Congress for the New Urbanism

U.S. Green Building Council USGBC

NRDC The Earth's Best Defense

Exhibit 4

LEED 2009 for Neighborhood Development

Frequently Asked Questions (FAQ)

This FAQ has been created to provide information about the registration and certification for LEED for Neighborhood Development. For more information about registration and certification, which are administered by the Green Building Certification Institute (GBCI), please visit http://www.gbci.org.

General Inquiries
International Projects
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Fees
Registration & Certification
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Additional Certification FAQs
Certification Process Diagram

General Inquiries

For additional general information on LEED for Neighborhood Development, please review the LEED-ND Program FAQ.

Q. Are there minimum or maximum sizes for a LEED for Neighborhood Development project?
A. There is no minimum or maximum size, though the rating system has been designed to function well for at least 2 buildings and up to 320 acres. As the rating system requires at least one certified green building, project teams should consider pursuing one of the other LEED rating systems if your project only includes one building, as it will likely be more efficient and less expensive.

Q. Does LEED-ND have Minimum Program Requirements (MPRs)?
A. Unlike the LEED single building rating systems, LEED-ND does not include MPRs.

Q. Can university campuses and military bases apply for LEED-ND?
Although the LEED for Neighborhood Development program was not designed for campuses' or military bases', such projects can register their project under the LEED-ND rating system. Please be aware, that if the campus or base includes a gate, it must be for documented security purposes. If not, the intersections will not be counted in the intersection density calculations, which will impact the project connectivity score.

Q. Can resorts apply for LEED-ND?
A. Although the LEED for Neighborhood Development program was not designed for resorts, they can register their project under the LEED-ND rating system. Projects should pay particular attention to the

connectivity requirements and how dwelling units are calculated in the rating system as the requirements may impact the feasibility of the project using LEED-ND.

Q. Can a LEED-ND project comprise only a single use (i.e. office, residential, etc)?
A. A LEED-ND project may contain a single use, though it is recommended that projects incorporate a diversity of uses within its project boundary or locate the project near a mix of existing uses, as it will make it easier to achieve certain credits with the rating system.

Q. Can project teams only achieve the LEED Accredited Professional innovation credit (IDP) if a team member has the AP-ND credential?
A. At this time, any LEED AP credential is eligible to be counted under the LEED Accredited Professional innovation credit. In addition, two other pathways involving our partner organizations are eligible as well. Regardless of the number of credentialed professionals on your project team, only one point can be achieved for IDPc2. For more information, please refer directly to the credit requirements.

Q. Can I combine multiple sites into one LEED for Neighborhood Development project?
A. LEED-ND project boundaries are required to be contiguous, so parcels that are not adjacent to each other cannot be combined into one project. Projects may include enclaves of non-conforming properties that are not required to comply with the requirements in the rating system. These enclaves cannot exceed 2% of the total project area and may not be listed as part of the certified project. Additionally, it is strongly recommended that owners of the project control or have title to at least 50% of the land area within the LEED boundary.

Q. My project is larger than 320 acres. Will my project size adversely affect my LEED-ND application?
A. Projects larger than 320 acres may successfully achieve certification. However, due to the potential hardship larger projects may have in meeting the requirements in the LEED for Neighborhood Development rating system, such as the distance and proximity requirements, GBCI encourages the separation of projects larger than 320 acres into multiple LEED for Neighborhood Development projects each consisting of 320 acres or less.

Q. ***I live in an existing neighborhood and after reviewing the rating system, feel that our community could achieve many of the credits. Is this something other neighborhoods have done?***
A. Although LEED for Neighborhood Development does not directly exclude existing neighborhoods from registering and certifying, certain requirements in the rating system may make success unlikely. Please consider the following:

- The owner, or a group of owners, applying for certification should already own, have title to, or have significant control over the majority of the land within the project boundary and the plan for new construction or major renovation for the majority of the project's total square footage.
- It is strongly recommended that the majority (50% or more) of the total project square footage undergo substantial enhancement—either new construction or major renovation.
- For Stage 3 projects, the documentation must be submitted to GBCI **within 3 years** of project completion. A project is complete when: i) the appropriate regulatory authorities have issued certificates of occupancy for all new buildings within the project and have accepted all infrastructure

within the project; ii) every aspect of the project that pertains to a prerequisite has been completed; and iii) every aspect of the project that pertains to a credit that is being pursued has been completed.

- The Green Infrastructure and Buildings section will likely be the most difficult for existing projects. The Rating System requires at least one green building (LEED or ISO/IEC Standard 17021), along with additional water, energy and construction activity waste reductions for new buildings or major renovations. In addition, the imperiled species and wetland & water body prerequisites in the Smart Location & Linkage section may be difficult to document on an existing site although for many prerequisites exceptions are given for previously developed sites.

