desired development outcomes. Similarly, subsequent changes to the County's Zoning Ordinance may be required to establish a regulatory framework that can achieve alignment across the General Plan land use map and County Zoning Ordinance which regulates development. Any changes to the General Plan land use map or Zoning Ordinance would require additional environmental analysis prior to implementation. Additionally, changes to the land use map of this extent would likely require changes to other aspects of the General Plan, including the Mobility and Conservation and Open Space Elements in order to bring those elements into conformance.

The Board rejects the Fire Safe and VMT Efficient Alternative as infeasible for an additional reason. As explained in detail below under the heading “Summary of Feasibility Considerations of Smart Growth Alternatives,” the Board, subsequent to the completion of the Notice of Preparation (NOP) for the CAP Update, directed County staff to undertake a number of policy initiatives that, independent of the CAP, are intended to further reduce VMT and to reduce GHG emissions. The Board believes, finds, and determines that these initiatives – which include the Transportation Study Guide (TSG), the Sustainable Land Use Framework (SLUF), the Development Feasibility Analysis, and VMT Mitigation Program – constitute more efficient and effective approaches to reducing VMT and GHG emissions in the unincorporated County than the Fire Safe and VMT Efficient Alternative.

As a practical matter, any future pursuit of the Fire Safe and VMT Efficient Alternative would not affect the implementation of the CAP Update, nor would the environmental effects associated with the implementation of the CAP Update as addressed in Sections 2.1 through 2.15 of the Final SEIR be affected by potential future implementation of this alternative. This alternative is anticipated to reduce VMT for new development by 6.6 percent in 2035 and 3.0 percent in 2050. However, when viewed in conjunction with existing development for the purpose of forecasting GHG emissions as part of the CAP, the magnitude of overall VMT reduction is relatively small. That is because the vast majority of unincorporated county VMT projected for future years would occur under existing conditions and would be relatively unchanged by the development pattern of

future growth. Under this alternative, total VMT per employee is anticipated to be the same as forecast for development without the alternative: 23.9 in 2035 and 24.5 in 2050. Total VMT per resident in the unincorporated county would decrease slightly in the 2035 forecast from 27.4 to 27.2 but would be the same in 2050 (27.7). Overall, this alternative would result in a 0.53-percent reduction in unincorporated county VMT for 2035 and a 0.41-percent reduction in unincorporated county VMT for 2050. The County cannot control or alter the location of existing development, so taken together the reductions seem minor. However, reductions in VMT for new development (i.e., future) could be substantial. Minor reductions in VMT-associated air and GHG emissions are also expected to occur under this alternative.

Village Support Areas Alternative

The Board of Supervisors declines at present to delay approval of the CAP in order to take the many steps and considerable amount of time needed to seek public input on, formulate, fully vet, and approve a fully developed Village Support Areas Alternative. In light of the facts (i) that the County has been legally bound since 2011 to implement GPU PEIR Mitigation Measure CC-1.2 (as reflected in Goal COS-20 and Policy COS-20.1) and (ii) that global climate change is such a pressing policy matter that timely adoption of the CAP is a matter of upmost importance, the Board concludes that, for the time being at least, the Village Support Areas Alternative cannot be accomplished within a reasonable period of time and for that reason is infeasible at present. (See Pub. Resources Code, § 21061.1 [definition of "feasible"] and CEQA Guidelines, § 15364 [same]; *NRDC*, *supra*, 98 Cal.App.5th at p. 1221 ["[w]e do not disagree with SCAQMD's suggestion that the phrase 'within a reasonable period of time' should be considered in the context of the timeline for a project overall"].)

Importantly, approval of the CAP does not preclude the County and Board from pursuing land use changes along the lines of the Village Support Areas Alternative. The CAP and this alternative are not mutually exclusive but could be complementary over the course of a reasonable period of time. As with the Fire Safe and VMT Efficient Alternative, the detailed formulation and approval of a smart growth alternative such as the Village Support Areas Alternative would require additional actions and public process beyond the time frame of the CAP Update. This alternative would be implemented through a zoning overlay and development incentives. Supporting efforts are also assumed to include transit and connectivity improvements between the Villages and Village Support Areas.

Furthermore, as explained in detail below under the heading "Summary of Feasibility Considerations of Smart Growth Alternatives," the Board, subsequent to the completion of the NOP for the CAP Update, directed County staff to undertake a number of policy initiatives that, independent of the CAP, are intended to further reduce VMT and to reduce GHG emissions. The Board believes, finds, and determines that these initiatives – which include the TSG, the SLUF, the Development Feasibility Analysis, and VMT Mitigation Program – constitute more efficient and effective approaches to reducing VMT and GHG emissions in the unincorporated County than the Village Support Areas Alternative. This alternative is infeasible for this reason as well.

The Village Support Areas Alternative would not affect the implementation of the CAP Update. The environmental effects associated with the implementation of the CAP Update as addressed in Sections 2.1 through 2.15 of the Final SEIR would not be affected by implementation of this alternative. The Village Support Areas Alternative is anticipated to reduce VMT for new development by 1.0 percent in 2035 and 0.3 percent in 2050. When viewed in conjunction with existing development, the magnitude of overall VMT reduction is relatively small because the vast majority of unincorporated county VMT projected for future years can be attributed to existing land

uses. Overall, the Village Support Areas Alternative would result in a 0.08-percent reduction in unincorporated county VMT for 2035 and a 0.04-percent reduction in unincorporated county VMT for 2050. The County cannot control or alter the location of existing development, so taken together the reductions seem minor. However, reductions of VMT for new development (i.e., future) could be substantial. Under this alternative, total VMT per employee is anticipated to be 23.9 in 2035 and 24.5 in 2050, and VMT per resident in the unincorporated county would be 27.4 in 2035 and 27.7 in 2050. This is the same as the forecast VMT under the General Plan without implementation of the Village Support Areas Alternative.

Sustainable Communities Strategy Alternative

The Board of Supervisors declines at present to delay approval of the CAP in order to take the many steps and considerable amount of time needed to seek public input on, formulate, fully vet, and approve a fully developed Sustainable Communities Strategy Alternative. In light of the facts (i) that the County has been legally bound since 2011 to implement GPU PEIR Mitigation Measure CC-1.2 (as reflected in Goal COS-20 and Policy COS-20.1) and (ii) that global climate change is such a pressing policy matter that timely adoption of the CAP is a matter of upmost importance, the Board concludes that, for the time being at least, the Sustainable Communities Strategy Alternative Village Support Areas Alternative cannot be accomplished within a reasonable period of time and for that reason is infeasible at present. (See Pub. Resources Code, § 21061.1 [definition of "feasible"] and CEQA Guidelines, § 15364 [same]; *NRDC*, *supra*, 98 Cal.App.5th at p. 1221 ["[w]e do not disagree with SCAQMD's suggestion that the phrase 'within a reasonable period of time' should be considered in the context of the timeline for a project overall"].)

