

From: Matt Adams
To: CAP
Subject: RE: BIA CAP Comment Letter
Date: Monday, September 25, 2017 4:04:25 PM
Attachments: BIA Draft CAP Comments.pdf

Attached is the BIA Comment Letter regarding the County Draft Climate Action Plan Proposal.
COUNTY OF SAN DIEGO CLIMATE ACTION PLAN (PDS2015-POD-15-002), GENERAL PLAN
AMENDMENT (PDS2016-GPA-16-007), DRAFT SEIR (LOG NO. PDS2016-ER-16-00-003).

06-1

Respectfully submitted.

Matthew J. Adams
Vice President
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Response to Comment Letter O6

Building Industry Association of San Diego County
Matthey J. Adams, Vice President
September 25, 2017

O6-1 The comment provides information about the Building Industry Association of San Diego County and recommends that the CAP not adversely affect housing costs or diminish supply opportunities. The County appreciates the comments. The comment does not address adequacy of the Draft SEIR. The comment will be included as part of the Final EIR and made available to the decision makers prior to a decision on the project. No further response is required.



Letter
06

September 21, 2017

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Industry Association

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of Home Builders

Re: Building Industry Association of San Diego County Comment Letter on the draft Climate Action Plan.

The Building Industry Association of San Diego County is comprised of 750 member companies representing a workforce of 65,000 men and women. As the County pursues its climate action strategy it is essential that any effort to address state mandated Green House Gas reductions be weighed against the impacts to housing supply and affordability. San Diego County, as does the entire state, suffers from chronic underproduction. Since 2010 annual housing production in the unincorporated area has averaged 8% of regionwide production generating a scant 550 units annually. The County joins nearly all jurisdictions in falling short of its Regional Housing Needs Allocation targets. The current RHNA 11-year goal (Jan. 2010 - Dec. 2020) is 22,412 units. Thus far, the County has issued just 3,918 new home permits. In order to hit its 11-year target, the County would have to permit the production of over 4,600 units annually between now and 2020 to achieve its 22,412 RHNA goal. This underproduction pushes more people onto the freeways to Riverside in pursuit of more affordable housing and expands the release of GHGs.

The historic housing crisis now underway negatively impacts millions of households. The State's 20.6% poverty rate is the nation's highest and is due in part to housing costs. Due to the seriousness of the housing crisis, any and all decisions regarding CAP rules and regulations must not adversely affect housing costs or diminish supply opportunities. The County's CAP must be a collaboration of incentives and innovation.

With this in mind, we have reviewed the County Climate Action Plan and offer the following input on the following document points:

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06-1

T-3.1 Use Alternative Fuels in New Residential and Non Residential Construction Projects By 2030

The proposal requires clarification as to the type of alternative fuels (biofuels and renewable diesels, electric or bio-methane) and vehicles. Does this include work trucks or just larger construction equipment? Also, how do you plan to monitor and enforce?

06-2

E-1.1 Improve Energy Efficiency in New Development

The CAP would mandate Zero Net Energy by 2020 for new home construction. This will result in a substantial increase in new home construction costs. Most recent calculations put the cost at \$30,000 per new home.

06-3

Since 2010 San Diego County has averaged just 550 new home permits annually. The high cost associated with ZNE coupled with the limited production in the unincorporated area will not be cost effective.

When a local jurisdiction wants to adopt a “reach code” related to energy, they must follow Public Resources Code 25402.1(H) (2). This requires multiple studies to determine actual energy savings and quantify its cost effectiveness. Both studies require CEC certification before proceeding. Current state regulations require that the county demonstrate that FULL ZNE is cost effective. The State of California (CEC) has made a finding at the state level that full ZNE is not cost effective. For example, for inland SD, (CZ 10 and 14), the CEC found that 2.8/3.1 kW is cost effective. However that is significantly smaller than the 6-7kw that would be needed for full ZNE.

