

**From:** Stephanie Clarke  
**To:** CAP  
**Cc:** [svolker@volkerlaw.com](mailto:svolker@volkerlaw.com); "James Volker"  
**Subject:** Comments of Backcountry Against Dumps and Donna Tisdale on The County of San Diego Climate Action Plan, General Plan Amendment and Draft SEIR  
**Date:** Monday, September 25, 2017 3:58:18 PM  
**Attachments:** [Comments of Backcountry Against Dumps re Draft Climate Action Plan 9-25-17.pdf](#)

Letter  
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Ms. Soffel,

Please find attached the Comments of Backcountry Against Dumps and Donna Tisdale on The County of San Diego Climate Action Plan (PDS2015-POD-15-002), General Plan Amendment (PDS2016-GPA-16-007) and Draft SEIR (Log No. PDS2016-ER-16-00-003), SCH #2016101055. Please confirm that you have received these comments and make them part of the record on this matter.

If you have any trouble accessing the attached comments please contact my office.

Thank you,  
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## Response to Comment Letter O5

**Backcountry Against Dumps**  
**Stephan C. Volker, Attorney**  
**and Donna Tisdale**  
**September 25, 2017**

**O5-1** The County acknowledges the comment as an introduction to comments that follow. The comment does not raise issues related to the adequacy of the Draft SEIR. No further response is required.

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September 25, 2017

**VIA EMAIL AND U.S. POST**

Maggie Soffel  
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Re: Comments of Backcountry Against Dumps and Donna Tisdale on  
The County of San Diego Climate Action Plan (PDS2015-POD-15-002), General  
Plan Amendment (PDS2016-GPA-16-007) and Draft SEIR (Log No. PDS2016-  
ER-16-00-003), SCH #2016101055

Dear Ms. Soffel:

Pursuant to the August 10, 2017 Notice of Availability of a Draft Supplemental  
Environmental Impact Report ("DSPEIR," SCH #2016101055) and General Plan Amendment  
("GPA"), we respectfully submit the following comments on San Diego County's (the  
"County's") DSPEIR, GPA, draft Climate Action Plan ("CAP") and draft Guidelines for  
Determining Significance for Climate Change ("Guidelines," and collectively with the GPA and  
CAP, the "Project") on behalf of Backcountry Against Dumps ("Backcountry") and Donna  
Tisdale. Please include these comments in the public record for this Project.

As discussed below, the CAP, Guidelines and DSPEIR lack sufficient detail and  
accountability to be approved and certified as is. In addition, under no circumstances should the  
*proposed* Project be approved, since the Enhanced Direct Investment *Alternative* is feasible,  
environmentally superior and meets all the Project objectives.

**1. The Baseline Is Inadequate.**

For the CAP to satisfy CEQA's requirements for tiered greenhouse gas ("GHG")  
emissions plans, it must "quantify [GHG] emissions, both existing and projected over a specified  
time period, resulting from activities within a defined geographic area." 14 Cal. Code Regs.  
["CEQA Guidelines"] § 15183.5(b)(1)(A). Likewise, the DSPEIR must "include a description of  
the physical environmental conditions in the vicinity of the project, as they exist at the time the  
notice of preparation is published," which "will normally constitute the baseline physical  
conditions by which a Lead Agency determines whether an impact is significant." Guidelines §

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cont.

05-2

**05-2** The comment provides a summary of comments that follow.  
See responses to comments below.

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15125(a). Here, the baseline inventory for GHG emissions presented in the August 2017 CAP and DSPEIR cannot serve these important functions without substantial revision, for the reasons discussed below.

**a. The 2014 Baseline Inventory Numbers Are Inconsistent.**

The DSPEIR indicates that the 2014 greenhouse gas (“GHG”) emissions inventory is the baseline for existing emissions, stating that “the 2014 inventory provides a current snapshot of emission in the county. The 2014 inventory is provided in Table 2.7-1 at the end of this section.” DSPEIR 2.7-3 (emphasis omitted). Yet the emissions summary provided in Table 2.7-1 does not reflect the emissions detailed in the 2014 GHG Emissions Inventory and Projections included as Appendix A to the CAP<sup>1</sup> (“2014 Inventory”), and the 2014 Inventory contains contradictory and unclear descriptions of the baseline emissions, as detailed below.

The only baseline emissions numbers that are constant between the DSPEIR and the 2014 Inventory are the 2014 estimates for off-road vehicle emissions, at 36,927 metric tons of carbon dioxide equivalents (“MTCO<sub>2</sub>e”). Compare DSPEIR 2.7-42 with 2014 Inventory 7 (Table 6). The rest of the baseline numbers are inconsistent between the documents, to varying degrees.

Table 2.7-1 of the DSPEIR estimates that 2014 emissions from electricity use totaled 723,165 MTCO<sub>2</sub>e. DSPEIR 237-42. Yet the 2014 Inventory states that “total emissions from the electricity sector were estimated at 760,638 MTCO<sub>2</sub>e” – a 5.2 percent discrepancy. 2014 Inventory 7 (Table 6), 10 (quote). And while DSPEIR Table 2.7-1 estimates that 2014 solid waste emissions totaled 301,481 MTCO<sub>2</sub>e (DSPEIR 2.7-42), the 2014 Inventory estimates solid waste emissions at 338,107 MTCO<sub>2</sub>e. 2014 Inventory 7 (Table 6), 15. DSPEIR Table 2.7-1’s estimate of 2014 natural gas emissions is 282,678 MTCO<sub>2</sub>e (DSPEIR 2.7-42), but the 2014 Inventory states that “total emissions from the natural gas sector were estimated at 290,712 MTCO<sub>2</sub>e in 2014.” 2014 Inventory 7 (Table 6), 12 (quote). For 2014 agricultural GHG emissions, DSPEIR Table 2.7-1 estimates that total emissions were 165,078 MTCO<sub>2</sub>e (DSPEIR 2.7-42), yet the 2014 Inventory states that “2014 GHG emissions from agriculture in the unincorporated area were estimated at 163,696 MTCO<sub>2</sub>e.” 2014 Inventory 7 (Table 6), 20 (quote). For emissions associated with the water sector, DSPEIR Table 2.7-1 estimates the total 2014 emissions were 134,271 MTCO<sub>2</sub>e (DSPEIR 2.7-42). The 2014 Inventory states that “[t]he total emissions from the water sector in Unincorporated County were estimated at 134,269 MTCO<sub>2</sub>e in 2014. 2014 Inventory 7 (Table 6), 25 (quote). DSPEIR Table 2.7-1 estimates that 2014 emissions for wastewater totaled 21,181 MTCO<sub>2</sub>e (DSPEIR 2.7-42), while the 2014

<sup>1</sup> The CAP itself uses the 2014 Inventory’s summary of emissions by sector, and not the estimates in the DSPEIR. Compare CAP 2-6 (Table 2.1) with 2014 Inventory 7 (Table 6) and DSPEIR 2.7-42 (Table 2.7-1).

**O5-3** The comment provides a summary of comments that follow. Please refer to response to comment O5-4.

**O5-4** The comment states that baseline emissions numbers between the Draft SEIR and the 2014 inventory are inconsistent and references Draft SEIR page 2.7-42 with 2014 Inventory 7 (Table 6). The CAP Appendix A and Table 6 reports the correct baseline emissions. The numbers in Table 2.7-1 on page 2.7-42 are incorrect. The Final SEIR has been revised to clarify the correct numbers (please see Section 2.7, revised Tables 2.7-1 and 2.7-2). This revision represents a clarification and does not affect the conclusions within the Draft SEIR regarding physical impacts on the environment.

**O5-5** The commenter cites several discrepancies in the data presented in the Draft SEIR and 2014 inventory in the CAP and CAP Appendix A. The CAP reports the correct baseline emissions. The commenter points out that the CAP itself uses the inventory in Appendix A confirming that the CAP is consistent. This discrepancy between the CAP and SEIR is acknowledged and has been corrected in the Final SEIR. The Draft SEIR’s analysis and conclusions were based on the correct inventory data as reported in the CAP and CAP Appendix A. This revision represents a clarification and does not affect the conclusions within the Draft EIR regarding physical impacts on the environment.

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Inventory states that “total emissions from the wastewater sector in the Unincorporated County were estimated at 21,183 MTCO<sub>2</sub>e in 2014.” 2014 Inventory 7 (Table 6), 33 (quote). For propane use, DSPEIR Table 2.7-1 estimates that 2014 emissions totaled 9,910 MTCO<sub>2</sub>e (DSPEIR 2.7-42), while the 2014 Inventory estimates propane emissions at 9,914 MTCO<sub>2</sub>e. 2014 Inventory 7 (Table 6), 13.

05-5  
cont.

Similarly, Table 2.7-1 of the DSPEIR estimates that 2014 emissions from on-road vehicles totaled 2,257,493 MTCO<sub>2</sub>e. DSPEIR 2.7-42. In contrast, the 2014 Inventory states *both* that “total emissions from the on-road transportation sector were estimated at 1,456,060 MTCO<sub>2</sub>e in 2014” *and* that emissions from unincorporated county annual vehicle miles traveled (“VMT”) for on-road transportation were estimated at 3,123,959,046 MTCO<sub>2</sub>e. 2014 Inventory 7, 8. These are huge discrepancies. The over 3 million MTCO<sub>2</sub>e of VMT emissions mentioned in the 2014 Inventory on page 8 does not appear in the 2014 Inventory total, nor does it appear in the CAP or the DSPEIR.

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The DSPEIR and CAP should use the same baseline numbers. The numerous discrepancies between these documents – many of them substantial – must be rectified.

**b. The Baseline Inventory Omits Important Emissions Sources.**

Sonoma County’s Climate Action Plan was recently invalidated in superior court. *California Riverwatch v. County of Sonoma*, Sonoma County Superior Court Case No. SCV-259242, Order Granting Petition for Writ of Mandate (filed July 20, 2017, attached hereto as Exhibit 1). There, the court found that Sonoma County improperly omitted emissions from its baseline inventory. Sonoma County had followed the Community Protocol prepared by the International Council for Local Environmental Initiatives (“ICLEI”) to determine which emissions to include in the baseline inventory. It determined that under the ICLEI Community Protocol it was not necessary to include air travel emissions. Sonoma County’s CAP cited a lack of local government control over air travel, and the dearth of available information on airport emissions to support its failure to include these emissions in its inventory. The court found that, absent evidence that it would be infeasible to include air travel emissions in the inventory, the CAP was required to include them.

