

LL-21
Kathy VanNess
on behalf of the Golden Door Properties, LLC
Dated: May 22, 2018

1. Introduction

The comment letter submitted by Kathy VanNess on behalf of the Golden Door Properties, LLC, and an undated report by Phyllis Fox attached to the letter, which was received by the County on May 22, 2018, is a late letter that does not require a written response from the County.

Under CEQA Guidelines section 15105, the County was legally required to provide a 45-day public review period on the Draft Environmental Impact Report (EIR). To provide additional time, the County instead afforded 60 days for public review and comment. The Draft EIR public comment period began on June 15, 2017, and ended on August 14, 2017. All comment letters received after expiration of the public review and comment period ending on August 14, 2017, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency has no obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the subject letter from Ms. VanNess (and the undated letter report from Phyllis Fox attached thereto). (See CEQA Guidelines, §15088(a)).

The County notes that Dr. Fox previously provided timely comments on the project's Draft EIR, which were considered and responded to in the project's Final EIR (see **Response to Comment O-1.4-1** through **Response to Comment O-1.4-114**). Based on its review of Dr. Fox's late letter report, the County finds that the late comments could have and should have been raised in conjunction with Dr. Fox's review of the Draft EIR, as the comments are not based on any new information that became available following close of the Draft EIR public review period.

In footnote 7 of her late letter report, Dr. Fox endeavors to excuse the lateness of her comments by stating that – at the time she prepared her timely comments – she did not know the County would use CEQA's feasibility standard as the trigger to apply its geographic priority criteria when evaluating project-specific application of GHG reduction strategies, including off-site strategies (such as carbon offsets). However, feasibility is an established component of CEQA's mitigation framework; as provided in CEQA Guidelines section 15126.4(a)(1):

Responses to Late Comment Letters

“An EIR shall describe feasible measures which could minimize significant adverse impacts ...”

As such, the relevance of feasibility is not new information that post-dates circulation of the project’s Draft EIR.

The County also notes that many of Dr. Fox’s comments do not pertain to the geographic priority criteria or determinations of feasibility. For example, Ms. VanNess’ and Dr. Fox’s comments, in part, address the County’s Climate Action Plan (CAP), not the environmental analysis prepared for the Newland Sierra project. Comments specific to the CAP are not relevant to the project at hand. While the County recognizes that Golden Door has filed a lawsuit challenging the sufficiency of the CAP, that lawsuit does not prevent the County from processing the environmental analysis for the Newland Sierra project, which does not tier from the CAP.¹

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. Carbon Offsets Are A Recognized Form Of CEQA Mitigation

The use of carbon offsets to mitigate GHG emissions impacts is a recognized form of CEQA mitigation, as discussed at length in **Topical Response GHG-1: Use of Carbon Offsets** of the Final EIR. Specifically, CEQA Guidelines section 15126.4(c) explicitly recognizes that “[m]easures to mitigate the significant effects of [GHG] emissions may include, among others: ... (3) [o]ff-site measures, including offsets that are not otherwise required ... [and] (4) [m]easures that sequester greenhouse gases.” Additionally, the California Air Resources Board (CARB) – in *California’s 2017 Climate Change Scoping Plan* (November 2017) – has recognized that “it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits” when evaluating the significance of GHG emissions under CEQA at the project level. With that introductory background, the following discussion responds to aspects of the late letter report that are critical of the project’s mitigation framework in this respect.

First, Dr. Fox states that the project’s mitigation framework does not secure a sufficient quantity of reductions from on-site strategies. This issue was previously raised by Dr. Fox and addressed in **Response to Comment O-1.4-70** of the Final EIR; please refer to that response for relevant information, including discussion of the fact that CEQA itself does not impose a mandatory locational hierarchy in the context of GHG mitigation. (Please also refer to **Response to Comment O-1-137** in the Final EIR for additional relevant information.) In any case, the County has

¹ For more information on the County’s CAP, please see **Topical Response GHG-3: County’s 2018 Climate Action Plan (CAP)** of the Final EIR. Additionally, for discussion of why the pending CAP-related litigation does not preclude consideration of this project by the Board of Supervisors, please see the responses to the late comment letter (dated January 16, 2018) submitted by Chatten-Brown & Carstens on behalf of Sierra Club.

