

## Response to Comment Letter XX

**Golden Door Properties LLC**  
**Christopher W. Garrett of Latham & Watkins LLP**  
**January 16, 2018**

LATHAM &amp; WATKINS LLP

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VIA FEDERAL EXPRESS AND EMAIL

San Diego County Planning Commission  
 c/o Lisa Fitzpatrick  
 Planning & Development Services  
 5510 Overland Avenue, Suite 110  
 San Diego, CA 92123  
[Lisa.Fitzpatrick@sdcountv.ca.gov](mailto:Lisa.Fitzpatrick@sdcountv.ca.gov)

Re: Comments re Climate Action Plan

Dear Commissioners Brooks, Pallinger, Barnhart, Beck, Edwards, Seiler, and Woods:

We represent the Golden Door Spa ("Golden Door"). The Golden Door is committed to reducing greenhouse gas ("GHG") emissions to combat the threat of global climate change. This is an important issue for the Golden Door, and we have been in communication with the County about its Climate Action Plan ("CAP") and potential GHG emissions from the proposed Newland Sierra project since January 2015. We submitted comments on the CAP's draft supplemental environmental impact report ("DSEIR") and the draft environmental impact report for the proposed Newland Sierra project. We submit these comments to the Planning Commission in advance of the hearing on the Final CAP and its final supplemental environmental impact report ("FSEIR").

The Golden Door supports efforts to reduce GHG emissions in San Diego County and the purpose of the County's CAP. Many of the CAP's provisions could result in beneficial emissions reductions. The Golden Door, however, seeks to clarify several issues and proposes targeted revisions and analysis.

In particular, the Golden Door is concerned about the CAP's mitigation measure for cumulative GHG impacts caused by General Plan Amendment projects. This mitigation measure, known as GHG-1, would allow findings of no significant impacts based on the purchase of GHG offset credits derived from mitigation projects around the world. We are concerned that the language provided in the Final CAP does not do enough to ensure GHG reductions – and their valuable co-benefits – remain local in accordance with the County's General Plan and recent guidance from the California Air Resources Board ("CARB"). CARB is the State's expert agency on greenhouse gases. Last month, it approved an updated Scoping Plan that explicitly addresses use of GHG offset credits and emphasizes the need to keep off-site offsets within the local community and to include reduction of vehicle miles traveled ("VMT")

12670 High Bluff Drive  
 San Diego, California 92130  
 Tel: +1.858.523.5400 Fax: +1.858.523.5450  
[www.lw.com](http://www.lw.com)

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The comment introduces the commenting organization, the Golden Door, and provides introductory remarks about the organization's interest in the CAP. The comment also introduces the broad concerns related to SEIR Mitigation Measure M-GHG-1, the application of M-GHG-1 to GPA projects, and the use of non-local carbon offset credits. These comments are restated in more specific terms within the body of the letter and will be addressed below. The comment also introduces a comparison table (Attachment A) between the 2017 Scoping Plan and the Final CAP that will be addressed specifically below in comment X29-10. No further response is required.

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The comment states that the CAP is intended to mitigate impacts from GHG emissions within San Diego County. The County agrees. The CAP sets forth 30 measures that would occur within the unincorporated area and provide co-benefits to County residents, employees, and visitors. The commenter is conflating the GHG reduction measures needed to be implemented by the County to meet the CAP targets and address GHG emissions from the existing General Plan, with the carbon offset credits required by the Final SEIR to mitigate cumulative GHG impacts from future GPA projects. Specifically, the comment expresses concern that the Mitigation Measure M-GHG-1 for GPAs allows non-local carbon offset credits and suggests that the County should ensure that on-site mitigation and local off-site carbon credits are exhausted prior to any consideration of offsets from projects located elsewhere. The County notes that Mitigation Measure M-GHG-1 establishes a framework that requires what the commenter proposes. Regarding the SEIR Mitigation Measure GHG-1 that requires GPAs to mitigate their GHG

emissions, this mitigation is feasible and is effective to reduce individual GPAs cumulative, global GHG impacts. Climate change is a global issue as acknowledged by the California Supreme Court (see Master Response 12). All 30 GHG Reduction Measures in the CAP will be implemented within the unincorporated County and from County operations in full compliance with General Plan Mitigation Measure CC-1.2. General Plan Mitigation Measure CC-1.2 and the Conservation and Open Space Goal-20 to reduce local GHG emissions will be satisfied with adoption of the CAP. Reductions in the CAP are consistent with the General Plan. CAP Mitigation Measure M-GHG-1, which may include purchase of carbon offset credits from a CARB-approved registry outside of the County, is a separate regulatory scheme than what is required for the County in its CAP. Please see comment X33-5. Please refer to Master Response 12 for a more detailed discussion of the mitigation hierarchy. The comment will be included in the administrative record and provided to decision makers for consideration.

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in any mitigation program. A chart providing a side-by-side comparison of CARB's Scoping Plan Update's key policies with the Final CAP is provided in **Attachment A**.

Due to the rural nature of the unincorporated County, General Plan Amendment projects – which necessarily deviate from the approved General Plan's more compact land use pattern – are largely sprawl development proposals. These projects will add long vehicle trips to some of the County's already congested roadways and cannot rely on distant transit infrastructure to limit such trips. For example, the proposed Newland Sierra project (located adjacent to the Golden Door in rural Twin Oaks Valley) is six miles from the nearest transit station and would increase the County's VMT. The Newland project proposes to obtain 82% of its GHG emissions reduction credits off-site. Unfortunately, as discussed further below, there are no local mitigation projects available for General Plan Amendment projects seeking offsets. Newland's lop-sided offset scheme would allow the developer to buy its way out of its GHG impacts without providing the benefits to the local community and the assurances of enforceability that are required by the General Plan and recommended by the State's expert GHG agency.

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#### **I. THE CAP'S PROPOSAL FOR OFFSET CREDITS SHOULD RELY ON ON-SITE REDUCTION AND LOCAL MITIGATION PROJECTS**

The CAP proposes a mitigation program for General Plan Amendment projects (GHG-1) that relies on the purchase of offset credits. Mitigation Measure GHG-1 provides geographic priorities for these offset projects, beginning with 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally. (FSEIR at p. 8-52.) It is important to emphasize the high priority of on-site and local measures for such a GHG mitigation program.