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Like Sonoma County’s CAP, the CAP here excludes emissions from air traffic from the baseline inventory – despite including ground operation emissions from eight airports – because “air traffic is under federal jurisdiction.” CAP 2-4. By this logic, however, the CAP could just as easily omit all vehicle emissions that occur on state highways because they are also outside the County’s jurisdiction. Either result is absurd. Just as the emissions from the airport ground operations are included in the inventory, so too should the emissions from air travel to and from those airports. Each is associated with the same “defined geographic area.” Guidelines § 15183.5(b)(1)(A). To accurately reflect the fact that air travel-related emissions are also

**05-6**

The commenter cites several discrepancies in the data presented in the Draft SEIR and 2014 inventory and states that Table 2.7-1 and CAP Appendix A should be consistent. However, the comment does not raise an issue with the adequacy of the Draft SEIR absent that one table is inconsistent. The comment also misinterprets information in the CAP inventory report (Appendix A to the CAP) and incorrectly states that on-road transportation emissions are reported as 1,456,060 MT CO<sub>2</sub>e and as 3,123,959,046 MT CO<sub>2</sub>e. The latter value is the unincorporated county annual VMT (please refer to Table 7 of Appendix A to the CAP) which is used to estimate reported emissions. The figure is not reported as GHG emissions in MTCO<sub>2</sub>e, as the comment mistakenly states. The Final SEIR Table 2.7-1 has been revised to reflect the correct numbers in the CAP. The CAP reports the correct baseline emissions. The Draft SEIR’s analysis and conclusions were based on the correct inventory data as reported in the CAP and CAP Appendix A. This discrepancy between the CAP and SEIR does not affect the conclusions within the Draft EIR regarding physical impacts on the environment. No further response is required or necessary.

**05-7**

The commenter cites *California Riverwatch v. County of Sonoma*, Sonoma County Superior Court Case No. SCV-259242 in stating that the CAP incorrectly excludes aircraft emissions in the baseline inventory. This is a trial court decision and is not a published case that provides established direction for CEQA analyses. The County disagrees that the CAP baseline inventory is required to include aircraft emissions. Transportation-related GHG emissions associated with various household or economic activities that occur outside the County, such as air travel, goods moving by rail or truck, or visitation trips from distant locations throughout California or in other parts of the nation or the world, are not within the County’s jurisdictional control. The County also does not have regulatory authority over many sources of emissions associated with transportation. For example, aircraft and rail emissions are regulated solely by federal agencies such as U.S. Environmental Protection Agency, the Federal Aviation

	<p>Administration, or the Federal Railroad Administration. Additionally, attempting to account for global, life-cycle transportation emissions could also result in double-counting emissions in the inventories of other cities, counties, states, or other entities that may also be acting to reduce GHG emissions within their boundaries or regions, and thus local governments need to consider this issue carefully when deciding which accounting and reporting framework to use. Airport operators may use the Airport Carbon and Emissions Reporting Tool (ACERT) to estimate emissions, set goals, and target mitigation efforts. The Airports Council International (ACI) plans to use ACERT data to compile regional and global aggregate emissions, enhancing understanding of airports' contribution to total aviation industry emissions. However, such inventories require extensive data on total aircraft, passenger, and cargo movements; aircraft movements categorized either by specific aircraft type, or by generic aircraft type, or total fuel loaded on to aircraft; aircraft taxi and auxiliary power unit (APU) usage times and engine run-ups. Tracking of this data locally by the County would be infeasible as flight patterns, aircraft type and operations, and associated data fluctuate over time.</p> <p>Furthermore, an analysis of lifecycle emissions would be speculative under CEQA. The 2009 amendments to the CEQA Guidelines removed the term "lifecycle" because "no existing regulatory definition of lifecycle exists" (California Natural Resources Agency Final Statement of Reasons for Regulatory Action: Page 71). The California Natural Resources Agency acknowledged that even if a standard definition of the term "lifecycle" existed, requiring such an analysis may not be consistent with CEQA. For example, the term could refer to emissions beyond those that could be considered "indirect effects" of a project as that term is defined in section 15358 of the State CEQA Guidelines, resulting in an inaccurate analysis and public disclosure of a project's potential significant indirect impacts. The emissions inventory in the CAP is consistent with the most current guidance from CARB. In the <i>2017 Climate Change Scoping Plan</i> adopted in December 2017, CARB states that production based inventories and emissions</p>
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	<p>reduction programs (such as those in the County's CAP) are appropriate for local communities wanting to mitigate their emissions pursuant to CEQA Section 15183.5(b). CARB goes on to state that "consumption based inventories are complementary to production based inventories and are appropriate as a background setting, disclosure, and as an outreach tool to show how personal decisions may change a person's or household's contribution to climate change." (CARB 2017: 101) Therefore, while consumption based inventories may be useful for disclosure purposes, they are not recommended as the metric in CAPs to develop reduction targets and reduction measures. This is also consistent with guidance in OPR's General Plan Guidelines.</p> <p>The commenter suggests that the County could treat the air traffic emissions as they do traffic that enters and leaves the County on the highway system. As stated in Section 4.1.1 of Appendix A to the CAP, the vehicle miles traveled (VMT) data in the unincorporated County's land use jurisdiction (excluding tribal and military land) was provided by SANDAG based on its Series 13 activity-based model and the Origin-Destination (O-D) method. The O-D VMT method is the preferred method proposed by the ICLEI Community Protocol that estimates miles traveled based on where a trip originates and where it ends to better attribute on-road emissions to cities and regions with policy jurisdiction over miles traveled, by virtue of their land use jurisdiction over trip origin and destination points. This method is also consistent with recommendations of the Regional Targets Advisory Committee pursuant to Senate Bill 375 (CAP Appendix A, Section 4.1.1). The O-D VMT data includes trips that originate and end within the boundary, in this case within the unincorporated County land jurisdiction (referred to as Internal-Internal), and a portion of the trips that either begin within the boundary and end outside the boundary (referred to as Internal-External) or vice versa (referred to as External-Internal). 100% of Internal-Internal VMT and 50% of Internal- External/External-Internal trips were attributed to the unincorporated County to evenly allocate miles from outside jurisdictions, consistent with ICLEI Community Protocol</p>
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recommended methodology. VMT from trips that begin and end outside the designated boundary that were only passing through the unincorporated County (referred to as External-External) were excluded. The results of this methodology are detailed in Appendix A of the CAP.

A similar methodology that could capture air traffic trips from Internal-External (outbound flights to thousands of destinations throughout the United States and the world) or vice versa (External-Internal (inbound flights from thousands of destinations throughout the United States and the world) that would evenly allocate miles from outside jurisdictions, consistent with ICLEI Community Protocol recommended methodology, is not available. As mentioned above, attempting to track each inbound- and outbound-flight each day and correlate an appropriate "VMT" assignment would likely lead to double counting emissions from many other jurisdictions and nations. Because there is no model that would provide any degree of certainty to track and allocate emissions associated with air traffic outside of the County and throughout the United States and world, or the County's associated capture rate based on air travel, the emissions from aircraft were excluded from the CAP. As stated in Section 2.4.2.1 of CAP Appendix A, GHG emissions from aircraft operation are outside the scope of this baseline GHG emissions inventory and are not included. Aircraft emissions are under the jurisdiction of the Federal Aviation Administration and are also considered indirect, or Scope 3, emissions under the ICLEI Community Protocol. Further, based on the lack of available methodology discussed above, it would be too speculative for the County to attempt to analyze these emissions. CEQA Guidelines Section 15145 states that, "[i]f, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

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attributable to activities *outside* the County, the County could treat these emissions as they do traffic that enters and leaves the County on the highway system. *See* 2014 Inventory 8 to 9, 8 (Fig. 3), 9 (Table 8).

## 2. The County's Assumption that Electric Vehicles Will Reduce GHG Emissions in Rural Areas Is Misguided

The County assumes that an increase in electric vehicle use will help reduce GHG emissions in order to meet the County's emissions reduction targets. It states that passenger electric vehicles will become a greater percentage of the vehicles used in the unincorporated areas. *E.g.* DSPEIR 2.7-8 (predicting up to 15% of new vehicle sales to be zero-emission by 2025); 2014 Inventory 45 (predicting that vehicle miles traveled by electric vehicle in San Diego County to grow from 0.2 in 2014 to 9.5 in 2050). In part, it relies upon an incentive program to encourage "electric vehicle purchases in the unincorporated County" to reduce GHG emissions. *See* DSPEIR 1-51 (Table 1-1). But the County overlooks two important factors that undermine the effectiveness of electric vehicles in rural unincorporated areas.

First, the unincorporated areas of the County currently lack effective charging infrastructure.<sup>2</sup> Many East County communities – including Boulevard, Jacumba Hot Springs, Campo, Dulzura, and others – do not have *any* charging facilities at all. And the few existing charging facilities in these rural areas are insufficient for electric vehicle use to be scaled up. Many are limited to a single outlet, or a few charging stations. This discourages the adoption of electric vehicles because it causes range anxiety. Data from the San Diego Association of Governments ("SANDAG") shows that 76% of workers in unincorporated San Diego County drive *alone* to work, and the average travel time to work for residents in unincorporated San Diego County is 31 minutes.<sup>3</sup> Thus, current commute conditions are a significant source of GHG emissions. These conditions will not change without the necessary infrastructure. The existing level of infrastructure provides no guarantee that a charging station will be available when needed, or that the charging station will charge quickly enough to make electric vehicle use worthwhile. While the CAP includes a goal of installing charging stations in unincorporated areas by 2030 (CAP 3-33), without more definite commitments this goal will not be met.

<sup>2</sup> *See* [www.plugshare.com](http://www.plugshare.com) for a searchable map of electric vehicle charging locations. Last visited September 25, 2017.

<sup>3</sup> SANDAG Demographic and Socioeconomic Profile 2010, Jurisdiction: Unincorporated ("Unincorporated Profile," attached hereto as Exhibit 2), p. 6 available at: [http://datasurfer.sandag.org/download/sandag\\_census\\_2010\\_jurisdiction\\_unincorporated.pdf](http://datasurfer.sandag.org/download/sandag_census_2010_jurisdiction_unincorporated.pdf). Last visited September 25, 2017.

