

From: Dan Silver
To: CAP
Cc: [Wardlaw, Mark](#); [Achassi, Sarah](#); [Talleh, Ram](#); [Kopaskie, Mary](#); [Neufeld, Danny](#); [De La Rosa, Michael](#)
Subject: Climate Action Plan and DSEIR
Date: Monday, September 25, 2017 3:16:02 PM
Attachments: EHL-CAP comments-9.25.17.pdf

Dear Ms. Soffel:

Please find comments from Endangered Habitats League. If you could confirm timely receipt, it would be much appreciated.

With best regards,
Dan

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O12-1

Response to Comment Letter O12

Endangered Habitats League
Dan Silver, Executive Director
September 25, 2017

O12-1 The comment provides introductory remarks. No response is required.



September 25, 2017

VIA ELECTRONIC MAIL

Maggie Soffel
Department of Planning and Development Services
5510 Overland Ave, Suite 110
San Diego, CA 92123
<CAP@sdcounty.ca.gov>

RE: Climate Action Plan, General Plan Amendment and Draft SEIR

Dear Ms. Soffel:

Endangered Habitats League (EHL) appreciates the opportunity to comment on this important plan. For your reference, EHL is a long-term stakeholder in County planning endeavors, serving on advisory committees for the General Plan Update and MSCP. We are profoundly concerned over the pro-sprawl land use policies embedded in the draft CAP and also find many of the mitigation measures vague, illusory, or unenforceable. On the other hand, feasible measures have been neglected. We are aware of comments submitted by the Southwest Wetlands Interpretive Association and rather than reiterate, incorporate them by reference.

O12-2

Land use and transportation deficiencies

While on-road transportation accounts for 45% of GHG emissions, this sector provides only 13% of the reductions. The County claims that there are no feasible mitigation measures to do better, yet land use decisions in terms of future general plan amendments (GPAs)—and the resultant transportation emissions—are solely and uniquely under the County’s direct control. The County’s assertion that it “has limited options under its control for implementing transportation-based strategies” is false.

O12-3

While Measure T-2.2 is used to reduce Vehicle Miles Traveled (VMTs) in new non-residential development, there is no corresponding measure to reduce the even greater VMTs in new residential development. This is a grave deficiency that must be corrected for this CAP to be a credible effort.

O12-4

The depth of the problem is seen from section 6.1 of the EIR. On-road transportation GHG emissions within the unincorporated County are projected to decrease 23 percent between 2014 and 2050 while annual VMT is projected to increase 28 percent. This means the County is gaining emission reductions predominantly (and perhaps nearly exclusively) from automobile technology and not reduction in VMT. The ability to achieve enormous reductions from car and truck technology is dubious. The

O12-5

O12-2 The comment provides background information about Endangered Habitats League and expresses general concern regarding the contents of the CAP and mitigation measures. The County acknowledges the comment as an introduction to comments that follow and does not address the adequacy of the Draft SEIR. The comment also states that comments submitted by the Southwest Wetlands Interpretive Association are incorporated by reference. Please refer to responses provided to comments O1 and O2.

O12-3 The comment expresses concern regarding the conclusion of the Draft CAP that GHG emissions resulting from on-road transportation accounts for 45% of the total emissions, yet provides a disproportionate amount of reductions (13%). The comment states that future general plan amendments (GPAs) are under the County’s direct control. The County acknowledges this comment and notes that GPAs are analyzed in the Draft SEIR as cumulative impacts. These projects are analyzed in the cumulative impact analysis of the Draft SEIR, Chapter 2.7, because they represent current or reasonably foreseeable probable future projects. Please refer to Master Response 6 related to transportation GHG reductions measures.

O12-4 The comment expresses concern regarding the lack of GHG emissions reduction measures that address VMT reductions for the residential sector. Please refer to Master Response 6 related to transportation GHG reduction measures and Master Response 9 regarding the selection of GHG reduction measures.

