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10 Biological Diversity, Cleveland National Forest
11 Foundation, Climate Action Campaign,
12 Endangered Habitats League, Environmental
13 Center of San Diego, and Preserve Wild Santee

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN DIEGO**

16 SIERRA CLUB, CENTER FOR
17 BIOLOGICAL DIVERSITY,
18 CLEVELAND NATIONAL FOREST
19 FOUNDATION, CLIMATE ACTION
20 CAMPAIGN, ENDANGERED
21 HABITATS LEAGUE,
22 ENVIRONMENTAL CENTER OF SAN
23 DIEGO, and PRESERVE WILD
24 SANTEE,

25 Petitioners,

26 v.

27 COUNTY OF SAN DIEGO,

28 Respondent.

CASE NO.:

PETITION FOR WRIT OF MANDATE

IMAGED FILE

(CALIFORNIA ENVIRONMENTAL
QUALITY ACT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Josh Chatten-Brown, SBN 243605 Chatten-Brown & Carstens LLP 302 Washington Street, #710, San Diego, CA 92103 TELEPHONE NO.: 619-940-4522 FAX NO.: 310-798-2402 ATTORNEY FOR (Name): Sierra Club, Center for Biological Diversity et al.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central Branch	
CASE NAME: Sierra Club, Center for Biological Diversity et al. v. County of San Diego	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Two
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 16, 2018
 Josh Chatten-Brown _____
(TYPE OR PRINT NAME) _____
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding, except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code. (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 trial court's decision was affirmed by the Court of Appeal in *Sierra Club v. County of San Diego*
2 (2014) 231 Cal.App.4th 1152. In 2016, the County Planning and Development staff issued its
3 own threshold of significance for CEQA purposes for GHG emissions, which the Superior Court
4 set aside after Petitioner Sierra Club challenged it as not in conformance with the trial court's
5 Writ in the original case named above.

6 4. On February 14, 2018, the County adopted the Revised CAP, together with
7 amendments to the GPU's mitigation measures for GHG emissions and their climate-
8 destabilizing effects.

9 5. At the same meeting, the County Board of Supervisors also adopted a separate and
10 new procedure for addressing GHG emissions that is applicable to development projects that are
11 inconsistent with the GPU, and that therefore require a General Plan Amendment ("GPA") in
12 order to be permitted.

13 6. The new procedure, referred to herein as "the GPA Procedures," consists of
14 Guidelines for Determining Significance ("Guidelines"), a new Threshold of Significance
15 ("New Threshold"), and a Climate Action Plan Consistency Review Checklist ("Checklist").
16 Contrary to the original 2011 GPU, which explicitly required reductions in GHG emissions from
17 County operations and from community activities in the unincorporated County areas, the new
18 procedure would allow a development project that requires a GPA to obtain compensating
19 reductions in GHG emissions, commonly referred to as "offsets," from outside the County, and
20 even from outside the United States. In doing so, the applicant may show that the project—
21 though inconsistent with the GPU – is consistent with the Revised CAP, and thereby claim that
22 the development project's GHG emissions will have no significant environmental effects. The
23 New Threshold explicitly provides that "[a] proposed project would have a less than significant
24 cumulatively considerable contribution to climate change impacts if it is found to be consistent
25 with the County's Climate Action Plan." A determination of consistency with the Revised CAP,
26 even if based on offsets that are outside the County and that may be unverifiable or
27 unenforceable, would essentially exempt a development project from a separate and independent
28 analysis under CEQA of the development's own GHG emissions, no matter how large the

1 development project or how high its GHG emissions levels are, provided only that it can buy
2 what the County considers sufficient offsets from somewhere on the globe.

3 7. The Revised CAP and GPA Procedure also fail to incorporate standards sufficient
4 to ensure that offsets represent real reductions in GHG emissions that would not have occurred
5 in the absence of an offset project. In order to serve as real, enforceable mitigation under
6 CEQA, the GHG reductions required by offsets must be “additional” to reductions that would
7 already have occurred without the offset program. Put another way, offset credits resulting from
8 activities that are legally required by other laws, regulations, or programs, or that would occur
9 anyway for economic or other reasons, do not represent “additional” reductions necessary to
10 counterbalance a project’s new GHG emissions. The Revised CAP and the GPA Procedures
11 lack standards sufficient to ensure that offsets are real, enforceable, additional, and otherwise
12 consistent with CEQA’s mitigation requirements.

13 8. The Revised CAP and the GPA Procedures further fail to ensure that offset
14 purchases will mitigate GHG emissions, because they defer any judgment regarding the
15 adequacy of a particular offset purchase until issuance of a building permit – in other words,
16 until *after* the County has made its discretionary decisions on a project, including any decisions
17 as to whether the project’s significant effects have been mitigated in accordance with CEQA.
18 As a result, the Revised CAP and GPA Procedures do not ensure that offset-based mitigation
19 will comply with CEQA.

20 9. The County’s actions may allow the climate-destabilizing effects of new
21 development projects, including projects in currently undeveloped rural or back-county areas, to
22 escape CEQA review and mitigation. The County has approved a process that would allow
23 massive new development in San Diego County’s rural areas. CEQA requires that government
24 agencies in California may not approve projects that may harm the environment without first
25 performing and making public an analysis of the potential environmental harm that projects such
26 agencies approve may cause, and mitigating any such harm. (Pub. Res. Code §§ 21002,
27 21002.1.) Notwithstanding this statutory command, the County approved the Guidelines,
28 Threshold, and Checklist without performing an appropriate CEQA analysis.

1 (including climate change-caused sea level rise), land use, transportation, wildlife and habit
2 preservation, and protection of parks and recreation. The interests that this Petition seeks to
3 further are within the purposes and goals of the Sierra Club.

4 15. Petitioner Center For Biological Diversity (the "Center") is a conservation
5 organization and California non-profit corporation dedicated to the protection of native species
6 and their habitats through science, policy, and environmental law. The Center has
7 approximately 63,000 members worldwide, including residents of San Diego County. The
8 Center has worked for many years to protect imperiled plants and wildlife, open space, air and
9 water quality, and the overall quality of life for people in San Diego County. The Center
10 objected to the adoption of the CAP and Center members will be directly and adversely affected
11 by the CAP.

