



Letter
X34

January 16, 2018

County of San Diego Planning Commission
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Attn: Lisa Fitzpatrick, Planning Commission Secretary

Subject: County of San Diego Final Draft Climate Action Plan and Final SEIR

Dear Planning Commission:

Climate Action Campaign (CAC) is committed to stopping climate change by helping local governments in the San Diego Region pass and implement successful climate plans with commitments to 100% clean energy by 2035. We envision a future in which all communities have healthy places to live, work, and play.

The Climate Action Campaign (CAC) is disappointed in the County's Final Climate Action Plan (CAP). Despite numerous public comments from organizations and individuals seeking to improve the CAP and strengthen the County's plan to reduce GHG emissions, the Final CAP repeats nearly all of flaws in the previous draft.

CAC has worked extensively with various jurisdictions in the region to draft CAPs and develop policies to reduce GHG emissions. While we support the County CAP's goals and many of its proposed GHG reduction concepts, we are concerned that the CAP's flaws result in a step in the wrong direction.

1. Required mitigation is not sufficiently defined and enforceable

The CAP is required by Mitigation Measure CC-1.2 of the 2011 General Plan Update's (GPU) environmental impact report (EIR) as mitigation for climate change impacts from land uses designated in the General Plan. Therefore, GHG reduction measures in the CAP must be enforceable as mitigation under CEQA.

Responses to comments regarding GHG Reduction Measure T-4.1 indicate the CAP includes "options" for local direct investment. But the CAP does not provide substantial evidence that the local direct investment projects will be able to achieve the projected emissions reductions. Response to comment O10-4 responds to CAC's comments by indicating that CAC did not provide substantial evidence that GHG Reduction Measure T-4.1 would not be effective.

However, it is the lead agency's responsibility to provide substantial evidence demonstrating effectiveness of mitigation.

X34-1

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Response to Comment Letter X34

**Climate Action Campaign
Sophie Wolfram, Policy Advocate
January 16, 2018**

X34-1 The comment introduces the commenting organization, The Climate Action Campaign, and expresses disappointment in the Final CAP. No further response is required. The comment will be included with the Final SEIR and submitted to decision makers.

X34-2 The comment expresses concern that mitigation is not sufficiently defined or enforceable. Specifically, the comment states that the CAP and its GHG reduction measures are serving as mitigation for the 2011 GPU and must be enforceable under CEQA. The County agrees that the CAP is a comprehensive plan to reduce GHG emissions which serves as a mitigation measure for the 2011 GPU related to significant GHG impacts identified in the 2011 GPU PEIR (GPU PEIR Mitigation Measure CC-1.2). As described in Chapter 1 of the Final SEIR, GPU Mitigation Measure CC-1.2 would be updated as part of the Project and would require the preparation of a CAP that meets the performance standard of reducing GHG emissions consistent with state-legislative targets and that meets the content requirements of CEQA Guidelines Section 15183.5. This mitigation is fully defined and enforceable.

The comment appears to suggest that individual GHG Reduction Measures in the CAP (such as the local direct investment program) are mitigation measures within the meaning of CEQA Guidelines Section 15126.4 (a). The 2011 GPU Mitigation Measure CC-1.2 required the adoption of a climate action plan, which is a requirement consistent with CEQA Guidelines section 15126.4(c), and the CAP, as a plan to reduce greenhouse gas emissions, satisfies mitigation measure CC-1.2. The CAP is consistent with and is authorized by CEQA Guidelines section 15183.5 as an adaptive

management plan that includes a variety of strategies, GHG reduction measures, and supporting efforts. The CAP will be implemented and monitored to ensure that the identified performance standard (i.e., meeting state-legislative targets) is achieved and the County will enforce the achievement of these standards. The CAP contains the elements specified in CEQA Guidelines section 15183.5, including a group of measures (the GHG reduction measures) with performance standards that substantial evidence demonstrates when implemented will achieve the specified emissions level. These group of measures to reduce greenhouse gases have been incorporated into the CAP, are enforceable, and are consistent with *Sierra Club v. County of San Diego*, 231 Cal.App.4th 1152 (2014). Please refer to Master Response 13 for a comprehensive discussion of the functional differences among the different types of measures referenced in the CAP and SEIR.