O5-8

The comment states that the County relies upon an incentive program to encourage electric vehicle (EV) purchases and the County's assumed conversion to electric vehicles for rural areas is misguided because of the lack of charging infrastructure. The comment contends that the lack of existing EV charging infrastructure would inhibit EV adoption and the CAP's goal of installing EV charging stations is insufficiently defined, thus unable to support the EV adoption targets.

The commenter references page 2.7-8 of the Draft SEIR in claiming that the County assumes passenger electric vehicles will become a greater percentage of the vehicles used in the unincorporated areas. While this statement is technically correct due to the goals of the State's Advanced Clean Cars (ACC) Program, the actual percentage of electric vehicles in the County is projected to be lower than the commenter indicates. The excerpt quoted from page 2.7-8 of the Draft SEIR refers to the statewide target of increased sales of new passenger electric vehicles under the ACC program of up to 15% of sales of new vehicles only by 2025. The State estimates, via EMFAC2014, that 7.6% of all passenger vehicles in San Diego County will be electric in 2030. Also, the discussion of ACC targets in the Draft SEIR was provided in the context of the regulatory settings portion of the DEIR as background for the analysis.

Additionally, Strategy T-3 in the CAP includes on-road EV adoption and acknowledges that increasing EV adoption in the County will require investing in charging infrastructure. GHG Reduction Measure T-3.3 under this strategy aims to increase EV adoption at the community level. While Measure T-3.3 focuses on replacing older vehicles with newer ones, it includes two EV-related supporting measures: an EV incentive program and installation of additional EV chargers, both with the same 2030 timeframes. GHG Reduction Measure T-3.3 does not include EVs specifically in the quantification of the measure, but includes them within the calculated average per-mile emission factor of light-duty vehicles in 2030. However, in response to the commenter's request to provide more definite commitments and to increase the uptake of EV use within the

O5-7  
cont.

O5-8



County, the County has included a new GHG reduction measure in the CAP, GHG Reduction Measure T-3.5 Install Electric Vehicle Charging Stations. Based on this measure, the County would increase the availability of EV charging infrastructure by installing a total of 2,040 Level 2 EV charging stations through public-private partnerships at priority locations in the unincorporated county by 2030.

Also, in response to the range anxiety concern stated by the commenter, based upon research of EVs available today, there are at least ten models on the market that provide a driving range of 90 miles or greater at full charge (Autos CheatSheet 2017). EV technology is anticipated to improve and with longer driving ranges and at reduced costs to consumers. This is described further in response to comment O5-9.

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Second, the current market for plug-in electric vehicles ("PEV") is out of reach for most residents in unincorporated San Diego County. As of January 2017, the median household income for used-PEVs purchasers was \$150,000 and the median household income for *new*-PEV purchasers was \$200,000.<sup>4</sup> Yet in the unincorporated areas of San Diego County, the median household income was last estimated to be \$69,410, with approximately 70% of household incomes below \$100,000. Exhibit 2, p.7. At current prices and in the current economy, PEVs are simply out of reach for most households in unincorporated San Diego County.

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The County's reliance upon increased electric vehicle purchases to reduce GHG emissions cannot pencil out until the County removes the immense barriers to adoption that currently exist in these rural communities. The County must revise its baseline assumptions regarding these unlikely emissions reductions.

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### 3. The CAP Measures Are Too Vague and Their Impacts Are Too Uncertain.

An EIR must contain a project description including "the project's technical, economic, and environmental characteristics." CEQA Guidelines § 15124(c). An "accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR," while a "curtailed, enigmatic or unstable project description" is unacceptable. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197-199. As part of the Project, the CAP must be clearly and accurately described in the DSPEIR.

In addition, because the CAP is intended to be a "Plan[]" for the Reduction of Greenhouse Gas Emissions" on which future "[p]roject-specific environmental documents may rely" for analysis and mitigation of cumulative GHG emissions, it must comply with CEQA Guidelines section 15183.5. Among other things, that section requires that the CAP "[s]pecify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level" below which the "contribution of greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable." CEQA Guidelines §§ 15183.5(b)(1)(D) (first quote), 15183.5(b)(1)(B) (second quote). Those measures must be just as specific, mandatory and enforceable as the mitigation measures on which lead agencies must rely to make the findings required by Public Resources Code sections 21081(a)(1) and 21081.6. *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1167.

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<sup>4</sup> G. Tal, M.A. Nicholas, T.S. Turrentine. 2017. "First Look at the Plug-In Vehicle Secondary Market." U.C. Davis Institute of Transportation Studies. Working Paper #UCD-ITS-16-02 (attached hereto as Exhibit 3).

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The comment states that the County's reliance on conversion to electric vehicles for rural areas is misguided because the market for plug-in electric vehicles is out of reach for most residents. While it is true that price is a barrier to adoption of EVs, with total costs defined to include the initial purchase cost of the vehicle and subsequent operating costs (Adepetu et. al. 2015), the price differential between EVs, without incentives, and internal combustion engine vehicles (ICEVs) has decreased over time. For instance, initially, the purchase price of an EV was about \$8,000 to \$10,000 higher than comparable ICEVs without incentives; however, since the introduction of the Ford Focus EV, Chevrolet Volt, and Nissan Leaf in 2011, the cost of each has declined by \$10,000, \$7,000, and \$5,000 respectively by 2015 (Coffman et. al. 2015). The South Coast Air Quality Management District (SCAQMD) highlights the variety of EVs that are available and demonstrates the continued effort to incentivize the conversion to EVs (SCAQMD 2016).

The demonstrated decline in purchase costs is also influenced, in part, by the declining production costs of EV batteries. More specifically, the historical cost trends for batteries show a strong downward trend, with one study showing that batteries for EVs averaged a roughly 14 percent annual cost decrease from 2007 to 2014 (Nykqvist and Nelson 2015). Furthermore, the impact of learning-by-doing cost reductions (resulting from a doubling in production), is between six and nine percent. This has resulted in the industry-wide average cost of a battery pack declining from \$1000/kWh to \$410/kWh (2007 to 2014), and an even greater reduction among market-leading battery EV manufacturers, to around \$300/kWh. Lastly, there are state-wide initiatives to help fund electric vehicle and infrastructure purchases, and ambitious goals to increase the number of EVs on the road. Rebates and other incentives fundamentally work to reduce the cost of purchasing and then operating an EV (Clinton et. al. 2015). Research suggests that rebates and other policies that reduce the overall price of EV purchase and operations are one of the most effective at increasing rates of adoption (Jin et. al. 2014). Rebates and other incentives

	<p>fundamentally work to reduce the cost of purchasing and then operating an EV (Clinton et. al. 2015). While policies differ from state to state (DeShazo 2015), adoption of EVs does correlate strongly to subsidies and rebates offered.</p> <p>The State has set goals for EV adoption that will be achieved through advancements in EV technology (e.g., higher ranges for mileage). The comment cites statewide data on median household income for EV purchasers and contends that median household income in the unincorporated county is lower, therefore, EVs would be out of reach for unincorporated county residents. As discussed above, the EV technology is improving and the vehicle options are becoming more cost effective. In addition, the comment compares statewide household income data with local household income data, setting up an unequal comparison. In short, the County does not believe that the data cited in the comment support the conclusion that EVs are out of the reach of most households in unincorporated San Diego county, especially considering that the CAP is a long-range planning document and thus the goals of the plan to achieve these improvements by 2030 are reasonable. Transition to zero emission vehicles is a key part of the State's strategy in achieving its GHG reduction goals. Additionally, the County has included a new GHG Reduction Measure, T-3.5 Install Electric Vehicle Charging Stations (EVCS), which would result in the installation of 2,040 Level 2 EVCS at priority locations around the unincorporated county by 2030. This measure will help support the State's goal to electrify a portion of the regional vehicle fleet. The County will continue to monitor the trends in technology and pricing and make adjustments to the CAP during the update process if updated projections deviate from the present.</p> <p><b>O5-10</b> The comment states that the County's reliance on electric vehicles to reduce GHG emissions cannot work until barriers to implementing in electric vehicles in rural areas are removed. Please refer to response to comments O5-8 and O5-9.</p> <p><b>O5-11</b> The comment states that the GHG Reduction Measures and their calculation are too vague to comply with CEQA's standards for a stable project description and CEQA</p>
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	<p>Guidelines Section 15183.5. The comment offers no evidence to support this statement. Regarding the CAP and Draft SEIR's qualification under Section 15183.5 of the CEQA Guidelines, please refer to response to comment O11-3.</p>
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Here, as discussed in the examples below, the CAP's GHG reduction measures and the calculation of their expected GHG emissions reductions omit key details and are too vague to satisfy CEQA's demands for an "accurate, stable and finite project description" and the requirements of a first-tier document under CEQA Guidelines section 15183.5.

#### Measures T-1.1 and T-1.2

According to Attachment I to CAP Appendix C (August 7, 2017 revised memo to PDS from Ascent Environmental re Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County ("Memo")), the GHG emissions reductions from acquiring open space conservation land and agricultural easements (measures T-1.1 and T-1.2) would come from removing – or "offsetting" – "dwelling units" on agricultural land. Memo, Attachment I, p. 4. But where will the residents of those "offset" dwelling units relocate? And what will their carbon footprint be there? The Memo – and thus the CAP and DSPEIR that rely on it – fails to account for these critical factors that would significantly limit the GHG-emissions-reduction impacts of measures T-1.1 and T-1.2.

#### Measure T-1.3

The Memo bases the estimated GHG emissions reductions for the "Update Community Plans" measure on Measure LUT-9 (Improve Design of Development) described in the California Air Pollution Control Officers Association's ("CAPCOA's") August 2010 report, "Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures" ("CAPCOA Report," attached hereto as Exhibit 4). Memo, Attachment I, p. 5. But the Memo fails to explain how the CAPCOA Report and its GHG emissions reductions estimates can be applied here. For at least three reasons, it is inappropriate to apply the CAPCOA Report – and Measure LUT-9 specifically – to the CAP and measure T-1.3.

First, the "quantification methods provided" in the CAPCOA Report "are largely *project-level* in nature." Exhibit 4, p. 3 (emphasis added). The CAP and the community plans it proposes to update are all *plan-level* in nature. And while the CAPCOA quantification measures like LUT-9 "can certainly *inform* planning decisions," a "*complete* planning-level analysis of mitigation strategies will entail *additional quantification*." *Id.* (emphasis added).