12 16. Petitioner Cleveland National Forest Foundation ("CNFF") is a group made up of
13 private citizens who believe that action must be taken to protect the remaining undeveloped
14 lands within the forest, as well as those lands whose future may impact the integrity of the
15 wilderness. It is dedicated to preserving land and educating the public. Its goal is to acquire or
16 help to maintain privately held land that is still in its natural state and preserve it in perpetuity.
17 CNFF participated in the County's CAP adoption process.

18 17. Petitioner Climate Action Campaign ("CAC") is a grassroots organization
19 committed to stopping climate change by helping local governments in the San Diego region to
20 pass and carry out successful climate action plans with commitments of 100% clean energy
21 sources by 2035. CAC has worked extensively with local jurisdictions in the San Diego area to
22 draft CAPs and develop policies to reduce GHG emissions. CAC participated in the County's
23 CAP development and adoption process, submitting comments and urging the County to commit
24 to additional measures to reduce driving.

25 18. Petitioner Endangered Habitats League (EHL) is a tax-exempt non-profit
26 California corporation dedicated to the conservation of native ecosystems and to sustainable
27 land use and transportation planning. Since 1991, EHL has engaged in planning partnerships
28 across Southern California and worked to create habitat preserve systems, now threatened by

1 climate change. EHL is extremely active in the San Diego region, where many of its members
2 live and enjoy the biological diversity in the area. EHL participated extensively in the
3 administrative process before the County, submitting comments at all phases of the approval
4 project, and urging, among other GHG reduction measures, requiring that in newly planned
5 projects, a “fair share” of reductions in vehicle miles traveled (“VMT”) occurs, consistent with
6 the regional VMT reductions anticipated by the San Diego Association of Governments’
7 (SANDAG) Regional Transportation Plan/Sustainable Communities Strategy (about 15%),
8 requiring that newly planning development be focused within SANDAG Smart Growth
9 Opportunity Areas, and requiring that a minimum percent of newly planned project GHG
10 emission reductions occur on-site.

11 19. Petitioner Environmental Center of San Diego is a 501(c)(3) California nonprofit
12 organization. Its mission is twofold: to protect and enhance the natural environment through
13 education, advocacy and direct action, and to own and operate accessways on behalf of the
14 public to maximize public access along the coast consistent with sound resource conservation
15 principles. Environmental Center of San Diego participated in the process of CAP development
16 and approval, submitting comments and appearing before the Planning Commission.

17 20. Petitioner Preserve Wild Santee is a volunteer community environmental
18 organization that has worked to protect and enhance Santee and the region's quality of life since
19 1994 and is committed to preserving natural resources. Members offer input into local land use
20 decisions in an effort to produce better development projects with fewer environmental and fire
21 safety impacts. Preserve Wild Santee has members throughout Santee and San Diego County.
22 Its members will be impacted by the Climate Action Plan. It participated in the administrative
23 process, submitting comments to the County on the Revised CAP and other actions.

24 21. These Petitioners, and each of them, have a direct and beneficial interest in
25 Respondent County of San Diego’s compliance with CEQA and all other applicable laws, with
26 the County’s own GPU, and with the mitigation measures in the GPU. The maintenance and
27 prosecution of this action will confer a substantial benefit on the public by protecting the public
28

1 from the environmental and other harms alleged herein, including but not limited to requiring
2 informed decision-making by the County.

3 22. The County of San Diego is a public agency under Public Resources Code §
4 21063. The County is authorized and required by law to hold public hearings, to determine the
5 adequacy of and certify environmental documents prepared pursuant to CEQA, and to take other
6 actions in connection with the approval of projects within its jurisdiction.

7
8 **BACKGROUND AND STATEMENT OF FACTS**

9 23. Climate change, and the contribution of GHG emissions to that change, is an
10 extremely serious and urgent problem. According to the California Climate Change Center's
11 2006 First Climate Change Assessment, entitled "Scenarios of Climate Change in California: An
12 Overview" ("Assessment")¹: "Climate change impacts will affect . . . sea-level rise, agriculture,
13 snowpack and water supply, forestry, wildfire risk, public health, and electricity demand and
14 supply. The more that greenhouse gases (GHGs) accumulate in the Earth's atmosphere over the
15 next century, the greater the warming and the more severe and costly the impacts will be. This
16 study considered three future GHG emissions scenarios—low, medium high, and high
17 emissions—and explored associated climate changes through three modern climate models of
18 differing sensitivity to GHG concentrations. Although climate model results are inconclusive
19 as to whether California's precipitation will change over the next century, all climate models
20 show increases in temperature, with the aggregate of several model runs containing a range of
21 warming from 2000 to 2100 from about +2°C to about +6°C (+3.6°F to about +10.8 °F).
22 Increases in temperature alone would impact the California hydrological cycle, with
23 consequences upon the state's water supply, hydroelectric power supply, agriculture, recreation,
24 and ecosystems. Climate change could produce compounding impacts—for instance, in the San
25 Francisco Bay Delta, heightened sea levels and high river inflows from warmer storms would
26 place levee systems in greater jeopardy of flooding. Some of the most dramatic climate change

27 ¹ Available from the California Climate Portal site, at
http://www.climatechange.ca.gov/climate_action_team/reports/climate_assessments.html

1 impacts will be experienced as increased frequency and severity of extreme events, such as heat
2 waves, wildfires, flooding, and conditions conducive to air pollution formation.” (Assessment,
3 Summary, p.1.)

4 24. On August 3, 2011, the County adopted the GPU, in which the County committed
5 to preparing a climate change action plan with detailed GHG emissions reduction targets and
6 deadlines and “comprehensive and enforceable GHG emissions reduction measures that will
7 achieve’ specified quantities of GHG reductions.” (*Sierra Club, supra*, 231 Cal.App.4th at
8 1156.) The GPU adopted by the County in 2011 committed to achieving a reduction in GHG
9 emissions to the level that existed in 1990 by 2020, pursuant to the Legislature’s command in
10 Health and Safety Code section 38550 (often referred to as “AB 32”). Since that time, the
11 Legislature has acted to require a reduction in GHG emissions to 40% below the 1990 level by
12 2030. (Health and Safety Code section 38566 [often referred to as “SB 32”].)

13 25. As mitigation for the harm to the climate from GHG emissions that would be
14 caused by the GPU, the County adopted Mitigation Measure CC-1.2, which “requires the
15 preparation of a County Climate Change Action Plan.” (*Sierra Club, supra*, 231 Cal.App.4th at
16 1159.) On June 20, 2012, the County adopted a CAP and thresholds of significance for
17 determining the significance for CEQA purposes of GHG emissions, as well as an Addendum to
18 the General Plan Update EIR.