O12-5 The comment expresses concern that VMT will rise between 2014 and 2050, yet transportation emissions will fall between that same period. The commenter suggests that the County must not rely upon a fleet conversion to electric vehicles to achieve those reductions because the County cannot ensure that the conversion will occur. Fleet turnover accounted for in the CAP is based on the California Air Resources Board’s EMFAC model that forms the basis of the State’s GHG inventory. See Sections 4.1.2 and 6.1 of Appendix A to the CAP for details on how vehicle fleet is accounted for in the

GHG inventory and projections. The County has included a measure in the CAP to specifically target EV uptake in the unincorporated County. The commenter also states that reductions from car and truck technology is dubious. The County does not agree with this comment because, as explained above, the technology conversion is based on CARB's published data in the EMFAC model. Moreover, the comment does not provide any evidence to support this claim. In response to similar comments, the County has included GHG Reduction Measure T-3.5 to increase the uptake of EVs throughout the unincorporated County. Please refer to Master Response 6 related to transportation GHG reduction measures.

rate of conversion to electric cars has, to date, been low, and inconsistent with a major future shift. In any event, such conversions are not under the County's purview. The County should quantify the CAP's reliance on new technology for emissions reductions, clarify its own role, and provide evidence that such reductions will be achieved.

O12-5
cont.

Instead of requiring newly planning residential development, or GPAs, to actually reduce VMTs through siting near jobs, services, and transit, the draft plan allows them to write a check for carbon "offsets." (Mitigation Measure M-GHG-1) This has the effect of promoting high VMT development in locations with long commutes to jobs and services and without access to transit. For a CAP to facilitate automobile-dependent sprawl is unacceptable.

Instead, EIIIL recommends that the CAP establish a standard for all future general plan land use changes so that per capita VMT from projects will not exceed certain thresholds. VMT would be determined per capita for residential projects and per employee for non-residential. Unlike GHG emissions, the VMT reduction threshold could not be met through offsets; the threshold must be met through location and design of the project itself. An advantage of this approach is that emissions that are not generated in the first place do not need to be mitigated, and are not subject to the many difficulties in devising truly measurable and enforceable mitigation measures. Better to replace the many speculative measures in the draft CAP with concrete land use steps for new development that are directly under County control and produce reliable and permanent GHG benefits.

O12-6

For example, the County could require GPAs to achieve a 15% per capita VMT reduction compared to the baseline countywide or among the incorporated cities. This would be consistent with the VMT reduction targets *already contained* in SANDAG's Regional Transportation Plan/Sustainable Community Strategy. This standard is also comparable to that in Strategy T-2.2, for new non-residential development. Or, the CAP could require a 50% (or some other) reduction in future per capita residential VMT compared to current VMT in the same area. These localized figures are available through SANDAG. (See http://sandag.github.io/sb743/sb743_concept_map.htm.) Given the routine development of trip generation and VMT information for development projects, application of a VMT reduction threshold is eminently feasible.

O12-7

Support for concrete and enforceable VMT reductions comes from State law and policy. The California Air Resource Board, in its 2017 Scoping Plan Update, has deemed the reduction of VMT an essential step to meeting State GHG targets.¹ The importance

¹ "CARB's 2017 Climate Change Scoping Plan Update. The Scoping Plan Update identifies a reduction in vehicle miles travelled (VMT) as a necessary part of the statewide strategy to achieve California's 2030 statewide emission target. VMT reduction is to be achieved, in part, through more stringent SB 375 targets for 2035 and associated SCS planning." See *California Air Resources Board Staff Report, Proposed Update to the SB 375 Greenhouse Gas Emission Reduction Targets*, page 3, at https://www.arb.ca.gov/cc/sb375/staff_report_sb375_target_update_june.pdf.

