

**EXHIBIT A**

**Response to Comment Letter O22**

**Sierra Club  
Josh Chatten-Brown, Attorney for Sierra Club  
September 25, 2017**

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Sept. 25, 2017

County of San Diego  
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Email: [CAP@sdcounty.ca.gov](mailto:CAP@sdcounty.ca.gov)**Via E-mail**

**Subject:** 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)

**Land Use/Environmental Planner Soffel,**

We appreciate the opportunity to comment on this project. At the same time, we regret that the County failed in its first effort to produce an acceptable set of CAP and CEQA documentation. We also regret that our efforts to provide feasible mitigation measures are still being ignored. We are also disappointed that your current efforts seems to plan for and thus enable sprawling, vehicle-miles-travelled-inducing (VMT-inducing) development, beyond what is allowed in the current General Plan.

In your Notice of Preparation (NOP) for this project, the Appellate Court ruling is properly identified. The precedent-setting, published ruling is Reference 1 of this letter.

Your NOP properly stated that the

*Fourth District Court of Appeal held that the 2012 CAP did not meet the description set forth in the adopted mitigation measure (GPU PEIR Mitigation Measure CC-1.2) and that an EIR was needed for the plan.*

However, there was much more to the ruling. For example, the ruling also said

*The Sierra Club provided feasible mitigation measures. The County rejected these mitigation measures without substantial evidence for doing so.*

The County must admit this error and devise a strategy to ensure that it is not repeated. To our knowledge, the County has not admitted this error and is once again ignoring the feasible mitigations we proposed, in detail, during the last effort to produce an acceptable

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**O22-17** The comment states that the County has failed to acknowledge feasible mitigation suggested by the commenter and this is a violation of CEQA. The County acknowledges that this comment and other letters submitted on the Draft EIR have offered opinions on additional GHG reduction measures the County could consider in the implementation of its CAP. The County has in good faith considered these suggestions in light of the information available, their potential feasibility, and whether they are within the County's jurisdiction to implement. As an example, the County has proposed to implement a new GHG Reduction Measure T-3.5 based on comments provided. This individual comment does not provide specific recommendations on feasible mitigation for the CAP and Draft SEIR. Where suggestions for other measures are provided in the comments that follow, the County provides responses to those suggestions below. The County disagrees with the commenter's opinion that it has violated CEQA and the comment offers no evidence to support this contention. With regard to the process and considerations that went into the selection of GHG reduction measures and the requirements of CEQA in selections of measures, please refer to Master Response 9.

O22-17

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CAP. We have proposed these mitigations, over and over, since that failed effort. Ignoring measures that might offend the political sensitivities of the Board of Supervisors, for example, is understandable but is also a path to CEQA violation.

#### Chapter 1 Project Description

On Page 1-1 the Project Description says, "The fundamental purpose of the project is to reduce County GHG emissions consistent with state legislative requirements".

This stated fundamental purpose is incongruent with CEQA and the anthropogenic climate crisis humanity must confront and solve.

CEQA requires an analysis which uncovers and clearly describes the physical-world results to expect, from doing the project, considering the well-established concept of cumulative impacts of other such projects. The primary question posed by our anthropogenic climate crisis is whether humanity can stabilize the climate at a livable level or whether our greenhouse gas (GHG) emissions will cause our planet's climate system to destabilize, causing a devastating collapse of the human population, leading to our extinction and the loss of most of the other life forms currently living on our planet. There is nothing provided in the SEIR Documents linking state legislative requirements with the climate stabilization question.

We will now show that the state legislative requirements will not result in avoiding climate destabilization.

From

[http://www.arb.ca.gov/cc/scopingplan/2013\\_update/first\\_update\\_climate\\_change\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf) (with excerpts shown in Reference 2) comes the following ominous information:

1. Scientific research indicates that an increase in the global average temperature of 2°C (3.6°F) above pre-industrial levels, which is only 1.1°C (2.0°F) above present levels, poses severe risks to natural systems and human health and well-being.
2. To have a good chance (not a guarantee) of avoiding temperatures above those levels, studies focused on a goal of stabilizing the concentration of heat-trapping gases in the atmosphere at or below the 450 parts per million (ppm) CO<sub>2</sub>-equivalent (CO<sub>2</sub>e, a metric that combines the climate impact of all well-mixed GHGs, such as methane and nitrous oxide, in terms of CO<sub>2</sub>).
3. The CO<sub>2</sub>e target is a somewhat approximate threshold, and the exact level of CO<sub>2</sub>e is not precisely known because the sensitivity of the climate system to GHGs has uncertainty. Different models show slightly different outcomes within this range. An example of a pre-IPCC assessment study (Meinshausen et al. 2009), which has synthesized many studies on climate sensitivities, concluded that we would need to stabilize at about 400 ppm CO<sub>2</sub>e.