Importantly, approval of the CAP does not preclude the County and Board from pursuing land use changes along the lines of the Sustainable Communities Strategy Alternative. The CAP and this alternative are not mutually exclusive but could be complementary over the course of a reasonable period of time. As with the Fire Safe and VMT Efficient Alternative and the Village Support Areas Alternative, the detailed formulation and approval of a smart growth alternative such as the Sustainable Communities Strategy Alternative would require additional actions and public process beyond the time frame of the CAP Update. As with the Fire Safe and VMT Efficient Alternative and the Village Support Areas Alternative, the detailed formulation and approval of a smart growth alternative such as the Sustainable Communities Strategy Alternative would require additional actions and public process beyond the time frame of the CAP Update.

Furthermore, as explained in detail below under the heading "Summary of Feasibility Considerations of Smart Growth Alternatives," the Board, subsequent to the completion of the NOP for the CAP Update, directed County staff to undertake a number of policy initiatives that, independent of the CAP, are intended to further reduce VMT and to reduce GHG emissions. The Board believes, finds, and determines that these initiatives – which include the TSG, the SLUF, the Development Feasibility Analysis, and VMT Mitigation Program – constitute more efficient and effective approaches to reducing VMT and GHG emissions in the unincorporated County than the Sustainable Communities Strategy Alternative. This alternative is infeasible for this reason as well.

If the Board were to adopt a smart growth alternative that aspires to achieve development outcomes in alignment with the SANDAG Regional Plan Mobility Hub framework, a broader and more comprehensive set of General Plan land use map and Zoning Ordinance changes would be required that mirrors the program described in the Regional Plan. The Board would likely be considering both up-planning in areas around the SANDAG Mobility Hubs and down-planning in areas outside of those locations. This alternative would require a comprehensive update to the

General Plan due to the large geographic scope of land use map changes and scale of community engagement required.

The Sustainable Communities Strategy Alternative would not affect the implementation of the CAP Update. The environmental effects associated with the implementation of the CAP Update as addressed in Sections 2.1 through 2.15 of the Final SEIR would not be affected by implementation of this alternative. The Sustainable Community Strategy Alternative would result in a reduction in VMT compared to the CAP Update as a result of a much smaller growth in households in the unincorporated county, inclusion of the Road User Charge, and significant investments and policy changes related to the transportation network. Inclusion of the Road User Charge is assumed in the transportation modeling currently available from SANDAG and was captured in this analysis because SANDAG's 2021 Regional Plan version of the model includes the Road User Charge as a funding source for the plan. The modeling for the Sustainable Communities Strategy Alternative reflects policy assumptions that result in large shifts in the existing population's travel choices. However, the SANDAG Board voted on September 22, 2023 against including the Road User Charge in the 2025 Regional Plan. Therefore, this alternative may overstate reductions to VMT.

Under this alternative, total VMT per employee is anticipated to be 20.8 in 2035 (compared to 23.9 under the General Plan without this alternative) and 20.2 in 2050 (compared to 24.5 under the General Plan without this alternative). Total VMT per resident in the unincorporated county would decrease from 27.4 under the General Plan without this alternative to 25.7 in 2035 and from 27.7 under the General Plan without this alternative to 25.5 in 2050. Overall, this alternative would result in a 7.71-percent reduction in VMT compared to the adopted General Plan in 2035 and a 9.48-percent reduction in VMT compared to the adopted General Plan in 2050. However, the total VMT reductions are based on the Regional Plan's premise of a distribution of growth within Mobility Hubs that encompass areas outside of the unincorporated county, which are outside the County's control. Further, as noted above, the Road User Charge, which results in lower VMT forecasts in the Regional Plan than scenarios without the Road User Charge, has been removed from the Regional Plan. Therefore, the actual VMT reductions achieved under this alternative may be less than modeled under this alternative. Nonetheless, this alternative, if ultimately pursued by the County, could result in significant VMT reductions.

General Plan Goal and Policy Edits Alternative

The Board of Supervisors declines at present to delay approval of the CAP in order to take the many steps and considerable amount of time needed to seek public input on, formulate, fully vet, and approve a fully developed General Plan Goal and Policy Edits Alternative. In light of the facts (i) that the County has been legally bound since 2011 to implement GPU PEIR Mitigation Measure CC-1.2 (as reflected in Goal COS-20 and Policy COS-20.1) and (ii) that global climate change is such a pressing policy matter that timely adoption of the CAP is a matter of upmost importance, the Board concludes that, for the time being at least, the General Plan Goal and Policy Edits Alternative cannot be accomplished within a reasonable period of time and for that reason is infeasible at present. (See Pub. Resources Code, § 21061.1 [definition of "feasible"] and CEQA Guidelines, § 15364 [same]; *NRDC*, *supra*, 98 Cal.App.5th at p. 1221 ["[w]e do not disagree with SCAQMD's suggestion that the phrase 'within a reasonable period of time' should be considered in the context of the timeline for a project overall"].)

Importantly, approval of the CAP does not preclude the County and Board from pursuing the General Plan Goal and Policy Edits Alternative. The CAP and this alternative are not mutually exclusive but could be complementary over the course of a reasonable period of time. As with the

Fire Safe, VMT Efficient Alternative and the Village Support Areas Alternative, and the Sustainable Communities Strategy Alternative, the detailed formulation and approval of a smart growth alternative such as the General Plan Goal and Policy Edits Alternative would require additional actions and public process beyond the time frame of the CAP Update. One such public process would be environmental review, which would be needed to ascertain the environmental benefits and possible adverse effects of the proposed revised goals and policies. Such a process might lead to modifications to the proposed changes or to the adoption of some changes but not others.

Furthermore, as explained in detail below under the heading "Summary of Feasibility Considerations of Smart Growth Alternatives," the Board, subsequent to the completion of the NOP for the CAP Update, directed County staff to undertake a number of policy initiatives that, independent of the CAP, are intended to further reduce VMT and to reduce GHG emissions. The Board believes, finds, and determines that these initiatives – which include the TSG, the SLUF, the Development Feasibility Analysis, and VMT Mitigation Program – constitute more efficient and effective approaches to reducing VMT and GHG emissions in the unincorporated County than the General Plan Goal and Policy Edits Alternative. This alternative is infeasible for this reason as well.

The General Plan Goal and Policy Edits Alternative would not affect the implementation of the CAP Update. The environmental effects associated with the implementation of the CAP Update as addressed in Sections 2.1 through 2.15 of the Final SEIR would not be affected by implementation of this alternative. The revised goals and policies under this alternative would result in some impacts that differ from those disclosed in the 2011 GPU PEIR, but the majority of these potential amendments would result in beneficial outcomes throughout the unincorporated county as the amendments seek to further minimize greenhouse gas emissions, VMT, and other topic areas under CEQA in new development. However, these impacts would need to be assessed under subsequent CEQA analysis if the Board directs staff to return at a future date with amendments to goals and policies. The potential for environmental effects would be substantially similar to the CAP Update. This alternative includes amendments to goals and policies and addition of new goal and policies that would require certain processes and findings in order to limit impacts of General Plan amendments (e.g., Goal LU-19 and Policy LU-19.1 and LU-19.2). These amendments would reduce the potential impacts of projects that request General Plan amendments in the future, if adopted.