Responses to Late Comment Letters

determined that the project proposes to utilize an encompassing suite of feasible on-site strategies to reduce its GHG emissions. The project's strategies address the various emissions-generating activities associated with the project and have demonstrated effectiveness in the context of analogous land use development. Finally, the County notes that Dr. Fox focuses on the quantified elements of the project's emissions-reducing strategies, repeatedly highlighting the 18% vs. 82% split between on- and off-site reductions. However, as explained in the Draft EIR, it is important to recognize that not all project strategies have been quantified, which serves to over-estimate project emissions and under-report the benefit of the project's on-site reduction strategies.²

As to Dr. Fox's related concern that all carbon offsets purchased by the project could be affiliated with internationally-based reductions, scientifically speaking, GHG emissions impacts can be effectively mitigated via the purchase of carbon offsets that represent reductions achieved at any off-site location. The global nature of the impact has been recognized by the California Supreme Court in its 2015 decision in the *Center for Biological Diversity v. California Department of Fish and Wildlife* (62 Cal. 4th 204 (2015)) matter:

“[T]he global scope of climate change and the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local. For many air pollutants, the significance of their environmental impact may depend greatly on *where* they are emitted; for greenhouse gases, it does not.”

Mitigation Measures M-GHG-1 and M-GHG-2 are designed to provide for a “real time” assessment of carbon offset availability; the measures require that the “project applicant or its designee shall submit proof to the County that offsets are unavailable in a higher priority category before seeking offsets from the next lower priority category.” Therefore, international offsets only can be utilized in the event that offsets from the other geographies (in-County, in-State, and in-United States) are not available.

Second, Dr. Fox states that the project's mitigation framework does not ensure that annual reductions will be achieved through the purchase of carbon offsets. However, as provided in **Response to Comment O-1.4-69** of the Final EIR, the *total* quantity of GHG offsets required for the project has been identified as 1,304,940 MT CO₂E (see also Table 2.7-8 of the Final EIR, as well as Mitigation Measure M-GHG-2). In order to ensure that the necessary total quantity of reductions is realized, and to effectuate implementation of the mitigation in the event of project

² By way of example, Section 2.7, Greenhouse Gas Emissions, of the EIR did not take credit for the anticipated carbon sequestration associated with the project's landscaping and vegetation plans, which was estimated to result in 3,297 MT CO₂E of emissions savings. Similarly, no emissions reduction credit was assigned to the project's installation of electric vehicle charging infrastructure (PDF-23) or use of landscaping practices to minimize water consumption (PDF-24 thru PDF-26).

Responses to Late Comment Letters

approval, Tables 2.7-9 through 2.7-15 of the Draft EIR identified emissions metrics specific to the project's proposed land uses that allow for effective measure implementation. Each carbon offset purchased will equate to a one MT CO₂E reduction (see Mitigation Measures M-GHG-1 and M-GHG-2), allowing for a compliance demonstration that the total quantity of offsets required has been achieved.

Third, Dr. Fox objects to the inclusion of a “true up” provision in the GHG mitigation framework. This issue was previously raised by Golden Door and Dr. Fox, and addressed in **Response to Comment O-1-138** and **Response to Comment O-1.4-72** of the Final EIR; please refer to those responses for relevant information, including refinements made to the subject mitigation framework in the Final EIR. As refined, exercise of the “true up” provision would trigger a public process and require consideration by the Board of Supervisors.

Fourth, Dr. Fox opines that the concurrence of CARB is required with respect to the project's use of carbon offsets mitigation. This issue was previously raised by Golden Door and addressed in **Response to Comment O-1-136** of the Final EIR; please refer to that response for relevant information explaining why CARB concurrence is not required. As provided above, CARB has expressly recognized the use of carbon offsets as a form of CEQA mitigation in *California's 2017 Climate Change Scoping Plan* (November 2017).