06-4

There are also Grid Harmonization issues that need to be considered. The state has already made the move to NEM 2 rules and will make the move to Time of Use rates in 2019. Regarding grid harmonization, rooftop PV system makes most of its solar energy in the hours of 10am-3pm...exactly when the home energy demand is lowest which means all of that solar energy is flowing out into the grid during the time of day when the grid does not need it nor can the grid store it. Utilities (including SDG&E) will be going to TOU rates in 2019 resulting in higher energy costs during higher demand times. ZNE homes (without an on-site battery storage system) will find themselves paying large utility bills even with solar on the roof.

06-5

It should be noted that “Full” ZNE means the house has enough on-site PV to equal (or exceed) the annual power load of the home. This means both electric and gas loads for that home on an annual basis. However, the PUC has passed rule “NEM 2” which gives each of the IOUs the authority to refuse to hook up a home that has a PV system

06-6

O6-2 The comment generally questions GHG Reduction Measure T-3.1 and how the County would monitor and enforce implementation of the measure. As described in GHG Reduction Measure T-3.1 (see page 3-28 of the CAP), fossil fuels used in construction can be replaced with renewable diesel, renewable natural gas, or compressed natural gas; or vehicles and equipment could be replaced with electric alternatives, such as electric or hybrid-electric bulldozers, excavators, or loaders. The GHG reductions assumed in the CAP from this measure are applied to construction equipment only (as opposed to work trucks and vehicles). Monitoring and enforcement of compliance with this measure would be through evidence provided on the CAP Consistency Review Checklist and through the County’s permitting process. Please see Chapter 5 of the CAP and instructions in the Consistency Review Checklist.

O6-3 The comment states that the high costs associated with zero net energy requirements under GHG Reduction Measure E-1.1 and the limited production of homes in the County would not be cost effective. The County acknowledges this comment. However, the comment does not address the adequacy of the SEIR. Therefore, no further response is required or necessary. However, this comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.

O6-4 The comment suggests that for the County to adopt a reach code, multiple studies would be required to determine that the regulation would be cost-effective pursuant to Public Resources Code 25402.1(H)(2). The commenter suggests that full zero net energy standards have been determined to be not cost-effective at the State level. The County would seek all necessary approvals as part of the process to adopt a local requirement for Zero Net Energy through amendment of the County Construction Codes as required by Measure E-1.1.

O6-5 The comment states that grid harmonization issues related to zero net energy need to be considered. The commenter also details that consumers would pay higher energy costs during higher demand, especially without the use of battery storage technology. Measure E-1.1 and the CAP Consistency Review

Checklist do not specifically call for battery storage installation at this time. However, the County Construction Codes would be updated to enforce Measure E-1.1. At the time of these updates, if battery storage is more available in the market the County may require this as part of the ZNE requirements. The CAP is adaptable with periodic updates, so the County would be well positioned to include storage technology in the future. The comment does not address the adequacy of the SEIR. Therefore, no further response is required or necessary. This comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.

- O6-6** The comment is related to a rule called “NEM 2” and states that SDG&E needs to be on board with a local jurisdiction seeking to implement a full zero net energy reach code. As part of the process to adopt and implement a local requirement for Zero Net Energy, the County would coordinate with the local utility. Please refer to Master Response 7 related to Measure W-1.2.

that is larger than the electrical needs of the home. There have been multiple circumstances where Southern California Edison would not hook up homes with large, "oversized" PV system. SDG&E will need to be on board and receptive to a local jurisdiction seeking to implement a full ZNE reach code.

06-6

W-1.2 Reduce Outdoor Water Use

Clarification regarding the baseline for the 40% water reduction is needed. The MAWA tables within the checklist reflect a 40% reduction in the most current State mandated conservation requirements. A 40% outdoor water use reduction mandate will be very prohibitive to site development in single family, multi-family, mixed use, and commercial developments.