O12-6 The comment recommends establishing per capita VMT thresholds for all general plan land use amendments and that carbon offset credits cannot be used to reduce emissions. Specific performance standards, similar to those identified in GHG Reduction Measure T-2.2 for non-residential development, are not applied to residential development because of the challenges in tracking VMT performance from residential uses. Therefore, the County has determined that CAP Mitigation Measure M-GHG-1 is the appropriate mechanism to mitigate GHG emissions related to GPAs. However, when a per capita VMT approach become feasible and/or required, the County will adjust accordingly. Per capita VMT targets are associated with SB 375 targets which are described in detail in Master Response 2. Additionally, GHG Reduction Measure T-1.3 is intended to reduce residential VMT by establishing mixed-use communities that provide a balanced approach to housing, jobs/economic development, services, and infrastructure needs. Please refer to Master Response 6 related to transportation GHG reduction measures and Master Response 2 related to the CAP and consistency with SB 375. The GHG reduction targets used in the CAP are consistent with guidance from CARB. Please refer to Master Response 4 related to GHG reduction targets. The comment also questions the adequacy of CAP Mitigation Measure M-GHG-1, but does not provide any evidence that the mitigation would not reduce emissions. Please refer to Response to Comment O14-12 and Master Response 12 related to the use of mitigation and carbon offset credits. The comment also suggests that the CAP facilitates automobile-dependent sprawl. The County does not agree with this comment for the reasons described in Master Response 6. The comment goes on to assert that there are "many speculative measures in the draft CAP" but does not specify which measures are allegedly speculative, nor does it offer any evidence to support this claim.

O12-7 The comment states that the County could require GPAs to achieve a 15% per capita VMT reduction compared to the countywide baseline which is consistent with the targets

established in SANDAG's RTP/SCS. The comment is correct that VMT reduction through coordinated land use and complimentary transportation investments are a key to the success of the RTP/SCS. GPAs have a specific set of criteria established through CAP Mitigation Measure M-GHG-1, which requires no net increase or net-zero GHG's. Off-site mitigation required in CAP Mitigation Measure M-GHG-1 requires projects to provide all feasible on-site measures to reduce GHGs, which would include VMT reduction strategies to aid in the reduction of GHGs.

CAP Mitigation Measure M-GHG-1 is provided to reduce the cumulative impact from GPAs to less than significant. Implementation of this mitigation measure by GPAs would address their individual GHG emissions and ensure that the County can meet the targets in the CAP. Additionally, CEQA documents prepared for each GPA would need to assess their consistency with the RTP/SCS independent of this analysis.

The comment also references the recommended 15% VMT reduction cited in the Draft CEQA Guidelines updates developed to implement SB 743. SB 743 was signed by the Governor on September 27, 2013. The State Office of Planning and Research (OPR) released proposed amendments to the CEQA Guidelines to implement SB 743 in November 2017. Once rulemaking is completed by the California Natural Resources Agency, local jurisdictions will have two years to implement VMT in compliance with SB 743. The proposed amendments to CEQA Guidelines allow for flexibility in how each jurisdiction would implement the new CEQA Guidelines. The County will be able to determine what the most appropriate threshold is for coordinating land use and transportation and thus addressing VMT impacts, based on the County's unique land uses. This threshold could be lower or higher than the recommended 15 percent threshold. The State guidelines allow each jurisdiction flexibility to develop guidelines based on their local experience and based on substantial evidence. The County has commented on drafts of OPR's documents, participates in regional subcommittees, and meets regularly with SANDAG and other local agencies to discuss

implementation of SB 743 in the San Diego region. Please refer to Master Response 6 related to transportation GHG reductions measures and Master Response 2 related to the CAP and consistency with SB 375.

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of reducing VMT was emphasized in the 2013 passage of SB 743, which shifted the CEQA analysis of traffic impacts away from traffic delay, focusing instead on VMT. Draft CEQA Guidelines developed to implement SB 743 also recommend a 15 percent VMT reduction as a threshold for determining whether projects (such as a GPA) will have significant GHG impacts. The County's own draft Guidelines for Determining Significance correctly note that "regional location is the most important determinant of VMT." In other words, development located in or near established urban areas will generate lower VMT than development in outlying areas. An emphasis on development in or near existing urban areas also has significant co-benefits for open space and habitat protection.

O12-7
cont.