Fifth, Dr. Fox states that the offsets mitigation must require reporting. This issue was previously raised by Dr. Fox and addressed in **Response to Comment O-1.4-71** of the Final EIR; please refer to that response for relevant information regarding how the County will monitor the project's realization of the necessary emission reductions. In the case of the GHG emissions associated with construction and vegetation removal, Mitigation Measure M-GHG-1 requires that all emissions be offset prior to issuance of the first grading permit. With respect to operational emissions, Mitigation Measure M-GHG-2 requires that emissions be offset incrementally, in a quantity that corresponds to the quantity of development associated with each implementing Site Plan (“D” Designator).

3. GHG Emission Reductions Resulting From The Project's Transportation Demand Management Program Are Substantiated

Dr. Fox is critical of the emissions reductions assigned to the project's TDM Program. This issue was previously raised by Golden Door and Dr. Fox and addressed, for example, in **Response to Comment O-1-51**, **Response to Comment O-1-176** through **Response to Comment O-1-184** and **Response to Comment O-1.4-47** through **Response to Comment O-1.4-51** of the Final EIR. Please refer to those responses for relevant information demonstrating that the quantification of TDM Program benefits is supported by substantial evidence. As discussed therein, the VMT-based and corresponding emissions reduction benefits assigned to the TDM Program were developed following a vetting of the strategies by a transportation planning expert (Fehr & Peers) that is

Responses to Late Comment Letters

recognized – statewide – as having unique expertise on the subject of TDM. Fehr & Peers referenced published guidance on the subject, and relied on its professional experience and qualifications in quantifying the estimated reductions.³

For information presented in the Final EIR regarding the quantified reductions associated with:

- ✓ PDF-1, please see **Response to Comment O-1-177**.
- ✓ PDF-2 and PDF-3, please see **Response to Comment O-1-178**.
- ✓ PDF-4 through PDF-8, please see **Response to Comment O-1-179**.
- ✓ PDF-9, please see **Response to Comment O-1-180**.
- ✓ PDF-10 through PDF-13, and PDF-20, please see **Response to Comment O-1-181**.
- ✓ PDF-14, please see **Response to Comment O-1-182**.
- ✓ PDF-15 through PDF-19, please see **Response to Comment O-1-183**.

Additional information regarding the implementation parameters of the subject TDM strategies also is available in Table 2 of Fehr & Peers’ project-specific memorandum, a copy of which is available in Appendix D of EIR Appendix K.

4. Requiring Implementation Of The Project’s Design Features Via Mitigation Is Not A Violation Of CEQA

Mitigation Measure M-GHG-3 requires implementation of the 32 PDFs identified in EIR Table 2.7-7. The project’s Mitigation Monitoring and Reporting Program (MMRP) identifies how the County will oversee each PDF, identifying when compliance with each PDF must be demonstrated, and who is responsible for implementing and/or overseeing each PDF. The criteria set forth in the MMRP ensure that the PDFs set forth in the environmental analysis will be effectively implemented on a timely basis.

5. Additional Recommended Reduction Strategies

Dr. Fox states that the County should require the proposed project to implement a number of other recommended reduction strategies, each of which is addressed below in turn. In addition, the County notes that the selection of feasible reduction strategies is a project-specific exercise, and not a rigid or formulaic undertaking. There is no “one-size-fits-all” approach for the mitigation of GHG emissions, as individual strategies are subject to varying effectiveness and feasibility based on multiple factors, including (but not limited to) project location, land uses, and scale. In this case, the County has determined that the Newland Sierra project proposes to utilize a comprehensive suite of on-site reduction strategies before pivoting to the use of off-site carbon

³ The County notes that Fehr & Peers prepared the TDM quantification evaluation for the Newhall Ranch project, which is repeatedly referred to by Dr. Fox as a benchmark of sorts for this proposed project.

Responses to Late Comment Letters

offsets.⁴ Relatedly, the County finds that the recommendations evaluated by Dr. Fox below are not suited to the project based on its location, land uses, and/or scale; do not have demonstrated effectiveness with respect to achieving measurable reductions in GHG emissions; are contrary to County policy with respect to the regulation of the preferences, habits and choices of individual County residents; and/or already are met by strategies identified in the project’s EIR that are roughly equivalent and targeted to the same emissions-generating activity.