Summary of Feasibility Considerations of Smart Growth Alternatives

As explained earlier, the smart growth alternatives considered in the Final SEIR were prepared in response to the decision of the Court of Appeal for Division One of the Fourth Appellate District in *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Implementation of the smart growth alternatives is intended to occur in addition to, rather than in lieu of, the measures and actions in the CAP Update to further reduce GHG emissions by reducing VMT through changes in development patterns. In addition, the smart growth alternatives are not necessary components of the CAP Update needed to address Project impacts, including induced growth. The intent for these alternatives is that they could be adopted in addition to the CAP Update, which does not provide streamlining for projects that are not consistent with the General Plan (i.e., General Plan amendments).

If adopted in addition to the proposed Project, implementation of one of the smart growth alternatives, or some combination of them, would require additional actions by the Board, such as direction of new technical studies, program development, and extensive stakeholder and

community engagement. If the smart growth alternatives are selected for future implementation without approving (i..e., in lieu of) the CAP Update, then they would not satisfy the Board's obligation under GPU PEIR Mitigation Measure CC-1.2, by which the Board committed itself to the approval of a CAP as a means of GHG emissions from development under the 2011 GPU. Nor could a smart growth alternative, absent a CAP compliant with Mitigation Measure CC-1.2, meet project objectives that by their own terms require the development of a CAP.

Notably, the Board of Supervisors (subsequent to release of the SEIR NOP) has directed the pursuit of other land use programs that are intended to reduce VMT in the unincorporated county. These independent efforts will serve the same purpose as the smart growth alternatives discussed in the CAP Supplemental EIR. These programs include, for example, the adoption of a TSG that streamlines new development in VMT efficient and defined Infill Areas. Additionally, the SLUF is under development. It will determine changes in development and land use policy. This effort has already established sustainability principles to guide evaluation of land use policy changes. These principles include, amongst other items, decarbonization of buildings, communities, and transportation through policies and land use changes. Furthermore, the County is conducting a Development Feasibility Analysis and is developing a VMT Mitigation Program, which will facilitate new development in the unincorporated area. The VMT Mitigation Program is also considering increasing housing densities in certain communities to locate homes and businesses closer together. Implementation of the TSG and the SLUF are expected to result in focused development in existing communities, urban centers, and transit centers, which would be consistent with the intent of the smart growth alternatives and would reduce GHG emissions and VMT. Focusing resources on existing programs and initiatives that seek to create sustainable development patterns would be a more efficient and effective approach to reduce VMT in the unincorporated County than including these important land use changes, which have implications beyond VMT and associated GHG reductions, in a GHG reduction program. In comparison, the pursuit of any of the smart growth alternatives set forth in the Supplemental EIR would represent an undesirable public policy outcome.

Thus, although the Court of Appeal, in *Golden Door*, directed the County to formulate and consider one or more smart growth alternatives in connection with a revised CAP Supplemental EIR, the County has not only taken that step, but has independently pursued related land use initiatives and programs that will complement the CAP by finding other means of reducing GHG emissions. All of these efforts are being taken in pursuit of shared, common goals.

For reasons mentioned earlier, the Board is rejecting the smart growth alternatives in the EIR for the time being because they cannot be implemented within a reasonable period of time. Additional reasons for rejection include economic, fiscal, and legal concerns. Given the extensive efforts in staff time and financial resources that are currently being devoted to the TSG, SLUF, VMT Mitigation Program, Development Feasibility Analysis, and like efforts, the Board concludes that the benefits of pursuing the smart growth alternatives as generally defined in the EIR would be outweighed by the negative consequences of diverted staff and financial resources. Importantly, the existing land use programs described above would achieve the same goals as the smart growth alternatives to reduce VMT impacts through sustainable development. Regarding legal considerations, the smart growth alternatives would require additional actions by the Board to direct new technical studies, program development, and extensive stakeholder and community engagement, while the exiting land use programs are already under implementation, and thus could be brought to fruition more quickly. And regarding social and policy considerations, the existing land use initiatives and programs would be expected to benefit more county residents from diverse backgrounds; for example, the SLUF could consider incentivizing and streamlining processes for affordable housing development. Furthermore, the SLUF and other Board-directed

programs and policy efforts already underway in the County are more suited to consider how and where the County should grow in the future. In addition, the smart growth alternatives would not reduce any of the significant impacts of the CAP Update. They would likely reduce VMT and associated GHG from the General Plan land uses, but would not reduce the impacts associated with implementation of the CAP Update.

Facts in Support of the Finding

The Fire Safe and VMT Efficient Alternative, Village Support Areas Alternative, and Sustainable Communities Strategy Alternative would result in similar types and significance of impacts for most issue areas as the Project, including aesthetic, agriculture and forestry resources, biological resources, cultural and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and tribal cultural resources.

Implementation of the Fire Safe and VMT Efficient Alternative could result in reduction of VMT and reductions in VMT-associated air and GHG emissions in the unincorporated county. The Board declines to pursue this alternative, however, because, in addition to other reasons set forth above, the alternative would not reduce any of the significant impacts that result from implementation of the CAP Update and because, subsequent to the SEIR NOP, the Board-directed other land use programs and policy more suited to implement smart growth in the County. For these reasons and others mentioned earlier, the Board finds the Fire Safe and VMT Efficient Alternative to be infeasible.

Implementation of the Village Support Areas Alternative would result in VMT reduction and associated air and GHG emissions reductions in the unincorporated county. The Board declines to pursue this alternative, however, because, in addition to other reasons set forth above, the Village Support Areas Alternative would not reduce any of the significant impacts that result from implementation of the CAP Update and, subsequent to the SEIR NOP, the Board-directed other land use programs and policy more suited to implement smart growth in the County. For these reasons and others mentioned earlier, the Board finds the Village Support Areas Alternative to be infeasible.

Although implementation of the Sustainable Communities Strategy Alternatives would result in a 7.71-percent reduction in VMT compared to the adopted General Plan in 2035 and a 9.48-percent reduction in VMT compared to the adopted General Plan in 2050, VMT was estimated using the Road User Charge model that has been removed from future regional planning efforts. The actual VMT reductions achieved under this alternative may be less than modeled in the Final SEIR. The Board declines to pursue this alternative, however, because, in addition to other reasons set forth above, the Sustainable Communities Strategy Alternative would not reduce any of the significant impacts that result from implementation of the CAP Update and, subsequent to the SEIR NOP, the Board-directed implementation of other land use programs and policies more suited to reduce VMT through smart growth in the County. For these reasons and others mentioned earlier, the Board finds the Sustainable Communities Strategy Alternative to be infeasible.