Q. I read that the certification stages are based on entitlements. How does LEED-ND define entitlements?
A. The nature of entitlements can vary across cities, regions, and states. LEED-ND defines entitlements as "*the existing or granted right to use a property for the specific types and quantities of residential and nonresidential land uses proposed, either by right or through a local government regulatory change process.*" A good rule of thumb to determine stage eligibility is to consider whether a project team needs to take their proposed plan or a portion of their proposed plan through the various rounds of land use approvals or whether a project team can build their proposed mix of uses based on their site's existing zoning and regulatory environment. If yes to the former, a project team's site is likely most eligible for Stage 1. If yes to the latter, a project team's site is likely most eligible for Stage 2. Please be sure the read the full explanation of the certification stages on page "xx" in the LEED-ND Reference Guide for more information.

Q. Does LEED-ND have Regional Priority Credits? If so, is there a way to search by zip code?
A. Yes, Regional Priority Credits do exist for LEED 2009 for Neighborhood Development rating system. Project teams may earn up to four of the six credits which are specific to the zip code of a project's location. The credits for each zip code are available via the LEED Regional Priority Credit Viewer. Please note that these regional priority credits are only applicable for the LEED for Neighborhood Development Rating System in the United States.

Q. Is the LEED-ND Certification set up such that my project can pursue additional credits during subsequent stages of certification review?
A. Yes, the LEED-ND Certification process parallels the land development process of a project over time. Therefore, some credits may be achievable at an earlier stage, while others may not be achievable until later stages of certification review. While a project team should plan their LEED-ND project holistically and define eventual certification goals early, it should also consider the pace of the project and the likelihood of a credit being achieved at a certain stage, given the documentation requirements of the credit for that stage.

International Projects

Q. Are international projects allowed to participate in LEED for Neighborhood Development?
A. Yes. Projects outside the U.S. are encouraged to register and pursue certification under LEED-ND. USGBC is soliciting feedback from all non-US projects to determine if the rating system encourages regionally appropriate and culturally sensitive planning and design decisions outside of the U.S. This feedback mechanism will provide an opportunity for non-U.S. projects to provide input that will help inform the

development of future versions of the LEED-ND Rating System. All registered non-U.S. projects are required to provide feedback via a questionnaire *prior to* the submission for certification review (SLL Prerequisite or Initial Stage Review). More information on the mechanism for this feedback can be found here: http://www.usgbc.org/DisplayPage.aspx?CMSPageID=2489.

Q. Will international projects be able to use the Regional Priority Credits (RPC) developed for LEED-ND v2009?

A. International projects will not be able to use the regional priority credits developed for LEED-ND, nor do global regional priority credits exist for LEED-ND. USGBC may expand the RPCs to International projects in the future.

Q. Are there additional FAQs available for international projects?

A. Yes. International FAQs are available at the following URL: http://www.usgbc.org/DisplayPage.aspx?CMSPageID=2215.

LEED-ND and other LEED Rating Systems and Programs

Q. What kind of building certification is acceptable for compliance with GIBp1 and GIBc1 in LEED-ND?

A. Under GIBp1, projects must design, construct, or retrofit one whole building within the project to be certified through LEED for New Construction, LEED for Existing Buildings: Operations & Maintenance, LEED for Homes, LEED for Schools, LEED for Retail: New Construction, or LEED for Core and Shell (with at least 75% of the floor area certified under LEED for Commercial Interiors or LEED for Retail: Commercial Interiors), or through a green building rating system requiring review by independent, impartial, third-party certifying bodies as defined by ISO/IEC 17021. Under GIBc1, recognition is given to projects that certify additional buildings or a percentage of total project square footage under LEED or another green building rating system. Note that green building certifications that were earned pre-project (prior to the date the LEED-ND developer acquired the project site) do not achieve the prerequisite. For projects interested in using a non-LEED Rating System for this prerequisite and credit, please review the following supplemental guidance: http://www.usgbc.org/ShowFile.aspx?DocumentID=9543

Q. I have a LEED CI registered project and my building is located in a certified LEED-ND project. Is my project eligible for the full three points in SSc1 by nature of its location in a LEED-ND project?

A. No. While locating in a LEED-ND project may have indirect benefits, LEED-CI projects must still be located in a LEED certified *building* in order to obtain the three points for SSc1 option 1. LEED for Homes is currently the only LEED Green Building Rating System that provides direct incentives for locating in a certified LEED-ND project.