19 26. On July 20, 2012, the Sierra Club filed the original Petition for Writ of Mandate in
20 case number 37-2012-00101054-CU-TT-CTL, challenging the County’s 2012 CAP and
21 thresholds of significance, alleging that the County had not followed the procedures required by
22 law, and had not conformed to Mitigation Measure CC-1.2 in the GPU. On April 19, 2013, the
23 Superior Court, the Hon. Timothy Taylor presiding, ruled in favor of the Sierra Club,
24 concluding that the 2012 CAP was not properly adopted and violated CEQA. It did not rule on
25 the validity of the thresholds of significance, since that was unnecessary in view of its
26 invalidation of the 2012 CAP. The Court entered Judgment and issued a Writ of Mandate on
27 April 24, 2013. The County promptly appealed.
28

1 27. In November of 2013, while the County’s appeal of this Court’s ruling was
2 pending, the County Director of Planning and Development Services released Staff-developed
3 Thresholds of Significance for GHG emissions. On February 18, 2014, the Sierra Club filed a
4 Supplemental Petition for Writ of Mandate challenging the Staff-developed 2013 thresholds of
5 significance, and asking this Court to set them aside until and unless the County complied with
6 the Judgment and Writ. The parties later stipulated to the rescission of the 2013 thresholds, and
7 the County Board of Supervisors rescinded them on April 8, 2015.

8 28. On October 29, 2014, the Court of Appeal affirmed the trial court’s ruling. In its
9 opinion, the Court of Appeal stated: “By failing to consider environmental impacts of the CAP
10 and Thresholds project, the County effectively abdicated its responsibility to meaningfully
11 consider public comments and incorporate mitigation conditions.” (*Sierra Club, supra*, 231
12 Cal.App.4th at 1173.) On May 4, 2015, the Superior Court issued a Supplemental Writ of
13 Mandate ordering the County to demonstrate that it had set aside the CAP, findings, and 2013
14 Thresholds. The County was also ordered to file in its initial Return to the Writ an estimated
15 schedule for preparing a new CAP and new Thresholds, and for complying with CEQA with
16 regard to those actions. The County filed an initial Return detailing the rescission of the 2013
17 CAP and Thresholds, and projecting adoption of the CAP and EIR in “Spring 2016-Winter
18 2017,” without mention of the new thresholds.

19 29. In August 2017, the County released a draft Supplemental Environmental Impact
20 Report (“SEIR”) for the Revised CAP, and opened a public comment period on the Revised
21 CAP and the draft SEIR, running from August 10, 2017 to September 25, 2017. The Sierra
22 Club submitted comment letters detailing the defects of the CAP on September 25, 2017 (letter
23 to the County’s Planning and Development Services), January 16, 2018 (letter to the Planning
24 Commission and the Board of Supervisors), and February 12, 2018 (letter to the Board of
25 Supervisors), raising all issues complained of in this Petition. Center for Biological Diversity,
26 Cleveland National Forest Foundation, Climate Action Campaign, Endangered Habitats League,
27 Environmental Center of San Diego, and Preserve Wild Santee also submitted comment letters
28 raising the issues complained of in this Petition.

1 30. On February 14, 2018, the County Board of Supervisors considered the Revised
2 CAP and its Final Supplemental EIR, along with other documents related to the Revised CAP.
3 These included the Guidelines and the New Threshold, which would allow a project's GHG
4 emissions to be found insignificant for CEQA purposes if the project's land use designation and
5 intensity were consistent with the GPU and CAP, without necessarily quantifying the project's
6 GHG emissions and making their total public, and obviating any requirement by the County to
7 mitigate those emissions.

8 31. The Guidelines also would allow a project that requested a General Plan
9 amendment ("GPA projects") to be found consistent with the Revised CAP if it incorporated
10 design features in the Checklist also included in those Guidelines. GHG emissions that were not
11 prevented by incorporation of these design features could be deemed insignificant for CEQA
12 purposes if the applicant obtained GHG offsets according to a geographic priority list. The
13 geographic priority list requires GHG offsets within the unincorporated County to be sought
14 first, but if none are available, such offsets may be sought in the County as a whole, then
15 anywhere in the State of California, then anywhere in the United States, then anywhere in the
16 world. Further, the County Director of Planning and Development Services is empowered to
17 deem GHG offsets to be unavailable in any geographic tier if they are not economically
18 "feasible" to obtain, with such infeasibility to be shown "to the satisfaction" of the Director.
19 No standards for determining such infeasibility are provided. The Director might be free to
20 determine that offsets in California are economically infeasible if cheaper offsets could be
21 obtained somewhere in Africa or Asia.

22 32. The Guidelines also fail to incorporate standards sufficient to ensure that GHG
23 reductions from offset projects will be real and additional to any reductions that would or might
24 otherwise have occurred. Absent such standards, the Guidelines fail to ensure that mitigation for
25 climate destabilization effects will satisfy CEQA's requirements. Moreover, the Guidelines
26 allow the Director to determine whether offsets constitute sufficient mitigation *after* the County
27 has made its discretionary approval of the project in question. The Guidelines thus fail to ensure
28

1 that adequate mitigation is incorporated at the time of project approval, as CEQA requires.
2 (Pub. Res. Code § 21081(a).

3 33. The Supplemental EIR states that virtually no GHG offsets are now available in
4 San Diego County (FSEIR, p. 8-53), thus ensuring that applicants for GPA projects will seek
5 such offsets outside the County, and probably outside the United States, where Petitioners are
6 informed and believe offsets are the least expensive, but are also very difficult to verify and
7 enforce.

8 34. Notwithstanding Petitioners' comments, on February 14, 2018, as set out above,
9 the Board of Supervisors adopted the Revised CAP and certified the final SEIR on the Revised
10 CAP and approved such associated CEQA documents as the Mitigation Monitoring and
11 Reporting Program. Critical to this Petition, the County also adopted the Guidelines, the New
12 Threshold, and the Checklist, which, taken together, the County considered a new project. The
13 County did not certify any CEQA document on this new project. Finally, the County adopted
14 amendments to the GPU that removed the requirement that the CAP have enforceable deadlines,
15 and made other changes to GPU Goal COS-20, to GPU Policy COS-20.1, and to GPU EIR
16 Mitigation Measures CC-1.2, CC-1.7, and CC-1.8. The County also added Mitigation Measure
17 M-GHG-1.