Item 3 should bring shivers of fear and tears of regret. We are already at 410 PPM and we are far from reducing our emissions enough to stop atmospheric CO<sub>2</sub>e from going up. To do that, the industrial countries would need to reduce their emissions to 80% below their 1990 emission levels, which is the basis for California's Executive Order S-3-05 ("S-3-05"), which is an order to achieve the 80% below 1990 emission levels by the year of 2050. The problem is that the S-3-05 target is for year 2050 and that is obviously far too late, based on the 3 items above.

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O22-17  
cont.

O22-18

**O22-18** The comment reiterates that the Project Description states that the fundamental purpose of the CAP is to reduce County emissions consistent with State legislative requirements. The reduction targets and goals used in the CAP are consistent with CARB recommendations. Please see Master Response 4 related to GHG reduction targets. A climate stabilization alternative was presented in the Draft SEIR (Section 4.2.3). While additional GHG reduction measures would result in an overall reduction in GHG emissions in the unincorporated County, no significant unmitigated GHG emissions impacts related to the legislatively required 2020 and 2030 targets were identified for the project. A climate stabilization target as a mandatory requirement for implementation goes beyond currently adopted state targets and federal legislative requirements. For instance, CARB currently focuses on the 2030 target in their most recently updated Scoping Plan (*The Strategy for Achieving California's 2030 Greenhouse Gas Target*). Many of the actions required to achieve climate stabilization are outside of the jurisdiction and land use authority of the County. Achievement of climate stabilization would require substantial behavioral changes and paradigm shift in policy and technology that the County cannot control. Implementation of most of the measures required for climate stabilization, such as decarbonization of the transportation fleet, would be outside the County's direct jurisdiction. This alternative would also require construction of new transit infrastructure in remote areas of the County which would be technologically and economically infeasible for the County to implement, would not be consistent with the rural character of much of the unincorporated County, and may not be able to be implemented at the scale that would be required to achieve climate stabilization. While this alternative would meet some of the project objectives to identify reduction targets that meet current legislative requirements and would establish a plan to reduce community and County operations GHG emissions, this alternative would not meet the fundamental purpose of a CEQA alternative, which is to reduce or avoid the significant environmental impacts of the project, for reasons described

above. For example, the construction of new transit infrastructure and other physical infrastructure that would be needed to achieve these reductions would result in new significant and unavoidable impacts. In addition, this alternative goes far beyond the scope of the climate change action plan mitigation intended by the 2011 GPU EIR, which was limited to addressing the climate change impacts from buildout of the General Plan. For the reasons described in the Draft SEIR, the County rejected this alternative from further consideration in the Draft SEIR.

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Humanity might have a chance to stabilize the climate at a livable level if we achieve emissions that are 80% below our 1990 emission levels by 2030. However, our current state mandate, SB 32, is to reduce our emissions to 40% below our 1990 levels by 2030. To support the achievement of climate-stabilizing targets, California must double its SB 32 mandate, from 40% to 80% or, stated another way, achieve it S-3-05 target 20 years sooner.

#### **Project Background**

The section leaves out fact that the County ignored the primary San Diego Sierra Club mitigation measure of installing a car-parking system that gives its employees more choice over how they spend their wage, while significantly reducing the frequency of the choice of arriving at work in a single-occupancy vehicle (SOV). The current project again ignores that mitigation measure, in clear violation of CEQA law, as has been established in the last lawsuit.

We also disagree with the premise of the third purpose stated on Page 1-4. Given that the earth's atmospheric CO<sub>2</sub>e is at the outrageous value of 410 parts per million (PPM) and going up significantly every single year, there can be no "GHG Threshold" below which there is some reason that the emission can be deemed "insignificant". Every project must be shown to fall within the General Plan and the Climate Action Plan and the public must be invited to suggest mitigation measures to reduce emissions further. This means all projects must go through a CEQA evaluation. As stated in CARB scoping plan documentation, in all cases, mitigation measures must be adopted if they are "technologically feasible and cost effective".