Another eminently feasible measure to reduce VMTs in newly planned residential development (as well as within areas already slated for development in the adopted General Plan) is transfer of development rights (TDR). TDR is an established technique that can shift density from high VMT locations to lower VMT locations.

O12-8

Looking at the details of the offset program itself, it fails to provide substantial evidence that it would even work. T-4.1 would establish a Direct Investment Program to provide offsets. Only one project has been submitted to the CAPCOA Rx Exchange for resell (<http://www.ghgrx.org>). This was a Placer County biomass project from 2014 that has not sold. It is most unlikely the County would develop a different exchange when CAPCOA Rx is the SDAPCD's exchange. For the very large amount of credits that will be needed for 2030 targets, it is speculative that a sufficient amount of in-county created credits (as well as California-created credits) will be available. Thus, there is no substantial evidence to support future availability of offset credits. Also, the language in the CAP states: "The County would fund/implement ... investment projects." Does this mean the County itself is making the investment? Given the lack of substantial evidence, meeting the objective of no net increase in emissions from additional density, or zero net GHG emissions, is merely speculative.

O12-9

Another defective aspect of the offsets program is the prioritization scheme for on-site, then in-county, then in-state, then in-country. All of this is based upon future determinations by the department Director of "financial feasibility." There are no criteria for such feasibility offered. And at the end of the day, because the County has no access to a company's internal balance sheets, no means or standards to determine an adequate profit margin, and no history of ever retaining an independent development economist to expertly sort through these issues, the prioritization will actually depend on an applicant's own representations, which are likely to be self-serving and not subject to meaningful verification. The scheme is, in reality, a charade. At a minimum, for prioritization to be real, it needs measurable and verifiable criteria, and accompaniment by a strict cap on how much offset can occur out-of-county.

O12-10

The policy ramifications of allowing unlimited out-of-county offsets are alarming. California's landmark global warming legislation—the ultimate basis for the CAP—seeks to reduce *California's* emissions. A polluting power plant can only utilize out-of-

O12-11

O12-8 The comment suggests another way to reduce VMT would be to develop a transfer of development rights (TDR) program which would establish a mechanism to shift densities from a high VMT location to a low VMT location. Please see Response to Comment O15-9.

O12-9 The comment states the County does not provide substantial evidence that GHG Reduction Measure T-4.1 will work as described and suggests that there is only one project on a carbon offset registry, the CAPCOA GHG Rx. The commenter is confused about the mechanics of the local direct investment program as described by GHG Reduction Measure T-4.1, which requires the County to directly invest in local projects. This program is comprehensively described in Master Response 3. The County would not purchase carbon offset credits through a registry such as the CAPCOA GHG Rx as stated on page 2.7-24 of the Draft SEIR. However, GPAs may use the CARB-approved registries to purchase carbon offset credits as detailed in CAP Mitigation Measure M-GHG-1 and in Chapter 2.7 of the SEIR upon satisfying the appropriate mitigation hierarchy as described in Master Response 12. The County does not agree that the CAP and Draft SEIR lack substantial evidence regarding GHG Reduction Measure T-4.1 or CAP Mitigation Measure M-GHG-1, as described above and throughout the record.

O12-10 This comment expresses concern about the mechanism to prioritize the use of carbon offset credits and states that there needs to be a limit on the amount of carbon offset credits out of county that can be utilized. Please refer to Master Response 12 related to the mitigation hierarchy and use of carbon offset credits and Response to Comment O14-12. Determinations regarding mitigation will be required to be based upon substantial evidence and cannot be arbitrary. The comment does not address the adequacy of the Draft SEIR, therefore, no further response is required or necessary.