06-7

There will be difficulties meeting this reduction given the impacts of fuel modification requirements and bioinfiltration basins. Fuel modification areas are best suited for moderate water use plants given that a vast majority of low water use native plants are prohibited within fuel modification areas. Likewise, bioretention areas require moderate water use plants which can withstand intermittent saturated conditions and provide the water quality benefits enforced by the Municipal Separate Storm Sewer System (MS4) permit. Collectively, this will result in a disproportionate distribution of water on any given site resulting in minimal water availability for the remainder of the property. Projects will be forced to utilize very low water use plant material as defined by WUCOLS, predominantly comprised of succulents, which results in a southwest landscape aesthetic. Furthermore, a vast majority of these very low water use plants do not provide suitable root structure for slope stabilization and long term erosion control. This mandate will also pose significant difficulties in meeting the current County requirement for 70% landscape coverage prior to grading acceptance.

06-8

We must recognize the value and importance of strategically utilized turf grass in single family backyards and multi-family common open spaces as a means to accommodate and encourage recreation and family/community building. If applied, the 40% reduction would prohibit the use of turf grass at a scale which would not allow for play and recreation. For example, a 999 square foot landscape area would be required to use 854 sq. ft. of very low water use (WUCOLS) plant material in order to provide a 10'x15' patch (146 sq. ft.) of turf for a hypothetical family of four with two children. This is the equivalent size of a large children's bedroom, which isn't sufficient to promote active play.

06-9

06-7 The comment is related to GHG Reduction Measure W-1.2 and requests clarification regarding what the baseline is for water consumption, prior to implementing a 40% reduction. The County agrees with the commenter and has provided a clarification to the measure that the 40% reduction would be as compared to the 2014 water consumption baseline. Please see Master Response 7 related to Measure W-1.2.

06-8 The comment expresses concern related to the types of plants that would need to be selected to meet the 40% outdoor water reduction target if implemented. Please see Master Response 7 related to Measure W-1.2.

06-9 The comment expresses concern regarding the 40% outdoor water reduction target which would limit the ability of homeowners to install turf grass at a rate that could support active play. Please see Master Response 7 related to Measure W-1.2.

A-2.1 Increase Residential Tree Planting

The requirement of two trees per unit is in direct conflict with W-1.2 that mandates a 40% reduction in water use. Increased tree planting is infeasible in multi-family and mixed-use developments due to lot size and development footprint restrictions. If applied as proposed a 300 unit apartment project would require 600 trees.

06-10

Fuel modification zones and bioretention basins create additional compliance impediments. The various Fire Protection District's within the County limit the ability to introduce trees near structures. The County also requires a 10 foot horizontal separation between both adjacent trees and structures in fuel modification zones limiting the ability to place trees on the site. In addition, bioretention basins do not successfully accommodate mature canopy trees further reducing the available site area for tree placement.

06-11

General Plan Amendments

The county must provide a fair, flexible and efficient process by which to proceed with General Plan Amendments. GPA's are a critical tool in the planning process and must not become infeasible due to excessive regulatory requirements thereby becoming a defacto GPA moratorium. General Plans are intended to be a guide to future development and never considered absolute or static.

06-12

Acknowledge the Multiple Species Conservation Program

The Multiple Species Conservation Program (MSCP) has been a success at conserving important wildlife habitat for twenty years, and its benefits continue to accrue in the County, and not just for the conservation San Diego's virtually unique diversity of habitats and species. The County does not take credit for the MSCP's achievement in the reduction of GHG, and should. The largest wildlife preserve in the U.S. located in an urban-suburban setting provides the benefit of sequestering enormous and measurable amounts of carbon dioxide in the roots of such deep-rooted vegetation as chaparral and trees. Chaparral is by far the largest percentage of native vegetation in the unincorporated area. The County was not obligated to create the MSCP, and as such should derive GHG credit for so doing. This approach would also allow for a calculation of vegetation loss from development being offset by preserved habitat, and also allow an additional GHG mitigation measure that the County can take credit for doing.