#### **GHG Emissions Inventory**

We thank you for this information and point out that On Road Transportation category, at 45%, is larger than the next three categories of Electricity (24%), Solid Waste (11%) and Natural Gas (9%). Cars and Light duty trucks, or "light duty vehicles" or "LDVs" emit most of the On Road GHG and deserve significant focus. For electricity the achieved target must be 100% renewable by 2035 and we are severely disappointed that the Board recently decided to not participate in a feasibility study of establishing a Community Choice Energy District, under California Community Choice Aggregation (CCA) law.

#### **General Plan Amendment**

We appreciate your documentation about what you are proposing. However, it is unfortunate that you are undermining CEQA, or at least making the task of advocates much more difficult, by emitting the important words, "enforceable measures". By doing that you may make the plan a useless exercise, with nothing guaranteed. If measures are not enforceable what good are they? Why leave out those critically important words?

Here is the existing (2011) Goal, with highlights added:

GPU Policy COS-20.1 (Climate Change Action Plan)

Prepare, maintain, and implement a climate change action plan with a baseline inventory of GHG emissions from all sources; GHG emissions reduction targets and deadlines, and **enforceable** GHG emissions reduction **measures**.

Here is what you are proposing:

GPU Policy COS-20.1 (Climate Change Action Plan)

O22-18  
cont.

O22-19

O22-20

O22-21

**O22-19** The comment states that the County did not consider the commenter's previously recommended mitigation of installing a car-parking system that gives County employees more choice over how they spend their wages, which violates CEQA. It appears the comment is also suggesting that the County cannot develop a threshold that identifies a level at which impacts would be less than significant and that a CAP cannot be established that allows streamlining of GHG impact analysis without further CEQA review. The County disagrees with both points. Please see Master Response 10 regarding the use of a Program EIR and streamlining under CEQA. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement all feasible measures to develop a qualified GHG reduction plan per Section 15183.5 of the CEQA Guidelines. Please also refer to Master Response 13, which addresses the functional differences between GHG reduction measures and CAP mitigation measures.

Upon careful consideration and evaluation, the County determined that a program to unbundle the cost of parking from County employees' salaries, as recommended in this comment and described more fully in comment O22-35, would be infeasible as a GHG reduction measure in the CAP at this time. County employees work in widely varying roles and in diverse locations where parking is either free and plentiful or expensive and precious. Calculating a fair unbundled charge applicable to all County employees would be virtually impossible under these varied conditions. Even if calculating a fair unbundled charge was possible, free or subsidized parking is currently a benefit provided to all County employees; therefore, to institute such a policy would affect County employee's Terms and Conditions of Employment, which would require negotiation and agreement from each of the County's nine labor unions, something that cannot be guaranteed at this time. The majority of the County's employees are currently covered by collective bargaining agreements, which are not open for negotiations until 2022. In addition, unbundling the cost of parking would require both the elimination of subsidies paid to some classes