O12-11 The comment states allowing unlimited out-of-county carbon offset credits sets a bad precedent. The commenter cites Cap-and-Trade limits on compliance offsets required in California. The offset limits established pertain to the compliance offset

program under the Cap-and-Trade program, whereas private projects not subject to Cap-and-Trade compliance purchase carbon offset credits in the voluntary market. Please see Response to Comment O14-12 and Master Response 12 related to the use of carbon offset credits. The County acknowledges this comment; however, this comment does not address the adequacy of the Draft SEIR and no further response is required or necessary. This comment is noted and will be included as part of the Final EIR and made available to the decision makers prior to a final decision on the proposed project.

state offsets for a tiny fraction of its GHG emissions.² It follows that regional CAPs should similarly make local and regional economies *themselves* carbon-efficient, rather than “off-shoring” GHG reductions and continuing to pollute locally. The CAP’s allowance of massive out-of-county offsets is a terrible precedent.

O12-11
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Also, CEQA requires enforceable mitigation measures. The efficacy of remote offsets—which may be at the other end of the earth from San Diego—is not under the County’s control or even ability to monitor. Even if initially verified, a forest “conserved” with offsets might be cut down illegally—or may never have been in danger of logging at all. If the offsets go awry, the County may never know, let alone be able to effect a remedy on distant soil or exact alternative measures from a developer long exited from the project.

O12-12

The County’s only proposal to use its land use authority to curtail GHG emissions lies in T-1.3, the proposed updates of Community Plans. While EHL supports this goal, the measure is vague. How would this work for existing, built-out villages, where transit oriented or even increased walkability is problematic if not impossible? The examples provided include “possible mechanisms” which are not mandatory, and also don’t reduce transportation demand.

O12-13

In general, though, EHL supports the proposed use of land and farm conservation as a mitigation measure through the County’s MSCP and PACE program, as these lands are under development threat and their future use is subject to the County’s monitoring and control. We request that targets be raised and that financial mechanisms for protection—including TDR—be further developed and strengthened.

O12-14

Additional measures not supported by substantial evidence and other CEQA issues

Other proposed mitigations are mostly wishful thinking or otherwise unsubstantiated.

O12-15

- Outdoor water use (through W-1.2) is “required” to decline by up to 40% but education alone cannot be relied upon to accomplish this. No evidence is provided that Amend Title 8 of the San Diego County Code of Regulatory Ordinances (Water Conservation in Landscaping) will do so.
- How will the replacement of farm equipment at the rate anticipated by monitored and financed and actually achieved? No substantial supporting evidence is

O12-16

² “Offset Limits. In response to concerns from the EJ community, AB 398 tightens limits on the use of offsets. Starting in 2021, the limit on a covered entity’s use of offset credits drops from 8 percent to 4 percent, of which at least half must come from projects that are located in the state or ‘provide direct environmental benefits in state.’ From 2025-2030, the overall limit increases to 6 percent, but half of the credits still must come from in-state projects.” See <https://www.natlawreview.com/article/california-extends-and-strengthens-cap-and-trade-program>.

O12-12 The comment expresses concern regarding the ability to utilize remote carbon offset credits as a way to mitigate for projects under CEQA because of the lack of enforceability and lack of ability to monitor by the County. On the strict performance-based requirements of carbon offset registries that undertake mitigation and ensure carbon offset credits are environmentally sound, please see Response to Comment O14-13 and Master Response 12.

O12-13 This comment expresses concern regarding the effectiveness of GHG Reduction Measure T-1.3 which would require 19 community plans to be updated to facilitate VMT reductions. Please refer to response to comment O10-10. However, the comment does not address the adequacy of the Draft SEIR and 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 proposed project. Please refer to Master Response 5 related to community plan updates.

O12-14 This comment expresses support for GHG Reduction Measures T-1.1 and T-1.2 which would seek to expand the PACE program and acquire additional lands for preservation under the MSCP program. The commenter requests that the targets for expansion and acquisition be raised and that financial mechanisms for protection-including TDR- be developed and strengthened. The County appreciates this comment. However, the comment does not address the adequacy of the Draft SEIR and, 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.