Q. Can I use LEED-ND in conjunction with the Multiple Buildings Application Guide?

A. LEED-ND project teams certifying multiple buildings under a LEED green building rating system may utilize the Multiple Buildings Application Guide to certify their buildings as an application separate from their LEED-ND submittal. However, this must be a separate process from LEED-ND certification. LEED-ND projects must meet the LEED-ND Rating System requirements and buildings within a LEED-ND project seeking certification under the MBAG program must meet the requirements of that program. Additionally, in advance of an update to the Multiple Buildings Application Guide, project teams must contact GBCI

customer service at http://www.gbci.org for guidance prior to submitting multiple buildings for LEED Certification.

Fees

All fees for LEED-ND are listed on GBCI's web site at http://www.gbci.org.

Q. What is the registration fee for USGBC members and non-members and what does it include?
A. The registration fee is $1,500 for USGBC members and non-members. Payment of this fee to GBCI makes the project eligible for an initial stage of certification review. Upon completing the LEED-ND registration process, a project team is allowed an optional and complimentary one-hour introductory call, access to all available submittal forms, and the ability to submit Credit Interpretation Requests (CIRs). GBCI does not currently charge a fee for registering a project for a subsequent stage of certification review.

Q. Will LEED-ND projects using other LEED rating systems be eligible for discounted certification fees?
A. At this time, GBCI does not offer a discount for certifying LEED-eligible buildings within their LEED-ND project. Project teams will be expected to register and submit their building(s) for certification review separately from their LEED-ND submittal.

Q. I registered my project by mistake. Am I eligible for a refund?
A. GBCI will not issue refunds for registration or certification fees.

Q. Can I transfer my project registration from LEED-ND to a different LEED rating system?
A. Yes, GBCI has stated that for a project that has not submitted for certification review, the project registration may be switched from LEED-ND to another LEED rating system. However, the difference in registration fees between LEED-ND and the other LEED rating systems will not be refunded. Project teams must contact GBCI customer service at http://www.gbci.org to request a registration transfer to another Rating System.

Q. I registered my project for the wrong stage of certification review. That is, I meant to register for Stage 2 instead of Stage 1. Can I switch my application to the correct stage?
A. Yes. As project teams that have registered for an incorrect stage are unable to switch to another review stage through the LEED Online Platform, if you realize you have registered your project for the wrong stage of certification, please submit a request via the GBCI 'Contact Us' page: http://www.gbci.org/org-nav/contact/Contact-Us/Project-Certification-Questions.aspx. The project contact will be sent a special code to utilize when re-registering the project for the correct stage free of charge (typically within 3-5 business days). Please be sure to supply your current project number, name and contact in the correspondence.

Q. If a water body (i.e. lake, pond) is included within my project boundary, is it part of the total acreage when considering certification fees?
A. Yes, if a water body (or portion thereof) is contained within the project boundary, it should be considered in the total project acreage when determining the total certification fee. The fees set by GBCI are based on

the gross acreage of the land within the project boundary, regardless of the primary function or feature of the land.

Registration & Certification

This section is excerpted from the GBCI LEED-ND FAQ.

Q. Can I submit my LEED-ND project for certification?
A. Yes, all of the LEED-ND forms are now available for download by registered projects in LEED Online. This means that full certification process for LEED-ND 2009 registered projects is now available.

Q. Do I need to register again if I want to submit my LEED-ND application for a subsequent stage of certification review?
A. Yes. A subsequent registration is required for LEED-ND projects that have completed an initial stage of certification review (Stage 1 or 2) and are seeking certification review for a subsequent stage. Once a project team has accepted the results of their initial stage review, the project forms will become read-only and will not automatically be replaced with forms for a subsequent stage. Upon subsequent registration, the project will regain full access to LEED Online and will be eligible for an optional one-hour call with GBCI prior to the submission for a subsequent stage to discuss any updates to the LEED-ND Program that may have occurred between stages of review. There is currently no fee for registering a project for a subsequent stage of certification review.

Q. Am I held to the Rating System version for which I have initially registered? Why do I need to register my project for a subsequent stage of certification review?
A. Due to the longevity of neighborhood development projects and to ensure projects are ultimately certified to the most recent version of the LEED-ND standard, LEED-ND projects are NOT grandfathered into any version of the LEED-ND rating system upon successful completion of a stage of certification review. If a project registers and submits for a subsequent stage of certification review, that project must be submitted in accordance with the requirements of the most recent version of the LEED-ND Rating System at the time of subsequent project registration.