Under the General Plan Goal and Policy Edits Alternative, the Board of Supervisors may choose some or all of the additional policy amendments and pair them with the proposed CAP Update or an alternative. Although the General Plan Goal and Policy Edits Alternative, viewed on an overall basis, would result in beneficial GHG emissions and VMT reduction, among other environmental outcomes in the unincorporated county, the environmental impacts associated with this alternative would need to be assessed under subsequent CEQA analysis if the Board were to direct staff to

return at a future date with amendments to goals and policies. The potential for environmental effects would be substantially similar to the CAP Update.

The Board declines to pursue this alternative at present, however, because, in addition to other reasons set forth above, the General Plan Goal and Policy Edits Alternative would not reduce any of the significant impacts that result from implementation of the CAP Update and, subsequent to the SEIR NOP, the Board-directed other programs and policy more suited to implement General Plan goal and policy changes in coordination with these programs to envision how growth will occur in the County. For these reasons and others mentioned earlier, the Board finds the General Plan Goal and Policy Edits Alternative to be infeasible.

Any of the above alternatives intended to reduce VMT within the unincorporated county would be implemented in addition to the programs and policies already underway. For instance, a revised TSG for VMT was adopted by the Board in September 2022. The revised TSG establishes a VMT threshold using the regional average, which includes the entire countywide area, including the incorporated cities, as well as "Infill Areas" and other screening criteria outlined in the TSG. The revised TSG provides a streamlining process for development in VMT efficient areas, Infill areas, and Transit Opportunity Areas. The County also is currently researching options for a Sustainable Land Use Framework. The framework could consider up-planning in areas near future transit and employment centers; incentivizing and streamlining processes for affordable housing development; supporting sustainability in existing communities; and evaluating new economic development opportunities. In addition, the County is preparing a Development Feasibility Analysis (formerly known as Parcel By Parcel) to identify opportunities for future growth and options to spur development in VMT efficient areas and infill areas. While any of the smart growth alternatives could be implemented with further study and outreach, their effectiveness at further reducing VMT – in conjunction with other ongoing initiatives – is uncertain at this time.

The overarching goal of the CAP is to fulfill the County’s commitment to refine community and government practices to reduce GHG impacts from implementation of the General Plan and establish a detailed accounting framework to track progress towards achieving that goal. In 2011, the Board certified a PEIR for the adopted General Plan that identified significant impacts from GHG emissions and adopted 19 separate mitigation measures to reduce the GHG emissions. The certified GPU PEIR identified mitigation (including development of a CAP per Mitigation Measure CC-1.2, which was incorporated into the General Plan as Goal COS-20 and Policy COS-20.1) as the appropriate mechanism to reduce GHG emissions impacts. CEQA allows for the reduction of impacts through either mitigation or alternatives that result in changes to the project. As proposed, the CAP meets and exceeds the mitigation requirements established for the General Plan. The findings of the 2011 GPU PEIR and the evidence provided in the CAP update do not compel the Board to adopt a smart growth alternative that would require changes to the General Plan land use diagram.

Moreover, separate Board-directed programs are under development and are already ongoing. Because the Board has directed programs and policy efforts more suited to consider how the County should grow in the future, where development should occur, and identify who will be affected, the smart growth alternatives are rejected. These Board-directed programs are better suited to change the General Plan because the CAP Update implements mitigation required in the PEIR for the current General Plan to reduce GHG emissions from development consistent with the General Plan. Therefore, continued implementation of the TSG, VMT Mitigation Program, Sustainable Land Use Framework, and Development Feasibility Analysis would be more feasible for economic, legal, social, and policy related considerations than adoption and implementation of any of the smart growth alternatives described in the EIR.

References

Final SEIR Section 5.5; alternatives related response to comments; and all other alternatives related evidence in the administrative record.

Table 1 CAP Alternatives Comparison of Impacts

Issue Areas	CAP Update Significance Determination	Alternatives to the Project		Smart Growth Alternatives			
		No Project	Distributed Generation Only	Fire Safe and VMT Efficient	Village Support Areas	Sustainable Community Strategy	General Plan Policy Edits
Aesthetics	SU	▼	▼	—	—	—	—
Agriculture and Forestry Resources	SU	▼	▼	—	—	—	—
Air Quality	SU	▼	—	—	—	—	—
Biological Resources	SU	▼	▼	—	—	—	—
Cultural and Paleontological Resources	SU	▼	▼	—	—	—	—
Energy	LTS	▲	—	—	—	—	—
Environmental Justice	LTS	▼	▼	—	—	—	—
Greenhouse Gas Emissions	LTS	▲	▲	—	—	▼	—
Hazards and Hazardous Materials	SU	—	—	—	—	—	—
Hydrology and Water Quality	SU	—	—	—	—	—	—
Land Use and Planning	SU	▼	▼	—	—	—	—
Noise	SU	▼	—	—	—	—	—
Transportation	SU	▲	—	—	—	▼	—
Tribal Cultural Resources	SU	▼	—	—	—	—	—
Wildfire	LTS	▼	▼	▼	—	—	—

▲ Alternative is likely to result in greater impacts to issue when compared to the CAP Update.

— Alternative is likely to result in similar impacts to issue when compared to the CAP Update.

▼ Alternative is likely to result in reduced impacts to issue when compared to the CAP Update.

LTS Less than Significant with mitigation measures

VI. FINDINGS RELATED TO THE 2011 GPU PEIR MITIGATION MEASURE CC-1.2

The County of San Diego Board of Supervisors hereby finds that the County has satisfied all requirements outlined in the GPU PEIR Mitigation Measure CC-1.2, as described in Chapter 1, Project Description, of the Final SEIR. Specifically, the County has prepared a CAP that contains GHG Reduction Measures that would reduce community-wide and County Operations GHG emissions consistent with state-legislative targets as reflected in updated 2011 General Plan Goal COS-20. Additionally, the CAP Update and the Final SEIR fully satisfies the requirements of Section 15183.5 of the CEQA Guidelines, which outlines the requirements for a qualified plan for the reduction of GHG emissions. Specifically, community-wide and County Operational GHG emissions were quantified and presented in Chapter 4 of the CAP Update. GHG baseline emissions were based in the inventory updated using a base year of 2019 to reflect current conditions in the unincorporated county. The 2019 inventory represents the most complete data available that are unaffected by COVID-19 impacts (e.g., reduced traffic patterns) and was used as the baseline for the CAP Update. The CAP Update 2019 inventory is discussed in Section 1.4.1.1 of the Final SEIR. County-specific 2030 and 2045 GHG reduction targets were set consistent with state-legislative targets as described in Section 1.4.1.1 of the Final SEIR and Chapter 3 of the CAP Update. GHG strategies, supporting efforts, and measures were identified, quantified, and evaluated within the CAP Update and Final SEIR with supporting substantial evidence demonstrating that identified 2030 and 2045 reduction targets would be achieved. The CAP Update has also identified the process by which its implementation would be monitored (Chapter 5 of the CAP Update) to ensure compliance and achievement of identified performance standards including preparing an annual implementation monitoring report, preparing an updated GHG inventory every two years, and updating the CAP every five years. Finally, the County has engaged in an extensive public outreach process that consisted of 170 total community-oriented meetings and events, reaching over 20,000 people. The CAP Update and Final SEIR have been considered by the County Board through a public discretionary review process.