06-13

O6-10 The comment is related to GHG Reduction Measure A-2.1 and expresses concern that the requirement to plant two trees per unit per acre would conflict with the requirement to reduce outdoor water by 40%. Please see Master Response 7 related to Measure W-1.2. The tree planting requirement would not apply to multifamily residential and commercial properties as they already have requirements for tree planting contained within community design guidelines and the parking design manual. The requirement to plant two trees per dwelling unit would apply only to new single-family residential dwellings. The County does not agree that the two measures are incompatible. If adopted, there would be efficiencies necessary at the district level as well as residential. In the case of tree planting with new homes, it is presumed that new units would be equipped with more highly efficient water conservation infrastructure than existing homes. The water budget calculations set forth in the County's Water Conservation in Landscaping Ordinance (Landscape Ordinance) account for trees' establishment period, and allow for the requisite water use in the first few years after planting; the 40% reduction in water use is assumed based upon maturation. Additionally, it is also assumed that new homes would be landscaped using drought resistant plants and less turf, and utilize drip irrigation technology and mulching practices recommended by the County's Landscape Ordinance, thereby further increasing water use efficiency. In many cases, it is possible that rainwater or recycled water could be available for use, particularly as a result of rain barrel incentives as described in Measure W-2.1 (page 3-74 and 3-75 in the CAP). Therefore, the County does not believe the requirement to plant two trees per acre is onerous and in conflict with the requirement to reduce the average outdoor water consumption by 40% from 2014 levels.

O6-11 The comment states that fuel modification zones and bioretention requirements could result in the inability to plant trees due to space constraints. The County provides flexible alternatives to meet planting requirements while also meeting appropriate setback criteria in fuel modification zones. GHG Reduction Measure A-2.1 would apply only to single-family

residential dwellings, and would be implemented through the County's Water Conservation in Landscaping Ordinance. Tree planting within a bioretention basin is not applicable to this Measure. The County will develop guidelines for demonstrating compliance, including compliance with any fire protection measures, and specific project-level site constraint issues would be addressed during the discretionary review process.

O6-12 This comment states the County should continue to provide a fair process for GPAs to be considered. The comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required or necessary. However, in an effort to be responsive, the following context is provided. The purpose of the County's CAP is to provide a plan for the county-wide reduction of GHG emissions consistent with state targets. Upon adoption, the County's CAP would provide CEQA streamlining benefits to projects that were considered in the 2014 baseline emissions inventory (used to establish CAP targets) and are consistent with the 2011 General Plan land use (also used to establish CAP targets). As detailed in Section 1.2.4 of the Draft SEIR, if a project is not consistent with the 2011 GPU and would require a GPA, then the project would not qualify for the CEQA streamlining provision and would be required to prepare a project-specific GHG emissions analysis. Because the 2014 baseline emissions inventory does not and could not include a complete inventory of GHG emissions that may be created because of unknown projects that do not comply with the existing 2011 GPU land use, these projects would be required to provide additional GHG emissions analysis at the time of discretionary review as described in the CAP Checklist. The County appropriately analyzed GPAs as cumulative impacts because they are present or reasonably foreseeable future projects. Mitigation Measure M-GHG-1 is feasible and, therefore, the County is required to adopt this mitigation to reduce the impacts from GPAs on the project.

O6-13 This comment states the County should take some amount of GHG emissions reductions related to the preservation of developable land under the approved MSCP. The County is anticipating GHG reductions from the County's Multiple-Species

Conservation Program under Measure T-1.1 (Acquire Open Space Conservation Land). Please refer to response to comment O1-14.

The BIA appreciates the opportunity to comment on the County's effort to craft a Climate Action Plan. We look forward to continued and thoughtful dialogue as the process unfolds. 06-14

Sincerely,



Matthew J. Adams.
Vice President

06-14 This comment provides concluding remarks. No further response is required.