The following example is provided for the purposes of clarity:

> *A project achieves Stage 1 (conditional approval) under LEED 2009 for Neighborhood Development. Prior to registering for Stage 2 (Pre-certification), registration for the 2009 version of LEED for Neighborhood Development closes and registration for the 2012 version becomes available. If the project is to be registered for Stage 2 (Pre-certification), such registration would need to be completed under the LEED 2012 for Neighborhood Development, since registration for LEED 2009 for Neighborhood Development is closed, and subsequently the application for Stage 2 (Pre-certification) would be reviewed by GBCI for compliance with the requirements of the 2012 rating system version. For the Stage 2 review, the project would not be grandfathered under the LEED 2009 requirements.*

Q. Are LEED-ND projects required to submit for review within a certain time period after completing an initial or subsequent stage registration?*

A. Yes, projects must submit a LEED-ND application for review within 3 years of initial or subsequent project registration (see Certification Process Diagram at end of document).

Q. Once I complete Stage 1 review, am I limited to a certain number of years to register and submit my project for a subsequent stage of certification review?

A. Yes. Upon completion of a successful Stage 1 certification review, a project team has up to three (3) years to register for a subsequent stage of certification review (Stage 2 or Stage 3) at no additional cost. Upon registration for a subsequent stage (Stage 2 or 3), a project team then has up to three (3) years to submit an application for a subsequent stage of certification review (see Certification Process Diagram at end of document).

The following example is provided for the purposes of clarity:

> *A project achieves Stage 1 (conditional approval) under LEED 2009 for Neighborhood Development in December 2010. This project has until December 2013 to register for a subsequent stage of certification review (Stage 2 or Stage 3). If the project registers in December 2013, it then has until December 2016 to submit an application for subsequent stage of certification review. The project will be held to requirements of the most current version of the Rating System at the time of registration (December 2013).*

Q. Once I complete Stage 2 review, am I limited to a certain number of years to register and submit my project for a Stage 3 certification review?

A. Yes. Upon completion of a successful Stage 2 certification review, a project team has up to seven (7) years to register for a Stage 3 certification review at no additional cost. Upon registration for a Stage 3 certification review, a project team then has up to three (3) years to submit an application for a Stage 3 certification review (see Certification Process Diagram at end of document).

The following example is provided for the purposes of clarity:

> *A project achieves Stage 2 (pre-certified plan) under LEED 2009 for Neighborhood Development in December 2010. This project has until December 2017 to register for a Stage 3 certification review. If the project registers in December 2017, it then has until December 2020 to submit an application for a Stage 3 certification review. The project will be held to requirements of the most current version of the Rating System at the time of registration (December 2017).*

Q. What happens if I do not register and/or submit my project for certification review within the timeframes required?

A. If a project team does not register and/or submit their project for certification review to GBCI within the timeframes required, the project application will expire and any formal designations achieved (conditional approval or pre-certified plan) will no longer be considered in good standing. A project team may re-enter the LEED-ND program by registering as a new project. The project will be subject to all initial registration and certification fees.

Q. Will GBCI grant extensions for projects that need more time to prepare their projects for a subsequent stage of certification review?

A. In its sole discretion, GBCI will consider granting extensions of required timelines to a project that is able to demonstrate hardship in meeting such timelines based on extenuating circumstances, due to size or complexity of the project. It should never be assumed or expected that an extension will be granted. Project teams should contact GBCI customer service at http://www.gbci.org to be considered for an extension.

Q. In the event my project fails to successfully achieve certification upon completion of a full stage review, can I submit my project for another stage of review?

A. No. If a project fails to achieve a level of certification upon completion of a full stage review or appeal review, the project can no longer participate in the LEED-ND program. However, individual buildings contained within the project may pursue the appropriate LEED Green Building rating system.

LEED-ND Introductory Call & SLL Prerequisite Review

Q. What is the purpose of the LEED-ND One-hour Introductory Call? Where can I find more information?

A. Project registration for LEED for Neighborhood Development (LEED-ND) includes an optional one-hour introductory call at no additional cost. The purpose of this call is as follows:

- To obtain general guidance on the LEED for Neighborhood Development 2009 Program
- To review the LEED-ND 2009 Certification process
- To provide an opportunity for LEED-ND project teams to explain any overarching issues in regard to their project
- To pose inquiries related to the LEED-ND Certification process

Information on how to request a call as well as specific requirements and policies can be found on GBCI's website at: http://www.gbci.org. Calls can only occur prior to a SLL Prerequisite Review (if selected) or a full stage certification review and must be limited to 60 minutes.