VII. NO RECIRCULATION REQUIRED

The County of San Diego Board of Supervisors hereby finds that the responses to comments made on the Draft SEIR and any revisions reflected in the Final SEIR merely clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate the SEIR under CEQA Guidelines section 15088.5(b), which provides that "[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

Pursuant to State CEQA Guidelines section 15088.5(a), "[a] lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (including a feasible Project alternative) that the Project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)

The County recognizes that new information has been added to the SEIR since circulation of the Draft SEIR, but the new information serves simply to clarify, amplify, or correct information already found in the Draft SEIR or improve the Project and its protection of the environment. It does not rise to the level of "significant new information".

None of the new information added to the Final SEIR raises important new issues about significant adverse effects on the environment without providing corresponding mitigation to maintain the proper finding that the impact is below the level of significance. The ultimate conclusions about the Project's significant impacts do not change in light of any new information added to the SEIR. Therefore, any new information in the SEIR is insignificant for purposes of recirculation, particularly as set forth in Section 15088.5(b) of the CEQA Guidelines.

The County also finds that the Draft SEIR, which includes analysis supported by numerous technical reports and expert opinion, was not inadequate or conclusory such that the public was deprived of a meaningful opportunity to review and comment on the SEIR. Additional analyses are not required to comply with the requirements of CEQA prior to certifying the Final SEIR for the Project. Accordingly, the County finds that recirculation is not required pursuant to CEQA.

In support of the foregoing, it is relevant to point out some of the key policies of CEQA set forth by the Legislature:

> "To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21000, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant." Pub. Res. Code 21002.1(e);
>
> "The legislature further finds and declares that it is the policy of the state that:…(f) All persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward mitigation of actual significant effects on the environment." Pub. Res. Code 21003(f).

The CEQA Guidelines (Section 15003) also expressly summarizes some of the key policies under CEQA as recognized by the Courts

> "(g) The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (Bozung v. LAFCO (1975)

13 Cal. 3d 263.)

(i) CEQA does not required technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692)

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.S.* (1993) 6 Cal. 4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553)" See 15003 ((g), (i) and (j)).

Keeping in mind the policies expressed above, the County has provided a good faith effort to analyze the environmental impacts of the Project using sound methodologies with the assistance of experts in environmental analysis. Having given careful consideration to that process and the requirements of CEQA, the County concludes that public comment through a recirculation is not warranted, but that public comments through the public hearing process will be given due consideration.

Changes to the Draft SEIR

A complete presentation of changes made to the Draft SEIR subsequent to the public review period has been prepared and is included within the Final SEIR. While an exhaustive list of changes is not included here, the following provides a table that summarizes where changes were made in the Final SEIR. Revisions to the Draft SEIR include edits made in response to comments received during public review and modifications made to text to make minor, staff-initiated corrections to the SEIR contents. None of the conditions warranting recirculation of the Draft SEIR, as specified in State CEQA Guidelines Section 15088.5 and described above, has occurred. The responses to comments and the addition of information do not result in or show any new significant impacts; there is no increase in the severity of a significant impact identified in the Draft SEIR, following application of existing mitigation; no feasible alternatives have been recommended that would avoid a significant impact, or that the County has refused to adopt; and as to the Draft SEIR adequacy, the County believes the Final SEIR is complete and fully compliant with CEQA. A summary of the revisions to the Draft SEIR is provided in Table 2. Changes in the text are signified by strikeouts (~~strikethrough~~) where text is removed and by underline (<u>underline</u>) where text is added**.**

Table 2 Summary of Revisions to Draft SEIR

Section (Page)	Change	Reason for Change
Section S.1.2.5 (p. 9)	Consistency with the CAP Update would be the only threshold of ~~significance~~<u>general use</u> for County projects <u>(State CEQA Guidelines Section 15064.7(b))</u>.	Clarification
Chapter 1 (p. 1-1)	A summary of the primary issues identified in the 2020 Appellate Court ruling is included below in Section 1.3.1.1, and Table 1-1 at the end of this chapter identifies where each issue is addressed in this ~~draft~~ SEIR.	Update

Section (Page)	Change	Reason for Change
Section 1.3 (p. 1-6)	Table 1-1, "Summary of SEIR Response to 2020 Appellate Court Ruling," indicates the location in this ~~draft~~ SEIR where specific court direction is addressed. The table is presented at the end of this chapter.	Update
Section 1.4.1.1 (p. 1-22)	Further, the accompanying Outreach Plan provides contact information for responsible County staff and provides a link to the project website for ease of access to all current events related to the CAP and this ~~draft~~ SEIR.	Update
Section 1.6.2.1 (p.1-32 and 1-33)	In compliance with State CEQA Guidelines Section 15082, a Notice of Preparation (NOP) for this ~~draft~~ SEIR was distributed to the California State Clearinghouse; relevant responsible and trustee agencies; other local, state, and federal agencies; and interested individuals and organizations. The 57-day public comment period for the NOP began on December 10, 2020, and ended on February 4, 2021. The NOP was published in the San Diego Union-Tribune newspaper, posted to the project's webpage, and distributed to the CAP Update email notification list. The NOP was posted at the PDS Zoning Counter and distributed to all public libraries located within the unincorporated county. In addition, a scoping meeting was held virtually on January 28, 2021, to allow for input from the public, affected agencies, and interested organizations. The NOP and written comments received during the NOP review period are included in Appendix A of this ~~draft~~ SEIR. The review period for the draft SEIR concluded on January 5, 2024. ~~Comments on this draft SEIR should be sent to CAP@sdcounty.ca.gov or at the following address:~~ ~~County of San Diego~~ ~~ATTN: Meghan Kelly~~ ~~Climate Action Plan SEIR~~ ~~Planning & Development Services~~ ~~5510 Overland Avenue, Suite 310~~ ~~San Diego, CA 92123~~ ~~This draft SEIR is available for public review at:~~ ~~County of San Diego PDS~~ ~~Project Processing Counter~~ ~~5510 Overland Avenue, Suite 110~~ ~~San Diego, CA 92123~~ ~~(8:00 a.m. to 4:00 p.m., Monday through Friday).~~ ~~The following County Public Library Branches (Visit http://www.sdcl.org/locations_ALL-BRANCHES.html for locations and hours):~~ • ~~Fallbrook, 124 South Mission Road, Fallbrook, CA 92028, (760) 731-4650~~ • ~~Ramona, 1275 Main Street, Ramona, CA 92065, (760) 788-5270~~ • ~~Rancho San Diego, 11555 Via Rancho San Diego, El Cajon, CA 92019, (619) 660-5370~~ • ~~Rancho Santa Fe, 17040 Avenida de Acacias, Rancho Santa Fe, CA 92067, (858) 756-2512~~ • ~~Spring Valley, 836 Kempton Street, Spring Valley, CA 91977, (619) 463-3006~~	Update