O12-15 The comment expresses concern regarding the feasibility of achieving a 40% water reduction as stated in GHG Reduction Measure W-1.2 through public outreach and asserts that the County has not provided substantial evidence that the target will be achieved. Please refer to Master Response 7 related to outdoor water use and GHG Reduction Measure W-1.2. Please also note that GHG Reduction Measure W-1.2 has been made a condition of future project approval through the

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| | <p>CAP Consistency Review Checklist item 9a; therefore, this measure is enforceable and, contrary to the comment, will be enforced and is supported by substantial evidence.</p> <p>O12-16 The comment expresses concern regarding the feasibility of replacing farm equipment to electric as stated in GHG Reduction Measure A-1.1, and asserts that the County has not demonstrated a financial mechanism to substantiate the results. The County does not agree with the comment. The APCD has a program to fund this program. See the following http://www.sdapcd.org/content/sdc/apcd/en/grants-and-incentives/portable-and-stationary-agricultural.html. Further, the reduction stated in the CAP for this measure is based on available historical data and, therefore, is substantiated.</p> |
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present to show that the San Diego County Air Pollution Control District will provide sufficient financial incentives, or how these will be paid for.

O12-16
cont.

- E-2.3: for installing solar photovoltaics on existing homes is a worthy goal but this measure is about streamlined permitting, not financial incentives. The County needs to show substantial evidence that permitting obstacles have prevented installation of solar photovoltaics in order for this measure to be credible.

O12-17

- E-2.1 calls for increasing renewable electricity, but absent a Community Choice Aggregation program—recently rejected by the Board of Supervisors—how is this to be accomplished?

O12-18

- While EHL supports T-2.2 for reducing VMTs in new non-residential development, no monitoring for effectiveness is offered.

O12-19

- Setting a 30-year timeline for the operation of offsets assumes that impacts will not continue past 30 years.

O12-20

- The threshold of significance methodology which allows GPAs to find insignificance through use of offsets obviates CEQA’s off-site alternatives analysis process.

O12-21

General Plan and regional plan inconsistencies

The CAP is a mitigation measure for the General Plan and thus subject to its internal consistency requirements. However, the CAP contains double standards. For example, GPAs are able to use remote offsets, while County operations cannot. The General Plan, in Goal COS-20, calls for “Reduction of local GHG emissions contributing to climate change.” The offset program for GPAs, which might find most or even all local offsets infeasible, is overtly inconsistent with this General Plan goal.

O12-22

The CAP itself, in Strategy T-1, calls for VMT reduction by “not developing housing in the more remote areas.”³ Rather than implement this strategy, the CAP is internally inconsistent in having no requirements for newly planned residential development to be sited in non-remote locations that reduce VMT and GHGs. Indeed, the offsets and loose feasibility language facilitate the opposite.

O12-23

It is also essential that future general plan changes be consistent with regional policies that aim to reduce VMT in San Diego County. Indeed, the CAP, in Mitigation

O12-24

³ “This strategy focuses on preserving open space and agricultural lands, and focusing density in the county villages. By not developing housing in the more remote areas, the county will avoid GHG emissions from transportation and energy use associated with conveyance of water and solid waste services. Reductions in Vehicle Miles Traveled (VMT) resulting from this strategy will also improve air quality through reduced vehicle emissions and contribute to public health improvements by creating opportunities for active transportation choices.”

O12-17: The comment expresses concern regarding GHG Reduction Measure E-2.3, which would result in increasing the amount of photovoltaic systems on existing residential structures. The commenter asserts that the County has not provided substantial evidence that this measure is feasible. As described in great detail in the CAP (Page 3-56), the reduction associated with this measure is based on County’s demonstrated support of several initiatives and programs. The commenter states that the County needs to show substantial evidence that permitting obstacles have prevented installation of solar in order for this measure to be credible. The County does not agree for the following reasons. The measure is quantified by using historical rates of PV installation in the unincorporated areas to project the rate of future installations. The historical PV installation rate in the unincorporated area was driven not only by incentives, but by the County’s effort to streamline the process through the Renewable Energy Ordinance which allows homeowners to install up to 500 square feet of PV without a building permit. In addition, awareness about the cost effectiveness of solar systems has risen, along with incentive programs offered by the State. Recent adoption of SB 350 further illustrates the State’s commitment to increasing energy efficiency and offer an indication that incentive programs may continue. Additionally, CARB’s The 2030 Scoping Plan Update indicates that to achieve the State’s 2030 GHG emissions reduction targets, continued investment in renewables, including solar roofs, wind, and other distributed generation will be required. Therefore, the County believes that its streamlining efforts that make PV more accessible to homeowners, coupled with continued incentive programs, will help achieve projected PV installation rates.