Q. What is the purpose of the SLL Prerequisite Review?

A. All registered LEED-ND projects are eligible to pursue an optional SLL Prerequisite Review prior to submitting for an initial Stage 1, 2, or 3 LEED-ND Application. This feature allows project teams to verify that a project's location meets the requirements of the LEED-ND Smart Location & Linkage (SLL) prerequisites. It does not, however, award or guarantee successful achievement of certification. If successful, the project can advance to a full stage review. If unsuccessful, participation in the LEED-ND program can terminate before additional investment is expensed.

Similar to a full stage review, the SLL Prerequisite Review contains a preliminary and final review with an optional appeal review. Each LEED-ND project may undergo only one SLL Prerequisite Review and cannot pursue this option prior to any subsequent stages of review. For more details, please visit GBCI's website at http://www.gbci.org

Q. Can I submit a SLL Prerequisite application for review anytime after registration?
A. No. Project teams must submit a SLL Prerequisite Review application for review within 18 months after the completion of registration.

Q. How much time to do I have to submit a full stage application upon the completion of a SLL Prerequisite Review?
A. Project teams must submit a full stage application (Stage 1, 2, or 3) for certification review to GBCI no later than three (3) years after the project registration or no later than one (1) year after the completion of a SLL Prerequisite Review, whichever occurs later. If a project application is not submitted by this date, the project registration for such project shall be canceled by GBCI.

Additional Certification FAQs

Q. Can projects use Credit Interpretation Requests (CIRs) from the LEED-ND Pilot in their LEED-ND v2009 submittal?
A. Pilot CIRs may NOT be used in the post-pilot rating system due to significant changes in the prerequisite and credit requirements and structure. Similar to LEED Green Building Rating Systems, LEED-ND CIRs will be project-specific and will NOT be precedent-setting. LEED-ND projects are allowed to submit site plans (when necessary) with their CIR request. The functionality to upload CIRs may not be fully realized in LEED Online v3 until after Phase 1 launch.

Q. Do I have to apply for all three stages of the LEED for Neighborhood Development rating system?
A. Although we encourage projects to complete at least Stage 2 and 3, projects are not required to complete all three stages. A project may enter into the program at any stage depending on how far along a project is in the development process. Please be aware that only Stage 3 projects that successfully complete a full review are considered to be officially "certified" under the LEED for Neighborhood Development rating system.

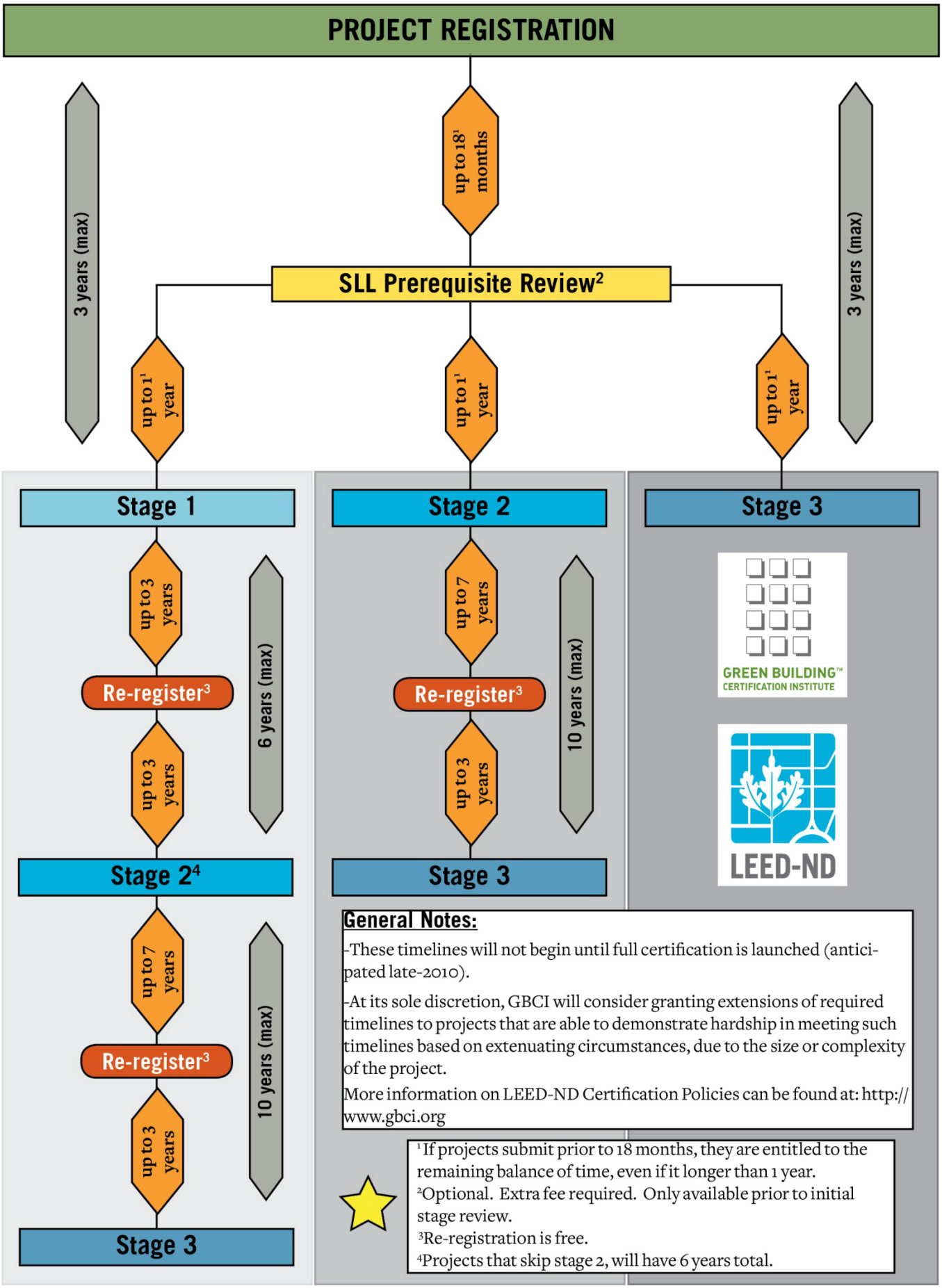
Q. When does the owner (or owners) need to sign the LEED 2009 Project Application Review Agreement?
A. The owner(s) will be prompted to sign the LEED 2009 Project Application Review Agreement in LEED Online at the time of submission for certification review. The Owner(s) or Project Administrator must return a fully executed LEED 2009 Project Application Review Agreement and pay all applicable fees in order for GBCI to commence the certification review.