	<p>of employees who park in paid lots, and charging employees who park for free in lots owned by the County. This would potentially affect employee income. In addition, if the County were to credit parking costs to employees' compensation, this would also increase employees' taxable income and, in some cases, move employees into a higher tax bracket. Again, as discussed above, the County cannot propose changes to staff income without further negotiation of collective bargaining agreements with County employees.</p> <p>Additionally, a policy to unbundle the cost of parking would need to be adopted for all County facilities to ensure equal opportunities, benefits, and access for County employees. However, this may have a disproportionate impact on employees that work at facilities in more rural areas of the County, where there is no or limited public transportation alternatives available. It would be costly and in many locations be the responsibility of other public agencies to build transportation infrastructure to reach each County facility. In sum, due to the practical difficulties with calculating a fair unbundled parking charge in the context of widely varied County facility locations, the time, cost, and resources required for labor negotiations, and the lack of viable alternative transportation options for many County employees, an unbundled parking strategy was not ultimately included as a reduction measure in the County's CAP. However, this does not preclude the ability of the County to consider unbundled parking during future CAP updates.</p> <p>The CAP includes 30 GHG reduction measures, all of which combine to meet the legislatively-required reductions by 2030. The County could consider varying degrees of implementation of each GHG reduction measure, to the degree implementation would be feasible to reach its ultimate 2030 target. However, the CAP that is proposed and evaluated throughout this Draft SEIR has recommended the full spectrum of feasible GHG reduction measures, including a new measure and increases in reductions from other measures, at the levels that reductions can be feasibly attained. The Draft SEIR appropriately evaluates the landscape of environmental impacts that could</p>
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	<p>potentially occur with all reduction measures considered and implemented. While commenters may suggest that certain GHG reduction measures be pursued, funded, or supported, and some to a greater or lesser degree than proposed, the County has proposed a CAP that based on its assessment of local conditions, regulatory requirements, and feasibility, provides a full spectrum of feasible GHG reduction measures at levels that can be feasibly achieved consistent with applicable targets. Please refer to Master Response 9 regarding CAP measure selection, specifically that the County does not need to implement every feasible reduction measure to develop an effective qualified GHG reduction plan per 15183.5. Regarding establishing thresholds and streamlining of subsequent GHG analysis, please refer to response to comment O11-3. The County disagrees with the claim that any GHG emissions from a project should be deemed significant. As discussed in response to comment O11-3, the CAP has been prepared in compliance with CEQA Guidelines Section 15183.5. This section outlines the specific components of a qualified CAP and expressly allows the streamlining of GHG analysis when projects demonstrate consistency with a CAP establishing “a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable.” The comment offers no evidence to support that the CAP or the Draft SEIR does not meet the requirements of CEQA Guidelines Section 15183.5.</p> <p><b>O22-20</b> This comment states that cars and light-duty trucks deserve focus and expresses disappointment that the County recently decided not to conduct a feasibility study for a CCA. Please refer to Master Response 6 related to transportation GHG reduction measures. The description on page 3-52 of the CAP states that GHG Reduction Measure E-2.1 would be achieved through the establishment of a Renewable Energy Program, which could include a partnership with the local utility, CCA, 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</p>
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	<p>through a partnership (e.g., Joint Power Authority).” The Draft SEIR evaluated the 100% Renewable Energy Alternative (see Section 4.3.3 of the SEIR), in part, to provide the decision makers and the public the opportunity to evaluate this alternative with the project. The decision makers have the authority to select this alternative.</p> <p><b>O22-21</b> The comment provides suggestions on how the 2011 GPU Goal COS-20 and 2011 GPU PEIR Mitigation Measure CC-1.2 should be modified. The County acknowledges this comment. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project.</p> <p>The County also disagrees that the GHG reduction measures in the CAP are any less enforceable due to revisions to Policy COS-20.1 to incorporate CEQA Guidelines section 15183.5, including the reference in this section to the substantial evidence standard. The reference to “substantial evidence” in section 15183.5 simply reinforces the standard of review that typically applies to most CEQA determinations. This standard of review would apply to the CAP whether or not Policy COS-20.1 incorporates it. In addition, see Chapter 3 of the CAP for all performance metrics associated with each measure to enforce reductions of GHG emissions. See also Chapter 5 of the CAP for implementation and monitoring of the CAP. In sum, the reduction measures contained in the CAP are achievable, measurable, and enforceable. With regard to GHG reduction measures and their compliance with current regulations, please refer to Master Response 4, GHG reduction targets.</p> <p>The County has provided an extensive and good-faith effort at quantifying emissions, identifying reduction targets, identifying feasible reduction measures, and providing a pathway and mechanism to implement proposed reduction measures. Further, the County proposes to implement an extensive monitoring program that will provide annual reports to document the County’s progress towards its goals and allow it to make adjustments as needed to continue the pathway of success. Refer to response to comment O2-5. The comment</p>
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	<p>offers no evidence that that the data, science, and evidence provide in the CAP and Draft SEIR is inadequate; therefore, additional response is not required or necessary. Please see Response to Comment O22-5, O22-18, O22-19, and O11-3.</p>
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Prepare, maintain, and implement a Climate Action Plan for the reduction of community-wide (i.e., unincorporated County) and County-Operations greenhouse gas emissions consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5.

Guidelines Section 15183.8, which states, "Specify 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".

This "substantial evidence demonstrates" standard is much more difficult than the previous "enforceable" standard. This is no time to make climate action plans weaker or more difficult to evaluate.

As we have stated above, the point of CAPs should be ensuring that municipal governments are doing their part to help humanity achieve climate stabilization, not some artificial goal like a state mandate that may not be related to climate stabilization.