Second, Measure LUT-9 estimates the GHG emissions reductions from increasing the "[n]umber of intersections per mile" in a new development above the density found in a "typical ITE suburban development." Exhibit 1, pp. 182 (first quote), 183 (second quote). But CAP measure T-1.3 says *nothing* about increasing intersection density. Instead, it focuses on "affordable housing units," "mixed-use development," "sidewalk and bike lane improvements," "shared parking," and "parks and community services." CAP 3-14.

Third and relatedly, the CAP does not provide enough detail about how exactly the

05-11  
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05-12

05-13

**05-12** The comment questions where the residents of "offset" dwelling units from GHG Reduction Measures T-1.1 and T-1.2 will relocate and what will be their carbon footprint. Reduction in development potential under these measures would occur on primarily open space and agricultural lands that have low residential densities assigned under the 2011 GPU. Participants in these programs would voluntarily retire their development potential and would not be allowed to transfer these densities to other locations within the county. Conservation of land under these measures is likely to occur in areas with low demand for housing. Therefore, it is reasonable to assume that retired development potential under GHG Reduction Measures T-1.1 and T-1.2 would not be replaced elsewhere as participants would permanently retire this potential voluntarily. The County will update the CAP on a five-year cycle. If housing projections change in this timeframe, the CAP will be updated to incorporate these changes. In addition, the commenter seems to suggest that current residents on land that could retire development potential under GHG Reduction Measures T-1.1 and T-1.2 would have to relocate. GHG Reduction Measures T-1.1 and T-1.2 would retire development potential, but would not displace existing persons or housing.

**05-13** The comment states that the Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County Memo included as an attachment to the CAP does not explain how the CAPCOA report and GHG emissions can be applied to the project, specifically to GHG Reduction Measure T-1.3. Please refer to Master Response 5 related to community plan updates. The commenter does not provide any evidence that the detail provided and the assumption under CAPCOA LUT-9 are not appropriate for CAP assumptions and reductions. Therefore, no further response is required or necessary. On the issue of plan-level versus the program-level evaluated in the CAP program SEIR, see Master Response 10. On the issue of intersection density in relation to CAPCOA LUT-9, see Master Response 5. Please also see Response to Comment O2-5 regarding the

	<p>implementation and monitoring approach that will ensure that GHG Reduction Measure T-1.3 is developed and implemented to ensure the achievement of targeted GHG reductions.</p>
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community plans would be updated, and how those updates would translate into actual changes to the design of the built environment in the county villages. Without more detail, it is impossible to estimate how much VMT – and thus GHG emissions – measure T-1.3 would reduce.

05-13  
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Fourth and finally, even if the proposed community plan updates would lead to increased intersection density, the Memo fails to demonstrate that the vehicle-miles-traveled (“VMT”) elasticities reported in the study on which Measure LUT-9 is based – Ewing & Cervero (2010, attached hereto as Exhibit 5) would apply in the context of CAP measure T-1.3. There are two problems.

The first problem is that measure T-1.3 proposes to “[f]ocus growth in the county villages,” with “possible mechanisms to increase density,” but the Memo fails to account for the possibility that this would increase the unincorporated County’s population beyond what is currently projected. CAP 3-14. That could *increase* VMT and GHG emissions *overall* even if the average VMT per household decreases.

The second problem is that the Memo fails to show that the VMT elasticities from Ewing & Cervero (2010) apply in the context of *modifying* an *existing* development’s design, as largely proposed here, as opposed to building a *new* development. Importantly, only one of the nine studies analyzed by Ewing & Cervero (2010) to derive VMT elasticities for built environment design controlled for self-selection – the idea that people who are less likely to drive in the first place choose to live in areas where the built environment design makes it easier to get around without driving. Exhibit 5, p. 9. Without controlling for self-selection, it is impossible to determine the magnitude of the effect of design modifications on travel choices since, as most studies analyzing the issue have found, “residential self-selection attenuates the effects of the built environment on travel.” Exhibit 5, p. 2.

05-14

In sum, the CAP and Memo, respectively, fail to describe in sufficient detail the design changes measure T-1.3 would cause and accurately calculate the resulting GHG emissions reductions expected.

#### Measure T-2.1

The Memo bases the estimated GHG emissions reductions for the “Improve Roadway Segments as Multi-Modal” measure on Measure SDT-2 (Provide Traffic Calming Measures) described in the CAPCOA Report. Memo, Attachment 1, p. 6. But the Memo fails to explain how the CAPCOA Report and its GHG emissions reductions estimates can be applied here. For at least two reasons, it is inappropriate to apply the CAPCOA Report – and Measure SDT-2 specifically – to the CAP and measure T-2.1.

05-15

**05-14** The comment states Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County Memo included as an attachment to the CAP does not demonstrate that VMT elasticities reported would apply to the CAP, specifically to GHG Reduction Measure T-1.3. Please refer to Master Response 5 related to community plan updates.

**05-15** The comment states the Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County Memo included as an attachment to the CAP does not explain how Measure SDT-2 would apply to the CAP. Specifically, the comment contends that CAPCOA Measure SDT-2 quantification method is largely project-level and cannot be applied at the plan level. The comment also asserts that reductions would not apply in the rural context. The CAP is a program-level document that specifies a set of strategies, measures, and supporting efforts to achieve the County’s GHG reduction targets and goals. However, implementation of certain measures would occur on a project-by-project basis. Roadway improvements under GHG Reduction Measure T-2.1 would occur through the County’s Capital Improvement Program that will identify the specific location and nature of improvements to achieve the performance metrics under this measure (i.e., improvements to 700 centerline miles of roadway segments, including 250 intersections and 210 lane miles of bikeway improvements by 2030 and an additional 500 centerline miles of roadway segments, including 250 intersections and 210 lane miles of bikeway improvements by 2050). Secondly, location of these improvements would be prioritized based on GHG reduction effectiveness. Specific projects would include, but not be limited to, improvements to roadway segments, intersections, and bikeways to implement multi-modal enhancements for pedestrian and cyclist comfort and safety along County-maintained public roads. Please refer to Pages 3-18 and 3-19 of the CAP for additional information about this measure. The County understands that certain improvements would not be effective in a rural environment. Roadway improvements such as those proposed under GHG Reduction Measure T-2.1 do

	<p>not operate in isolation and are dependent upon the surrounding land uses and road network. Therefore, improvements under this measure would necessarily be focused on suburban areas and villages in the county, and CAPCOA Measure SDT-2 is applicable in this setting. See also Response to Comment O2-5 regarding implementation and monitoring requirements of the CAP to ensure enforceability of measures.</p>
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First, the “quantification methods provided” in the CAPCOA Report “are largely *project-level* in nature.” Exhibit 4, p. 3 (emphasis added). The CAP and the roadway improvements it proposes are *plan-level* in nature. The locations of the roadway improvements are not specified, which makes it impossible to gauge whether any one area will improve enough to make a difference in safety and VMT.

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Second, the Memo fails to demonstrate that Measure SDT-2 applies to rural environments, which dominate the unincorporated County. As the CAPCOA Report itself warns, “[r]ural context is not specifically discussed in the literature” from which the Measure SDT-2 GHG emissions reductions estimates were derived. Exhibit 4, p. 192.

#### Measure T-2.2

Measure T-2.2 proposes adopting a Transportation Demand Management (“TDM”) ordinance, which would apply to “new non-residential development projects.” CAP 3-20. The Memo calculates the GHG emissions reductions from measure T-2.2 by assuming that by 2030 all “new” employees in the County would be participating in a TDM program. But the Memo fails to show that all new employees would even be subject to the TDM ordinance. The CAP states that measure T-2.2 would apply to all new non-residential *development projects*, not to all new *employees*. The Memo fails to show that all new employees would work for businesses located in new development projects. The Memo’s GHG emissions reduction calculations are therefore insufficient.

05-16

#### Measure T-2.3

Measure T-2.3 proposes conducting “additional outreach to increase participation in the County’s vanpool, carpool, and transit pass subsidy programs, and the GWOW Program,” which the CAP and Memo assume will reduce County employee commute VMT by “20% below 2014 levels.” CAP 3-23. But the CAP provides no specifics on what kind of “additional outreach” the County would do, or evidence that such outreach could actually reduce County employee commute VMT. Measure T-2.3 is thus too vague to be informative or enforceable under CEQA. *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170 (holding CAP measures inadequate under CEQA because “the County [did] not cite any evidence in the record to support its belief that people will participate in the various programs to the extent necessary to achieve the reductions asserted”).

05-17

#### Measure T-2.4

Measure T-2.4 proposes amending the County Zoning Ordinance to, among other things, “address reductions in standard parking requirements for employee parking [for new non-residential development], and will establish minimum requirements for carpool/vanpool, shuttle, and Electric-Vehicle-only parking spaces.” CAP 3-24. But the CAP provides no specifics on what those new requirements might be. Measure T-2.3 is thus too vague to be informative or enforceable under CEQA.