Recommendation	Assessment
Require bus stops, express lanes, and bus stop shelters for existing/planned transit service.	As provided on page 2.13-26 of the Draft EIR, “[t]here are no public transit services which [presently] stop at or [are] within the immediate vicinity of the project Site.” However, PDF-13 and PDF-19 require that the project “[c]oordinate with NCTD and SANDAG about future siting of transit stops/stations at the adjacent park-and-ride lots.”
Energy use should be reported compared to targets set on per-capita energy use.	The recommendation does not reduce emissions, but rather is oriented towards the disclosure of information in a specific metric (i.e., energy consumption per capita).
Use of traffic calming measures including all internal sidewalks a minimum 5 feet wide, all sidewalks with vertical curbs, roadways routed to avoid “skewed intersections.”	Please see Figures 14 through 30 of the Newland Sierra Specific Plan, which illustrate that the project would implement traffic calming measures in appropriate locations.
Internal and adjacent intersections should use the following traffic-calming features: marked crosswalks, count-down signal times, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles.	The project would also implement some of the identified traffic calming features (e.g., roundabouts, raised medians, and market crosswalks) in appropriate locations. Relatedly, while the project’s mitigation framework does not expressly rely on traffic signal synchronization, unless the intersection improvements are isolated and substantially far from the next signalized intersection, the County, the City of San Marcos, and Caltrans will all require this as part of their standard permit approval processes for intersection improvements (e.g., installation of fiberoptic interconnects or equivalent traffic signal control for traffic signal synchronization between intersections). ⁵
Applicant shall participate in funding of off-site traffic improvements to reduce idling by increasing traffic flow through synchronized traffic signals.	
Internal and adjacent streets should use the following traffic-calming features: planter strips with trees, chicanes/chokers (variation in road width to discourage high-speed travel).	
Provide preferential parking for park and ride to incentivize carpooling, vanpooling, commuter bus, and electric vehicles.	The County’s Parking Design Manual (February 2013), and specifically Table 5 therein, requires designated parking spaces for electric vehicles and carpool/vanpool vehicles. The project is required to comply with these

⁴ Please also refer to **Appendix JJ-2** of the Final EIR, which illustrates that the project would implement applicable recommendations from CARB that pertain to project-specific emission reduction opportunities. CARB’s list of recommendations – which is taken from Appendix B of *California’s 2017 Climate Change Scoping Plan* – constitutes the most current list of potentially feasible reduction opportunities for reference in the CEQA context.

⁵ Dr. Fox mistakenly states that the project’s EIR incorporates a quantified emissions reduction attributable to traffic signal synchronization. No such reduction is contained in Section 2.7, Greenhouse Gas Emissions, of the EIR.

Responses to Late Comment Letters

	standards. Additionally, as stated in Section 2.7, Greenhouse Gas Emissions, of the EIR, specifically Section 2.7.3.1 and Table 2.7-27, “Should installation of EV charging stations at the park-and-ride facilities be deemed acceptable by Caltrans (the owner of the existing park-and-ride), the applicant would fully fund these improvements”.
Require “cool parking” by, for example, providing tree cover to reduce heat-island effect.	As provided in Figure 49, Sustainable Design, of the Newland Sierra Specific Plan, the project shall provide passive cooling through tree plants that provide shading. Additionally, as stated in Section 2.7, Greenhouse Gas Emissions, of the EIR, specifically Section 2.7.3.1, “The project would also include approximately 4,492 tree plantings throughout the project site, including shade street trees and landscaping trees, and the preservation of oaks throughout the site”. It is worth noting that this is a project feature that will also reduce GHG emissions; however, the project does not take any credit for this reduction.
Provide storage space in garages for bicycles and bicycle trailers.	The project’s residential units will be equipped with garages that can be used to store bicycles and bicycle trailers. The project also includes a community-sponsored electric bike share program with kiosks throughout the project for residents and guests to use to move around the project by bicycle in lieu of driving.
Provide preferential parking for EV/CNG vehicles.	The County’s Parking Design Manual (February 2013), and specifically Table 5 therein, requires designated parking spaces for clean air vehicles, such as EV/CNG vehicles. The project is required to comply with these standards. Additionally, as stated in Section 2.7, Greenhouse Gas Emissions, of the EIR, specifically Section 2.7.3.1, “...electric vehicle (EV) charging equipment would be provided in the garages of all residential units, and EV charging stations would be installed in 3 percent of the Town Center’s commercial core parking spaces. The applicant would also encourage the installation of EV charging stations in 3 percent of the park-and-ride parking spaces. Should installation of EV charging stations at the park-and-ride facilities be deemed acceptable by Caltrans (the owner of the existing park-and-ride facility), the applicant would fully fund these improvements”.
Provide residential buildings with a “utility” room or space for recharging batteries – e.g., for use in a car, electric lawnmower, other electric landscaping equipment, and batteries for small items.	As provided by PDF-23, “[a]ll private residential garages shall include an electric vehicle charger.” Residential garages also are expected to be equipped with interior electric outlets, which will allow for additional recharging opportunities for the smaller appliance/equipment types referenced.
Provide a complimentary electric lawnmower to each buyer with a yard.	As provided in PDF-25, “[t]urf grass shall be prohibited in residential front yards” and “in rear or side yards of single-family homes shall be warm-season turf or shall