The County's General Plan prioritizes GHG emissions reductions within San Diego County. The General Plan's EIR found that the GHG and climate change impacts from the County's operations and from community sources were "potentially significant" – that without mitigation the County would fail to comply with AB 32. As a result, the General Plan EIR includes mitigation measures for GHG and climate change impacts, including the adoption of a CAP. (County General Plan EIR, Mitigation Measure CC-1.2 (2011).) The CAP, therefore, is intended to mitigate impacts from GHG emissions *within San Diego County*. In addition, Goal COS-20 of the General Plan prioritizes "[r]eduction of *local* GHG emissions contributing to climate change that meet or exceed requirements of the Global Warming Solutions Act of 2006." (Emphasis added.)

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In addition, CARB's 2017 Scoping Plan Update emphasizes the importance of offset programs relying on local projects for emissions offsets:

*To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits*

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*locally*. For example, on-site design features to be considered at the planning stage include land use and community design options that reduce VMT, promote transit oriented development, promote street design policies that prioritize transit, biking, and walking, and increase low carbon mobility choices, including improved access to viable and affordable public transportation, and active transportation opportunities. Regionally, additional GHG reductions can be achieved through direct investment in local building retrofit programs that can pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project.

(CARB, 2017 Climate Change Scoping Plan at p. 102 [emphasis added].) It is important that the CAP ensures on-site GHG-reduction features are exhausted before continuing to off-site measures, and similarly that local off-site projects are exhausted before any consideration is given to allowing offsets from projects throughout the State, nation, and world.

**A. The CAP Should Clarify Requirements for Feasibility Findings Regarding Geographic Priority of Offsets**

The Golden Door and other commenters previously expressed concern about the lack of standards for moving from one geographic priority level to the next in Mitigation Measure GHG-1. The FSEIR's Master Response 12 emphasizes, for the first time, that feasibility findings are required before a General Plan Amendment project's offset program could move from one geographic priority level to the next. (See FSEIR at 8-48 to 8-52.)

"Feasibility" and its counterpart, "infeasibility," are terms of art under the California Environmental Quality Act ("CEQA"). An agency may reject a proposed project alternative or mitigation measure and approve a project, despite significant environmental impacts, only if the agency makes appropriate findings that the mitigation is infeasible. (Pub. Res. Code § 21081.5; *Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 982-83.) This finding must appear in the CEQA findings, not merely in the statement of overriding considerations. (*Cal. Native Plant Soc'y*, *supra*, 177 Cal.App.4th at 983; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 948 n.20.) A measure is "infeasible" if it is incapable of being accomplished in a successful manner within a reasonable time. (Pub. Res. Code § 21061.1.) A finding of infeasibility must be supported by substantial evidence. (*Cal. Native Plant Soc'y*, *supra*, 177 Cal.App.4th at 982; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352-53; *Ctr. for Biological Diversity v. Cty. of San Bernardino* (2010) 185 Cal.App.4th 866, 883-85.)

We encourage the County to revise the CAP in order to clarify that meeting CEQA's infeasibility standards is required for a General Plan Amendment project to move from one geographic priority level to the next in its offset program. First, a broad list of potential on-site mitigation measures must be compiled. Both the Governor's Office of Planning and Research

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The comment expresses concern regarding the perceived lack of established standards related to feasibility findings for offsets. The commenter incorrectly asserts that the first mention of feasibility occurs in Chapter 8 of the Final SEIR. The County would like to point out that this is inaccurate. In fact, the language included on pages 2.7-39 through 2.7-41 of the Final SEIR states "Applicants shall demonstrate compliance with relevant CAP measures as identified in the "CAP Consistency Review Checklist" in addition to all feasible on-site design features and mitigation measures. Off-site mitigation, including purchase of carbon offset credits, would be allowed after all feasible on-site design features and mitigation measures have been incorporated."

The comment also states that a broad list of potential on-site mitigation measures must be compiled. The County agrees and in fact included this list within the Draft CAP. Please refer to Attachment D, Guidelines for Determining Significance for Climate Change (Page 4):

Project specific mitigation measures, which would be in addition to all CAP Checklist items and all feasible on-site project design features, must include specific, enforceable actions to reduce project emissions, and an analysis is required to show the emission reductions achieved from each measure. Each mitigation measure should include references or a logical, fact-based explanation as to why a specific mitigation measure would achieve the stated reductions. Mitigation measures and/or design features must be supported with substantial evidence showing impacts have been reduced as described in Options 1 and 2 above.

Many local, regional, and State agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for projects within the County, including, but not limited to:

- (1) Governor's Office of Planning and Research CEQA and Climate Change. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through