05-18

**05-16** The comment states the Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County Memo included as an attachment to the CAP does not show how GHG Reduction Measure T-2.2 would require all new employees to work for businesses located in new development projects. The comment misinterprets the term “new employees” to mean all new employees in the county. By contrast, the measure would apply to all new non-residential development in the county which may or may not include “new” employment. All employees at new proposed non-residential uses would be subject to GHG Reduction Measure T-2.2, thereby making this measure effective at reducing GHG emissions to its intended level

**05-17** The comment states that the CAP provided no evidence that additional outreach associated with GHG Reduction Measure T.2.3 would reduce County employee commute VMT. The comment claims that GHG Reduction Measure T-2.3’s proposal for “additional outreach to increase participation in the County’s vanpool, carpool, and transit pass subsidy programs, and the GWOW Program” is too vague and does not provide evidence to substantiate that such outreach would result in reductions in County employee commute VMT. The measure sets a performance target for employee commute VMT that will be tracked by the County. As discussed in the description of GHG Reduction Measure T-2.3, the County currently offers County employees monthly reimbursements for transit passes and for participation in a vanpool/carpool program. The County also administers the Government Without Walls (GWOW) program that includes opportunities such as alternative work schedules and teleworking, which may result in reduced employee commute trips. Based on current participation levels in these existing programs, the County has identified the opportunity to develop a more robust, proactive outreach strategy to raise awareness of these programs among both existing and new County employees. The “additional outreach” described under “Actions” on page 3-33 refers to general marketing at events such as new employee orientation or other

	<p>training events, aimed at increasing employee awareness of and participation in the available ride matching programs, subsidies, and transit services. Based on both the current participation levels and the additional outreach efforts, the CAP's projected participation rates and GHG reduction from this measure are reasonable and enforceable. Please also see Response to Comment O2-5 regarding the implementation and monitoring approach that will ensure that GHG Reduction Measure T-2.3 is developed and implemented to ensure the achievement of targeted GHG reductions.</p> <p><b>O5-18</b> The comment states the CAP provides no specifics on what Measure T-2.4 will entail. The comment claims that Measure T.24 is too vague to be enforceable under CEQA because the proposed ordinance under T-2.4 is not specified and the requirements for this ordinance are not provided. The quantification of Measure T-2.4 establishes a 20% reduction target in parking spaces at new non-residential facilities by 2030. This would be achieved by amending the parking requirements in the San Diego County Zoning Ordinance by 2020. This measure is also enforced on new non-residential development through the CAP Consistency Review Checklist as item 3a, making this measure enforceable at a project level as required under CEQA Guidelines Section 15183.5(b)(1)(D). See also Response to Comment O2-5 regarding implementation and monitoring requirements of the CAP to ensure enforceability of measures.</p>
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In addition, the Memo assumes, yet fails to show, that all new employees would be affected by the ordinance revisions. The CAP states that measure T-2.2 would apply to all new non-residential *development projects*, not to all new *employees*. The Memo fails to show that all new employees would work for businesses located in new development projects. The Memo's GHG emissions reduction calculations are therefore insufficient.

05-19

#### Measures T-3.1 and T-3.2

Measures T-3.1 and T-3.2 both rely on a greater percentage of construction equipment utilizing "alternative fuels." But they do not define "alternative fuels" with sufficient specificity to be informative, enforceable or allow for an accurate GHG emissions reduction calculation. Indeed, the measures explicitly defer defining "alternative fuel compliance requirements" until future "ordinance" and "Board of Supervisors Policy development." CAP 3-28 (first and second quotes), 3-30 (first and third quotes). That violates CEQA.

05-20

#### Measure T-3.3

Measure T-3.3 would use financial incentives to retire 800 "late-model vehicles (model year 1996 or older)." CAP 3-33. But the CAP and Memo fails in at least two respects to demonstrate how the measure would reduce GHG emissions by 866 MTCO<sub>2</sub>e by 2030.

First, they fail to "cite any evidence in the record to support [the assertion] that people will participate in the various programs to the extent necessary to achieve the reductions asserted"). *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th at 1170.

05-21

Second, to arrive at its GHG emissions reduction estimate, the Memo assumes that only half of the owners of the retired vehicles will replace their vehicles by 2030, and that those who do not replace their vehicles will simply forego whatever driving they did with their retired vehicle. Memo, Attachment I, p. 10. The Memo fails to support those assumptions with evidence. The CAP and Memo also fail to account for the possibility that the retired vehicles may have not actually been driven much, if at all, in recent years.

#### Measure E-1.3

Measure E-1.3 is impermissibly vague because it fails to specify what the required "energy efficiency audit" would entail. CAP 3-46. What would the audit include? Who would conduct the audit? Is there an example or template the County would prepare or follow?

05-22

#### Measure E-2.1

Measure E-2.1 is too vague because it fails to specify (1) what type of "Renewable Energy Program" the County would adopt, and (2) what the renewable energy generation mix would be under the program. CAP 3-53. Without knowing that, it is impossible to know how feasible the County's 90-percent renewable electricity goal is, and what impact it would have on GHG emissions.

05-23

**05-19** The comment states that GHG Reduction Measure T-2.2 does not show that all new employees would work for businesses in new development. The commenter also claims that although measure T-2.2 applies to new non-residential developments, the measure fails to show that all new employees would be affected by the ordinance revisions. Measure T-2.2 is not intended to show that all new employees would work for businesses in new non-residential developments. It may be the case that a portion of new employees may work in existing businesses that have not reached their employment capacities. The measure is only intended to affect new non-residential development and the employees associated with those developments. Please also see Response to Comment O5-15 and O5-16.

**05-20** The comment states that Measure T-3.1 and T-3.2 do not define alternative fuels with sufficient specificity to be informative or enforceable. The description of these measures provides examples of alternative fuels that could be used as noted on pages 3-28 through 31 of the CAP. However, the County intends to be flexible in implementing this measure. Alternative fuels used under this measure may not be limited to those identified as long as an equivalent GHG reduction can be substantiated. Measure T-3.1 is also enforced on new construction through the CAP Consistency Review Checklist as item 1a, making this measure enforceable at a project level as required under CEQA Guidelines Section 15183.5(b)(1)(D). Item 1a lists some types of alternative fuels such as renewable diesel, renewable natural gas, compressed natural gas or electricity. In response to comments on the Draft CAP and SEIR, Measure T-3.1 has been increased to require alternative fuels in 25% of construction equipment during construction by 2030.

**05-21** The comment states the Greenhouse Gas Emissions Reduction Targets, Measures, and Gap Analysis for the Unincorporated County Memo included as an attachment to the CAP does not show how Measure T-3.3 would reduce GHG emissions by 866 MTCO<sub>2</sub>e by 2030. The comment expresses concern over the feasibility of GHG Reduction

	<p>Measure T-3.3 in terms of the level of participation in the proposed Local Vehicle Retirement Program and over the assumptions used to quantify the measure. To clarify the scope of this measure, the San Diego Air Pollution Control District (SDACPD), a County agency, would be administering this program regionwide. According to forecasts in EMFAC 2014, the San Diego County region would have a population of 28,600 vehicles that are Model Year 1996 or older by 2030 that travel an average of 3,419 miles per year per vehicle. The County has revised this measure so that GHG Reduction Measure T-3.3 targets a participation rate of 1,600 vehicles – less than 6% of the unincorporated County’s population of vehicles within this age range in 2030 – and assumes 48% of participating vehicles are replaced with vehicles of model year 1997 or newer that are more efficient than the retired vehicles. The 48% replacement rate is based on a 2013 CARB survey report for a similar program (CARB 2013:34). EMFAC 2014 estimates that light duty vehicles of MY 1997 or newer travel an average of 10,494 miles per year per vehicle in 2030. The emissions reductions from this measure were calculated by respectively multiplying the average emissions factors for both retired and replacement vehicles by the anticipated VMT before and after replacement then taking the difference in emissions between retired and replacement vehicles.</p> <p>Vehicle retirement programs have been carried out previously by the SDAPCD, and are currently active at several other California air districts with which the SDAPCD is in frequent contact. Participant data from the California Air Resources Board’s (CARB’s) Enhanced Fleet Modernization Program show that over 900 participants received incentives to retire older vehicles in the San Joaquin Valley Air Pollution Control District’s jurisdiction between 2015 and 2017, while over 1,500 participants retired vehicles under in the South Coast Air Quality Management District’s jurisdiction during the same time period (CARB 2017). The County is now targeting retirement of 1,600 vehicles under Measure T-3.3 by 2030 which is in line with performance of similar programs in other</p>
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	<p>locations and is proportion to the vehicle population in San Diego.</p> <p>The comment also questions the assumption that only 50% of retired vehicles would be replaced. This rate is supported by data from CARB's Enhanced Fleet Modernization Program. A 2013 CARB Survey Report that surveyed vehicle owners who retired their vehicle under the program shows that 48% of retired vehicles were replaced by a new vehicle (CARB 2013: 34). Assumptions for Measure T-3.3 have been updated to reflect the 48% replacement rate as evidenced by CARB data. The Measure now requires 1,600 vehicles to be retired, but does not increase the GHG emissions reductions stated in the Draft CAP. The comment further states that retired vehicles may not have been driven much in recent years. This is accounted for in the mileage assumptions for pre-1996 vehicles. The CARB-developed modeling tool EMFAC reports the vehicle miles traveled data for late-model vehicles and this data was used to estimate emissions from retired vehicles. VMT from late-model vehicles is a smaller proportion of overall VMT and is reflected in measure quantification. The CAP has been revised to reflect the new requirement of 1,600 vehicles; however, this does not change the analysis performed for this measure in the Draft SEIR.</p> <p><b>O5-22</b> The comment states that GHG Reduction Measure E-1.3 is vague because it does not specify what the required energy efficiency audit would entail. The comment asks what the energy efficiency audit specified in the measure would include, who would conduct the audit, and if the County would prepare or follow any particular example or template audit. The energy efficiency audits would apply to both residential and non-residential developments and would include energy assessments of participating buildings, on-site and off-site assessments of measures that would improve the building's energy efficiency, and a customized report for the participating development summarizing the findings of the audit. This information would be submitted to the County during the plan check process as stated on CAP page 3-46.</p>
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	<p>Energy efficiency audits are currently administered across both public and private sectors, including energy utilities and local governments. For the San Diego region, SDG&amp;E offers no-cost energy audits for commercial, industrial, and agribusiness customers who meet a minimum energy demand requirement. Information related to this audit can be found at <a href="https://www.sdge.com/business/comprehensive-audit-program">https://www.sdge.com/business/comprehensive-audit-program</a> (SDG&amp;E 2016). The County of Sonoma offers complimentary residential and commercial energy audits and also provides guidance on the incentive program requirements and financing processes for any upgrades or repairs. Information related to this audit can be found at: <a href="http://sonomacounty.ca.gov/General-Services/Energy-and-Sustainability/Site-Visits-and-Audits/">http://sonomacounty.ca.gov/General-Services/Energy-and-Sustainability/Site-Visits-and-Audits/</a> (County of Sonoma 2017). The County's audit program could follow a similar approach to energy audits, with assistance from SDG&amp;E for eligible commercial properties. As described on page 3-47 of the CAP, the County would amend Title 9 of the San Diego County Code of Regulatory Ordinances to require an energy efficient audit prior to building permit issuance for remodel/renovations and building energy efficiency disclosures at the point of real estate transactions. The amendment to the Code would illustrate the details that would be required of both the audit and disclosure. At this time, the County has provided a good faith effort regarding what the measure would entail. Refer to Master Response 10 related to use of a program EIR and CAP. Finally, the implementation and enforceability of this measure would be ensured through adoption of an ordinance. Please also see Response to Comment O2-5 regarding the implementation and monitoring approach that will ensure GHG Reduction Measure E-1.3 is developed and implemented to achieve the targeted GHG reductions.</p> <p><b>O5-23</b> The comment states that GHG Reduction Measure E-2.1 is vague because it does not specify what type of renewable energy program the County would adopt and what the renewable energy generation mix would be under the program. The identification at this time of the exact type and renewable</p>
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	<p>mix for the County's proposed Renewable Energy Program is not required to demonstrate effectiveness of the program. As discussed in the CAP and Draft SEIR, GHG Reduction Measure E-2.1 (as well as the 100% Renewable Energy Alternative) will be achieved with increased reliance on large-scale solar photovoltaic, wind, and geothermal facilities, and small-scale residential wind and solar resources.</p> <p>One example of a possible renewable energy program is SDG&amp;E's Green Tariff Shared Renewables programs, EcoChoice and EcoShare, in which eligible customers can purchase 50% and 100% renewable energy. These programs have an end date of January 1, 2019 or until customer participation achieves 59 megawatts. Extending the programs' end date and expanding access to unincorporated county customers represents one possible option for the County to achieve 90% renewable electricity by 2030. In 2017, SDG&amp;E procures 43% of its total energy from renewable sources, surpassing the state requirement of 33% by 2020. The investor owned utilities are required to provide 50% renewable energy by 2030. The County is exploring opportunities to partner with a utility to increase the unincorporated county's access to renewable energy.</p> <p>In addition, in California, eight community choice aggregation (CCA) programs offer electricity customers in nine counties and over 50 cities access to 50% and 100% renewable energy options. The longest operating (CCA) program, Marin Clean Energy (MCE), has a current renewable portfolio that is 36% wind, 10% geothermal, 18% hydro, and 5% solar. In its 2017 Integrated Resource Plan, MCE plans to steadily increase its renewable portfolio to 100% renewable by 2025, through additional procurements of renewable energy (MCE 2017). MCE follows specific procurement methods that assess the feasibility, availability, cost-effectiveness, and level of risk associated with a particular source before actual procurement. MCE's example and approach to procurement is one example of how to achieve the 90% renewable target by 2030 under GHG Reduction Measure E-2.1.</p>
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The County set an overall target of 90% renewable electricity by 2030 and acknowledges, as discussed above, that this could be accomplished through a number of individual or combined options. The Renewable Energy Program could include Investor Owned Utility Partnership, Direct Access, Community Choice Aggregation, a Community Choice Aggregation Hybrid, or a Publicly-Owned Utility. The County will prepare a comparative analysis of each option for GHG Reduction Measure E-2.1 implementation to be considered by the Board following the Board's Hearing on the CAP. Finally, Chapter 5 of the CAP specifies that the CAP is a dynamic document that would be continuously assessed and monitored as progress toward the 2030 target is monitored. The County would conduct annual monitoring of the CAP to track progress and identify where further efforts and additional resources may be needed. Adjustments would be made to the CAP if measures fall short of the targets or additional measures become available. The County has proposed a comprehensive monitoring process for making performance adjustments to existing measures, replacing ineffective or obsolete actions, and adding new measures as technology, and federal and State programs change. The formal CAP update process would occur every five years as stated; however, the monitoring program would ensure that efficiency improvements of goals within each five-year period is not precluded.