Responses to Late Comment Letters

	<p>have a plant species factor of 0.6 or lower.” Given the limited quantity of turf, the provision of a complimentary lawnmower would not be expected to result in measurable emission reductions. It also is noted that the San Diego Air Pollution Control District hosts an annual “Mowing Down Pollution” lawnmower trade-in event, whereby County residents trade in gas-powered mowers for zero emission electric-powered units. Finally, as addressed below, the County notes that cordless electric equipment is becoming the preferred consumer choice for a broad range of equipment types, particularly landscaping equipment.</p>
<p>Use only drought-resistant native trees, trees with low emissions and high carbon sequestration potential.</p>	<p>As provided in Section 1.0, Project Description, of the EIR, and in accordance with the County of San Diego's Landscape Ordinance and Water Efficient Landscape Design Manual which implements the state Model Water Efficient Landscape Ordinance requirements updated in 2015, the project would vegetate the Site with drought-tolerant species as “[w]ater conservation is a primary focus of the landscape design.”</p>
<p>Use water-efficient irrigation systems, i.e., smart sprinkler meters, and landscaping techniques/design.</p>	<p>As provided in Section 1.0, Project Description, of the EIR, and in accordance with the County of San Diego's Landscape Ordinance and Water Efficient Landscape Design Manual which implements the state Model Water Efficient Landscape Ordinance requirements updated in 2015, the project’s landscaped areas would need to meet identified evapotranspiration adjustment factors and irrigation systems would need to meet identified average irrigation efficiency ratings. The County’s Landscape Ordinance also requires the use of smart irrigation controllers, drip irrigation, and other landscaping techniques that minimize excess irrigation. Additionally, as discussed above, the use of turf grass would be regulated. Finally, as a landscape component, the project incorporates vegetated bioswales to detain and treat stormwater runoff, thereby using stormwater runoff to offset some of its irrigation requirements in its parkways.</p>
<p>Dedicate space in a centralized, accessible location for a weekly farmers’ market.</p>	<p>The Town Center area (see Figure 13 of the Newland Sierra Specific Plan) could accommodate a farmers’ market. Additionally, the project incorporates approximately 20 acres of community gardens and vineyards.</p>
<p>Orient building to maximize shade in the summer and maximize solar access to walls and windows in the winter.</p>	<p>Building orientation will be assessed on a lot-by-lot basis through the County’s Site Plan approval process.</p>
<p>For non-roof surfaces, provide shade and/or use light-colored/high-albedo materials and/or open grid pavement for at least 30% of the site’s nonroof impervious surfaces, including parking lots, walkways, plazas, etc., or place a minimum of 50% of parking spaces underground or covered by structured parking or</p>	<p>As provided in PDF-30, and consistent with the Residential Voluntary Measures (Section A4.106.7) of the California Green Building Code (CALGreen), “[o]utdoor pavement, such as walkways and patios, will use paving materials with three-year SRI of 0.28 or</p>

