

Letter
015

From: [Cara Lacey](#)
To: [Aghassi, Sarah](#); [Wardlaw, Mark](#); [Koposkie, Mary](#)
Cc: [Kazmer, Gregory](#)
Subject: FW: The Nature Conservancy's Comment Letter for the Draft County of San Diego CAP
Date: Monday, September 25, 2017 4:54:22 PM
Attachments: [image001.png](#)
[Final_TNC CAP Letter_092517.pdf](#)

Dear All,

Thank you for letting us comment on the CAP. Attached is a forwarded copy of our letter we sent to the County prior to the 4pm deadline today.

O15-1

Thank you for your time and we look forward to continuing this dialogue.

Cara

Please consider the environment before printing this email.

Cara Lacey, AICP, LEED AP Strategy Lead - Regional Planning, California cara.lacey@tnc.org (619) 684-7029 (Phone)	The Nature Conservancy San Diego 402 West Broadway, Suite 1350 San Diego, CA 92101
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nature.org

From: Trish Smith
Sent: Monday, September 25, 2017 3:55 PM
To: CAP@sdcounty.ca.gov
Cc: Cara Lacey <cara.lacey@TNC.ORG>
Subject: The Nature Conservancy's Comment Letter for the Draft County of San Diego CAP

Thank you for providing The Nature Conservancy the opportunity to comment on the County of San Diego's Draft Climate Action Plan.

O15-2

Sincerely
 Trish Smith on behalf of

Cara Lacey
Cara.Lacey@tnc.org

Response to Comment Letter O15

The Nature Conservancy
Cara Lacey, AICP, Regional Planning Strategy Lead
September 25, 2017

- O15-1** The comment provides introductory remarks. No response is required.
- O15-2** The comment provides introductory remarks. No response is required.



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September 25, 2017

Ms. Maggie Soffel
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Via email: (CAP@sdcounty.ca.gov)

Subject: The Nature Conservancy's Comments on the County of San Diego Climate Action Plan

Dear Ms. Soffel:

The Nature Conservancy (Conservancy) thanks the County of San Diego for the opportunity to comment on the Draft Climate Action Plan (CAP). We support the efforts of the County of San Diego to adopt an adaptable, measurable and enforceable CAP.

The Conservancy has worked for over 50 years in California to preserve and protect its extraordinary biological diversity. We use a scientific approach to identifying lands important to conservation and we continue to develop policies, land use mechanisms and tools that drive sustainable development to support the needs of our growing population while minimizing impacts to ecologically significant lands and habitat linkages. We strive to achieve outcomes that demonstrate the multiple benefits of conservation, including a decrease in greenhouse gas emissions (GHG) and a better quality of life for all of California's residents.

Below you will find our comments for the County to address in the CAP process. These comments focus on four main items, listed below, and further explored in the body of this letter.

- 1) Support for the establishment of a Regional Conservation Investment Strategy (RCIS) to advance the goals of the CAP. An RCIS will advance CAP measure T-1.1: Acquire Open Space Conservation Land in a more efficient and effective manner.
- 2) Create a County-wide Transfer of Development Rights or Credits (TDR/TDC) pilot program to test, support and achieve measures T-1.2 Acquire Agricultural Easements, T-1.3 Update Community Plans, T-2.2: Reduce vehicle miles traveled (VMT) for New Non-Residential Developments, and appropriately address the lack of a reduction strategy and measure for VMT in new residential projects.
- 3) Require for incorporation of VMT measures and strategies for new residential projects to reduce sprawl – specifically in Villages (capture mixed use) and create additional VMT standards/guidelines for evaluating General Plan Amendments (GPAs).

O15-3

O15-3 The comment provides background information about The Nature Conservancy and introduces the theme of comments to be addressed in the body of the letter. These are introductory remarks and no response is required. The comments are addressed below. The County appreciates the comments.

Letter to Ms. Maggie Soffel

- 4) Require that GPAs only offset carbon within the County jurisdiction/region and require GPAs to offset impacts through the purchase of development rights to reduce sprawl, VMT and GHG impacts throughout the County.

