

# **Bond Case Briefs**

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## **ENVIRONMENTAL - CALIFORNIA**

### **Golden Door Properties, LLC v. County of San Diego**

**Court of Appeal, Fourth District, Division 1, California - June 12, 2020 - Cal.Rptr.3d - 2020 WL 3119041 - 20 Cal. Daily Op. Serv. 5357 - 2020 Daily Journal D.A.R. 5754**

Objectors filed separate petitions against county for writ of mandate and for declaratory and injunctive relief challenging county's approval of climate action plan (CAP), guidelines for determining significance of climate change, threshold of significance for greenhouse gas (GHG) emissions, and supplemental environmental impact report (SEIR), which included GHG mitigation measure allowing purchase of carbon offsets anywhere in the world.

Actions were consolidated. The Superior Court granted peremptory writ of mandate ordering county to set aside its approvals and certification of SEIR, entered permanent injunction prohibiting county from relying on GHG mitigation measure, and, subsequently, declared that CAP and final SEIR were legally inadequate. County appealed, and appeals were consolidated.

The Court of Appeal held that:

- CAP was consistent with GHG emission reduction policy expressed in general plan update (GPU);
- Offset purchase mitigation measure lacked sufficient safeguards to ensure offsets were real, permanent, verifiable, and enforceable;
- Offset purchase mitigation measure impermissibly delegated and deferred mitigation;
- Insufficient evidence supported finding that projects exceeding permissible use under GPU would reduce GHG emissions above those forecasted in CAP to zero;
- Insufficient evidence supported finding that mitigation measure was consistent with regional transportation plan;
- SEIR failed to discuss project alternatives focused on objective of significantly reducing transportation-related emissions; and
- Neither severance of mitigation measure nor allowing CAP to remain in effect was warranted.