Responses to Late Comment Letters

use an open-grid pavement system for a minimum of 50% of the parking lot area.	initial SRI of 0.33.” (SRI refers to “solar reflectance index.”)
Require organic waste collection.	As provided in the Newland Sierra Specific Plan, “[a]n area within the maintenance yard of the Sierra Farms Park shall be designated for collection of common area landscape trimmings.”
Require the installation and use of low-water use faucets, toilets, shower heads, and appliances that exceed CALGreen residential voluntary measures.	The project would comply with the mandatory standards for plumbing fixtures and appliances set forth in CALGreen (see Appendix T of the EIR). Such standards are well-vetted, extensively analyzed and documented, and widely accepted as furthering statewide water conservation and efficiency objectives. It is further noted that the recommendation is undefined and not measurable by way of its parameters.
Implement CALGreen Tier 2 standards or better.	The project would comply with the mandatory standards set forth in CALGreen and implement additional efficiencies exceeding the mandatory code requirements identified in Table 2.7-7 of the EIR.
Require electrical landscaping equipment and exterior electrical outlets to allow sufficient powering.	As a policy matter, the County finds that the purchase of electric landscaping equipment is consumer driven and beyond the scope of requirements or measures reasonably imposed on a development project. Nonetheless, please see above for discussion of SDAPCD’s landscaping equipment trade-in program, and inclusion of electrical outlets in residential garages for charging/powering opportunities. Additionally, all private yards, common areas, and public areas will have reasonable access to electric outlets for the use of electric landscaping equipment. (Exterior electric outlets are a matter of standard building practice and design at this time.) The County also notes that cordless electric equipment is becoming the preferred consumer choice for a broad range of equipment types, particularly landscaping equipment.
Require electrified housing.	PDF-31 requires the project’s builders to “offer residents their choice of energy-efficient appliances” and requires appliances “installed by builders [to] be Energy Star rated or equivalent.” Additionally, the County employs an energy and technology neutral policy, and prefers for statewide building standards and market forces to drive the selection of energy sources in the residential setting.
Install off-site electric vehicle charging stations and complete off-site building retrofits.	The County does not have a plan or program in place that the project can use to facilitate the installation of off-site electric vehicle charging equipment or complete off-site retrofits at existing buildings. At present, and given the uncertainties regarding securing access to such off-site areas, the project appropriately focuses on installing on-site infrastructure. The County also notes that SDG&E is implementing a comprehensive electrification program in the San Diego region, which includes the installation of charging infrastructure in

Responses to Late Comment Letters

	targeted areas ⁶ and the County’s CAP includes measures to work with the SDG&E to install Level 2 EV charging stations in the unincorporated area. Finally, as part of the project’s improvements to the interchange, subject to Caltrans concurrence, the project would make multi-modal improvements to the off-site Park-and-Ride, including the installation of EV charging stations.
Require net zero efficiency for residential buildings.	The County finds that the building-related PDFs for the project’s residences provide a comparable level of emissions reductions by maximizing on-site renewable energy generation opportunities, requiring energy efficient appliances, and prohibiting wood-burning hearths.
Provide funding for zero emission buses for local school and general transit.	As discussed above, the project area presently is not served by general transit. Additionally, the local school districts presently do not have a plan or program for the utilization of zero emission school buses that the project could participate in via funding. Also, the project includes a community-sponsored shuttle service with possible daily stops at the Twin Oaks Elementary school site down the street from the project Site. In a letter from San Marcos Unified School District to the County dated June 27, 2018, the School District stated “[t]he District is pleased to hear that the proposed project includes a ‘community sponsored shuttle service along Twin Oaks Valley Road and an optional stop at Twin Oaks Elementary.’ The District will be pleased to work with the developer regarding the implementation of this initiative and looks forward to hearing about more details in the future.”
Require electric heating for swimming pools.	The proposed measure is consumer driven and beyond the scope of requirements or measures reasonably imposed on a development project. Further, swimming pools are rarely provided as a standard or even optional feature with the sale of new homes by a builder. Instead, as swimming pools are a sizable expense, those individual homeowners choosing to build a swimming pool typically apply for permits well after they’ve purchased their homes in which case they would be subject to applicable County and/or state requirements at the time of permit application.
Provide purchase subsidies for electric vehicles.	The State of California funds and implements the Clean Vehicle Rebate Project, which provides purchase rebates that – since 2010 – have put over 200,000 clean vehicles on California roads. ⁷

⁶ For additional information on this program, please see, for example: <https://www.sdge.com/residential/electric-vehicles/power-your-drive>.