18 35. Petitioners have a beneficial right to, and a beneficial interest in, Respondent's
19 fulfillment of all its legal duties, as alleged herein.

20 36. Petitioners have no plain, speedy, or adequate remedy at law. Unless this Court
21 enjoins and sets aside its action, the County will approve projects with climate change impacts
22 without an adequate, science-based environmental analysis of those impacts, and without
23 adequate, science-based mitigation for those impacts. The climate-altering GHG emissions
24 from these and future such projects, emissions that will remain in the atmosphere and destabilize
25 the climate for decades or centuries, will have lasting and adverse effects on the climate, to the
26 detriment of all residents of San Diego County and the State of California.

27 37. A valid, science-supported assessment under CEQA of the Guidelines, Threshold,
28 and Checklist is necessary to ensure that the effects of GHG emissions are properly evaluated

1 and mitigated, and to comply with the commitments the County made in the 2011 General Plan
2 Update, but has not been performed.

3 38. The County is currently processing development projects that would require
4 amendments to the GPU in order to allow large commercial or residential development on lands
5 that are not currently designated for such intensive use, including, but not limited to, lands
6 designated as open space, semi-rural, agricultural, and village residential (hereafter referred to as
7 “greenfields”). (A chart of such proposed GPA projects is attached hereto as **Exhibit D.**)

8 39. Failing to enjoin the County actions complained of herein will result in approval
9 of projects that would increase GHG emissions and their climate-destabilizing effects, without
10 imposing real, additional, and enforceable mitigation. Such approvals would, in turn, create the
11 need for individual lawsuits challenging the approval of each such greenfield project, which
12 would not be an efficient use of judicial resources, and would require a significantly larger
13 commitment of resources by Petitioners and other parties who want to ensure that the County
14 will meet its commitment to achieve the GHG emissions reductions required by AB 32 and SB
15 32, and will not contribute to further climate destabilization.

16
17 **FIRST CAUSE OF ACTION**
18 **Failure to Maintain Internal General Plan Consistency and**
19 **Violation of Planning and Zoning Laws**
20 **(Govt. Code §§ 65030.1, 65302)**

21 40. All prior paragraphs are fully incorporated by reference here.

22 37. The California Government Code requires local governments to adopt a General
23 Plan, often called the municipal “constitution ... for future development.” (*DeVita v. County of*
24 *Napa* (1995) 9 Cal.4th 763, 773.) Government Code § 65030.1 directs that decisions about
25 growth “should be guided by an effective planning process, including the local general plan.”
26 Government Code § 65300.5 requires that the local general plan be “integrated, internally
27 consistent and compatible.”
28

1 amount of reductions are supposedly verified, and that are not required by other laws or
2 regulations, but are to be carried out for the purpose of creating offsets. The registries facilitate
3 the sale of such GHG emissions reductions to businesses, government agencies, environmental
4 groups, or other entities who wish to use the offsets to meet permit or other legal requirements to
5 reduce their own GHG emissions. The Revised CAP allows offsets to be identified by these
6 private market registries if the registries merely demonstrate their purported competence “to the
7 satisfaction” of the County’s Director of Planning and Development Services (“Director”). No
8 criteria are specified for the Director’s “satisfaction.” In particular, no adequate standards are
9 included to ensure that offset credits represent real, additional reduction of GHGs, enforceable
10 as project conditions at the time of discretionary approval.

11 45. Absent such standards and criteria, the use of such offsets as mitigation for
12 increases in GHG emissions from projects or activities under the Revised CAP violates CEQA’s
13 requirement that mitigation measures be additional to any other legal requirement or existing
14 program, and be fully enforceable. (CEQA Guidelines, §§ 15126.4(a) and (c),
15 15183.5(b)(1)(D)). Moreover, no substantial evidence supports the ability of out-of-County
16 offsets allowed by the Revised CAP to meet those criteria, or the ability of private registries
17 recognized by the Director to list offsets that meet these criteria. In addition, the Revised CAP
18 does not require that the availability of qualified offsets be considered until after a project is
19 approved, resulting in impermissible deferral of mitigation.

20 46. The County has violated CEQA by failing to provide full and legally adequate
21 mitigation for the GHG impacts of the GPU. Although they were purportedly prepared to
22 mitigate the GHG emissions impacts of the GPU, pursuant to GPU Mitigation Measure CC-1.2,
23 the Revised CAP and the Supplemental EIR expressly deny that the CAP is such mitigation.
24 Master Response to Comments number 13 in the final EIR for the Revised CAP states that:
25 “[T]he CAP’s GHG reduction measures themselves are not specifically ‘mitigation measures’ as
26 defined under CEQA, nor are they specifically identified as mitigation in either the 2011 GPU
27 PEIR or the Draft SEIR for the CAP.” (FSEIR, p. 8-53.) As a result, the GPU lacks mitigation
28

1 for its GHG emissions impacts on climate destabilization, in violation of CEQA. (Pub. Res.
2 Code §§ 21002, 21081; CEQA Guidelines § 15091.)

3 47. The County has violated CEQA in that Measure T-4.1 of the Revised CAP, a
4 County initiative to invest in programs and projects that will result in GHG reductions, does not
5 conform to CEQA's requirement that mitigation measures be fully enforceable, and the
6 County's claims for its enormous level of GHG emissions reductions are not supported by
7 substantial evidence. The T-4.1 measure, which is denominated a "County initiative" and not a
8 regulation or ordinance, would require the County to identify programs and individual projects
9 that have the potential to reduce GHG emissions, and to select and invest in a sufficient number
10 of such programs and projects to achieve a substantial portion of the total of GHG emissions
11 reductions that the Revised CAP states the County must achieve. The Revised CAP gives as
12 examples of such programs and projects the retrofitting of houses with solar panels, the stocking
13 of the County's own vehicle fleet with non-carbon dioxide-emitting vehicles, and the application
14 of soil enhancers to agricultural land to increase the growth and spread of carbon dioxide-
15 sequestering vegetation. However, neither the Revised CAP nor the Supplemental EIR commits
16 the County to the selection of any of these programs or projects, and contains no deadlines or
17 milestones for funding or carrying out any of them. In fact, shortly before adoption of the
18 Revised CAP, County staff stated that they were still performing feasibility studies to determine
19 the cost and cost-effectiveness of possible T-4.1 programs and projects, but gave no definite date
20 for their completion. Such studies, which should have been completed before the Revised CAP
21 was proposed for adoption, show that the County is still uncertain as to what T-4.1 programs
22 and/or projects will be selected, and what criteria will be used to select them. In short, T-4.1 is
23 uncertain and unenforceable, in violation of CEQA Guidelines § 15126.4(a)(2).