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In addition, the County may not adopt measure E-2.1 because it is not part of the environmentally-superior Enhanced Direct Investment Alternative. As discussed below, CEQA requires adoption of the Enhanced Direct Investment Alternative instead of the proposed Project.

#### Measure E-2.2

Measure E-2.2 allows the County to “define the minimum renewable electricity generation require[d]” for new non-residential development that would “achieve the GHG reduction target,” but fails to identify what those minimum requirements would be or how they would achieve the desired GHG reduction goals. CAP 3-54 to 3-55. The CAP and the Memo simply declare that 100% of the electricity use from non-residential buildings built between 2020 and 2029 would be offset by solar installation but provides no confirmation that all new development would be required to be 100% renewable. *Id.*; Memo, Attachment 1, p. 18. The CAP also proposes “[c]ollaborat[ion] with regional partners to provide outreach and education to property owners on renewable electricity system financing programs,” but fails to identify what this “outreach and education” would entail. Measure E-2.2 is thus too vague to be enforceable under CEQA.

#### Measure E-2.3

Measure E-2.3 assumes that the anticipated percent of electricity use in homes offset by solar will jump from 32% in 2020 to 80% in 2030. Memo 20, Attachment 1, p. 20. On this basis, the CAP concludes that GHG emissions will be reduced by 114,571 MTCO<sub>2</sub>e by 2020 and 260,322 by 2030. *Id.*; CAP 3-56. But these assumptions are not supported by evidence in the record and are therefore too vague to be enforceable under CEQA. For example, neither the CAP nor the Memo explains how “continu[ing] the online solar PV permitting, County innovation initiatives, and the Solar and EV Ready Ordinance” will entice “an additional 77,902 existing homes” to install PV between 2020 and 2030, when these homes have not taken advantage of these opportunities by 2020. CAP 3-56 to 3-57; *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170. The CAP provides no information on the types of “outreach and education to property owners” that would occur or how they would induce such behavior. CAP 3-57. And without a finalized Comprehensive Renewable Energy Plan (“CREP”) Phase One Report, the CAP’s reliance on that document is also speculative. *Id.* Furthermore, the CAP recognizes that one of the major impediments to solar installation is battery storage potential, but its claim that it will “increase battery storage capacity in the unincorporated county” is not supported by any evidence or information about how this would occur. The vague nature of this measure is unsupportable and must be remedied.

#### Measure W-1.1

Measure W-1.1 is unclear in its requirements. While the County Code requires all new construction to comply with the state mandated CALGreen building standards, “the code also includes voluntary ‘tiers’ that reach beyond the current State code requirements.” CAP 3-66.

**05-24** The comment states that the County may not adopt GHG Reduction Measure E-2.1 because it is not part of the environmentally superior Enhanced Direct Investment Alternative. The County does not agree with this comment. Please refer to response to comment O5-33.

**05-25** The comment states that GHG Reduction Measure E-2.2 is too vague because it does not define what the minimum renewable electricity generation would be for non-residential development and does not identify what outreach would entail. The comment also states that the CAP declares that 100 % of the electricity use from new non-residential buildings would come from solar installations. The description of GHG Reduction Measure E-2.2 (page 3-54 of the CAP) does not require any particular renewable technology be used to achieve the renewable electricity requirement and only requires that the adopted renewable technology be sufficient to offset the electricity demands of the eligible buildings. Such a reduction, along with the reductions from other measures, will help the County achieve its GHG reduction targets. The quantification of GHG Reduction Measure E-2.2 erroneously specified solar installations, but the resulting GHG reductions would apply to other renewable technologies. Page 18 of Attachment 1 has been revised to remove specification of solar installations. As described on Page 3-56 to 3-57 of the CAP, the County would amend Title 9 of the San Diego County Code of Regulatory Ordinances to establish a mandatory requirement for new non-residential development to offset 100% of their electricity consumption through renewable energy systems. Specific information on type of renewable energy system and sizing requirements will be determined at the time of permit application; however, each new non-residential development would need to demonstrate achievement of the 100% renewable energy performance metric. The requirement would be implemented and enforced through the CAP Consistency Checklist Item 6a, County construction codes and Zoning Ordinance, and finally through the CAP’s robust implementation, monitoring, and update requirement. Refer