The County also disagrees with the assertion that GHG Reduction Measure T-4.1 which would establish the local direct investment program is not adequately defined, nor substantiated. Please refer to the Preliminary Assessment of the County of San Diego Local Direct Investment Program report which was included as Attachment H-3 to the Planning Commission Hearing Report for additional information relating to feasibility and the Final CAP on pages 3-39 through 3-41 for specifics related to the measure.

As described in Master Response 9, the CAP contains 11 strategies, 30 GHG reduction measures, and supporting efforts that will all work in concert to reduce GHG emissions to meet the established targets. In no way has the County indicated that the cost-benefit analysis would result in a selection process that would eliminate measures in the future. The CAP is adaptive and recognizing that some measures may over or underperform allows the County to respond accordingly to meet the targets.

Finally, as responded to at length in Master Response 4 related to GHG emissions target setting, the CAP relies on per-capita GHG reduction targets, along with projected population data,

to develop the 2020 and 2030 GHG reduction targets. However, the targets will not change in response to population growth, if it differs from these estimates. The County will not fall short of the 2020 and 2030 targets because the CAP establishes an emissions threshold that must be achieved. Please see Master Response 12 regarding carbon offset credits that may be used to comply with CAP Mitigation Measure M-GHG-1. The comment will be included with the Final SEIR and submitted to decision makers.



In addition, the new cost-benefit analysis studies included in Attachment H cannot be used as a determinant to pick and choose which of CAP's GHG reduction measures will be implemented. The GHG reductions provided by the CAP as part of the General Plan's mitigation and must be enforced.

Finally, as we have noted previously, the CAP's per-capita GHG reduction targets will not be as effective as mass emissions reduction targets. The CAP is required mitigation for the 2011 GPU's emissions. Under a per-capita approach, population growth could cause the County to fall short of the state GHG reduction targets that the County committed to meet. The CAP also falls short of meeting the County's share of state targets by proposing to allow overseas offset credits to mitigate for General Plan Amendment projects.

2. The CAP Would Allow Sprawl Development to Increase Regional VMT in Excess of SANDAG's Requirements and Contrary to Smart-Growth Policies

The CAP's responses to comments find the CAP to be consistent with SB 375 and SANDAG's Sustainable Communities Strategy (SCS) because the CAP does not propose land use changes to the 2011 GPU. This approach indicates that changes to the 2011 GPU would be inconsistent with the SANDAG's SCS.

However, Mitigation Measure GHG-1 permits General Plan Amendments projects to find no significant impacts based only on the purchase of overseas offsets credits. Mitigation Measure GHG-1 does not require any local reduction in VMT or consistency with the SCS. Proposed amendments to the 2011 GPU typically propose sprawl projects in rural areas without adequate access to transit. These General Plan Amendment projects would necessarily add VMT inconsistent with the SCS, but could still comply with the CAP's offset requirements.

For example, Newland Sierra is a proposed General Plan Amendment project located between Escondido and Riverside County, and is expected to come before the Planning Commission later this year. It proposes 82% of its GHG emissions reductions would result from off-site carbon credit purchases. Newland Sierra is located over six miles from the nearest transit station and would add to the County's VMT.

Another General Plan Amendment project, the Project Specific Requests (PSRs), also proposes additional sprawl development located primarily in North County. It is also expected to be considered by the Planning Commission later this year. The PSRs rely on a similar offset proposal allowing GHG mitigation from overseas offset credits that do not reduce the County's VMT.

Under the CAP's Mitigation Measure GHG-1, these General Plan Amendment projects would result in increased VMT that exceeds the VMT projections SANDAG used to prepare its SCS.