24 48. Measure T-4.1 also violates CEQA in that it defers the selection by the County of
25 any of the potential GHG-reducing programs and projects to an unspecified future time and
26 provides no criteria or performance standards for their success, in derogation of CEQA
27 Guidelines § 15126.4(a)(1)(B). Without deadlines for the implementation of projects, or criteria
28

1 for their success, the County lacks substantial evidence that Measure T-4.1 will actually
2 decrease GHG emissions, or to what degree. This violates CEQA's requirements for mitigation.

3 49. The EIR is a document of public accountability. (*Laurel Heights Improvement*
4 *Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) This SEIR fails that
5 crucial role. The General Plan's Mitigation Measure CC-1.2 requires a CAP that reduces the
6 GHG emissions from *County* operations by 17% (totaling 23,572 MTCO₂e²) and from
7 community activities *in the unincorporated County* by 9%, measuring from their 2006 levels to
8 the 2020 levels expected to be achieved by the Revised CAP. However, the SEIR does not
9 make clear whether such in-County reductions will actually occur. The combination of allowing
10 the use of out-of-County GHG emissions offsets, together with the reliance on T-4.1 County
11 investments whose identity, efficacy, and completion dates are not specified, makes it
12 impossible to determine whether the Revised CAP will achieve the amounts of GHG emissions
13 reductions within the County that the GPU promised, or whether the bulk of those emissions
14 reductions – assuming they occur at all – will occur outside the County. This is crucial
15 information for both decision-makers and the public, both because the public needs to know
16 whether the County has kept its commitments in the GPU, and because, as alleged above, in-
17 County GHG reductions will often come with co-benefits such as reduced emissions of
18 conventional health-damaging pollutants, and the creation of jobs to carry out GHG reduction
19 programs, such as installing solar panels on rooftops. The public is entitled to know whether the
20 County has chosen an approach to GHG reduction whose co-benefits will occur in the County,
21 or whether those co-benefits will be enjoyed by other areas.

22 ² "MTCO₂e," or "metric tons of carbon dioxide equivalent," is a commonly used measurement for GHG
23 emissions. The climate-destabilizing strength of different GHGs differs widely. To simplify matters,
24 their amounts are usually presented based on a comparison of their climate-destabilizing power to the
25 climate-destabilizing power of carbon dioxide (CO₂), the most prevalent GHG. One ton of carbon
26 dioxide emissions is represented as 1 MTCO₂e. However, since methane is about 20 times more
27 powerful at climate destabilization as carbon dioxide, one ton of methane is represented as if it were an
28 equivalent amount of carbon dioxide, or 20 MTCO₂e, with the "e" standing for "equivalent." The
metric scale is used to measure these amounts so that discussions of GHG emissions worldwide will all
be in the same measurement unit.

1 50. Further, where mitigation measures may have significant environmental impacts
2 of their own, CEQA requires that those impacts must also be analyzed and disclosed. (CEQA
3 Guidelines § 15126.4(a)(1)(D).) The County has violated CEQA by failing to make such an
4 analysis and disclosure here.

5 51. CEQA requires that an EIR “shall discuss any inconsistencies between the
6 proposed project and applicable general plans, specific plans, and *regional plans*.” (CEQA
7 Guidelines § 15125(d), emphasis added.) The EIR violates CEQA by failing to analyze and
8 discuss the consistency of the Revised CAP, and the Guidelines and New Threshold adopted
9 with it, on the Regional Transportation Plan and Sustainable Communities Strategy
10 (“RTP/SCS”) prepared by SANDAG under Government Code §§ 65080, et seq. (commonly
11 referred to as “SB 375”) for the purpose, inter alia, of using transportation funding and projects
12 to support more compact land uses that reduce GHG emissions through reduction of sprawl and
13 the increased driving sprawl causes. *Cleveland National Forest Foundation v. San Diego Assn*
14 *of Governments* (2017) 17 Cal.App.5th 413, 430. The County’s approval of the Guidelines and
15 the New Threshold may allow the approval of large residential developments in rural areas far
16 from transit, thereby increasing driving and VMT over the amounts assumed by SANDAG in its
17 RTP/SCS. The County’s actions foster increases in VMT, but the SEIR does not present an
18 analysis of this growth or of its reasonably foreseeable impacts on the SANDAG plan.

19 52. SANDAG used a computer-based model to estimate the VMT to be expected in
20 the future in the San Diego area. This model used assumptions as to where growth would occur,
21 which assumptions were provided by local governments, including the County. The Guidelines
22 and New Threshold may allow approval of large and significant projects that were *not* in the
23 information contained in the SANDAG model. Yet, despite requests from SANDAG and
24 others, the County did not re-run the SANDAG model using reasonable assumptions as to the
25 new projects whose approval might be made possible by adoption of the Guidelines and New
26 Threshold, to determine whether or not the County’s action was consistent with the SANDAG
27 RTP/SCS. This violated CEQA Guidelines § 15125(d).

1 53. In addition to its failure to analyze and discuss the impact on the RTP/SCS that the
2 County’s approval of the Guidelines and New Threshold may have, the SEIR also fails as an
3 informational document in that it does not analyze, disclose, or mitigate potential impacts of the
4 Guidelines and New Threshold on potential increased VMT in the County, or on the resultant
5 increase in emissions, both of GHGs and of conventional pollutants, or on the increased use of
6 energy resources in the form of fossil fuel combustion.

7 54. Further, the County adopted Mitigation Measure M-GHG-1 without any CEQA
8 analysis of its effects on the internal consistency of the GPU, despite its obvious potential for
9 conflicts, as outlined above. Appendix G to CEQA specifies that conflict with any applicable
10 land use plan, including the General Plan, may be considered a significant impact that requires
11 analysis. (App. G, Checklist § X.) The County failed to do any such analysis, in clear violation
12 of CEQA.