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|  | <p>California Environmental Quality Act (CEQA) Review. See Attachment 3, “Examples of GHG Reduction Measures.” Available: <a href="http://opr.ca.gov/docs/june08-ceqa.pdf">http://opr.ca.gov/docs/june08-ceqa.pdf</a>.</p> <p>(2) California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA &amp; Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, “Mitigation Strategies for GHG.” Available: <a href="http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf">http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf</a>.</p> <p>(3) California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures. Available: <a href="http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf">http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf</a>.</p> <p>(4) Attorney General of the State of California. 2008 (December) [revised January 2010]. The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: <a href="http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf">http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf</a>.</p> <p>The comment also suggests that the County should revise the CAP to clarify that GPA projects implement CAP Mitigation Measure M-GHG-1 to reduce cumulative impacts should be required to meet CEQA’s infeasibility standards to move from one geographic priority level to the next. The County disagrees with this assertion. First, the CAP does not provide mitigation for GPAs, the Final SEIR is the document in which Mitigation Measure M-GHG-1 appears. Secondly, determining feasibility of mitigation is a task which the County regularly performs for all projects that require mitigation, and to amend the mitigation measure to require infeasibility findings is unnecessarily redundant of the existing references in the measure to</p> |
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|  | <p>feasibility and restates a basic CEQA requirement that already applies to any lead agency's review of possible mitigation.</p> <p>Regarding who makes the feasibility determination for mitigation measures, the evaluation of feasibility occurs throughout the review of a discretionary project by County staff and decision makers. However, regardless of where or when this determination of feasibility is made for a mitigation measure, CEQA focuses on whether substantial evidence exists that the mitigation measure will be effective in reducing or avoiding a project's significant impacts. Here, Mitigation Measure M-GHG-1 sets up clear performance standards ensuring the effectiveness of the mitigation by requiring all feasible measures on-site and allowing the purchase of carbon offset credits from certified registries based on an established geographic priority consistent with CARB guidance and what CARB approved for use on the Newhall Ranch project in Los Angeles County. See Master Response 12 for a complete description of CAP Mitigation Measure M-GHG-1. Such performance standards ensure the effectiveness of this mitigation regardless of when, or by whom, CAP Mitigation Measure M-GHG-1 is applied to a project. Regarding the economic feasibility of mitigation, the County understands the requirements that must be achieved to demonstrate economic infeasibility of mitigation measures or alternatives as provided by CEQA and supporting cases. The comment will be included in the administrative record and provided to decision makers for consideration.</p> |
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("OPR") and CAPCOA provide extensive lists of potential on-site GHG reduction features. (See OPR Technical Advisory<sup>1</sup> (June 2008); CAPCOA Model Policies for Greenhouse Gases in General Plans<sup>2</sup> (June 2009).) Additional potential measures are provided in CARB's 2017 Scoping Plan Update and can be found in many other sources. A specific finding of infeasibility must be made for each such measure before a project can rely on off-site measures. Then, similar findings of infeasibility must be made for all potential local mitigation projects before the General Plan Amendment project may rely on emissions reductions derived from more distant sources.

In fact, the County reiterates this feasibility requirement in the draft subsequent environmental impact report for the Property Specific Requests ("PSRs") General Plan Amendment. There, the County considered that a project must consider whether it is consistent with the CAP through the exhaustion of all "feasible" onsite design features and mitigation measures:

The increase in emissions shall be reduced by demonstrating compliance with relevant CAP reduction measures identified in the CAP Consistency Review Checklist, *implementing all feasible onsite design features and mitigation measures*, and implementing offsite mitigation, which may include purchase of carbon offsets for any remainder of GHG emissions. Therefore, if the CAP is adopted and the SEIR is certified, GPAs would comply with the threshold of significance by showing consistency with the CAP.

(PSRs General Plan Amendment and Rezone SEIR at p. 2.17-9 [emphasis added]<sup>3</sup>.) If the County intends to employ the feasibility standard for every potential project that could increase GHG emissions (as is suggested by its inclusion in the PSRs SEIR), the County should expressly implement this standard in the CAP.

Project applicants and the public should be aware of the high standard required to make a finding of "economic" infeasibility. We are concerned that the CAP's focus on cost-benefit analyses may cause confusion with respect to findings of economic infeasibility. Specifically, the statement on page 8-41 of the FSEIR that "[r]elative costs are also used as a feasibility metric for County deliberation" is misleading with regard to CEQA's standards for findings of economic infeasibility. Mere loss of profitability is insufficient to demonstrate economic infeasibility. "What is required is evidence that the additional costs or lost profitability are sufficiently severe so as to render it impractical to proceed with the project." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599 [quoting *Citizens of Goleta*

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<sup>1</sup> Available at: <http://www.opr.ca.gov/docs/june08-ceqa.pdf>.

<sup>2</sup> Available at: <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-ModelPolicies-6-12-09-915am.pdf>.

<sup>3</sup> The PSRs General Plan Amendment and Rezone SEIR is available at <https://www.sandiegocounty.gov/content/sdc/pds/advance/PSR/PSR-GPA-Public-Review.html>.

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*Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1181[.] Economic infeasibility findings must be supported by adequate, relevant economic evidence. (*Uphold Our Heritage*, supra, 147 Cal.App.4th at 601-602; see also *Save Round Valley Valley Alliance v. Cty. of Inyo* (2007) 157 Cal.App.4th 1437, 1462; *Cty. of San Diego v. Grossmont-Cuyamaca Cmty. College* (2006) 141 Cal.App.4th 86, 108.)

The CAP should also clarify who makes the feasibility determination for the geographic scope of General Plan Amendment projects' GHG mitigation measures. Such findings must be included in CEQA documents, not made *post hoc* by staff members in unreviewable proceedings. The public must have an opportunity to review and comment on such findings before the Board of Supervisors reaches a decision. This is consistent with accepted CEQA case law and should be clarified within the CAP to avoid any confusion later.

#### B. Concerns Regarding Availability of Local Projects for Offset Credit

While we encourage and support every effort to provide GHG mitigation on-site, we are also concerned about the availability of GHG reduction projects in local communities if on-site mitigation is found to be infeasible. The CAP's Master Response 12 notes that only one project within San Diego County is included on the approved registries for offset projects. At this time, however, credits are not available from that project – a reforestation project – because the trees have not reached maturity. (FSEIR at 8-52.)

Further, any mitigation projects that become available within the County will be needed to mitigate impacts from planned development. The CAP's GHG Reduction Measure T-4.1 includes a local direct investment program. The FSEIR's Master Response 3 clarifies that Measure T-4.1 is separate from the carbon offset credits to be used by General Plan Amendment projects pursuant to Mitigation Measure GHG-1. Because Measure T-4.1 is included in the CAP's GHG reduction strategies, it is required mitigation for the General Plan's *approved* land uses pursuant to measure CC-1.2. Measure T-4.1's local direct investment projects may not be "double counted" for General Plan Amendment projects' reductions under Mitigation Measure GHG-1.

Similarly, other identified mitigation projects in the local area are needed to mitigate the existing General Plan's GHG impacts. Measure T-3.5 requiring installation of electric vehicle chargers was added to the Final CAP. While we support efforts to install additional electric vehicle charging stations in the County, this project is needed to mitigate the existing General Plan's GHG impacts and cannot be "double counted" as mitigation for General Plan Amendment projects pursuant to Mitigation Measure GHG-1.