Q. Does GBCI perform expedited certification reviews?
A. Project teams must contact GBCI customer service at http://www.gbci.org at least 10 (ten) business days prior to the submission of an expedited review to confirm that an expedited application can be accepted at that time. Current pricing for expedited reviews can be found at http://www.gbci.org.

Q. What is the LEED-ND Connections Tool? Where can I find it?
A. The LEED-ND Connections Tool is an ArcMap GIS extension available to help LEED-ND project teams document walking, bicycling, and street network connectivity for a project. It can be applied to many key credits and prerequisites. Project data can be loaded directly into the Connections Tool and a score

calculated to determine if the project meets the desired prerequisite or credit threshold. The Connections Tool and accompanying guide are available to project teams via LEED Online version 3, once they have registered their LEED ND project and have logged into LEED Online. A USGBC-approved course about the LEED-ND Connections Tool is currently offered. More information on this introductory course can be found at https://www.usgbc.org/CourseCatalog/. Given the specific skill sets required for the LEED-ND Connections Tool, it is beneficial if users of this resource have *at minimum* GISP Professional Certification and/or ESRI Technical Certification. ***Please note that the LEED-ND Connections Tool is NOT compatible with ArcGIS 10.***

Last Updated: October 2011



General Notes:

-These timelines will not begin until full certification is launched (anticipated late-2010).

-At its sole discretion, GBCI will consider granting extensions of required timelines to projects that are able to demonstrate hardship in meeting such timelines based on extenuating circumstances, due to the size or complexity of the project.

More information on LEED-ND Certification Policies can be found at: http://www.gbci.org

[1] If projects submit prior to 18 months, they are entitled to the remaining balance of time, even if it longer than 1 year.
[2] Optional. Extra fee required. Only available prior to initial stage review.
[3] Re-registration is free.
[4] Projects that skip stage 2, will have 6 years total.

Exhibit 5

FINAL ENVIRONMENTAL IMPACT REPORT

San Diego County General Plan Update
DPLU Environmental Log No. 02-ZA-001
State Clearinghouse (SCH) #2002111067

COMMENT LETTERS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

STATE AGENCIES

Lead Agency:

County of San Diego
Department of Planning and Land Use
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Contact: Devon Muto, Chief of Advanced Planning

August 2011

List of Commenters – State Agencies

Letter	Commenter
S 1	Attorney General, Department of Justice, State of California
S 2	Department of Housing & Community Development, State of California
S 3	CALTRANS, District 11 - Planning Division, State of California
S 4	Governor's Office of Planning and Research

Comment Letter S 1, California Attorney General

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August 31, 2009

Devon Muto
Chief, Advanced Planning
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RE: Comments on the Draft Environmental for the San Diego General Plan Update.