In order to comply with CEQA, which is about the physical world (and correct the grammar since "meet or exceed" is for a plural noun), the following new words (shown in ***bold italics***) must be added to COS-20:

**GPU Goal COS-20 (Governance and Administration)**

***Reductions*** of community-wide (i.e., unincorporated County) and County Operations greenhouse gas emissions contributing to climate change that ***meet or exceed*** requirements of the Global Warming Solutions Act of 2006, as amended by Senate Bill 32 (as amended, Pavley. California Global Warming Solutions Act of 2006: emissions limit) ***and that meet or exceed targets for the industrialized countries of the world that are shown by climate scientists to, with reasonable assurance, stabilize the earth's climate at a livable level, meaning that there would be no devastating collapse of the human population.***

Likewise:

**GPU PEIR Mitigation Measure (MM) CC-1.2**

Prepare a Climate Action Plan for the reduction of community-wide (i.e., unincorporated County) and County Operations greenhouse gas emissions consistent with both state-legislative ***and current climate science specified, climate-stabilizing*** targets, as described in General Plan Goal COS-20, and consistent with CEQA Guidelines Section 15183.5 or as amended, as referenced in General Plan Policy COS-20.1. As described in Section 15183.5, the key elements of the Climate Action Plan would include:

"CEQA Guidelines Section 15183.5(b)(1):

(1) Plan Elements. A plan for the reduction of greenhouse gas emissions should:

(A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

(B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

C22-21  
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- (C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (D) Specify 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;
- (E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;
- (F) Be adopted in a public process following environmental review."

Once prepared, implementation of the Climate Action Plan will be monitored and progress reported on a regular basis, as follows:

- o Implementation Monitoring Report – prepared annually;
- o Greenhouse Gas Emissions Inventory – updated every two years; and
- o Climate Action Plan – updated every five years.

#### Guidelines for Determining Significance for Climate Change

Given the nature of our anthropogenic climate crisis, there is no such thing as a GHG emission that is insignificant. All GHG reduction measures must be implemented if they are technologically feasible and cost effective. Our best hope of identifying all such mitigation measures is to subject all projects to the CEQA process.

#### 2.6 Energy

We appreciate your statement that Notice-of-Preparation (NOP) comments received showed "concern" (your word) for a Community Choice Energy (CCE) program and the impacts and location of large-scale renewable energy projects. We believe that support for CCE districts under California Community Choice Aggregation (CCA) law is widespread, for good reason. We understand that there will be concern about any large scale project to generate energy.

The transportation-related measures appear in

#### 2.7 Greenhouse Gas Emissions

This section starts by purporting to summarize the NOP comments you received on this critical topic. However, that summary is contradicted by your Appendix A, which shows comment letters numbered 1 and 18 that point out the need for achieving climate-stabilizing targets. Your summary says nothing about the need to define, explain, and achieve climate-stabilizing targets. Comment letter 18 has significant details on this topic. This topic is the most important in all of our earth's history, because life is sacred and most of it is under threat, by a crisis that humanity can either chose to solve or ignore. The fact that you think that topic (again, whether we will stabilize the climate at a livable level) is so unimportant that it should be ignored is significant.

We agree with the NOP's first paragraph and especially these words, in that paragraph: "significant environmental impacts". "Environmental impacts" are in the physical world, not in the world of laws or executive orders. In this case, the primary negative impact or outcome, that should be avoided, is climate destabilization. Therefore, the term, "climate destabilization" must be defined and also described.

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O22-21  
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O22-22

O22-23

O22-24

**O22-22** This comment states that the County should implement all feasible mitigation measures. The County has implemented feasible GHG reduction measures in the CAP, as needed to meet the stated 2020 and 2030 targets, and the Draft SEIR implements all feasible CAP mitigation measures. However, the commenter appears to confuse the functional differences between GHG reduction measures and CAP mitigation measures which is described in detail in Master Response 13. Please also refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5. Finally, CEQA requires environmental review prior to the approval of all discretionary projects. Cal. Pub. Res. Code §21080. The County complies with this requirement. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project.

**O22-23** The comment states that support for Community Choice Energy programs is widespread. The County acknowledges this comment. The comment does address the adequacy of the Draft SEIR. Therefore, no further response is required or necessary.

**O22-24** The comment states that the CAP and Draft SEIR should address climate stabilization and that this is a significant impact. The CAP has been prepared in compliance with CEQA Guidelines Section 15183.5 and has recommended GHG reduction targets that are consistent with State legislative requirements. Climate stabilization targets would require reductions that go beyond current legislative requirements, and as such, the CAP was not intended or designed to meet these targets. Furthermore, CEQA focuses on the avoidance or mitigation of *significant* impacts. Cal. Pub. Res. Code §§21002, 21002.1(a). Nothing in CEQA requires projects to avoid or mitigate all impacts. In fact, the intent of the County's CAP is to mitigate the 2011 GPU's contribution to a significant global climate change impact (in addition to the other mitigation measures identified in the 2011 GPU PEIR), not to mitigate all global climate change impacts. Please also refer to Master