13 55. The California Supreme Court has called the mitigation and alternatives section
14 “the core of an EIR.” (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553,
15 564.) Here, the County did not adequately consider mitigation measures for inclusion in the
16 Revised CAP that were proposed by the Sierra Club and others. These included, inter alia, a
17 shift in the use of parking to provide an incentive for reduced driving. The County’s failure to
18 adequately analyze such alternative measures, and the County’s rejection of such measures
19 without substantial evidence, violated CEQA’s mandate that projects with significant impacts
20 should not be approved where mitigation measures are available that would substantially lessen
21 the significant environmental impacts of the projects. (Pub. Res. Code § 21002.)

22 56. The County also violated CEQA by failing to adequately consider alternatives, such
23 as the regional-plan-based alternative approach to the exercise of its land use powers proposed
24 by Petitioner Endangered Habitats League to require that in newly planned projects, a “fair
25 share” of VMT reduction occur, consistent with the regional VMT reductions anticipated by the
26 SANDAG RTP/SCS (about 15%), requiring that newly planning development be focused within
27 SANDAG Smart Growth Opportunity Areas, and requiring that a minimum percent of newly
28 planned project GHG emission reductions occur on-site.

1 57. The SEIR violates CEQA by making inadequate and dismissive responses to
2 comments from the public and from other governmental agencies. An example is the County’s
3 response to comments questioning the analysis of the impact of the Revised CAP, the
4 Guidelines, and the New Threshold of Significance on the SANDAG RTP/SCS. The SEIR
5 evasively responds that it is SANDAG’s responsibility to ensure that the region complies with
6 SB 375 through the RTP/SCS, “though it is acknowledged that the County is one of many
7 agencies that comprise the region in helping SANDAG achieve this goal.” (FSEIR, p. 8-15.)
8 The response ignores the fact that the RTP/SCS is based on land uses prescribed by local
9 jurisdictions that establish the development patterns that are permitted, and SANDAG has no
10 authority to alter these land uses. The County’s response also ignores the elephant-in-the-room
11 fact that the County is such a jurisdiction, having plenary land use authority over *82% of the*
12 *County’s land* and, presumably, responsibility for “helping SANDAG” that is proportional to
13 that degree of land use power and authority. An agency must provide “good faith, reasoned
14 analysis” in response to comments on an EIR, per CEQA Guidelines § 15088(c). Here, the
15 County has failed to make such a good faith, reasoned analysis of how its use of its land use
16 power, and its adoption of the Revised CAP, the Guidelines, and the New Threshold of
17 Significance, will “help” or harm SANDAG carry out the RTP/SCS. This violates CEQA.

18 58. Government Code § 65040.12 defines “environmental justice” as “the fair
19 treatment of people of all races, cultures, and incomes with respect [as] to the development,
20 adoption, implementation, and enforcement of environmental laws, regulations, and policies.”
21 Here, the County has chosen not to accord such fair treatment to the many minority and low-
22 income residents of the San Diego region. The failure of the County’s Revised CAP,
23 Guidelines, and New Threshold to contain enforceable strategies and measures to reduce GHG
24 emissions can reasonably be expected to result in a failure of the Revised CAP to contribute San
25 Diego’s fair share of the GHG reductions required by AB 32 and SB 32. The consequences of
26 this failure, such as increased wildfires, more severe and persistent droughts, and scarcer and
27 more expensive water, will fall most heavily on environmental justice populations, just as the
28 consequences of the County’s permission for itself and developers to allow the purchase and use

1 of GHG offsets in other geographic areas will deprive local environmental justice populations of
2 the co-benefits (jobs, reduced conventional air pollutant emissions from driving) of those
3 offsets. The SEIR does not provide a full analysis and disclosure of these impacts on
4 particularly vulnerable populations, in violation of CEQA's mandate of full public disclosure.

5 59. In each of the respects enumerated above, Respondent County of San Diego has
6 violated its duties under the law, abused its discretion, failed to proceed in the manner required
7 by law, and decided the matters complained of without the support of substantial evidence, all in
8 violation of CEQA.

9
10 **PRAYER**

11 WHEREFORE, Petitioners pray for relief as follows:

12 1. For an alternative and preemptory writ of mandate commanding Respondent
13 County immediately to vacate and set aside its approvals of the Guidelines, Threshold,
14 Checklist, and Mitigation Measure M-GHG-1 as identified in this Petition as in violation of the
15 Government Code provisions requiring internal consistency in local general plans, and to refrain
16 from relying upon them in any form in the processing of permits for development projects on
17 unincorporated County lands;

18 2. For an alternative and preemptory writ of mandate commanding the County to
19 revise its Climate Action Plan within one year of the date of writ issuance so that the Climate
20 Action Plan and its supporting CEQA analysis fully comply with CEQA and all other applicable
21 laws, including, but not limited to, the inclusion in the Climate Action Plan of verifiable and
22 fully enforceable requirements for reductions in GHG emissions to all state-mandated levels,
23 and deadlines and milestones for achieving the same;

24 3. For an alternative and preemptory writ of mandate commanding the County to file
25 returns to the writ every 90 days detailing the progress being made to comply with CEQA;
26 requiring that the County provide a list within the first 90-day period of all the mitigation
27 measures recommended by members of the public or by County staff that were not incorporated
28 into the Revised CAP, along with the County's evidence that those measures were either

1 infeasible or would fail to achieve required emissions reductions; and within 120 days of
2 issuance of the Writ, meet with Petitioners and other stakeholders to discuss adoption of
3 additional mitigation measures that would achieve the emissions reduction goals set forth by the
4 State;

- 5 4. For costs of this suit;
- 6 5. For reasonable attorneys' fees; and
- 7 6. For such other relief as this Court deems just and proper.

8 DATE: March 16, 2018

Respectfully Submitted,
9 CHATTEN-BROWN & CARSTENS

10
11 By: /s Josh Chatten-Brown
12 Josh Chatten-Brown
13 Jan Chatten-Brown
14 Susan L. Durbin
15 Attorneys for Petitioners
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1 **VERIFICATION**

2

3 I, George Courser, declare as follows:

4

5 I am an officer of the Sierra Club. I have read the foregoing PETITION FOR WRIT
6 OF MANDATE and know the contents thereof, and the same is true of my own knowledge.