Dear Mr. Muto:

S1-1. The Attorney General provides these comments on the Draft Environmental Impact Report (DEIR) for San Diego County's proposed General Plan Update (General Plan or Project).[1] We note at the outset that the County has expressed an intent to address climate change. Among other things, the County has prepared a Greenhouse Gas Emissions Inventory, and proposed a policy to draft a Climate Action Plan and mitigation measures that seek to reduce Greenhouse Gas (GHG) emissions.

S1-2. Unfortunately, the documents in their current form are unlikely to achieve the County's intent and, moreover, are legally deficient under the California Environmental Quality Act (CEQA). To assist the County in revising its documents, we attempt in this letter not only to identify current legal deficiencies, but also to describe a number of potentially effective and feasible alternatives and measures that could assist the County in meeting the requirements of CEQA and the County's stated climate and sustainability goals.

I. Inadequate Disclosure and Analysis of Adverse Environmental Impacts

S1-3. CEQA mandates that an EIR identify and analyze all significant adverse effects of a project. (Pub. Resources Code, § 21100; Cal. Code Regs., tit. 14, § 15126.) While the DEIR does discuss the General Plan's effect on global warming, the discussion is inadequate. For

[1] The Attorney General submits these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) While this letter sets forth some areas of particular concern, it is not intended to be an exhaustive discussion of the DEIR's compliance with the California Environmental Quality Act.

Comment Letter S 1, California Attorney General (cont.)

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S1-3. cont. instance, the DEIR estimates projected greenhouse gas (GHG) emissions only through 2020, rather than for the time period the General Plan is meant to cover, through 2030 as required by CEQA. In addition, even if it were appropriate to focus exclusively on projected GHG emissions for 2020, the record does not substantiate how the DEIR's implementation strategy will meet the County's stated emissions reduction goal. The DEIR's discussion of GHG emissions is conclusory and does not describe the methodology used to arrive at the GHG reduction predictions.[2] Nor does it analyze how mitigation measures are expected to lead to such reductions.

S1-4.

S1-5.

In addition, the DEIR has not adequately discussed the potential impacts from the General Plan's proposal for developing "Villages" – urbanized cores in the less developed areas of the County. The County would allow more residential and commercial density in these centers, unsupported by public transit,[3] with the hope that this will limit new development in surrounding areas that are currently semi-rural or rural. This approach to lessening GHG emissions seems counterintuitive.[4] Based on past experience, it would appear just as likely that the new Villages will become commuter communities, reliant on other areas for services and jobs.[5] Studies have shown that dispersing jobs into suburban and exurban locations not served by public transit contributes to greater vehicle miles traveled (VMT)[6] and thus higher GHG emissions. The County concedes that it cannot quantify any GHG reduction associated with the Village approach. (Inventory, at p. 32.) Thus, there is insufficient evidence in the record to support the County's belief that creating new urban areas in the rural sections of the County will lead to lower VMT. If the County chooses to retain Villages as an important piece of the General Plan, much more analysis is needed to demonstrate how the County will prevent these Villages from merely becoming commuter communities far away from public transportation, thereby increasing rather than decreasing VMT.

S1-6.

S1-7.

S1-8.

S1-9.

II. Failure to Formulate and Evaluate a Range of Reasonable Alternatives

S1-10. CEQA requires public agencies to refrain from approving projects with significant environmental impacts when there are feasible alternatives that can substantially lessen or avoid those impacts. (*Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105,

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[2] See Table 10, p. 33, Appendix K, GHG Emissions Inventory (Inventory) and DEIR, pp. 2.17-36-37.

[3] Inventory, at p. 31.

[4] Indeed, the County briefly considered a "Village Intensification Alternative" but rejected it because it could result in "greater impacts related to air quality, traffic, noise, and land use conflicts." (DEIR, at p. 4-7.)

[5] As the County notes, "it is likely that a high percentage of residents in the unincorporated communities will need to commute over a moderate distance to access employment." (DEIR, at p. 4-7)

[6] See San Francisco Planning and Urban Research, The Future of Downtown (January 21, 2009), available at http://www.spur.org/publications/library/report/future_downtown.

Comment Letter S 1, California Attorney General (cont.)

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S1-10. cont. 134; Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002, subd. (a)(3), 15021, subd. (a)(2).) The "cursory rejection" of a proposed alternative "does not constitute an adequate assessment of alternatives as required under CEQA" and it "fails to provide solid evidence of a meaningful review of the project alternative that would avoid the significant environmental effects identified . . . ." (*Mountain Lion Foundation*, 16 Cal.4th at 136.)