	<p>Response 4 related to the establishment of GHG reduction targets.</p> <p>Nonetheless, the Draft SEIR did consider a Climate Stabilization Alternative (see Section 4.2.3 of the Draft SEIR). However, this alternative was rejected as infeasible because it would require the implementation of substantial additional GHG reduction measures, the feasibility of many of which are currently unknown. Legal mandates are also not in place to require implementation of these additional GHG reduction measures, and the measures may also result in changes to the character of the County that would conflict with the County's 2011 GPU or other plans. Further, this alternative would require a substantially greater level of investment in additional infrastructure, the construction of which would result in greater environmental impacts compared to project. Therefore, this alternative was rejected from further consideration. Please also refer to Response to Comment O22-18.</p>
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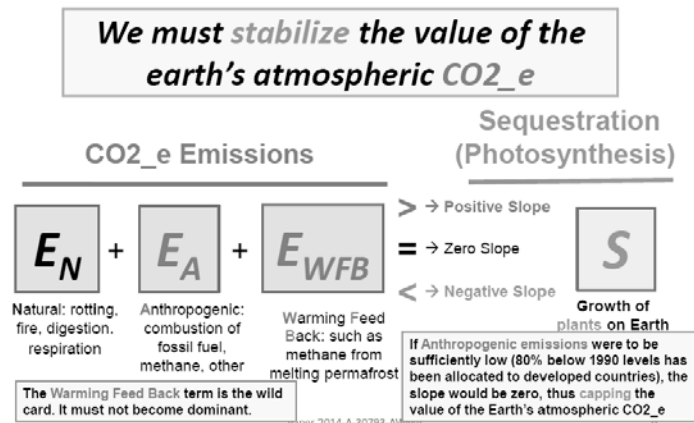
In the first paragraph of the NOP, it is written that the EIR must identify possible ways to mitigate or avoid the significant effects. Again, the "effects" are environmental in nature. This means that what will happen in the physical world must be considered. Besides this, how to avoid what would happen in the physical world must be considered.

What is needed is a description of climate destabilization and how to avoid the catastrophe of climate destabilization. CEQA and common sense require that negative environmental impacts be described, including the negative impact of climate destabilization.

General Plans and CAPs must first describe the difference between stabilizing the climate at a livable level and destabilization, where warming-system-feedbacks, such as methane gas leaking from melting permafrost, a process which is both driven by warming and creates more warming, become dominant. If they become too large, humanity will lose control, and the climate will transition to one which will no longer support most life forms on the planet, including our own species. Failing to provide this description is a CEQA violation. One authoritative source says, "the Earth is on a trajectory to warm by more than 4 degrees Celsius [and this] would be *incompatible with continued human survival*."

Avoidances of significant environmental impacts need to be described. Therefore, a discussion of "Greenhouse Gas Emissions" needs to state that there is a need for the EIR to have a description of how a climate is stabilized at a livable level.

We would like to help in this regard. Climate stabilization Step 1 is to get the earth's atmospheric CO<sub>2</sub>e to stop increasing. This Step is shown in Figure 1.



**Figure 1 Stabilizing Atmospheric CO<sub>2</sub>e**

It has been written that the industrial world must get its emissions down to a level that is 80% below 1990 levels to achieve the equality sign, which is one of the three possibilities

O22-24  
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shown in Figure 1. It was thought that to achieve climate stabilization, humanity could do this as late as 2050 and that the atmospheric level of CO<sub>2</sub>e would then be at 450 PPM, corresponding to a 2 degree Celsius increase. However, it is now known that it is dangerous to allow a 2 degree Celsius change and that, even worse, an earth's atmospheric level of only 400 PPM of CO<sub>2</sub>e corresponds to a 2 degree Celsius change. As we all know, the earth's atmosphere is already at 410 PPM CO<sub>2</sub>e. This information about climate stabilization is shown in References 2 and 3.

In Figure 1, the zero slope condition will cap atmospheric CO<sub>2</sub>e, meaning that it will not go up and not go down. Currently, we have a positive slope condition, because our anthropogenic emissions are too high. We will require a negative slope to return our atmospheric CO<sub>2</sub>e to a safe level. The "wild card" in this problem is the warming feedback term. If it gets too large, we will have no hope of avoiding catastrophe.

You therefore must identify a climate-stabilizing target and then define enforceable measures to *achieve* that target. The principle of cumulative effects is being used here, as it must. The County must do its part. If it doesn't, it must assume that other municipal governments (around the world) will do the same and destabilization will result.