7

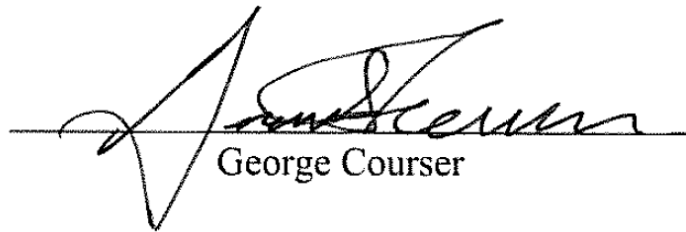
8 I declare under penalty of perjury that the foregoing is true and correct and that this
9 verification was executed on the 16th day of March, 2018 at San Diego, California.

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14  George Courser

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EXHIBIT A

Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522


Chatten-Brown & Carstens LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Josh Chatten-Brown
Email Address:
jrcb@cbcearthlaw.com

Direct Dial:
619-940-4522

March 16, 2018

By U.S. Mail
California Attorney General
600 W. Broadway 1800
San Diego, CA 92101

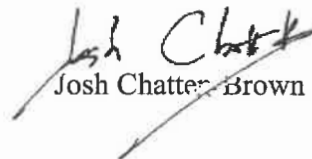
Re: Challenge to the County of San Diego's Approval of Revised Climate
Action Plan and Supplemental Environmental Impact Report

Honorable Attorney General:

Please find enclosed a copy of the Petition for Writ of Mandate filed to request the San Diego Superior Court order the County of San Diego to set aside the portions of the Revised Climate Action Plan and Supplemental Environmental Impact Report that are inconsistent with the County of San Diego's General Plan and that violate the California Environmental Quality Act.

This Petition is being provided pursuant to the notice provisions of the Public Resources Code. Please contact me if you have any questions.

Sincerely,


Josh Chatten-Brown

Enclosure

PROOF OF SERVICE

I am employed by Chatten-Brown & Carstens LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA 90254 . On March 16, 2018, I served the within documents:

LETTER TO THE CALIFORNIA ATTORNEY GENERAL REGARDING PETITION FOR WRIT OF MANDATE

VIA UNITED STATES MAIL. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth above.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 16, 2018, at Hermosa Beach, California 90254.



Cynthia Kellman

SERVICE LIST

California Attorney General
600 W. Broadway 1800
San Diego, CA 92101

EXHIBIT B

Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522


Chatten-Brown & Carstens LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Josh Chatten-Brown
Email Address:
jrcb@cbcearthlaw.com

Direct Dial:
619-940-4522

March 15, 2018

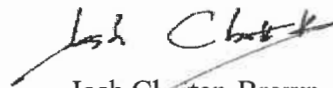
By U.S. Mail
Ernest J. Dronenburg, Jr.
County Clerk
1600 Pacific Highway, Suite 260
San Diego, CA 92101

Re: Challenge to the County of San Diego's Approval of Revised Climate Action Plan and Supplemental Environmental Impact Report
Sierra Club, Center For Biological Diversity, Cleveland National Forest Foundation, Climate Action Campaign, Endangered Habitats League, Environmental Center Of San Diego, and Preserve Wild Santee, Petitioners v. County Of San Diego

Dear Mr. Dronenburg:

Pursuant to Public Resources Code section 21167.5, please take notice Sierra Club, Center For Biological Diversity, Cleveland National Forest Foundation, Climate Action Campaign, Endangered Habitats League, Environmental Center Of San Diego and Preserve Wild Santee plan to file a petition for writ of mandate requesting the Superior Court order the County of San Diego to set aside the portions of the Revised Climate Action Plan and Supplemental Environmental Impact Report that are inconsistent with the County of San Diego's General Plan and that violate the California Environmental Quality Act. This petition will be filed against the County of San Diego in San Diego Superior Court, 330 West Broadway, San Diego, CA 92101

Sincerely,


Josh Chatten-Brown

PROOF OF SERVICE

I am employed by Chatten-Brown & Carstens LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA 90254 . On March 15, 2018, I served the within documents:

LETTER TO THE CLERK OF THE COUNTY OF SAN DIEGO

VIA UNITED STATES MAIL. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth above.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 15, 2018, at Hermosa Beach, California 90254.



Cynthia Kellman

SERVICE LIST

Ernest J. Dronenburg, Jr.
County Clerk
1600 Pacific Highway, Ste. 260
San Diego, CA 92101

EXHIBIT C

1 CHATTEN-BROWN & CARSTENS LLP
2 Jan Chatten-Brown (SBN 050275)
3 Josh Chatten-Brown (SBN 243605)
4 Susan Durbin (SBN 81750)
5 302 Washington Street, #710
6 San Diego, CA 92103
7 619-940-4522; 310-798-2400
8 Fax: 310-798-2402

9 Attorneys for Petitioner Sierra Club

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SAN DIEGO**

12 SIERRA CLUB, CENTER FOR
13 BIOLOGICAL DIVERSITY,
14 CLEVELAND NATIONAL FOREST
15 FOUNDATION, CLIMATE ACTION
16 CAMPAIGN, ENDANGERED
17 HABITATS LEAGUE,
18 ENVIRONMENTAL CENTER OF SAN
19 DIEGO, AND PRESERVE WILD
20 SANTEE

21 Petitioners,

22 v.

23 COUNTY OF SAN DIEGO,

24 Respondent.

25 CASE NO.:

26 **NOTICE OF ELECTION TO PREPARE**
27 **THE ADMINISTRATIVE RECORD**


28 **IMAGED FILE**

(CALIFORNIA ENVIRONMENTAL
QUALITY ACT)

1 Petitioners Sierra Club, Center For Biological Diversity, Cleveland National Forest
2 Foundation, Climate Action Campaign, Endangered Habitats League, Environmental Center Of
3 San Diego, and Preserve Wild Santee hereby give notice pursuant to Public Resource Code
4 section 21167.6 that Petitioners elect to prepare the administrative record in the above-entitled
5 action.

6
7 DATE: March 16, 2018

Respectfully Submitted,
CHATTEN-BROWN & CARSTENS

9
10 By: 
11 Josh Chatten-Brown
12 Jan Chatten-Brown
13 Attorneys for Petitioner

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28 2.