The County should make a considerable effort to promote development of local mitigation projects. Only once sufficient projects have been developed to satisfy Measures T-4.1, T-3.5, and other measures relying on local projects, should additional local projects be considered as mitigation for General Plan Amendment projects' GHG impacts. The CAP should clarify that development of such local projects is a prerequisite to processing General Plan Amendments relying on off-site mitigation. Without the development of such projects, geographic priority levels 2 and 3 of the Mitigation Measure GHG-1 are illusory. In that case,

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#### X29-4

The comment summarizes the commenter's understanding about how GHG Reduction Measure T-4.1 would mitigate GHG emissions for 2011 GPU land uses. The County generally agrees with this summary. It should be noted that if the GHG emissions reductions achieved by the direct investment program under GHG Reduction Measure T-4.1 were to exceed the amount needed as outlined in the CAP, it is possible that individual development projects could acquire emissions credits from the program to meet their offset requirements. However, the availability of "excess" carbon offset credits is currently speculative. It should also be noted that the CAP's GHG emissions reductions will be accounted separately. The CAP's GHG Reduction Measures and actions resulting from their implementation are solely responsible for reducing GHG emissions from adopted 2011 GPU land uses. These are separate and distinct from local carbon offset credits that may be purchased by GPAs as mitigation and included in a comprehensive mitigation program that would demonstrate that GPAs would not interfere with implementation of the CAP or achievement of its targets. No "double-counting" of reductions will occur.

Finally, the comment suggests that the County should help promote the development of local carbon offset projects and suggests that only upon the development of local projects should GPAs be processed. The County intends to promote local projects but disagrees with the assertion that GPAs should be delayed until such projects are available. As previously described, the County has established a detailed mitigation hierarchy that is consistent with CEQA Guidelines and CARB's 2017 Scoping Plan. Please refer to Master Response 12 for more information related to this topic. Although there currently are limited local offset credits available, the County does not agree that the inclusion of off-site mitigation violates CARB's guidance or the intent of General Plan Mitigation Measure CC-1.2. Refer to response to comment O22-8 and X33-5, for this response. The comment will be included in the administrative record and provided to decision makers for consideration.



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any off-site mitigation could only occur outside the County in violation of Mitigation Measure CC-1.2 and CARB's guidance.

## II. THE CAP SHOULD REQUIRE VMT REDUCTION AND SMART GROWTH LOCATIONS FOR GENERAL PLAN AMENDMENT PROJECTS

As noted above, Mitigation Measure GHG-1 provides a geographic priority list for offset projects to mitigate cumulative GHG impacts from General Plan Amendment projects. Mitigation Measure GHG-1 does not, however, require VMT reduction. Mitigation Measure GHG-1 also does not require consistency with SANDAG's Regional Transportation Plan/Sustainability Communities Strategy ("RTP/SCS"), which is the region's plan for achieving GHG reductions by reducing VMT consistent with State law and CARB's targets. The CAP should be revised to clarify that analysis of VMT reduction and RTP/SCS consistency is required consistent with the General Plan's provisions and CARB's guidance.

The County's General Plan requires coordination with SANDAG regarding regional planning and implementation of its RTP/SCS pursuant to SB 375. General Plan Policy COS-20.3 requires the County to "[c]oordinate air quality planning efforts with federal and State agencies, SANDAG, and other jurisdictions." General Plan Policy LU-4.1 requires the County to "[p]articipate in regional planning to ensure that the unique communities, assets, and challenges of the unincorporated lands are appropriately addressed with the implementation of the planning principles and land use requirements, including the provisions of SB 375." Failure to adequately coordinate with SANDAG regarding its RTP/SCS, therefore, would result in a General Plan inconsistency.

CARB's 2017 Scoping Plan Update also emphasizes the need to address VMT as an integral piece of GHG mitigation. "CARB staff is *more convinced than ever* that, in addition to achieving GHG reductions from cleaner fuels and vehicles, *California must also reduce VMT*." (CARB, 2017 Climate Change Scoping Plan at p. 101 [emphasis added].) See Attachment A for additional support.

### A. The CAP Should Include Analysis of VMT Impacts

As part of the CAP's environmental analysis, the County should run the same model SANDAG used for its RTP/SCS to evaluate the CAP's proposals. This model run should take into account cumulative impacts from General Plan Amendment projects that could be approved using Mitigation Measure GHG-1's offset program. The cumulative projects should include at least all General Plan Amendment proposals currently in process with the County, including the proposed Newland Sierra project – which published its draft EIR prior to publication of the Draft CAP. This is the only way to inform decisionmakers and the public of the CAP's potential impacts on County-wide VMT. The model run may include various scenarios, but must include at least one assuming all General Plan Amendment projects would rely on offset credits from outside the county – which would not reduce local or regional VMT.

Only this analysis can demonstrate whether the CAP is consistent with SANDAG's VMT reduction plans in its RTP/SCS pursuant to SB 375. The County should coordinate with

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The comment expresses concern that CAP Mitigation Measure M-GHG-1 should be revised to clarify that GPAs must reduce VMTs and be consistent with SANDAG's regional planning efforts. The comment also paraphrases 2011 GPU policies that require coordination with SANDAG and other regional planning entities. Finally, the comment reiterates a previous comment that indicates that the 2017 Scoping Plan emphasizes VMT reduction. The County does not agree that the mitigation measure should be revised. The County acknowledges that as a jurisdiction with land use authority, it is important to coordinate on regional planning matters, and as a matter of course it has previously coordinated with SANDAG on the County's existing General Plan and continues to coordinate with SANDAG and other agencies on regional planning efforts. Related to the 2017 Scoping Plan, the County acknowledges the language and refers the commenter to response to comment letter X-22 for a response to the requirement to limit VMT. Please also refer to Master Response 2 regarding the CAP and consistency with SB 375 and other regional planning documents and Master Response 6 regarding transportation GHG Reduction Measures. Finally, it should be noted again that the CAP is not a land use plan. It is a CEQA qualified GHG emissions reduction plan intended to address the GHG emissions from the County's existing General Plan. The CAP does not change any land use designations of property in the unincorporated county, nor does it approve in-process or future GPA projects. The authority for land use policy and regulations continues to be governed by the 2011 General Plan. The County provided the 2011 General Plan land uses to SANDAG, which inform their Regional Plan (RTP/SCS).