Besides this, to comply with CEQA, the CAP and its SEIR must describe destabilization's impact to our environment, to see if that is the outcome the decision makers want. During the process of destabilization, the earth will lose most of its life forms. This will not be pleasant for us or the animals, from aardvarks to zebras. We will all starve to death. This may take decades. The low-income people will starve first; the billionaires last. Of course there will be food riots; we will need to become a police state; and so on. Mass suicide and cannibalism may occur. A majority of the Board of Supervisors would rather avoid this, I assume. It is your job to make sure they understand this situation. The SEIR covers all of this up by not mentioning it. There is no excuse since it was described in NOP response Letter 18.

To achieve the CAP's identified climate-stabilizing targets, California state actions will be needed, driven by legislation and implemented by such entities as CARB, Caltrans, and the California Road User Charge Technical Advisory Committee (SB 1077.)

However, the County must also take strong actions. The County must show how climate-stabilizing targets can be achieved in each of the categories that emit greenhouse gas (GHG), assuming reasonable California actions, according to reasonable plans. These plans need to be either identified or written.

Cars and light-duty trucks emit the most GHG of any category in the County. Therefore, one thing that is needed to support the EIR is described in Reference 4, which is a sub-plank of the 2016 California Democratic Party (CDP) Platform:

*[A] state plan showing how cars and light-duty trucks can hit climate-stabilizing targets, by defining enforceable measures to achieve the needed fleet efficiency and per-capita driving*

To show that this is not impossible, as well as to offer a plan that the County may wish to use, we have included Reference 5, *Climate-Stabilizing, California Light-Duty Vehicle Requirements, Versus Air Resource Board Goals*.

O22-24  
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Reference 5 shows that a climate stabilizing target is 80% below the 1990 level, by year 2030. Note that this is 20 years sooner than the final target of Executive Order S-3-05 and is double the drop from the 1990 level specified in SB 32, for 2030.

The SEIR, CAP, and GPU are proposing to only achieve legislative requirements, sometimes referred to as our "state mandates".

However, where is it stated that "consistent with legislative requirement" is enough to avoid climate destabilization? The fact is that it is not stated. It is almost as if the authors hoped the reader won't notice this.

It is true that the EIR needs to show how to achieve the "legislative requirement" but nowhere is it acknowledged that this is not enough to avoid catastrophe. Laws that happen to pertain to climate change, such as SB 32, do not replace or amend CEQA. CEQA may be humanity's most important law, given our climate crisis. We must stop ignoring its most important set of requirements, related to climate: The environmental impacts of climate destabilization must be described and avoidance measures must be devised and implemented.

#### Effects of Climate Change on the Environment (Page 2-7-3)

This section violates CEQA. Your list of effects is incomplete. You fail to mention the fact that this crisis is essentially unbounded in the harm it can and probably will produce to humans and other life forms. This letter has already spelled that out. It shows exactly what needs to be said.

Governor Brown, in the week before the start of the *Paris Climate Talks*, said to the Pope these seven words, "Humanity must reverse course or face extinction". Governor Brown was not exaggerating. He simply told the truth. CEQA requires the truth.

#### Executive Order S-3-05 (Page 2.7-5)

The Court ruled that S-3-05 was grounded in science. That is true. However, it is 2005 science. We now know much more. S-3-05 is now known to be too little too late. This was explained above, in this letter.

#### Assembly Bill 32 Climate Change Scoping Plan and Updates (Page 2.7-6)

This section leaves out the 3 items listed on Page 2 of this letter, showing that our climate crisis is much more urgent than we thought.

#### Senate Bill 375 (Page 2.7-7)

What this section fails to state is that when CARB assigned driving-reduction targets to the San Diego Association of Governments (SANDAG) and the other Metropolitan Planning Organizations (MPOs), they did not bother to make the targets part of an overall plan to ensure that cars and light-duty vehicles (LDVs) will achieve climate-stabilizing targets. If they had done that, the 2035 targets would have been about a 32% reduction in per-capita driving, with respect to 2005 levels (the SB 375 baseline), even assuming a rapid conversion to zero-emission vehicles (ZEVs). The basis for this is shown in Reference 5.

#### Proposed GHG Reduction Measures (Page 2.7-17)

These will be discussed in our comments regarding Chapter 3 of the Draft CAP.

#### CAP Impact Analysis (Page 2.7-22)

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O22-24  
cont.

O22-25

O22-26

O22-27

**O22-25** The comment states that the discussion of the effects of climate change provided on page 2.7.3 is inadequate. The comment offers no evidence on how the setting discussion is inadequate; therefore, no further response is required or necessary. Please refer to Response to Comments O22-18, O22-19, and O22-24.