NOTICE OF ELECTION TO PREPARE
ADMINISTRATIVE RECORD

EXHIBIT D

Planning & Development Services General Plan Amendment Projects

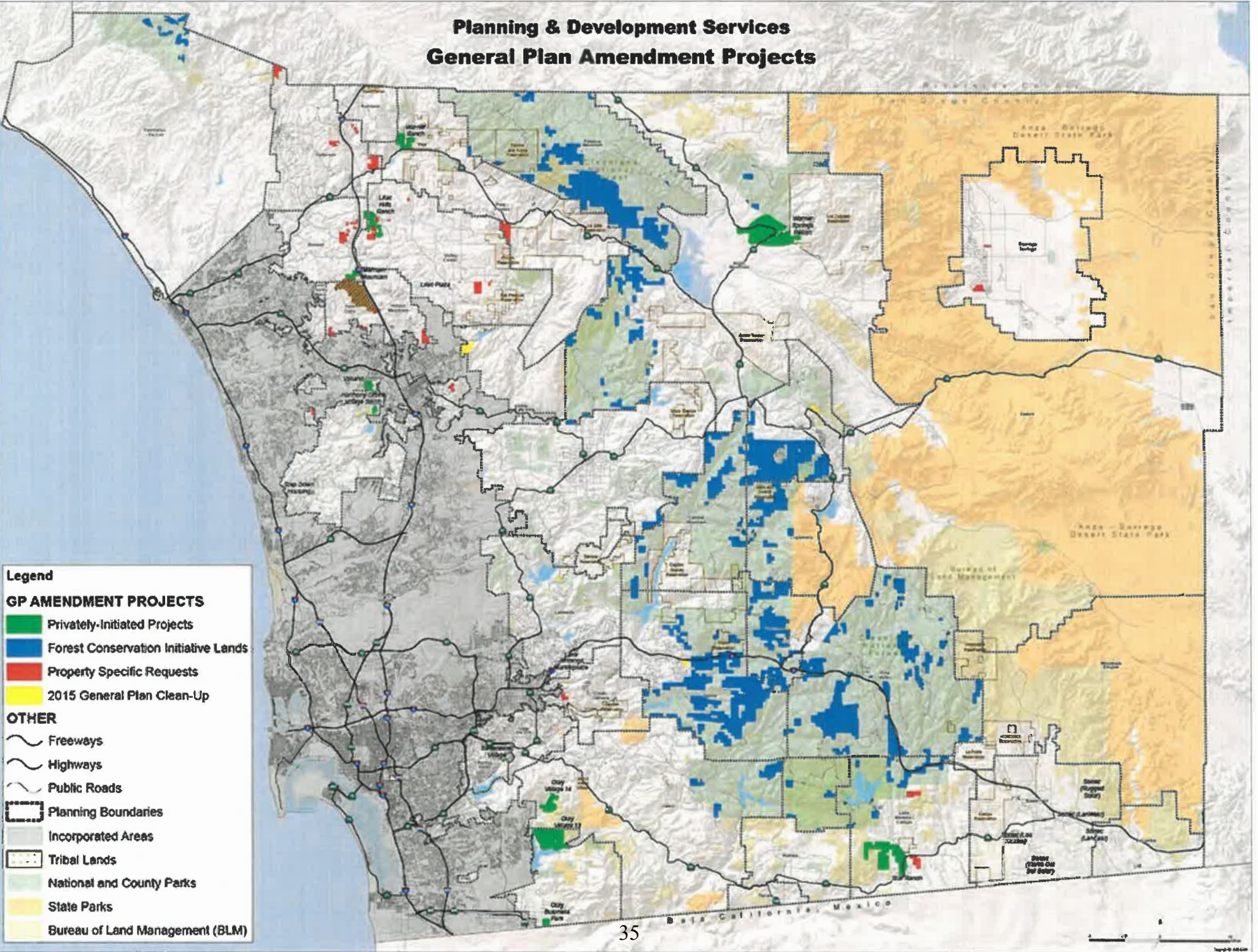
Legend

GP AMENDMENT PROJECTS

- Privately-Initiated Projects
- Forest Conservation Initiative Lands
- Property Specific Requests
- 2015 General Plan Clean-Up

OTHER

- Freeways
- Highways
- Public Roads
- Planning Boundaries
- Incorporated Areas
- Tribal Lands
- National and County Parks
- State Parks
- Bureau of Land Management (BLM)



Active General Plan Amendments: Unincorporated San Diego County

Project Name	PM	Dwelling Units	Community	Acres	Applicant
Privately-Initiated					
Otay Village 13 [GPA-04-003]	D. Campbell	1,938	Otay	1,900	Otay Investments, LLC Stephen Haase, Baldwin & Sons
Otay Village 14 [GPA-15-004]	D. Campbell	1,713	Otay	1,500	Jackson Pendo Development Corp.
Star Ranch [GPA-05-008]	D. Campbell	453	Campo/ Lake Morena	2,160	DeVorzon, Barry L.P.
Warner Ranch [GPA-06-009]	A. Gungle	781	Pala-Pauma	514	Capstone Advisors
Lilac Hills Ranch [GPA-12-001]	M. Slovick	1,746	Valley Center Bonsall	608	Accretive
Valiano [GPA-13-001]	B. Ehsan	326	San Dieguito	238	Integral Communities
Harmony Grove South [GPA-15-002]	M. Smith	453	San Dieguito	111	RCS Harmony Partners
Sweetwater Place [GPA-14-003]	D. Sibbet	122	Spring Valley	18	Mastercraft Homes
Lake Jennings Marketplace [GPA-14-005]	D. Sibbet	Commercial	Lakeside	13	South Coast Development
Warner Springs Resort [GPA-14-006]	D. Sibbet	692	North Mountain	2,495	Pacific Hospitality Group
Rancho Librado [GPA-14-007]	M. Johnson	56	San Dieguito	26	Mabee
Newland Sierra [GPA-15-001]	M. Slovick	2,135	Twin Oaks Bonsall	1,985	Newland Communities
Lilac Plaza [GPA-15-004]	D. Campbell	36 Commercial	Valley Center	7	Jerry Gaughan
County Initiated					
Forrest Conservation Initiative Lands [GPA-12-004]	B. Citrano	6,245	County-wide	71,700	N/A
Property Specific Requests [GPA-12-005]	K. Johnston	2,500	County-wide	13,000	N/A
2015 GP Clean-Up [GPA-14-001]	K. Johnston	TBD	eight communities	680	N/A