**X29-6**

The comment states that the CAP should include an analysis of VMT impacts associated with GPA projects that could be approved using CAP Mitigation Measure M-GHG-1. As stated in Master Response 2, if a project proposes a land use change from what was established in the 2011 GPU (i.e., a General Plan Amendment [GPA]), it is the responsibility of the GPA project to determine how it affects VMT projections and in turn how that affects the ability of the Regional Plan to meet SB 375

targets. Currently, however, the VMT projections within the Regional Plan align with the 2011 GPU. These projections were also used to establish the GHG inventory within the CAP. As explained in the CAP, to conservatively account for GHG emissions in the unincorporated county, the Draft CAP's GHG inventory includes GPAs adopted between August 2011 (adoption of 2011 GPU) and March 28, 2017 (date at which the inventory technical reports were prepared). GPAs with pending applications with PDS have not been adopted by the Board of Supervisors and, therefore, are included in the Final SEIR cumulative impacts analysis because they are current or reasonably foreseeable. Again, however, the CAP itself does not propose any changes to land use. Therefore, it is inherently consistent with the VMT projections in the Regional Plan, which in turn is consistent with SB 375.

The CAP is a plan for reduction of GHG emissions related to the current County General Plan. It does not set a sector-by-sector target for VMT or other activity factors for GHG emissions. The overall GHG reduction targets and goal in the CAP are based on the recommendations in the CARB 2017 Scoping Plan. It would be speculative for the CAP to presuppose approval of future and proposed GPA projects, include the GHG emissions from these future projects in the CAP's emissions inventory, or assess the VMT from these projects at the program level. These projects will continue to be appropriately analyzed on a project-by-project basis consistent with CEQA Guidelines.

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SANDAG about such a model and its results in order to comply with the County's own General Plan policies.

**B. The CAP Should Evaluate a Mitigation Measure or Alternative Requiring General Plan Amendment Projects to Be Located in Smart Growth Areas**

SANDAG submitted a comment letter on the Draft CAP, which included a comment encouraging the CAP to embrace smart growth policies. The FSEIR's response indicates that the CAP is consistent with SANDAG's RTP/SCS because the CAP does not propose land use changes to the 2011 General Plan. (FSEIR, Response to Comments L4-3.) A similar statement is included in Master Response 2. (*Id.* at p. 8-15.) These responses lead to the conclusion that General Plan Amendment projects would cause an inconsistency with SANDAG's RTP/SCS. They also fail to adequately respond to SANDAG's comment.

Curiously, Master Response 2 also includes a contradictory statement that Mitigation Measure GHG-1 "would ensure" that General Plan Amendment projects are consistent with the RTP/SCS. This is not accurate. Mitigation Measure GHG-1 does not include any requirements for VMT reduction, and the FSEIR admits that adherence to approved land uses in the 2011 General Plan is necessary for consistency with the RTP/SCS.

Responses to comments are an important part of the CEQA process. "The primary reason for soliciting comments from interested parties is to allow the lead agency to identify, at the earliest possible time, the potential significant adverse effects of the project and alternatives and mitigation measures that would substantially reduce these effects." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1129 [citation omitted]; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 735 ["Comments are an integral part of the EIR and should be relied upon by the decisionmakers."] [citation omitted].) Responses to comments must be in good faith and rely on factual information. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 475 ["An agency must evaluate and respond to timely comments on the draft EIR that raise significant environmental issues. Responses must describe the disposition of the issues raised in the comments. If the agency rejects a recommendation or objection concerning a significant environmental issue, the response must explain the reasons why. Responses must articulate 'good faith, reasoned analysis in response,' and not mere '[c]onclusory statements unsupported by factual information.'"] [citations omitted].)

The inaccurate statement in Master Response 2 that Mitigation Measure GHG-1 "would ensure" that General Plan Amendment projects are consistent with the RTP/SCS does not comply with CEQA's requirements. Rather than a good faith response, this response contains a clear inaccuracy and provides no response regarding why the County might believe that its plan is consistent with the RTP/SCS. Although the RTP/SCS is not under the County's jurisdiction, recent case law from the California Supreme Court holds that a lead agency must analyze a project's environmental impacts affecting a different jurisdiction. In *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, the Supreme Court overturned a local agency's approval for failing to identify potential environmentally sensitive habitat areas under the California Coastal Act as a "related regulatory regimes," and to account for those areas

X29-6  
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X29-7

**X29-7**

The comment states that the CAP should evaluate a mitigation measure or alternative requiring GPAs to be in smart growth areas and states that the Final SEIR incorrectly states that CAP Mitigation Measure M-GHG-1 would ensure that GPAs would be consistent with SANDAG's Regional Plan.

First, the CAP does not approve new development. Second, SANDAG uses the General Plan land use designations to inform the Regional Plan (which includes the SCS/RTP), including all land uses within the unincorporated county that are located outside of "Smart Growth" areas. The CAP does not propose land use changes to the 2011 GPU. The General Plan continues to be the governing land use plan for the County. If a project would result in an amendment to the General Plan, it would need to analyze its impacts for all issue areas consistent with CEQA. Because the CAP does not amend land uses, it would not be appropriate for the Final SEIR to include an alternative or mitigation measure prescribing location of GPAs. Additionally, CEQA does not require an EIR to consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Additionally, the comment refers to the case of *Banning Ranch Conservancy v. City of Newport Beach*, 2 Cal. 5<sup>th</sup> 918 (2017), in support of its statement that the Draft SEIR must analyze how the CAP will affect the ability of SANDAG to meet SB 375 targets. The *Banning Ranch Conservancy* case addressed the City of Newport Beach's failure to analyze the environmental impacts of a development project, and the City's improper reliance upon the argument that those impacts would be considered during a subsequent permit application to a different agency. By contrast, the CAP does not propose any changes to land use and is consistent with the RTP/SCS. Please refer to Master Response 2. Furthermore, as stated above, any proposed GPAs would be reevaluated for project-level VMT and consistency with the SCS at the time of discretionary review.