O15-3
cont

Acquire Open Space through the Multiple Species Conservation Plan (MSCP) and an RCIS:

The Conservancy encourages and supports the strategies and measures to enable acquisitions by the County of areas consistent with the Multiple Species Conservation Plan (MSCP). Although we support this measure to implement the CAP, we are concerned about the timing for completion and adoption of the North County and East County MSCPs. Acquisitions of properties per adopted North County and East County MSCPs may not be possible within the timeframe identified in the CAP.

To address this concern and enable more efficient acquisitions, we encourage the County to launch a RCIS pilot for approval by the California Department of Fish and Wildlife (CDFW). An RCIS would also support mitigation of future impacts of transportation agencies. The RCIS process is more straight-forward than an MSCP and could serve as a foundation for both the North County and East County MSCPs, filling a needed gap in mitigation planning as these other plans are developed. Even though the North County MSCP continues to progress toward completion, the anticipated complexity of this plan demonstrates that the timeframe for adoption of an East County MSCP remains an unknown, which creates issues for the County to implement the East County Board directed MSCP initiative.

O15-4

Therefore, the Conservancy requests that the County develop an RCIS that would be a foundational document to enable acquisitions, advance mitigation and effective conservation in the interim. The development of an RCIS will facilitate the County's CAP goals and provide momentum toward a final East County MSCP. Specifically, the RCIS could provide a more efficient approach for an East County conservation plan. An RCIS will allow the County to meet and/or exceed their CAP T-1.1 Measure.

In addition, the Conservancy applauds the Purchase of Development Rights (PDR) Program known as the County's Purchase of Agricultural Conservation Easements or PACE program. This measure could be strengthened through development of a Transfer of Development Rights (TDR) Program that incentivizes redirection of growth toward the designated Villages and streamlines the development processes for developers who decide to purchase density from agricultural areas. A TDR process also compensates agricultural property owners, facilitating the continuation of agricultural land use.

O15-5

Update Community Plans

The Conservancy encourages and supports the strategies and measures associated with updating the community plans to achieve the CAP measure and continue to implement the General Plan. The County's General Plan enables focused development and densities in areas denoted as Villages to achieve mixed-use and transit-oriented developments. To achieve the CAP goals, the County will need to adhere to the General Plan densities within villages, so that a diverse mix of housing types and uses are proposed and implemented. Without the proper densities and a viable mix of uses, walkable, bikeable and sustainable transit oriented developments will not be possible and a reduction in VMTs cannot be achieved.

O15-6

Strategies to address the lack of density proposed in Villages should be included in the CAP.

O15-7

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O15-4

The comment states that acquisitions of properties per the draft North County and East County MSCPs may not be possible within the timeframe identified in the CAP and suggests establishing an RCIS program. The comment does not provide substantial evidence as to why the acquisitions may not be possible.

Since the inception of the MSCP, the County has purchased properties from willing sellers within the three MSCP planning areas: South, North, and East Counties. The 2030 anticipated GHG reductions associated with GHG Reduction Measure T-1.1 are based on the historical annual average County land acquisitions in these three plan areas since 2011, and the related average number of dwelling units offset by the reduction in development potential (see Page 3 of Attachment to Appendix C to Climate Action Plan). Lands already acquired by the County are considered within the CAP projections. Specifically, the GHG reductions will be realized from reductions in transportation, energy use, waste, and water consumption achieved through preclusion of development.

The areas identified for potential acquisition in the South County Subarea Plan includes more acreage than is required to meet the Preserve goal. This approach allows for flexibility in acquisitions and recognizes the necessity for a willing seller; not all of the private land identified for acquisition will be made available by a willing seller.

The County does not have a legal mandate to acquire lands within the North County MSCP Planning Area; however, the County has entered into a Planning Agreement with the California Department of Fish and Wildlife and the Fish and U.S. Fish and Wildlife Service. The Planning Agreement addresses both the North and East County MSCP Planning Areas and can be reviewed here (Planning Agreement). Section 6.7 of the Agreement reads:

6.7.1 Conservation Lands Acquired/Protected

The Parties may elect to preserve, enhance, or restore, either by acquisition or other means (e.g., conservation easements, designated setbacks), lands in the Planning

Areas that contain native species of wildlife or natural communities prior to approval of the Plans.