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The comment asserts that GPA projects can be found less than significant with the purchase of international carbon offset credits. The County disagrees with this comment as described at length on pages 2.7-39 through 2.7-41 of the Final SEIR, as well as Master Response 12 related to mitigation hierarchy and use of carbon offset credits. Individual GPA projects would be evaluated for project-level VMT and consistency with the SCS at the time of discretionary review. Speculation regarding the level of impacts and whether impacts could be mitigated is not appropriate at the program-level of analysis in the CAP and because the project-level analysis for these projects has not been certified by the Board of Supervisors. Each GPA would have to analyze consistency with the Regional Plan as part of their respective CEQA documents, as well as consistency with any other plan or policy to reduce GHG emissions. As described in Master Response 2, the CAP is consistent with SB 375 and therefore, with SANDAG's regional plan and SCS. The Final SEIR would require individual GPAs to implement CAP Mitigation Measure M-GHG-1, which would require an evaluation of project-level GHG emissions, and the implementation of design features and mitigation to reduce emissions as necessary. The GHG emissions evaluation would include all construction and operational emissions, which would include any emissions related to VMT. With implementation of Mitigation Measure M-GHG-1, GHG emissions from cumulative projects in the Final SEIR would be reduced to less than significant levels. The comment also expresses concern about the proportion of GHG emissions reductions attributed to the built environment and transportation sector. This comment was addressed in response to comment letter O10. Please refer to that letter. The comment will be included with the Final SEIR and submitted to decision makers.



As CAC commented on the Draft CAP, we are concerned that 45% of the County's emissions currently come from on-road transportation but just 4.4 % of total reductions will result directly from the built environment and transportation strategies. The responses to comments justify the limited reductions from the transportation sector because the County has limited jurisdiction over transportation emissions. However, the County has land use authority and should ensure that General Plan Amendment projects are located in areas that have direct access to transit, limit VMT, and are consistent with the SCS's VMT reduction projections.

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3. Overseas Offset Credits Are Insufficient Mitigation and Fail to Implement State Policies

Since the end of the comment period on the Draft CAP, the Air Resources Board (ARB) has approved its Updated Scoping Plan. For development projects relying on offset credit purchases for GHG mitigation, ARB's Updated Scoping Plan emphasizes the importance of also reducing VMT and including direct investments in the community.

As discussed above, the CAP's Mitigation Measure GHG-1 does not reduce VMT. The General Plan Amendment projects that will rely on it are located in areas that increase VMT. We are concerned that environmental justice aspects of this proposal have not been adequately evaluated. Air pollutants that coincide with on-road transportation GHG emissions will impact local communities, but the mitigation proposed in the CAP would be based on overseas offset credits.

X34-4

CAP Mitigation Measure GHG-1 also does not provide for direct investment to local communities. There is only one project in the County that currently qualifies for offset credits under Mitigation Measure GHG-1, but those credits are not yet available. Also, any GHG emissions reductions from the direct investment program will be used to mitigate the 2011 GPU's climate change impacts, not the General Plan Amendments' impacts.

Mitigation Measure GHG-1 would be inconsistent with ARB's Updated Scoping Plan, because it allows General Plan Amendment projects to rely on overseas offset credit purchases without reducing VMT or investing in local projects.

4. Recommend Addition of Option 1 - Renewable Energy

We agree with staff's analysis that including a 100% clean energy target would reduce the disproportionate burden currently placed on measure T-4.1 to reduce emissions. As we have noted, a 100% clean energy target would make the County consistent with other cities in the County, including San Diego, Del Mar, Solana Beach, Chula Vista, and likely Encinitas (set to adopt its CAP on 1/17/18). We disagree with the assertion in the SEIR that increasing the renewable energy target from 90% to 100% would necessarily require the additional construction of large-scale renewable energy facilities and thereby create significant environmental impacts.