Pursuant to State Government Code Section 65080(b)(2)(K), a SCS does not: (i) regulate the use of land; (ii) supersede the

land use authority of cities and counties; or (iii) require that a city's or county's land use policies and regulations, including those in a general plan, be consistent with it. SB 375 does, however, make regional and local planning agencies responsible for developing those strategies as part of the federally required metropolitan transportation planning process and the state-mandated housing element process. Neither of these planning processes are related to the Draft CAP, which proposes no land use changes and aims to reduce GHG emissions from existing planned land uses. Therefore, it is the responsibility of SANDAG to ensure that the region is demonstrating consistency with SB 375; though it is acknowledged that the County is one of many agencies that comprise the region in helping SANDAG achieve this goal. Please see Master Response 2 regarding consistency of the CAP with the Regional Plan.

Lastly, the County has required feasible mitigation through CAP Mitigation Measure M-GHG-1 to reduce cumulative GHG emissions impacts from GPAs. SB 375 supports the State's climate action goals to reduce GHG emissions through coordinated transportation and land use planning with the goal of more sustainable communities. The purpose of SB 375 is to reduce GHG emissions. Therefore, the Final SEIR provides feasible mitigation through Mitigation Measure M-GHG-1 that would require GPAs to reduce their GHG emissions, thus conforming to the purpose of SB 375. The use of carbon offset credits is supported through previous case law as described in Master Response 12.

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in their analysis of the project's mitigation measures. (2 Cal.5th 918, 937 ["To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements."]). Similarly, the County's FSEIR must analyze impacts from the CAP's offset program to SANDAG's ability to meet the requirements of its RTP/SCS. The County has the burden of demonstrating how its CAP, with the offset program in Mitigation Measure GHG-1, is or is not consistent with SANDAG's adopted plan. Further, the County is required to provide an appropriate update to the VMT model used by SANDAG to estimate County-wide VMT. Without this model information, or some other effort to quantitatively evaluate changes to County-wide VMT from the cumulative General Plan Amendment projects, the FSEIR, and especially this response to comment, is inadequate. As noted above, the County should run the SANDAG model for the RTP/SCS including the cumulative General Plan Amendment projects in order to determine the CAP's impacts on VMT and consistency with the RTP/SCS.

The FSEIR should also study a mitigation measure or alternative to limit General Plan Amendments to areas identified by SANDAG as "smart growth" areas. SANDAG's RTP/SCS notes that approximately half of its emissions reductions would result from transit and transportation demand management projects, while a quarter of the reductions result from changing land uses and a quarter from increasing the cost of driving. (SANDAG, San Diego Forward: Regional Plan at Appendix C at 3 (2015)<sup>4</sup>.) As such, it is vital to locate unplanned residential development in smart growth areas near transit and jobs. Changing land use patterns must favor smart growth over sprawl to be consistent with the RTP/SCS.

Recent opinions from the Supreme Court and Court of Appeal addressing the adequacy of SANDAG's previous RTP/SCS emphasized the importance of analyzing a "smart growth" mitigation measure or alternative. (*Cleveland Nat'l Forest Found. v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 506 ["The reductions mandated by Senate Bill 375 may be achieved through a variety of means, including 'smart growth' planning to maximize building densities at locations served by public transit and to locate residences near needed services and shopping to reduce automobile dependency."]; *Cleveland Nat'l Forest Found. v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 433-34 [failure to address smart growth in mitigation and alternatives].)

The FSEIR admits that "the nature of the unincorporated county is low-density development that is not conducive to non-driving trips" and that "[t]rip distances are longer in the unincorporated county." (FSEIR at 8-29.) Consequently, limiting unplanned development to smart growth areas is even more important for ensuring consistency with the RTP/SCS's VMT reduction goals.

The CAP indicates that proposed GHG emissions reductions from the transportation sector are disproportionately low compared to emissions generated by on-road transportation because the County lacks authority to regulate transportation. The County, however, has plenary authority over land use and could achieve greater emissions reductions from on-road

X29-7  
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<sup>4</sup> San Diego Forward: The Regional Plan, including Appendix C, may be accessed at <http://www.sdfoward.com/previous-plan>.

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transportation by committing to only allow increased density from General Plan Amendments in smart growth areas that will not increase VMT. To the contrary, many of the currently proposed General Plan Amendment projects, such as Newland Sierra, add density to rural lands, creating sprawl and increasing the County's VMTs.

X29-7  
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### III. THE CAP'S GHG REDUCTION MEASURES MUST MEET CEQA'S CRITERIA FOR DEFINITE AND ENFORCEABLE MITIGATION

Mitigation measures must be feasible and enforceable (14 Cal. Code Regs. § 15126.4, subd. (a)(1), (2)) and must provide adequate information to ascertain their enforceability. (*Sierra Club v. City of Fresno* (2014) 226 Cal.App.4th 704, 750–51.) Development of mitigation measures cannot be deferred to a later date. “Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.” (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 915, 916 [citations omitted].) The purpose of CEQA's mitigation requirements “is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261[emphasis in original] [citing Pub. Res. Code § 21002.1, subd. (b)]; see also *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93 [invalidating mitigation measures that are “nonexclusive, undefined, untested and of unknown efficacy”].)

X29-8

Here, the CAP is itself a mitigation measure. The General Plan's EIR found significant impacts to climate change and proposed preparation of the CAP as Mitigation Measure CC-1.2. CEQA's requirements for mitigation measures, therefore, apply to all GHG emissions-reducing measures within the CAP. The FSEIR errs in Master Response 13 by stating that the CAP's GHG reduction measures are not mitigation measures under CEQA. (See FSEIR at p. 8-53.) This response should be revised and clarified.