As of 2016, 29,586 acres have been acquired and conserved in anticipation of the North County Plan. The CAP accounts for this land as it has been acquired and conserved, and anticipates GHG reductions for 2030 based upon future acquisitions.

GHG Reduction Measure T-1.1 does not account for North County Plan adoption in its emissions reduction, but rather, the actions taken thereunder: acquisition or imposition of an easement on areas that contain native species of wildlife or natural communities identified for preservation that precludes development that otherwise would occur under buildout of the General Plan. Please also refer to response to comment O14-23.

The comment suggests that it would be beneficial for the County to work with the California Department of Fish and Wildlife to develop a Regional Conservation Investment Strategy (RCIS) to serve as a “foundation for land acquisition, advance mitigation and effective conservation in the interim”. The RCIS is in its infancy and the State is only accepting ‘pilot program’ applications with no assurances the program will endure into the future. Moreover, a critical piece to the program, the Mitigation Credit Agreement (MCA), which establishes the ways and means of how mitigation credits can be accounted for and used, is still under development and the State is significantly delayed in releasing this information. Without the MCA, it is unknown how this program can or would serve as ‘advance mitigation’ as the comment asserts. Lastly, acquiring land for natural resource conservation purposes can occur with or without the MSCP, the RCIS or any other program with the state and federal government. Please also refer to response to comment O1-14.

O15-5 The comment expresses support for the expansion of the PACE program (GHG Reduction Measure T-1.2) and suggests

	<p>that it could be further strengthened through the development of a Transfer of Development Rights (TDR) Program. The County acknowledges this comment. This comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.</p> <p>O15-6 The comment expresses support for GHG Reduction Measure T-1.3 and suggests that for it to be effective, strategies that support the achievement of 2011 GPU densities should be included in the CAP. The County acknowledges this comment. The comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required. However, please see Master Response to Comment 5 on the community plan updates.</p> <p>O15-7 The comment provides a strategy to address the lack of density proposed in Villages. The commenter does not provide an explanation regarding what lack of density proposed refers to in the CAP. The CAP evaluates the land uses approved in the 2011 General Plan, which includes the allowable density in Village areas. The comment also states that it is important to evaluate implications to VMTs and carbon offsets if densities cannot be achieved or less density is proposed. This comment speculates that future applicants might propose less density than is allowed for in Villages. GHG Reduction Measure T-1.3 was included to focus growth in the County Villages and to achieve mixed-use, transit-oriented village centers. The County acknowledges this comment. The comment does not address the adequacy of the Draft SEIR and no further response is required.</p>
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For example, it is important that the County evaluate implications to VMTs and carbon offsets if densities cannot be achieved or if a developer proposes less density than is allowed within Village designations, per the General Plan and its minimum percentages. One way to compensate for the loss of density proposed in villages is to require a percentage of mixed use to reduce VMTs and protect surrounding open space, habitat and other areas from roadway enhancements.

O15-7
cont

In addition, the County should include approaches to invest in the public transit system when developers do not meet planned densities. The County should require developers whose proposals do not create the density envisioned in the Villages to purchase credits associated with unrealized density, the funding from which the County could invest into alternative transit mechanisms for local or regional transit. In this way, developers would be required (through the CAP checklist) to compensate the County for the loss of those development rights.

O15-8

VMT reductions for new residential developments

The Conservancy is supportive of the VMT reductions required for new non-residential construction, but the CAP is missing strategies and measures to address VMT reductions for new residential development. Although measuring VMTs associated with residential development is complex and difficult, (e.g. it is harder to enforce reductions in commuter trips, telecommuting strategies, vanpools and carpools), there are alternatives that could enable measurable and enforceable VMT reduction strategies for residential projects. For example, the County should:

O15-9

- 1) Establish a Transfer of Development Rights or Credits Program through CAP implementation to encourage conservation in perpetuity of residentially-designated lands in sensitive habitat areas while encouraging development areas closer to jobs, services, and with a mix of uses and transit. A TDR or TDC program enables a measurable and effective way to reduce VMT production in advance of newly proposed residential projects.
- 2) Require compact, connected mixed-use developments within and adjacent to villages to save and preserve natural open space and biologically diverse lands outside of villages, which can act as carbon offsets while also aiding in reducing VMTs. Where densities are not achieved as required in the General Plan villages, the County should require density offsets to invest in transit as part of the CAP checklist, as described above.