	<p>also to Master Response 10 related to use of a program EIR and CAP.</p> <p>GHG reductions associated with this measure are quantified based on achievement of the 100% renewable energy requirement that will be enforced as described above. Collaboration with regional partners to provide outreach and education related to renewable electricity system financing is identified as a supporting effort for this measure. Outreach and education activities would help property owners identify potential finance sources; however, measure implementation would not be contingent on these outreach activities and availability of financing resources. This measure is mandatory for new non-residential development and would be enforced through the CAP Consistency Checklist, County construction codes and Zoning Ordinance. The CAP is a program-level document and specific activities to implement the referenced supporting effort will be identified by the County over the course of CAP implementation.</p> <p><b>O5-26</b> The comment claims that the anticipated percent of electricity use in homes offset by solar (32 to 80% from 2020 to 2030) is not supported by evidence and is too vague to be enforceable by CEQA. The County does not agree for the following reasons. The estimated percent increase in electricity use in existing homes offset by solar in GHG Reduction Measure E-2.3 is quantified based on the existing trends in solar permit applications for both existing construction approved by the County between Fiscal Year 2013/2014 through January 2017 (CAP page 3-56). As described on page 19 of Attachment 1 to Appendix C of the CAP, between FY2013/2014 and FY2015/2016, the number of permits approved for existing residences increased by nearly 98%. As this trend may be indicative of the accelerated portion of a growth curve, the GHG reductions assume that the average annual number of permit applications approved will increase by 7 % by 2019 and 43% by 2029 above the 2014-2017 annual average. These increases are targets, not forecasts, set by the County that extrapolate the current rate of permit application and approval.</p>
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	<p>This comment expresses concern regarding the use of historical rates of PV installation to predict future rates of PV installation. Historical rates of installation can predict future rates to some degree because renewable energy systems have trended upward because of a combination of incentives and streamlining benefits which will continue into the future. In addition, awareness about the cost effectiveness of solar facilities has risen, along with incentive programs offered by the State which look likely to continue to be funded into the future as the recently adopted SB 350 and 2030 Scoping Plan Update indicate. As described in O5-23, in the event that this measure underperforms, the County would be able to respond accordingly to adjust measures as needed to meet the 2030 target.</p> <p>Additionally, the comment claims that reliance on the Comprehensive Renewable Energy Plan (CREP) Phase One Report is speculative because the document has not been finalized. On February 15, 2017, the County of San Diego Board of Supervisors accepted the CREP Phase One Report and directed the Chief Administrative Officer to consider seven recommendations from the report for Phase Two of the CREP. Implementation of the CREP Phase One Report is included as a supporting effort in the document. Implementation of GHG Reduction Measure E-2.3 is supported by the CREP but is not reliant upon its initiatives to achieve reductions, which is why supporting efforts are not quantified for reductions in the CAP as described on page 3-7 of the CAP.</p> <p>Finally, the commenter states that the measure claims it will “increase battery storage capacity in the unincorporated county” and that this claim is not supported by evidence or information on how this would occur. As part of the list of supporting efforts, the measure includes collaboration with SDG&amp;E and PV developers to increase battery storage capacity in the unincorporated county. This is a supporting effort that targets such a collaboration and does not form the basis of quantified reductions because supporting efforts are not quantified for reductions in the CAP, as described on page 3-7 of the CAP.</p>
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	<p>Collaboration with regional partners to provide outreach and education related to renewable electricity system financing is identified as a supporting effort for this measure. Outreach and education activities would help property owners identify potential finance sources; however, measure implementation would not be contingent on these outreach activities and availability of financing resources. As described above, supporting efforts that target collaboration do not form the basis of quantified reductions. The CAP is a program-level document and specific activities to implement the referenced supporting effort will be identified by the County over the course of CAP implementation.</p> <p><b>O5-27</b> The comment states that GHG Reduction Measure W-1.1 is unclear in its requirements. The County does not agree for the following reasons. The comment states that GHG Reduction Measure W-1.1 does not require the proposed County Code changes (i.e., including volunteer “tiers” that reach beyond the current State code requirements for new construction) and without such a requirement, the measure is too vague to be enforced under CEQA. The measure is intended to require compliance with voluntary “tiers” under CALGreen Tier 1. In fact, this measure specifically requires amendments to Title 9 of the San Diego County Code of Regulatory Ordinances (County Construction Codes) to institute Tier 1 compliance. As a result, Tier 1 standards will be mandated on new development. GHG Reduction Measure W-1.1 will be enforced on new residential projects through the CAP Consistency Review Checklist as item 7a as well as through enforcement of the County Construction Codes, making this measure enforceable at a project level as required under CEQA Guidelines Section 15183.5(b)(1)(D). Therefore, Tier 1 standards would be required for new residential development. The commenter also requests that if the Tier 1 standards are required that the language of the new County Code language to be identified for public review. GHG Reduction Measure W-1.1 is implemented and required of new residential development through the CAP Consistency Review Checklist (Checklist Item 7a) that was circulated for public review. GHG</p>
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	<p>Reduction Measure W-1.1 also sets the requirement for the County Construction Code to be updated. All ordinance changes are approved by the Board of Supervisors and require noticed public hearings at the Planning Commission (Recommending Body) and Board of Supervisors (Decision-making Body). The public would have the opportunity to comment on the Construction Code amendments at two public hearings. Refer to Master Response 10 regarding the use of a Program EIR and CAP.</p>
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Measure W-1.1 “would accelerate the adoption of CalGreen Tier 1 measures for residential construction, as it pertains to water-efficient kitchen faucets and ENERGY STAR-rated dishwashers and clothes washers.” *Id.* But Tier 1 compliance is not required under the County Code and the CAP does not specify what amendments to Title 9 of the County Construction Code would be enacted to help encourage participation in that program or enforce these potential GHG reductions. *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170. If the Tier 1 standards are not mandated, then the Memo’s claim regarding GHG reductions from installation of water efficient kitchen faucets, dishwashers, and clothes washers is purely speculative. Memo, Attachment I, p. 22. If the Tier 1 standards will be required for new residential development, the new County Code language should be identified in the CAP so that the public has an opportunity to review and comment on it. Without this information, Measure W-1.1 is too vague to be enforceable under CEQA.

05-27  
cont.

#### Measure W-2.1

Water Measure W-2.1 calls for “outreach, education, and marketing” to increase use of rain barrels at both new and existing development to collect rainwater for use on outdoor landscaping. CAP 3-74 to 3-75. But the Memo’s calculations regarding GHG emissions reductions assume that this outreach and education will cause new individuals and households to participate in this program. Without any information on the type of education, outreach, and marketing that would be employed, these GHG reductions are purely speculative. *Sierra Club v. County of San Diego*, 231 Cal.App.4th at 1170. More information is needed on the efforts that the County will employ to promote this rain barrel program before Measure W-2.1 can be considered enforceable under CEQA.

05-28

#### Measures A-1.1 and A-1.2

Measures A-1.1 and A-1.2 call for conversion of farm equipment to electric but do not discuss how these electric vehicles and equipment will be charged in an area that is not equipped for readily accessible electric equipment charging. These measures must be updated to include information on how they will actually operate in the unincorporated County to be enforceable under CEQA.

05-29

#### Suggestions to Improve Other CAP Measures

Energy Measure E-2.4 should be extended. CAP 3-58 to 3-59. That measure proposes to increase the County’s reliance on renewable energy for operational electricity from 2.6% now, to 10% by 2020 and 20% by 2030 through an increase in Power Purchase Agreements. CAP 3-58. However, the measure cuts itself short at 2030 for no reason, and merely maintains a 20% renewable energy generation requirement by 2050, when the County could and should strive for more generation through the use of distributed renewable generation for all county operational energy demands.

05-30

#### **05-28**

The comment states that GHG Reduction Measure W-2.1 does not define what types of education, outreach, and marketing that would be employed and would therefore be unenforceable. The comment requests additional information on the efforts that the County would employ to implement the proposed rain barrel program before the measure can be considered enforceable. The County does not agree for the following reasons. The quantification of this measure calculates the anticipated GHG reduction in the case that the targets of the measure are achieved, which in this case is the installation of 1,200 rain barrels by 2020 and 3,200 barrels by 2030. Assuming no more than one barrel would be installed per house, the number of homes targeted in this measure (3,200) constitute less than 2% of total households in the unincorporated County in 2030. Additionally, as illustrated on page 24 of Attachment 1 of Appendix C of the CAP, the targeted number of rain barrels is consistent with the County’s historical rain barrel participation data, based on information collected by the County about the number of rain barrel rebates issued by the San Diego County Water Authority (SDCWA) and other water districts. The County is responsible for developing the education, outreach, and marketing programs and associated details to achieve these rain barrel installation targets. Contrary to the commenters claim that the County does not provide any information on education, outreach, and marketing, the CAP at page 3-74 states the “County will continue to work with the County Water Authority and Metropolitan Water District of Southern California to provide rebates for rain barrels *at County-sponsored outreach events* (emphasis added). These programs could also include providing information to residents about the benefits of rain barrels and making them aware of available incentives for such installations. Further, Measure W-2.1 is enforced on new residential projects through the CAP Consistency Review Checklist as item 8a, making this measure enforceable at a project level as required under CEQA Guidelines Section 15183.5(b)(1)(D).

**O5-29** The comment states that GHG Reduction Measures A-1.1 and A-1.2 do not discuss how converted farm equipment will be charged in rural areas that do not have electric equipment charging. The comment requests that these measures explain how electric equipment charging can be made available in agricultural areas in which the affected agricultural equipment would operate. It is anticipated that electric agricultural equipment would be charged at barns or other peripheral facilities to working fields that are connected to the electrical grid. Although current prototype tractor technology, such as John Deere's Sustainable Energy Supply for Agricultural Machinery (SESAM), only demonstrates approximately four hours of working time on a single charge, research is anticipated to continue working towards increasing the range of electric farm equipment (AgWeb 2016). With technology improvements in the future, solar and battery storage may also be more common and may allow for remote charging sites that equipment can access without nearby grid infrastructure. Current agricultural equipment market already has solar irrigation pumps available for purchase and eliminate the need for occasional refueling of the existing diesel- or gasoline-powered pumps (SolarOpia 2017).

Both GHG Reduction Measures A-1.1 and A-1.2 anticipate a gradual conversion rate of equipment through 2050. GHG Reduction Measure A-1.2 would anticipate conversions by 2020 due to the availability of solar irrigation pumps in the market now. GHG Reduction Measure A-1.1 targets only 8% of the mobile agricultural equipment would be converted to electric by 2030, allowing more than 10 years for farm equipment technology to mature and for 9 % of farm equipment to operate using baseline diesel fuel.

GHG Reduction Measures A-1.1 and A-1.2 are enforced on agricultural projects through the CAP Consistency Review Checklist as items 10a and 11a, respectively. Inclusion in the CAP Consistency Review Checklist ensures that these measures will be enforceable at a project level as required under CEQA Guidelines Section 15183.5(b)(1)(D).

	<p><b>O5-30</b> The comment states the GHG Reduction Measures E-2.4 and W-1.3 should be increased and extended beyond 2030. The County acknowledges this comment. This comment does not address the adequacy of the Draft SEIR; therefore, no further response is required or necessary. This comment will be included as part of the Final EIR and made available to the decision makers prior to a final decision on the project. Refer to Master Response 9 regarding GHG reduction measures selection.</p>
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Similarly, Water Measure W-1.3 should also be extended to further reduce water use at County facilities beyond 20% by 2050. CAP 3-70 to 3-71. For example, the County could move toward the use of greywater or recycled water for landscaping where replacement with artificial turf (or other more environmentally benign landscaping options) is not feasible, implement the use of rain barrels at all of its facilities, or provide new education programs to teach employees about water saving measures.

05-30  
cont.

Agriculture and Conservation Measure A-2.2: Increase County Tree Planting, requires the preparation of "a tree planting program for the unincorporated county to plant a minimum of 3,500 trees annually starting in 2017" in furtherance of CAP Strategy A-2: Increase Carbon Sequestration. CAP 3-76, 3-86 (quote). However, that measure should include water conservation measures because the addition of 3,500 trees per year, while beneficial in many ways, could substantially increase the County's water use. For example, Measure A-2.2 should require the use of drought-tolerant and native trees and should be encouraged in areas that are served by recycled or greywater infrastructure, similar to the water conservation strategies employed in Measure A-2.1. CAP 3-84.

05-31

#### 4. The DSPEIR Fails to Adequately Analyze the Project's Environmental Impacts.

The DSPEIR impacts analyses must be reevaluated after the CAP strategies and measures are changed, as discussed above. The less vague strategies and measures will provide more information about potential impacts, and those impacts must be included in the Final SPEIR. Without such analysis, the DSPEIR is inadequate under CEQA. CEQA Guidelines §§ 15126, 15126.2. Furthermore, this updated impacts analysis could provide valuable information leading to the formulation of additional or stronger mitigation measures that would help eliminate the significant project impacts. CEQA Guidelines § 15126.4.