O12-18 The comment expresses concern regarding GHG Reduction Measure E-2.1, which would establish a target of 90% renewable energy within the unincorporated area. The commenter asserts that this measure is infeasible without establishing a Community Choice Aggregation program, which was previously rejected by the Board of Supervisors. The

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| | <p>County disagrees that a Community Choice Aggregation program is the only mechanism to implement this measure. The description on page 3-52 of the CAP states that “[t]his target be achieved through the establishment of a Renewable Energy Program, which could include a partnership with the local utility, Community Choice Aggregation or another similar program. The County could also investigate opportunities to develop a regional or joint effort with other jurisdictions seeking to achieve similar renewable energy goals through a partnership (e.g., Joint Power Authority).” Lastly, it should be noted that the Board of Supervisors has not made a decision regarding Community Choice Aggregation.</p> <p>O12-19 The comment expresses concern regarding GHG Reduction Measure T-2.2, which would require VMT reductions in non-residential projects that would be achieved through the development and implementation of a Transportation Demand Management (TDM) Ordinance. The commenter asserts that no monitoring for effectiveness is described. As stated in the CAP, a transportation demand ordinance will be developed and will include a monitoring and reporting mechanism (CAP pages 3-20-3-21). Measure T-2.2 is also a requirement 2a of new development in the CAP Consistency Review Checklist, which makes the measure fully enforceable at the project level.</p> <p>O12-20 The comment expresses concern that setting a 30-year timeline for the operation of offsets assumes that the impacts of a project that uses the offsets would not continue beyond 30 years. The use of 30-year project life is a methodological determination that is supported by CARB and local air districts and widely used in CEQA. Specifically, CARB, the state agency charged with the responsibility for and expertise to administer the state’s GHG emissions policies (Health & Saf. Code, Section 38510), approved the use of 30-year project life for the Newhall Ranch Additional Environmental Analysis. Relatedly, CARB has approved the use of a 30-year project life when certifying AB 900 “leadership projects” (Public Resources Code Sections 21178 through 21189.3). AB 900 requires leadership projects to mitigate all project-related GHG emissions to net zero. Also, guidance from the South Coast Air</p> |
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Quality Management District (SCAQMD) supports using a 30-year project life to analyze a project's GHG emissions under CEQA.

In using the 30-year project life, it is recognized that the residential and non-residential development could continue to exist for more than 30 years. During and after the 30-year project life period, a future project would become part of the built environment and would be subject to a range of existing and future regulatory standards and policies applicable to the built environment. That is, future reduction measures that apply to the built environment would be applicable to these projects. California is expected to implement numerous additional policies, regulations and programs to reduce statewide emissions to achieve the GHG reduction goals of SB 32 and EO S-3-05.

Executive Order (EO) S-3-05 established 2050 as the target year for an 80% reduction in statewide GHG emissions below 1990 levels. The carbon offset credits that could be utilized as part of a comprehensive mitigation program under CAP Mitigation Measure M-GHG-1 would be implemented by a future GPA if approved at time of construction and operation impacts. If a future GPA is approved that could be operational by 2020, the carbon offset credits utilized as part of Mitigation Measure M-GHG-1 would extend to or beyond the 2050 planning horizon established in EO S-3-05. Please see Response to Comment O14-16 and Master Response 12 pertaining to carbon offset credits.

In summary and in accordance with the authority established by CEQA Guidelines Section 15064.4(a)(1), the choice of a 30-year project life is consistent with established modeling frameworks used in CEQA analysis and the available scientific and evidentiary information.