O15-10

In regards to GPAs, the Conservancy's position is that consistency with the 2011 General Plan is the best and most viable way to address reduction of VMTs and to reduce greenhouse gas (GHG) production throughout the County as well as regionally. We understand that there are GPAs in process and that the County has decided to allow these proposals to be processed. In these cases, the Conservancy suggests that the County create VMT reduction measures and guidelines against which the County can evaluate newly proposed GPAs. The County should create a separate GPA checklist for VMT reduction measures.

O15-11

The County should evaluate GPAs against County-established VMT reduction requirements for both non-residential and residential projects. Such requirements should address the location of the GPA, the density, and the potential for the GPAs to reduce GHG and VMT through measures like TDRs or TDCs from other properties beyond their proposal.

O15-12

For example, the County should only permit an increase above the General Plan designated densities outside of villages, if the GPA meets locational and other established requirements. In

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O15-8 The comment suggests that the County establish a program, funded by monies collected from unrealized density during development that is invested in expanding public transit opportunities. The commenter speculates that future development might not realize the allowed density in the General Plan in Villages. The comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required or necessary. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.

O15-9 The comment expresses support for measures that would require VMT reductions for non-residential, but suggests that the County could do more to curb VMT increases for new residential. The comment suggests that one way to do this would be to establish a Transfer of Development Rights or Credits Program. See Master Response 6 on transportation GHG Reduction Measures, specifically relating to the measures to address VMT from residential development. This comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.

The commenter's request to establish a Transfer of Development Rights or Credits Program is acknowledged. However, the County has developed a CAP with 30 GHG Reduction Measures that in combination achieve the legislatively mandated 2030 target. A Transfer of Development Rights or Credits Program is not part of this project. In order for the County to develop a Transfer of Development Rights or Credits Program to transfer density from one property to another to preserve open space would require a separate CEQA analysis (Subsequent or Supplemental EIR to the General Plan Update EIR) to evaluate the impacts of transferring density throughout the unincorporated County to other properties. Further, while the CAP SEIR evaluates the impacts of the 30 Measures that are needed to achieve the 2030 target, it does not change any of the land uses

	<p>established in the 2011 General Plan that form the basis of the projections in the CAP.</p> <p>O15-10 The comment expands upon the previous comment O15-9, and suggests that another way to reduce VMT associated with new residential development is to require compact, connected mixed-use developments within and adjacent to villages to save and preserve open space outside of Villages. Again, the commenter speculates that future development would not achieve the density allowed in the General Plan Village areas. See GHG Reduction Measures T-1.1, T-1.2, and T-1.3 and Master Response 5 related to community plans, as well as Response to Comment O15-6 above. The comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.</p> <p>O15-11 The comment expresses the opinion of the commenting organization that consistency with the adopted 2011 GPU is the best way to reduce VMTs, and that the County should create a separate set of VMT reduction measures and guidelines for General Plan Amendments (GPAs). As described on page 2-14, GPAs are not included in the CAP baseline emissions inventory, and would therefore be required to mitigate any incremental GHG emissions above that covered by the 2011 GPU in accordance with CAP Mitigation Measure M-GHG-1. Therefore, GPAs would not result in GHG emissions above the targets established by the CAP. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.</p> <p>O15-12 This comment further expands upon comments O15-9 through O15-11, and suggests that the County should create a separate set of VMT reduction measures and guidelines for GPA projects. Please refer to responses to those comments above.</p>
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cases where developers proposing GPAs do not meet those requirements, the County should require an offset for GHG impacts through establishment and use of TDRs. The County, in this case, should permit the developer to enter into a TDR purchasing agreement from other outlying lands so that they reduce or offset their VMTs and aid in retiring additional density on more sensitive lands.

O15-12
cont

Such a program could permit transfers from one area of the property to another and/or from more sensitive areas (like east county, or other sensitive properties in rural or low density suburban areas) within the County to their project.