Section (Page)	Change	Reason for Change
	~~Online at http://www.sandiegocounty.gov/content/sdc/pds/cega_public_review.html and https://www.sandiegocounty.gov/content/sdc/sustainability/cap.html and https://engage.sandiegocounty.gov/cap.~~ ~~A USB drive containing the draft SEIR can also be obtained by contacting Meghan Kelly at (619) 323-6462 or Meghan.Kelly@sdcounty.ca.gov.~~	
Section 1.6.2.2 (p. 1-33)	~~Written comments received on this draft SEIR during the 60-day public review period will be responded to in writing in a response to comments document. The response to comments document, together with this draft SEIR, will constitute the final SEIR. If any text changes are identified to address public comments received during the public review period for this draft SEIR, such changes will be reflected in the final SEIR.~~	Update
Section 1.8 (p. 1-37 and 1-38)	• Chapter 9, "Comment Responses and Summary of Revisions," contains comment letters received during the public review period for the draft SEIR and written responses addressing comments on environmental issues received from reviewers of the SEIR. This chapter also summarizes all revisions made to the CAP Update and SEIR since release of the draft documents.	Update
Table 1-2 Action W-1.1 (p. 1-42)	Implement the County's Water Efficiency Plan to require water-efficiency measures in new and existing County buildings/operations to reduce potable water use intensity by ~~19~~28% by 2030.	Correction
Table 1-2 Action A-4.1 (p. 1-45)	Develop a ~~Carbon Farming~~ Climate Smart Land Stewardship Program by 2026 to increase carbon sequestration on 3,000 acres by 2030 and 36,214 acres by 2045	Update
Table 1-2 Action E-2.2b (p.1-47)	Develop a voluntary energy assessment/benchmarking program for existing development to identify opportunities for energy efficiency improvements (e.g., weatherization, insulation, equipment replacement/upgrades).	Clarification
Table 1-2 Action E-2.2c (p.1-47)	Develop a program (e.g., incentives, streamlined permitting, education) to phase out propane use for existing buildings.	Clarification
Table 1-2 Action E-3.2c (p.1-48)	Support local job training program for solar installation through partnerships to support green economy workforce development.	Clarification
Table 1-2 Action T-3.1a (p. 1-50)	Support the transition to clean hydrogen fuel for medium- and heavy-duty vehicles by increasing access to hydrogen fueling infrastructure through streamlined permitting processes and other efforts in the unincorporated area.	Clarification
Table 1-2 Action T-5.1a (p. 1-51)	Develop educational materials to encourage residents and businesses to use and provide access to alternative modes of transportation (e.g., safety information, increased access to bicycle parking).	Clarification
Section 2.4 (p.2.4-5)	Policy COS-1.4: Collaboration with Other Jurisdictions. Collaborate with other jurisdictions and trustee agencies to achieve well-defined common resource preservation and management goals.	Update
Section 2.4 (p. 2.4-6)	Policy COS-1.5: Regional Funding. Collaborate with other jurisdictions and federal, state, and local agencies to identify regional, long-term funding mechanisms that achieve common resource management goals.	Update

Section (Page)	Change	Reason for Change
	Policy COS-1.10: Public Involvement. Ensure an open, transparent, and inclusive decision-making process by involving the public throughout the course of planning and implementation of habitat conservation plans and resource management plans. Policy COS-1.11: Volunteer Preserve Monitor. Encourage the formation of volunteer preserve managers that are incorporated into each community planning group to supplement professional enforcement staff.	
Section 2.4 (p. 2.4-7)	Policy LU-6.4: Sustainable Subdivision Design. Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and, when appropriate, provide public amenities. [See applicable community plan for possible relevant policies.] Policy M-12.9: Environmental and Agricultural Resources. Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors, and agricultural lands. Within the MSCP preserves, conform siting and use of trails to County MSCP Plans and MSCP resource management plans	Update
Section 2.9 (p. 2.9-10)	Policy M-1.2: Interconnected Road Network. Provide an interconnected public road network with multiple connections that improve efficiency by incorporating shorter routes between trip origin and destination, disperse traffic, reduce traffic congestion in specific areas, and provide both primary and secondary access/egress routes that support emergency services during fire and other emergencies. Policy M-3.3: Multiple Ingress and Egress. Require development to provide multiple ingress/egress routes in conformance with State law and local regulations. Policy M-4.3: Rural Roads Compatible with Rural Character. Design and construct public roads to meet travel demands in Semi-Rural and Rural Lands that are consistent with rural character while safely accommodating transit stops when deemed necessary, along with bicyclists, pedestrians, and equestrians. Where feasible, utilize rural road design features (e.g., no curb and gutter improvements) to maintain community character.	Update
Section 2.9 (p. 2.9-13)	Policy S-17-3: Airport Operational Plans. Require operational plans for new public/private airports and heliports, as well as future operational changes to existing airports, to be compatible with existing and planned land uses that surround the airport facility.	Update
Section 2.10 (p. 2.10-15)	Policy COS-5.4: Invasive Species. Encourage the removal of invasive species to restore natural drainage systems, habitats, and natural hydrologic regimes of watercourses.	Update
Section 2.10 (p. 2.10-43)	Policy S-~~9.3~~10.4, which requires development within mapped flood hazard areas be sited and designed to minimize on-site and off-site hazards; Policy S-~~9.4~~10.5, which allows new uses and development within the floodplain fringe (land within the floodplain outside of the floodway) only when environmental impacts and hazards are mitigated; Policy S-~~9.5~~10.6, which prohibits development in the floodplain fringe when located on Semi-Rural and Rural Lands to maintain the capacity of the floodplain; Policy S-~~9.6~~10.7, which prohibits development in dam	Correction