S1-11.

The County has selected as the proposed project the Referral Map Alternative. As described in Chapter 4 of the DEIR, the Referral Map Alternative was created at the specific direction of the Board of Supervisors,[7] "because it would accommodate more development than the Draft Land Use Map." As the DEIR notes, the Referral Map Alternative would thus result in greater environmental impacts. The documents in their current form do not support adoption of the Referral Map Alternative because they do not demonstrate the infeasibility of more environmentally protective alternatives, such as the Hybrid Map (316,658 fewer VMT), the Draft Land Use Map (331,236 fewer VMT), or the Environmentally Superior Map (841,776 fewer VMT).[8]

S1-12.

In addition, the DEIR identifies the Project's climate change-related impacts as significant and unavoidable. This conclusion currently is unsupported, as there are many alternatives and mitigation measures that the County has not yet explored that are potentially capable of reducing those impacts. Our office has created an informational sheet that contains many useful resources and examples that the County may want to consider.[9] Below we discuss certain options in additional detail.

S1-13.

A. Development Phasing Requirements

The County could, for example, consider adopting a phased approach to development that limits growth over a specified time period (for example, 10 years) to an "Urban Development Area" and reserve future growth to an "Urban Reserve" that will be developed only when specific criteria are met. This approach could manage growth effectively while providing the County and developers flexibility and certainty. Phasing provides an effective approach to managing the pace and location of growth. As an example, the Attorney General's recent settlement agreement with the City of Stockton phases-in new growth in a manner that will not undermine downtown Stockton and complements existing commercial and residential zones. (A copy of the Stockton agreement is available at http://ag.ca.gov/cms_attachments/press/pdfs/n1608_stockton_agreement.pdf.)

S1-14.

S1-15.

[7] The driving factor for the development of alternatives appears to be the population targets developed by community groups and approved by the Board. (DEIR, at p. 4-6.)

[8] Relatedly, it appears that VMT may be underestimated as a result of relying on a regional average rather than the VMT generated within County unincorporated communities further from job centers.

[9] Attorney General's Office, Sustainability and General Plans: Examples of Policies to Address Climate Change, available shortly at http://ag.ca.gov/globalwarming/ceqa/generalplans.php.

Comment Letter S 1, California Attorney General (cont.)

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S1-16. Another example of phasing the County could consider is in the Visalia General Plan. Visalia sets specific growth criteria that must be met before development can advance to the next growth area.[10] According to the City of Visalia's Assistant City Manager and Community Development Director, the phasing policy has resulted in orderly concentric growth, efficient use of land and infrastructure and revitalization of the downtown.

S1-17. These types of phasing approaches, particularly in combination with a lower-carbon alternative, would provide the flexibility and certainty the County needs, while resulting in more compact, sustainable growth, fewer VMT, and fewer adverse environmental impacts. We recommend strongly that the County review these examples and analyze whether adopting similar phasing measures would be feasible.

B. City-County Coordination

S1-18. The DEIR could, but does not, analyze a City-Urban Centered Alternative that would direct more of the growth projected for San Diego County to the existing cities. The DEIR does not disclose or analyze the amount of growth that could be accommodated in a City and Urban Centered Alternative (including vacant legal suburban and rural lots of record in the County). Such an alternative could be combined with the Environmentally Superior Map or the Draft Land Use Map alternatives to accommodate growth and housing. It is reasonable to assume that such an alternative could result in even lower VMT and GHG emissions than the alternatives considered by the County.

S1-19. The General Plan is a golden opportunity to show leadership in developing joint efforts to coordinate with cities on promoting growth in adjacent areas that are already urbanized, or in guiding development to areas where essential services and transportation already exist. The County could work with the cities to accommodate growth projections with policies that jointly promote increasing land use densities and intensities on the land use map for urban categories, infill first policies, requirements directing new infrastructure and service dollars to infill areas, and reducing fees for high quality mixed-use infill projects in priority growth areas in the interface between cities and unincorporated urban areas.

S1-20. There are many instances of county-city collaborations directed at climate change (see, e.g., the Sonoma County Climate Action Plan),[11] at more sustainable patterns of development

[10] These criteria include: (1) adequate residential, commercial and industrial capacity for the projected population; (2) inclusion of a 30% vacancy factor (flexibility factor) for residential development and 20% for commercial development [in the growth boundary]; (3) adequacy of infrastructure and other urban services and facilities; and (4) community growth priorities, among other factors. (See http://www.ci.visalia.ca.us/civca/filebank/blobdload.asp?BlobID=3406#page=169.)

[11] See http://www.coolplan.org.