Carbon Offsets for GPAs – EIR Section 2.7.5.1:

The Conservancy agrees with the position taken by other conservation organizations: the County should not assume that GPAs that propose density increases beyond the General Plan densities have neutral impacts on emissions. The County should only allow projects consistent with the General Plan and CAP to offset carbon impacts beyond the local or regional boundaries of the unincorporated County. The County should not allow GPAs this luxury.

O15-13

Rather, the County should uphold the General Plan when evaluating GPAs and develop better evaluative measures when asked to process GPAs. These evaluation methods should be included in the CAP to weigh the impacts of GPAs against carbon emissions produced and VMTs (as explained above). The County should consider requiring GPAs to seek no net increases in VMTs based on locational requirements and continue to seek no net increases in carbon emissions, within the County. In addition, the County should seek a cumulative reduction in VMTs if net reductions are not possible. For example, where GPAs are adding VMTs, they should be asked to compensate for that impact along with offsetting carbon emissions, but only within the confines of the County.

O15-14

The County can address both VMT as expressed above and carbon offsets internal to the County boundaries through the implementation of a TDR/TDC program. Whereby (as is used in the EIR example) if 400 is the base allowed density, and 500 units are proposed, the developer purchases 100 units from other property owners within sensitive areas, with rural, or suburban land use designations, and transfer it into their development. This allows GPA developers or other developers to offset their carbon emissions and reduce their VMTs, while also achieving cumulative reductions by preserving land through the transfer of units from sensitive lands, and saving that land in perpetuity from additional development.

O15-15

The Conservancy recognizes that the County is working to accommodate housing and balancing that with climate impacts and conservation, yet the CAP document has gaps that require filling. Further, the CAP provides loopholes for GPAs, and if loopholes are not closed they result in the continuation of sprawl and leapfrog development, impacts to sensitive biological lands, and continues the placement of people near environmental threats, such as wildfires, without mitigating for these impacts. As a result, the loopholes prevent the County from achieving its GHG reduction goals, creates increased VMTs and prevents both people and nature not being able to appropriately respond and adapt to multiple threats, including a changing climate.

O15-16

Thank you very much for allowing The Nature Conservancy to comment on this draft plan. Should you have any questions or wish to meet with the Conservancy to discuss our comments, please feel free to contact me at 619-684-7029 or cara.lacey@tnc.org. We look forward to continuing to work with you and thank you again for your time.

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O15-13 This comment expresses the opinion that GPAs should not be allowed to utilize carbon offsets from outside of the boundaries of the county. The comment also states that the County should not assume that GPAs that propose density increases have neutral impacts on emissions. As described at length in Master Response 12 regarding mitigation hierarchy and use of carbon offsets, GPAs would be required to result in neutral GHG emissions because in compliance with CAP Mitigation Measure M-GHG-1, GPAs would be required to offset all incremental emissions above what the CAP evaluated and the 2011 GPU PEIR allows. The County has adequately analyzed the cumulative impacts from GPAs in Chapter 2.7 of the SEIR.

O15-14 This comment provides additional suggestions about approaches the County could use to reduce VMT from future GPAs. Please refer to response to comment O15-11 regarding the approach for GPAs to determine consistency with the CAP. The commenter also asks that the County include evaluative measures for GPAs in the CAP. As stated above, GPAs are not included in the CAP projections. Each GPA would be required to analyze impacts to GHG emissions and VMT in their respective CEQA documents. The comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.

O15-15 This comment provides an illustration about how a TDR Program approach could work to reduce VMT if the County were to establish such a program. Please see Response to Comment O15-9. The County acknowledges this comment. This comment does not address the adequacy of the Draft SEIR and, therefore, no further response is required. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.

O15-16 This comment expresses the opinion of the commenting organization that the CAP creates loopholes for GPAs. The County disagrees with this assertion. Please refer to the response to comment O15-11 which describes the process for GPA consistency with the CAP. Please also refer to pages 2.7-

Letter to Ms. Maggie Soffel

Sincerely,



Cara Lacey, AICP
Regional Planning Strategy Lead
The Nature Conservancy
Cara.lacey@tnc.org

35 to 2.7-41 for evaluation of GPAs as cumulative projects under CEQA. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on the project.