⁷ For more information on California’s Clean Vehicle Rebate Project, please see <https://cleanvehiclerebate.org/eng>.

Responses to Late Comment Letters

Deploy various strategies to reduce emissions from construction-related equipment.	Section 2.3, Air Quality, of the EIR requires a suite of mitigation measures that will serve to reduce the generation of criteria air pollutants, toxic air contaminants, <i>and</i> GHG emissions from construction equipment.
--	---

Dr. Fox also is critical of the project’s provision of on-site solar panels, stating that the EIR “does not require the use of solar panels ... but only the installation of panels.” In response, and as required by the project’s MMRP, the subject buildings would be designed and constructed with an integrated solar panel system that would be operational upon occupancy. Dr. Fox offers similar criticisms of the project’s electric vehicle charging equipment, again stating that the EIR “fails to require use of this EV charging stations.” In response, it is first noted that no quantitative emissions reduction was assigned to installation of the charging equipment; as such, the project’s mitigation framework is designed to achieve net zero GHG emissions under the conservative assumption that no EV use results from the on-site installation of the charging equipment. Second, neither the County nor the applicant is in a position to regulate the driving habits of the County’s residents. However, it is recognized that providing ready access to charging infrastructure abates the concerns of drivers relating to electric vehicle range and charging opportunities.

Dr. Fox further states that the EIR has not demonstrated that it is feasible to meet 100% of the electrical demands of the project’s residences through on-site solar. However, compliance with this PDF is required by Mitigation Measure M-GHG-3; as such, the County will not issue building permits unless compliance with the requirement is demonstrated. At this point in the planning process, design-level details are not available on a residence-by-residence basis; however, such detail will be considered when designing on-site solar systems sufficient to meet 100% of the electricity demand.

6. The Project Is Unlike The Newhall Project And Southern California Consolidation Project

As discussed in **Response to Comment O-1-135** of the Final EIR, the size and scale of the Newhall project – which is considerably larger than the Sierra project – made feasible a suite of GHG emission reduction strategies that cannot be feasibly or effectively implemented by smaller projects. As a point of comparison, the Sierra project proposes 2,135 residential units, whereas the Newhall project includes more than 21,000 residential units and more than 9 million square feet of non-residential development. As such, the Newhall project is nearly 10 times the size of the Sierra project, when looking at the number of residences. This allows the Newhall project to absorb certain costs, including administrative costs for implementation of its reduction strategies, and spread those costs across a larger number of units over a much greater period of time. In short, the Newhall Ranch project can take advantage of economies of scale and time that are simply not available to the Newland Sierra Project. Additionally, the Newhall project can achieve a “critical mass” necessary to deploy TDM strategies that are not viable for smaller-scale projects like

Responses to Late Comment Letters

Newland Sierra. For example, the Newhall project's more than 9 million square feet of non-residential development allows for the utilization of additional TDM strategies targeted to employee commuters; and the number of residential units makes the provision of a site-specific school busing program have an increased likelihood of success.

As for CARB's Southern California Consolidation Project, the nature of that project is distinguishable from the Newland Sierra project, a proposed planned community. CARB's project is an 18-acre facility that would support vehicle testing, chemistry laboratory functions, and shared testing needs. As such, the CARB project includes a singular land use which would solely support employees travelling to and from the site, as well as on-site research and testing operations. Therefore, much like a stationary source, the emission sources associated with that project would be under the singular control and authority of CARB on an operational basis. Conversely, the proposed project supports a variety of land uses, including individual residents and business owners, who would have individual control and authority over their emissions-generating habits and activities.⁸

⁸ For more information on CARB's project, please see its CEQA Findings for the subject project, which are available at <https://www.arb.ca.gov/html/socalfacility/sccp-findings-and-soc-final-06-2017.pdf>.