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Amendment of Specific Plan to Include Ban on New Vineyards Did Not Destabilize Project Description Under CEQA



A change from heavy regulation of vineyards to a complete ban on new vineyards did not so destabilize the original project description as to amount to a prejudicial abuse of discretion and require a new EIR. *Gooden v. County of Los Angeles*, 106 Cal.App.5th 1 (2024).

The land uses in the Santa Monica Mountains of Los Angeles County are regulated through the County's General Plan which include area plans. The land within the North Area Plan is primarily open space, with limited commercial and residential uses and only about 100 acres devoted to agriculture. In 2016, the County Board of Supervisors undertook a comprehensive update of the North Area Plan. The proposed updates discussed in the draft EIR included stricter regulations of vineyards, including lowering the threshold for requiring conditional use permits, but it did not contemplate a total ban. Petitioners argued that the Board's subsequent decision to ban new vineyards deviated so significantly from the original project description as to require a new EIR.

The EIR's description of the project must be "accurate, stable, and finite." The Court of Appeal observed that a public agency's approval of a modified project that alters either the nature of the original project or any of its main features amounts to a prejudicial abuse of discretion and may obligate the agency to restart the CEQA process. If a project modification does not destabilize the project description, but adds significant new information not evaluated in the original EIR, the pertinent portions of the revised EIR must be recirculated for additional comment.

Here, the court found that petitioners had abandoned any claim that the Board's action required recirculation; hence the sole question was whether the Board's action amending the plan to ban all new vineyards rendered the project description unstable. The court concluded that it did not.

The court reasoned that agricultural land use constituted a very small part of the overall project of revising the entire North Area Plan, comprising a mere half page of the 91-page Plan, and that the portion of that devoted to vineyard use was “miniscule.” Moreover, the topic of regulation of vineyards was unmistakably part of the project as originally described. The court concluded that the transition from regulation to a total ban neither altered the project’s nature nor destabilized its description. Therefore, the Board of Supervisors’ decision to adopt the ban did not amount to a prejudicial abuse of discretion.

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