In addition, as we expressed in a previous letter, we are concerned that consideration of the cost-benefit analyses completed after the Planning Commission's October hearing on the CAP results in deferral of mitigation and a shifting project description. CEQA requires a stable project description. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192, 193.) The County should clarify which measures are being implemented to meet the CAP's emissions reduction requirements under Mitigation Measure CC-1.2. CEQA does not permit the “weight” or “emphasis” of various mitigation measures to be considered after project approval and public review, but instead requires definite and enforceable mitigation measures that meet defined criteria for reducing a project's impacts. (See *Federation of Hillside & Canyon Associations, supra*, 83 Cal.App.4th at 1261.)

### IV. THE COUNTY MAY NOT SHIFT THE BURDEN OF PROVIDING SUBSTANTIAL EVIDENCE TO PUBLIC COMMENTERS

CEQA requires that a lead agency respond to comments on a draft EIR and base such response on substantial evidence.

X29-9

**X29-8** The comment states that the Final SEIR erred in stating the CAPs GHG Reduction Measures are not mitigation measures under CEQA. The comment also states that consideration of the cost-benefit analysis on the CAP results in deferral of mitigation and a shifting project description. The County disagrees with both assertions. Please refer to response to comments X23-2 and X23-3 and Master Response 13. The comment will be included in the administrative record and provided to decision makers for consideration.

**X29-9** The comment states that the CAP attempts to shift the burden for providing substantial evidence to the public commenter. The County has provided a reasonable and good-faith effort in responding to all comments received on the SEIR including late submittals. For example, the response the commenter references, O14-18, provides a detailed and reasoned response that is nearly a page long and is supported by substantial evidence. The comment offers no evidence to dispute this. The comment will be included in the administrative record and provided to decision makers for consideration.

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It is not enough for the EIR simply to contain information submitted by the public and experts. Problems raised by the public and responsible experts require a good faith reasoned analysis in response. The requirement of a detailed analysis in response ensures that stubborn problems or serious criticism are not "swept under the rug."

(*Santa Clarita Org. for Planning the Env't v County of Los Angeles* (2003) 106 Cal.App.4th 715, 723 [internal citations omitted]; see also *Cal. Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1242 [EIR defective for failing to provide reasoned response to comments].) The CAP's FSEIR, however, attempts to shift the burden for providing substantial evidence to the public commenter. (See e.g., FSEIR, Response O14-18.) This approach does not comply with CEQA. The County should revise the CAP's FSEIR to provide a reasoned response to comments and not shift the burden of providing substantial evidence to the public.

Thank you for your time and attention to our comments. Please do not hesitate to contact us should you have any questions or comments.

Best regards,

*Christopher W. Garrett*

Christopher W. Garrett  
of LATHAM & WATKINS LLP

cc: Kathy Van Ness, Golden Door  
Maggie Soffel, County Planning and Development Services  
Mark Slovick, County Planning and Development Services  
Ashley Smith, County Planning and Development Services  
William W. Witt, Office of County Counsel  
Claudia Silva, Office of County Counsel  
Dan Silver, Endangered Habitats League  
Stephanie Saathoff, Clay Co.  
Denise Price, Clay Co.  
Andrew Yancey, Latham & Watkins

X29-9  
cont.

Attachment A



**ATTACHMENT A****CAP's Inconsistency with CARB's 2017 Scoping Plan Update**

The County's Climate Action Plan ("CAP") falls far short of the policies and recommendations in the California Air Resources Board's ("CARB") 2017 Climate Change Scoping Plan, which was approved on December 14, 2017. In fact, although the County made cursory references to the Scoping Plan in the Final CAP, the County did not even acknowledge the adoption of CARB's Scoping Plan in the Final Supplemental Environmental Impact Report ("FSEIR"). This chart provides a side-by-side comparison of relevant CARB policies and the CAP, demonstrating several of the CAP's key shortcomings.

| CARB Policy   | County Climate Action Plan   |
|---|--|
| The 2017 Climate Change Scoping Plan states that vehicle miles traveled ("VMT") reductions serve as an essential part of GHG emissions reductions, enabling the State to meet its climate change goals. (2017 Climate Change Scoping Plan at p. 116.)   | The CAP draft and final supplemental environmental impact reports ("SEIR") fail to analyze how the proposed action will affect San Diego County's overall VMT. Additionally, the SEIR does not provide separate metrics for measuring VMT, and it does not describe the CAP's impact on the region as a whole. The CAP should provide an overall consideration of VMT impacts as a whole to accurately ascertain consistency with the 2017 Climate Change Scoping Plan, and compliance with Assembly Bill ("AB") 32, Senate Bill ("SB") 32, SB 375, SANDAG's RTP/SCS, and other GHG reduction requirements, rather than just sector-by-sector.                       |
| The 2017 Climate Change Scoping Plan repeatedly emphasizes the importance of VMT reductions. (2017 Climate Change Scoping Plan at pp. 74 [VMT reductions' health benefits]; 113 [reducing VMT through land use].) "CARB staff is <i>more convinced than ever</i> that, in addition to achieving GHG reductions from cleaner fuels and vehicles, <i>California must also reduce VMT.</i> " ( <i>Id.</i> at p. 101 [emphasis added].) | Rather than ensuring that future development appropriately reduces VMTs, <b>the CAP proposes mitigating GHG impacts from General Plan Amendments through the reliance on offsets that do not result in local VMT reductions.</b> General Plan Amendments on unincorporated County lands are inherently sprawl development proposals in rural areas. They would produce GHG emissions over and above those considered in the General Plan and mitigated in the CAP. Similarly, any VMT from General Plan Amendments approved subsequent to the CAP would be additive and must be appropriately mitigated – which cannot be achieved through the use of offsets alone. |
| CARB quantified a particular amount of VMT reductions necessary to reach the State's climate change goals. (2017 Climate Change Scoping Plan at pp. 150-151.)   | The CAP SEIR does not provide information comparing the CAP's developed GHG emissions metrics to the GHG metrics in the 2017 Scoping Plan, including the percentage VMT reductions necessary to reach the State's climate change goals. Therefore, <b>it is unclear if the CAP will ensure the County achieves VMT reduction goals set by CARB.</b> The CAP SEIR also does not indicate whether its underlying assumptions are consistent with the assumptions that CARB used to determine the statewide metrics for per person GHG emissions.   |

X29-10

**X29-10** The comment states that the CAP falls far short of the policies and recommendations in CARB's Scoping Plan, approved on December 14, 2017. The comment further states that the Final SEIR does not acknowledge adoption of the 2017 Scoping Plan. This is incorrect. The CAP is consistent with the CARB 2017 Scoping Plan and does acknowledge the final approved plan. The CAP is consistent with the 2017 Scoping Plan as detailed in CAP pages 1-2 through 1-3, CAP page 2-1, CAP pages 2-10 through 2-13, Master Response 4, and elsewhere in the record, so whether or not the Final SEIR specifically acknowledged the approved December 14, 2017 plan is irrelevant.