Section (Page)	Change	Reason for Change
	inundation areas that may interfere with the County's emergency response and evacuation plans; Policy S-~~10.1~~11.1, which limits new or expanded uses in floodways to agricultural, recreational, and other such low-intensity uses and that do not meet certain criteria identified in the policy; Policy S-~~10.2~~11.2, which would require the use of natural channels for County flood control facilities; Policy S-~~10.3~~11.3, which would require flood control facilities to be adequately sized, constructed, and maintained to operate effectively; Policy S-~~10.4~~11.4, which would require new development to incorporate measures to minimize storm water impacts; Policy S-~~10.5~~11.5, which would require new development to provide necessary on-site and off-site improvements to storm water runoff and drainage facilities; and Policy S-~~10.6~~11.6, which would ensure new development maintains the existing hydrology of the area.	
Section 2.10 (p. 2.10-45)	New farmworker housing would also be required to implement adopted General Plan goals and policies related to surface hydrology and drainage, including Policies LU-6.5, LU-6.10, LU-6.12, COS-5.1, ~~S-8.1, S-8.2, S-9.1, S-9.2, S-9.3, S-9.4, S-9.5, S-9.6,~~ S-10.1, S-10.2, S-10.3, S-10.4, S-10.5, ~~and~~ S-10.6, and 11.1 through 11.6, as described above.	Correction
Section 2.10 (p. 2.10-47)	Additionally, new renewable energy projects would be required to implement adopted General Plan goals and policies related to surface hydrology and drainage, including Policies LU-6.5, LU-6.10, LU-6.12, COS-5.1, ~~S-8.1, S-8.2, S-9.1, S-9.2, S-9.3, S-9.4, S-9.5, S-9.6,~~ S-10.1, S-10.2, S-10.3, S-10.4, S-10.5, ~~and~~ S-10.6, and 11.1 through 11.6, as described above.	Correction
Section 2.11 (p. 2.11-1)	As indicated, implementation of the proposed project would ~~not~~ result in new or more severe significant impacts on land use and planning.	Correction
Section 2.12 (p. 2.12-7)	Policy S-~~15.1~~17.2: Land Use Compatibility. Require land uses surrounding airports to be compatible with the operation of each airport. Policy S-17.3: Airport Operational Plans. Require operational plans for new public/private airports and heliports, as well as future operational changes to existing airports, to be compatible with existing and planned land uses that surround the airport facility. Policy S-17.5: Private Airstrip and Heliport Location. Locate private airstrips and heliports outside of safety zones and flight paths for existing airports where they are compatible with surrounding established and planned land use, and in a manner to avoid impacting public roadways and facilities.	Correction and Update
Section 2.12 (p. 2.12-28)	Future projects associated with implementation of the CAP Update would be required to comply with adopted General Plan Policy N-4.9, which requires noise compatibility of any projects that may be affected by noise from public or private airports, and Policy S-~~15.1~~17.2, which requires land uses surrounding airports to be compatible with the operation of each airport.	Correction
Section 2.12 (p. 2.12-29)	Development of new farmworker housing associated with CAP Update would be required to comply with adopted General Plan Policy N-4.9, which reduces potential noise impacts to noise-sensitive land uses, and Policies ~~S-15.1, S-15.2, and S-15.4~~S-17.2, S-17.3 and S-17.5, which require land uses surrounding airports to be compatible with airport operations.	Correction

Section (Page)	Change	Reason for Change
Section 2.12 (p. 2.12-30)	Although the locations of most projects that would be constructed to achieve the targets of the CAP Update are unknown, it is reasonable to assume that development would be consistent with applicable ALUCPs, would be subject to compliance with adopted General Plan Policies N-4.9, ~~S-15.1, S-15.2, and S-15.4~~S-17.2, S-17.3, and S-17.5, and would be required to implement 2011 GPU PEIR Mitigation Measures Noi-5.1 through Noi-5.3.	Correction
Section 2.12 (p. 2.12-32)	As discussed in Section 2.12.3.5, "Issue 3: Excessive Noise Exposure from a Public or Private Airport," above, excessive noise from a public or a private airport associated with implementation of the project would not be significant with implementation of 2011 GPU PEIR Mitigation Measure Noi-5.1 and compliance with adopted General Plan Policies N-4.9, ~~S-15.1, S-15.2, and S-15.4~~S-17.2, S-17.3, and S-17.5.	Correction
Section 2.15.1 (p. 2.15-2)	CAL FIRE released updated maps of FHSZs within SRAs for public comment in 2022. These maps show an overall reduction in lands within High FHSZs and an increase in lands within the Very High FHSZ designation in the unincorporated county. ~~However, these~~ These designations ~~are proposed and~~ have ~~yet to be~~ been adopted and became effective on April 1, 2024.~~; the 2007 maps remain the most current adopted maps at this time.~~	Update
Section 2.15.3.2 (p. 2.15-10)	As discussed in Section 2.15.1, "Existing Conditions," the majority of the unincorporated county is within an SRA, and most lands within the unincorporated county are classified as ~~High and~~ Very High FHSZs in SRAs (CAL FIRE ~~2007~~2024).	Update
Section 4.4 (p. 4-35)	Most of the in-process GPAs are located more than 2 miles from an airport except the ~~two~~ Peppertree Park Units 9 and 10 projects that are located within 2,000 feet of Fallbrook Airpark.	Correction
Table 4-1 (p. 4-43)	The fourth row for "Peppertree Park SPA (Units 7 + 8)" has been deleted.	Correction
Section 5.5.2 (p. 5-22)	Implementation of smart growth alternatives that result in changes to the adopted General Plan land use map would require subsequent planning by County staff to develop tools to modify the application of the adopted General Plan. State laws facilitating housing streamlining and development (including Senate Bill 330, known as the Housing Crisis Act) also prevent the County from reducing residential capacity on a site zoned for housing in certain areas of the county without identifying replacement capacity. In addition, it is difficult to downzone higher density housing element sites identified and approved by the State as feasible sites for lower-income development. Government Code Section 65863 requires that cities and counties ensure that their general plans provide for regional housing needs. In addition, cities and counties are required to have no "net loss" of lower and moderate-income dwelling units. The County cannot take action that would reduce identified affordable housing sites for these income categories.	Clarification
Section 5.5.3.1 (p. 5-26)	If implemented, this alternative is anticipated to reduce VMT for new development by 6.6 percent in 2035 and 3.0 percent in 2050. This represents a substantial VMT reduction for new growth. However, when viewed in conjunction with existing development, the magnitude of overall VMT reduction is relatively small because	Clarification

Section (Page)	Change	Reason for Change
	the vast majority of unincorporated county VMT under future year alternatives can be attributed to existing land uses.	
Section 5.5.3.1 (p. 5-27)	Therefore, although this alternative would reduce VMT from new development, the magnitude of ~~is not expected to meaningfully reduce~~ VMT or GHG emissions reductions in the unincorporated county would be much smaller when all VMT in the future condition is considered.	Clarification
Section 5.7 (p. 5-45)	The "CAP Significance Determination" for the "Issue Area" Environmental Justice in Table 5-2 is revised as follows: ~~SU~~ LTS	Correction
Chapter 6 (p. 6-15)	———. 2024. *Fire Hazard Severity Zones in State Responsibility Areas.* September 29, 2023 – Effective April 1, 2024. Available: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed May 20, 2024.	Update

VIII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, CEQA GUIDELINES § 15090