X34-5

X34-4 The comment states that the 2017 Scoping Plan emphasizes the importance of VMT reductions and direct investments in the community. The County agrees with this statement. The comment also expresses concerns about the impacts of future GPA projects on communities that may qualify for environmental justice status. Please refer to response to comment X30-7 related to this topic. For the air quality topic, please refer to response to comment O10-5. For the mitigation hierarchy response which would require all onsite GHG mitigation prior to purchase of offsite carbon offset credits, please refer to Master Response 12. Finally, the commenter confuses the local direct investment that would occur under GHG Reduction Measure T-4.1 that requires establishment of local projects, with the carbon offset credits that could be purchased from a reputable registry to offset project-level emissions from future GPA projects pursuant to Mitigation Measure M-GHG-1. Please refer to Master Response 3 related to the local direct investment program, and Master Response 12 related to the use of carbon offset credits. The County will not purchase carbon offset credits. Finally, the County does not agree with the assertion that CAP Mitigation Measure M-GHG-1 is inconsistent with the 2017 Scoping Plan. Please refer to responses to comment letter X22 for this topic. The comment will be included with the Final SEIR and submitted to decision makers.

X34-5 The comment expresses support for CAP Option 1 which would result in the adoption of the 100% Renewable Energy Alternative. The comment also expresses disagreement with the Final SEIR identification of exacerbated significant and unavoidable environmental impacts related to the adoption of the 100% Renewable Energy Alternative. The County acknowledges the comment and no further response is required. The comment will be included with the Final SEIR and submitted to decision makers.



5. CAP Needs to Address Environmental Justice

In response to CAC’s comments urging inclusion of an Environmental Justice section that commits to developing equity metrics and methodology for tracking and reporting on social equity in CAP implementation, the County indicated that it will address the topic more comprehensively in Community Plan Updates and future General Plan Updates. Addressing Environmental Justice in a comprehensive manner in those contexts does not obviate the need to address it specifically in the implementation of the CAP. It needs to be addressed in both places to be successfully implemented and funded. This is a huge gap in the public policy responsibility of the County.

X34-6

6. Recommend Clear Provisions in the CAP for the Content of Annual Monitoring Reports

We are pleased that the County will conduct annual monitoring reports, perform GHG inventory updates every two years, and prepare CAP updates every five years. We agree that the CAP is a living document and note that the five-year update schedule should not preclude mid-course adjustments if new opportunities arise to further reduce emissions.

X34-7

In addition, we recommend that the County clarify what will be included in annual monitoring reports and specify that the reporting must address both whether and to what extent CAP actions are being implemented and whether the CAP is meeting its GHG reduction targets.

Conclusion

We recommend revising the CAP to ensure that required mitigation is sufficiently defined and enforceable, the County’s authority over land use is used to reduce VMT instead of increasing it, and that the CAP’s proposed use of offset credits complies with the Updated Scoping Plan. In addition, we recommend incorporating the 100% renewable energy option, adding an Environmental Justice section with clear metrics, and clarifying the content of annual monitoring reports.

X34-8

Sincerely,

Sophie Wolfram, Policy Advocate
Climate Action Campaign

X34-6 The comment expresses concern that an Environmental Justice section was not included in the CAP. However, as previously expressed by the County in response to comment O10-16, the County will utilize future land use planning efforts that are more appropriate to identify and address communities that may suffer from disproportionate environmental impacts because of social inequities. This will allow for a more comprehensive approach to address any disproportionate environmental impacts. Additionally, the County is not required to address environmental justice within the CAP. SB 1000 requires that jurisdictions address environmental justice impacts within General Plans and the County will prepare an Environmental Justice evaluation with an update of the General Plan. The comment will be included with the Final SEIR and submitted to decision makers.

X34-7 The comment expresses support for the annual monitoring reports, biannual GHG emissions inventory updates, and CAP updates every 5 years. The comment suggests that the County clarify what will be included in the annual monitoring reports. As stated in the CAP on page 5-6, the County will conduct annual monitoring beginning in 2019, which will be one year after the anticipated approval of the CAP, to track progress and identify where further efforts and additional resources may be needed. Monitoring reports will be published annually beginning in year 2019, which will include the status of measure implementation using monitoring metrics and the progress in meeting the reduction targets. The County will conduct ongoing public outreach during CAP implementation through the Sustainability Task Force. The comment will be included with the Final SEIR and submitted to decision makers.

X34-8 The comment provides a summary of the comments addressed above. No further response is required.