The comment provides a table comparing text from the Scoping Plan with the CAP. Overall, the County wishes to emphasize again that the CAP is not a land use plan. It is a CEQA qualified GHG emissions reduction plan intended to address the GHG emissions from the County's existing General Plan. The CAP does not change any land use designations of property in the unincorporated county, nor does it approve in-process or future GPA projects, or any corresponding change in VMT from these projects. The authority for land use policy and regulations continues to be governed by the 2011 General Plan. Specifically, the comment contends that the CAP and SEIR do not analyze how the CAP will affect the region's overall VMT, the SEIR does not provide separate metrics for measuring VMT and does not describe the CAP's impact on the region as a whole. Please refer to response to comments X22-4 and X22-5.

The comment also states that the CAP should provide an overall consideration of VMT impacts to ascertain consistency with the 2017 Climate Change Scoping Plan, and compliance with AB 32, SB 32, SB 375, SANDAG's Regional Plan, and other GHG reduction requirements. The CAP provides an assessment of GHG emissions consistent with recommendations on reduction targets in the Scoping Plan, which are in turn based on legislative targets in AB 32 and SB 32. The CAP also provides an analysis of transportation emissions based on baseline and projected VMT. Please refer

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|  | <p>to Master Response 2 for a discussion of the relationship between the CAP and SB 375 and SANDAG's Regional Plan. The comment refers to the Scoping Plan and the statements therein regarding the importance of reducing VMT and disputes the use of carbon offset credits to mitigate cumulative project-related emissions for GPAs. Please refer to Master Response 2 and response to comment X22-4.</p> <p>The comment further references CARB's stated reductions in VMT required statewide and states that the SEIR does not provide information comparing the CAP's developed GHG emissions metrics to the GHG metrics in the 2017 Scoping Plan, including the percentage of VMT reductions necessary to reach the State's climate change goals. Please refer to response to comment X22-4 and Master Response 6 regarding VMT reductions provided for in the CAP. The comment questions whether the underlying assumptions in the CAP are consistent with the assumptions that CARB used to determine the statewide metrics for per person GHG emissions. Please refer to CAP Chapter 2 and Master Response 4 for details on how reduction targets align with recommendations in the 2017 Scoping Plan were derived.</p> <p>The comment goes on to state that the CAP should account for draft updated SB 375 targets for SANDAG. Please refer to response X22-15.</p> <p>The comment further disputes the use of carbon offset credits for GHG mitigation. Please refer to Master Response 12 and response to comment X22-4.</p> <p>The comment closes by stating that the County should ensure compliance with CARB's recommendations and policies to assist the State in reaching its goals. As described at length in CAP Chapter 2 and Master Response 4, the GHG reduction targets and goal in the CAP align with CARB's recommendations for targets in the Scoping Plan.</p> |
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| CARB Policy  | County Climate Action Plan   |
|--|--|
| CARB has proposed (but not yet approved) new emissions reductions targets for San Diego County that are higher than other regions' targets, indicating that <b>the County's GHG emissions reduction efforts must go over and beyond other efforts in the State.</b> (See CARB Proposed Update to the SB 375 GHG Emission Reduction Targets at A-8 to A-9. <sup>1</sup> )   | The CAP should take into account how its adoption may affect SANDAG's ability to adopt a new RTP/SCS that complies with CARB's new targets. Given the proposed increase in reductions from San Diego County under the new SB 375 targets, CARB has indicated that it believes San Diego County has additional work to do to reduce GHG emissions in order to ensure the State reaches its climate change goals. <b>The CAP SEIR should, but did not, analyze how the CAP helps or hinders reaching SANDAG's targets,</b> as it cannot merely assume that SANDAG will meet its targets. |
| <b>CARB's 2017 Climate Change Scoping Plan rejects reliance on "offshore offsets" as a primary means for GHG mitigation.</b> CARB explicitly recommends prioritization of on-site design features to reduce GHG emissions and direct investment in GHG reduction within a project's own region in order to achieve co-benefits. CARB also emphasizes the need for project features that reduce VMT and planning new development with access to affordable transit opportunities. (2017 Climate Change Scoping Plan at p. 152.) | The CAP fails to meet CARB's criteria for GHG mitigation. The CAP provides only a loose priority system for availability of offsets that relies on a feasibility analysis of on-site reduction activities or regional direct investment, but the CAP does not provide sufficient clarity about the feasibility criteria. In fact, <b>the County only identified one potential offset project within the County – a reforestation project that has not yet matured to the point that credits are available.</b>   |

X29-10  
cont.

CARB is the State agency tasked with implementing the State's GHG reductions goals. CARB develops the strategy to ensure that the State reaches its lofty goals to ensure the State's commitment to reducing climate change is realized. The County, in turn, should ensure that it complies with CARB's recommendations and policies to assist the State in reaching its goals. If the CAP does not take into account CARB's policies, the County's key document in reducing GHG emissions would openly ignore State policies put in place specifically to reach the mandated GHG reductions goals.

<sup>1</sup> Available at:

[https://www.arb.ca.gov/cc/sb375/final\\_staff\\_proposal\\_sb375\\_target\\_update\\_october\\_2017.pdf](https://www.arb.ca.gov/cc/sb375/final_staff_proposal_sb375_target_update_october_2017.pdf).