The Board of Supervisors certifies that the Final SEIR, dated May 2024, on file with the Department of Planning & Development Services, as EIR # PDS2020-ER-20-00-002 has been completed in compliance with CEQA and the State CEQA Guidelines, that the SEIR was presented to the Board of Supervisors, and that the Board of Supervisors reviewed and considered the information contained therein before approving the Project, and that the SEIR reflects the independent judgment and analysis of the Board of Supervisors, as specified in State CEQA Guidelines Section 15090.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

The Findings required under CEQA (Public Resources Code sections 21000 et seq.) and the State CEQA Guidelines (California Code Regulations, title 14, section 15000 et seq.) supporting the approval of the County of San Diego ("County") Climate Action Plan Update (CAP Update) conclude that the County's approval of the Project would result in significant impacts that cannot be substantially lessened or avoided. Despite these impacts, the County of San Diego Board of Supervisors chooses to approve the CAP Update because specific economic, social, and environmental benefits of the Project outweigh and override these significant and unavoidable impacts. The County has adopted all feasible mitigation measures with respect to the significant unavoidable environmental impacts listed below. In addition, the County has analyzed a reasonable range of alternatives to the Project. Based on the analysis, the County has determined none of the alternatives is feasible to the Project. Therefore, the County is adopting the CAP Update, and sets forth this Statement of Overriding Considerations for its adoption despite the significant and unavoidable environmental impacts identified in the SEIR and noted below:

Significant Unavoidable Environmental Impacts

Final SEIR Section	Subject/Issue
2.1.3.3	Scenic Vistas and Scenic Resources

Final SEIR Section	Subject/Issue
2.1.3.4	Visual Character or Quality
2.1.3.5	Light and Glare
2.2.3.3	Direct or Indirect Conversion of Agricultural Resources
2.2.3.4	Conflict with Agricultural or Forest Zoning or Williamson Act Contract Lands
2.2.3.5	Direct or Indirect Conversion or Loss of Forest Land
2.3.3.4	Air Quality Violations
2.3.3.5	Non-Attainment Criteria Pollutants
2.3.3.6	Air Quality Effects to Sensitive Receptors
2.4.3.3	Special-Status Plant and Wildlife Species
2.4.3.4	Riparian Habitat and Other Sensitive Natural Communities
2.4.3.6	Wildlife Movement Corridors and Nursery Sites
2.5.3.3	Historical Resources
2.5.3.4	Archaeological Resources
2.5.3.5	Paleontological Resources
2.5.3.6	Human Remains
2.9.3.6	Wildland Fires
2.10.3.3	Surface Water and Groundwater Quality
2.10.3.4	Groundwater Supply and Recharge
2.11.3.3	Physically Divide an Established Community
2.12.3.3	Excessive Noise Levels
2.14.3.3	Tribal Cultural Resources

Statement of Overriding Considerations

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the CAP Update. Thus, even if a court were to set aside any particular reason or reasons, the Board of Supervisors finds that it would stand by its determination that each reason, or any combinations of reasons, is a sufficient basis for approving the CAP Update notwithstanding the significant and unavoidable impacts that may occur. The substantial evidence supporting the various benefits can be found in the CEQA Findings Regarding Significant Effects, the Final SEIR, and in the Record of Proceedings.

The County finds that the Project would have the following specific economic, social, and environmental benefits:

1. The Project provides a strategic framework—through detailed strategies, measures, and supporting efforts focused on locally-based actions—to reduce the County's GHG emissions in accordance with State-mandated targets and the County's 2011 General Plan.

2. The Project results in a reduction in GHG emissions throughout the County, thereby leading to overall improved quality of life and health for its residents, workers, and visitors.

3. The Project provides streamlining benefits for future development projects that are consistent with it. In accordance with Section 15183.5 of the State CEQA Guidelines, the GHG analyses for these future projects will be simplified by completing the CAP Update Consistency Review Checklist.

4. The Project advances State goals for cleaner vehicle emissions and decarbonizing vehicles by providing 2,040 electrical vehicle charging stations that will enhance charging capabilities for current electrical vehicle owners while also incentivizing the purchase of non-gasoline-dependent vehicles.

5. The Project further decarbonizes the on-road and off-road vehicle fleet by requiring alternative fuels construction equipment in County projects. This will improve air quality and public health.

6. The Project improves mobility and encourages alternative modes of transportation by installing 345 miles of sidewalk and 315 miles of bikeways by 2030 through implementation of the County's Active Transportation Plan. This serves to reduce Vehicle Miles Traveled (VMT) and encourage pedestrian and cyclist trips by creating a more comfortable and safer experience when traveling along public roads.

7. The Project further reduces VMT and related GHG emissions through adoption of a Transportation Demand Management Ordinance to include pre-approved options for new development to reduce single occupancy vehicle trips in the unincorporated area. It also reduces County employee commute VMT by increasing reliance on alternative modes of transportation and encouraging participation in alternative work schedules or telecommute options.

8. The Project reduces energy use through requirements on future projects, improvements at existing County facilities, and by improving existing building energy efficiency. This results in improved air quality and cost savings.

9. The Project increases renewable electricity generation by developing a program to provide 100 percent renewable energy to residents and businesses participating in San Diego Community Power by 2030 in the unincorporated area. This will lower GHG emissions by relying on cleaner electricity and will improve air quality and public health. It will also generate jobs through the inducement of additional renewable energy projects.

10. The Project further increases renewable electricity by developing a program to incentivize renewable energy on low-income homes, promoting on-site renewable energy generation and storage, supporting local job training program for solar installation. These measures will generate jobs and improve air quality and public health.

11. The Project increases solid waste diversion by achieving a 90 percent diversion target by 2030 in County Operations and by achieving a 80 percent diversion target by 2030 and 90 percent delivery by 2045 in the unincorporated county. This measure will generate jobs, improve public health, and result in cost savings.

12. The Project reduces potable water consumption by requiring increased water efficiency in County Operations and in new and existing development in the unincorporated county; and requiring increased stormwater and wastewater treatment efficiency to reduce potable water use in the unincorporated county. These measures result in increased energy and cost savings, improved public health, and lessen the dependence on imported water sources.

13. The Project encourages agriculture by acquiring conservation lands to preserve natural lands, supporting the conversion of agricultural equipment to alternative fuels, and increasing carbon sequestration through tree planting requirements. These measures serve to reduce noise, improve air quality and public health, and improve visual quality.

For the foregoing reasons, the County finds that the Project's unavoidable significant environmental impacts are outweighed by these considerable benefits.

X. STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS

Project Name: County of San Diego Climate Action Plan Update

Reference Case Numbers: EIR # PDS2020-ER-20-00-002;
SCH No. 2020120204

CEQA [Section 21081.6(a)(2)] requires that the lead agency (in this case the County of San Diego) specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

County of San Diego, Planning & Development Services
Project Processing Center
5510 Overland Avenue, Suite 110
San Diego, California 92123

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

Custodian:

County of San Diego, Planning & Development Services
Project Processing Center
5510 Overland Avenue, Suite 110
San Diego, California 92123

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101