Additionally, while the DSPEIR admits that "implementation of large-scale renewable wind energy projects could result in potentially significant impacts related to annoyance from low-frequency noise from large wind turbines" (DSPEIR 2.11-13) and to "increases in ambient noise" (DSPEIR 2.11-22), the DSPEIR incorrectly claims that there is "no published scientific evidence to conclude wind turbine noise could cause adverse health effects." DSPEIR 2.11-13, 2.11-22. Indeed, a recent report on the impacts of wind turbine noise concluded "that an important minority of local inhabitants is severely impacted by noise emitted by wind farms sited too close to their homes" and that "the adverse effect on people's health is far from small."<sup>5</sup> This inaccuracy in the DSPEIR must be remedied to reflect the recent data showing negative health

05-32

<sup>5</sup>A. Evans. 2017. "Environmental Noise Pollution: Has Public Health Become too Utilitarian?, *Open Journal of Social Sciences*, 5, 80-109, 100 (attached hereto as Exhibit 6).

**05-31** The comment states the GHG Reduction Measure A-2.2 should include water conservation measures similar to those employed in GHG Reduction Measure A-2.1. The environmental impacts associated with the measure have been adequately evaluated in the Draft SEIR and the commenter does not raise new evidence demonstrating otherwise. The comment will be included in the Final EIR and made available to the decision makers prior to a final decision on the project.

**05-32** The comment states that the Draft SEIR impacts should be reevaluated once changes to the CAP are made based on the comments above with less vague strategies and measures. The County does not agree for the reasons stated above, in the Final EIR, and in the administrative record. Please refer to Master Response 1 regarding recirculation of the Draft SEIR.

The comment also states that the Draft SEIR incorrectly claims there is no published scientific data to conclude wind turbine noise would result in no significant adverse health effects. Please refer to the Large-Scale Renewable Energy Infrastructure discussion in the Noise Chapter on page 2.11-12 of the SEIR. As stated, all large wind turbine projects would be required to obtain a Major Use Permit (MUP) and be evaluated under CEQA, including the implementation of mitigation if significant impacts are identified (County of San Diego 2012). Please see Master Response 10 regarding the use of a Program EIR and CAP. Please also see Wind Energy Ordinance EIR that was incorporated by reference into the CAP SEIR which found that some wind turbine models can produce noise which may be detectable to the human ear dependent upon the distance from the turbine and amount of ambient noise in the area. Large wind turbines would be required to meet the low frequency sound limit established by the Wind Energy Ordinance, but it is possible that noise waivers could be issued, so ultimately the EIR determined that at a programmatic level impacts related to noise would be considered significant and unavoidable. (CAP SEIR page 2.11-12 to 2.11-13).

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impacts from wind turbine noise.

**5. The County May Not Adopt the Proposed Project Instead of the Environmentally Superior Alternative.**

Once the changes to the strategies and measures discussed above are incorporated into the CAP, the Enhanced Direct Investment Program Alternative should be implemented. As noted in the DSPEIR, the Enhanced Direct Investment Program Alternative is “environmentally superior to the project because it would reduce significant and unavoidable impacts related to the induced demand for large-scale renewable energy systems while still achieving both the primary objective of GHG emissions reductions consistent with SB 32 and all other supporting project objectives.” DSPEIR 4-28. Its focus on “direct investments in local projects to offset carbon emissions to a greater degree than currently proposed in the CAP” also maintains the rural and bucolic nature of unincorporated San Diego County, rather than encouraging industrial-scale solar and wind projects that would harm species, destroy views, create wildfire hazards, and use significant amounts of water. DSPEIR 4-13 (quote), 4-15, 4-16, 4-17, 4-18.

In fact, this alternative *must* be adopted pursuant to CEQA’s mandates. “An agency may not approve a project that will result in significant impacts *unless it first finds that mitigation measures or alternatives are infeasible.*” Exhibit 1, p. 27 (citing PRC § 21081; CEQA Guidelines §§ 15091, 15093, emphasis in original). Public Resources Code section 21002 demands that “public agencies should not approve projects as proposed if there are feasible alternatives . . . available which would substantially lessen the significant environmental effects of such projects.” That is exactly the case here, as admitted by the DSPEIR. The Enhanced Direct Investment Program Alternative is feasible, “would achieve all project objectives” (DSPEIR 4-15), and “would reduce significant and unavoidable impacts” of the project (DSPEIR 4-28).

The Enhanced Direct Investment Program Alternative is feasible. The DSPEIR presents a host of direct investment projects and “the desired GHG emissions reductions targets of the CAP *would be achieved* by implementing a . . . number of direct investment projects.” DSPEIR 4-14 (emphasis added); DSPEIR Appendix B, “Range of Direct Investment Protocols”. Because there are so many direct investment opportunities that can be implemented and combined to achieve the project’s goals, this alternative is entirely feasible. *Id.*

Furthermore, the Enhanced Direct Investment Program Alternative “would achieve all project objectives.” DSPEIR 4-15. It would achieve “both the primary objective of GHG emissions reductions consistent with SB 32 and all other supporting project objectives.” DSPEIR 4-28. Because this feasible alternative would achieve the project’s main and supporting objectives, and would lessen impacts as shown below, it must be adopted. PRC § 21002, 21081; CEQA Guidelines §§ 15091, 15093.

05-33

**05-33** The comment states that the Enhanced Direct Investment Alternative must be adopted pursuant to CEQA’s mandates. The commenter cites sections of the CEQA Guidelines in reference to consideration and adoption of the project and alternatives, and suggests that the County must adopt the Enhanced Direct Investment Program Alternative because it is the Environmentally Superior Alternative. However, CEQA provides no such mandate. CEQA only requires that if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. In addition, as explained by the court in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4<sup>th</sup> 957, 981, the feasibility of alternatives is considered at two stages in the CEQA process. First, the EIR identifies and evaluates alternatives that are “potentially feasible” in that they are capable of meeting some project objectives while reducing significant impacts. (*Id.* At p. 999) Then, at the project approval stage, it is the role of the decision-making body to determine whether alternatives are “actually feasible” after taking into consideration fundamental project objectives and specific economic, legal, social, technological, or other considerations. (*Id.*) See CEQA Guidelines Section 15091(a)(3) and 15093(a). The County Board of Supervisors will make a final feasibility determination prior to making a decision on the CAP. The County conducted a preliminary assessment of the local direct investment program that is required for Board of Supervisors approval by 2020 to provide preliminary costs of implementing GHG Reduction Measure T-4.1 for the decision-makers. This preliminary assessment supports the amount of GHG emissions reductions that can be achieved as discussed in the Draft CAP and SEIR, confirming that GHG Reduction Measure T-4.1 is achievable by 2030. However, this preliminary assessment indicates that the amount of direct investments needed to support the Enhanced Direct Investment Program Alternative may not be feasible, that is, capable of being accomplished by 2030 (refer to the attachment to the Planning Commission Hearing Report called Preliminary Assessment of

	<p>the County of San Diego Local Direct Investment Program). This information is discussed on page 4-15 of the Final SEIR and in the CEQA Findings attached to the Planning Commission Hearing Report. The County has, therefore, determined that the Enhanced Direct Investment Alternative is no longer feasible.</p>
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Finally, the Enhanced Direct Investment Program Alternative “would reduce significant and unavoidable impacts” of the project. DSPEIR 4-28. It “would reduce the construction and operational impacts of large-scale renewable energy facilities that were induced by the program.” DSPEIR 4-15. For example, “the significant scenic vista, scenic resource, and nighttime lighting and glare impacts [of large-scale wind, solar photovoltaic, and geothermal renewable energy systems] would be reduced compared to the project.” *Id.* Similarly, “the significant and unavoidable project and cumulative impacts to special-status species, riparian habitat, and conflicts with wildlife movement corridors would be reduced.” DSPEIR 4-16. “[T]his alternative would reduce the project’s significant and unavoidable wildfire impacts and overall impacts would be less,” and “a fewer number of large-scale systems would be developed and the significant and unavoidable project and cumulative groundwater supply impacts would be reduced.” DSPEIR 4-17. The same is true for the project’s significant and unavoidable land use, noise, and transportation impacts. “[T]his alternative would reduce” those impacts and the “overall impacts would be less.” DSPEIR 4-18.

05-33  
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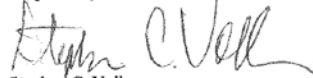
Because the Enhanced Direct Investment Program Alternative is feasible, would achieve all of the project’s objectives, and would reduce the significant impacts it *must* be adopted here. PRC § 21002, 21081; CEQA Guidelines §§ 15091, 15093.

05-34

For each of the foregoing five reasons, the DSPEIR, CAP and Guidelines are inadequate, and must be revised to comply with CEQA and, ultimately, to be effective in reducing GHG emissions in the County.

05-35

Respectfully submitted,



Stephan C. Volker  
Attorney for Backcountry Against Dumps  
and Donna Tisdale

SCV:taf

Attachments: **Exhibit 1** - *California Riverwatch v. County of Sonoma*, Sonoma County Superior Court Case No. SCV-259242, Order Granting Petition for Writ of Mandate (filed July 20, 2017)

05-36

**Exhibit 2** - SANDAG Demographic and Socioeconomic Profile 2010, Jurisdiction: Unincorporated, available at: [http://datasurfer.sandag.org/download/sandag\\_census\\_2010\\_jurisdiction\\_unincorporated.pdf](http://datasurfer.sandag.org/download/sandag_census_2010_jurisdiction_unincorporated.pdf). Last visited September 25, 2017.

- 05-34** The comment states the Enhanced Direct Investment Program Alternative must be adopted. The County acknowledges this comment. However, the comment does not address the adequacy of the SEIR. Therefore, no further comment is required or necessary. Also see Response to Comment O5-33.
- 05-35** The comment provides concluding remarks. No further response is required.
- 05-36** The comment lists exhibits that were considered within the comment letter and responded to above. These comments have been included in the record.

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**Exhibit 3** - G. Tal, M.A. Nicholas & T.S. Turrentine. 2017. "First Look at the Plug-In Vehicle Secondary Market." U.C. Davis Institute of Transportation Studies. Working Paper #UCD-ITS-16-02

**Exhibit 4** - California Air Pollution Control Officers Association's. August 2010. "Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures."

**Exhibit 5** - R. Ewing & R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association*, 76(3).

**Exhibit 6** - A. Evans. 2017. "Environmental Noise Pollution: Has Public Health Become too Utilitarian?, *Open Journal of Social Sciences*, 5, 80-109.

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