O12-21 The comment expresses concern regarding the proposed methodology that would allow GPAs to determine less-than-significant GHG emissions impacts with the use of offsets, which are feasible off-site mitigation. The commenter states that this process would undermine the CEQA alternatives analysis evaluation of off-site alternatives for future

discretionary GPAs. The comment offers no evidence to support this assertion. CEQA Section 15126.6 requires that a lead agency prepare an EIR that describes a range of alternatives to the project “or to the location of a project” that would feasibly attain most of the project objectives but would avoid or substantially lessen the significant effects of the project. The CAP includes consideration of GPAs within the cumulative context. As described in Chapter 2.7, Greenhouse Gas Emissions, a cumulative GHG impact associated with GPAs was identified and feasible mitigation was recommended to reduce the cumulative GHG impacts to less than significant. While the CAP Mitigation Measure M-GHG-1 is available to GPAs to reduce impacts, provision of off-site mitigation would not remove the requirement, if an EIR would be required, for GPAs to consider alternatives that would reduce or avoid significant impacts including GHG impacts that may be reduced to less than significant. Within the range of alternatives considered, the lead agency must also discuss the feasibility of an offsite alternative. Each GPA would be required to analyze a reasonable range of alternatives in their respective EIRs as required by CEQA. Accordingly, offsets do not obviate the alternatives analyses under CEQA. Refer to Master Response 12 related to mitigation hierarchy and the use of carbon offsets.

O12-22 This comment asserts that the use of carbon offsets that may occur outside of San Diego County is inherently inconsistent with the Goal COS-20 of the 2011 GPU which requires “Reduction of local GHG emissions contributing to climate change”. The County disagrees with this assertion. Please refer to Master Response 12 related to mitigation hierarchy and the use of local carbon offset credits. Please refer to Response to Comment O-22-8.

O12-23 This comment suggests that because the CAP does not have a requirement to prohibit newly planned residential development in remote locations it is inconsistent with Strategy T-1 of the CAP. The County disagrees. The CAP does not propose and/or facilitate the development of new land uses or changes in land use density, nor does it propose to change

land use designations that were adopted with the 2011 GPU. The authority for land use policy and regulations continues to be governed by the 2011 GPU. The commenter also claims that offsets facilitate development in remote locations, but offers no evidence to support this claim. Therefore, no further response is required or necessary.

O12-24 The comment asserts that it is essential that future general plan changes are consistent with regional policies to reduce VMT, and concludes that the CAP is inconsistent with those policies because of the ability to obtain unlimited carbon offset credits and continued allowance of GPAs that increase VMT. Please refer to Master Response 12 related to carbon offset credits, Master Response 6 related to transportation GHG reduction measures, and Master Response 2 related to the CAP and consistency with SB 375. The commenter asserts that the CAP undermines SANDAG's compliance with SB 375, but does not provide any evidence that this would occur. Therefore, no further response is required or necessary. It should also be noted that the CAP proposes supporting efforts (see CAP Measures T-2.3, T-3.1, and T-3.3) to work with SANDAG as also required in General Plan Mitigation Measure CC-1.3.

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Measure CC-1.3 states, "Work with SANDAG to achieve regional goals in reducing GHG emissions associated with land use and transportation." Instead, the CAP program for virtually unlimited offsets completely undermines SANDAG's and the incorporated cities' compliance with SB 375 and their ability to meet the regional target for reducing VMT through land use patterns that support transit and are near jobs and services. Should the County continue to sprawl with ever-increasing and indeed unlimited automobile use and expect the cities to make up the difference? The adverse effect of the CAP on the SANDAG regional plan is an undisclosed impact.


O12-24
cont.

Conclusion

We hope that our comments are helpful in crafting an improved Climate Action Plan. As always, we appreciate the opportunity to participate in endeavors involving San Diego's future and offer assistance.

O12-25

Yours truly,



Dan Silver
Executive Director

O12-25 The comment provides a concluding statement and, therefore, no response is required. The County appreciates the comments.