**O22-26** The comment provides commentary on the regulatory setting section of Chapter 2.7, Greenhouse Gas Emissions of the Draft SEIR. The County acknowledges this comment. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project. Please also refer to Response to Comments O22-18, O22-19, and O22-24.

**O22-27** The comment states that the County did not consider the commenter's previously recommended mitigation of developing a shared parking system or energy efficient zoning. Regarding the establishment of a parking system please refer to responses to comment O22-19 and O22-36. Regarding setting climate stabilization targets please refer to response to comment O22-18. The commenter states that energy efficient zoning, or not approving sprawl is a means to reduce GHG emissions and also cites CARB's approval of the use of carbon offset credits to mitigate GHG emissions but suggests that the key on-site design feature is to not approve GPAs. First, the GHG Reduction Measure T-1.3 requires the County to focus growth in county villages to achieve mixed-use, transit-oriented development by updating a total of 19 community plans by 2040. Second, the CAP evaluates reducing GHG emissions based on approved 2011 GPU designated land uses. As described in the Draft SEIR (see page 2.7-35), GPAs are not included in the CAP emission inventory or forecasts as they are not part of the adopted growth projections. However, reasonably foreseeable GPAs are included in the Draft SEIR's cumulative analysis, which discloses potential significant impacts and provides feasible mitigation (CAP Mitigation Measure M-GHG-1), all as required by CEQA. Third, the comment also suggests that GPAs are project design features

that do not have to be approved. GPAs are required to undergo a comprehensive discretionary review process which includes an environmental evaluation in compliance with CEQA. The County Board of Supervisors will evaluate each GPA based on their respective projects prior to making a final decision. Each project is reviewed on its own merits and for consistency with existing County policies, standards, and regulations, and the Board of Supervisors ultimately has the legislative discretion whether to approve or deny a GPA project. On the feasibility of carbon offset credits to reduce GHG emissions associated with GPA projects, see Response to Comment O14-13 and Master Response 12 on mitigation hierarchy and the use of carbon offset credits. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5.



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We note the words:

*As climate change science and policy continues to advance, the County will be able to apply new reductions toward meeting the long-term 2050 GHG emissions reduction goal in future CAP updates, as outlined in Chapter 5 of the CAP.*

However, climate science may also find that they have underestimated the reductions needed and/or underestimated the warming feedback of some effect. To comply with CEQA, the County must have a plan that contains a sufficient list of enforceable measures to achieve climate-stabilizing targets.

**2.7.5.1 Issue 1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Page 2.7-36)**

These words concern us:

*There are no additional feasible mitigation measures available to mitigate this impact based on information currently known. Therefore, this impact would be significant and unavoidable.*

As we have stated and as we will state with more detail in this letter, we have been suggesting a feasible car-parking-system mitigation measure that was ignored during the CEQA process of the last CAP and is being ignored during the CEQA process of this CAP. Also, energy-efficient zoning (not approving more sprawl development) is another mitigation measure that we repeatedly suggest. Again, the County ignores this suggestion by acting as if approving more sprawl development is not particularly harmful to efforts to achieve climate state mandates and climate-stabilizing targets.

It says on Page 2.7-37:

*CARB recommends that "lead agencies prioritize on-site design features and direct investments in GHG reductions in the vicinity of the project" (CARB 2017). CARB also recognizes that "[w]here further design or regional investments are infeasible or not proved to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry" (CARB 2017).*

The County is taking the odd position that it might approve additional sprawl developments and offset the additional GHG emissions that will come with the additional driving through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry. But the key on-site design feature, as described by CARB above, is to not approve the additional sprawl development. Obviously, the General Plan Update design is, to a large degree, zoning. Said another way, zoning is a fundamental design parameter. To follow the CARB recommendation is to select a design, primarily zoning, which does not result in a significant increase in GHG emissions. There is nothing infeasible about selecting the design feature of not approving more sprawl development. In fact, the 2016 San Diego County Measure B ballot measure lost, even though a developer outspent the project opposition by over a 10-1 margin. The Measure B ballot measure was to approve a large additional sprawl development. This is an indication that the voters do not favor the approval of an additional sprawl development. We understand that developers who want to get their sprawl developments approved are often big contributors to candidates for the Board of Supervisors. However, casting a vote that will disappoint a big campaign

C22-27  
cont.

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contributor is not infeasible, however painful it might be to some San Diego County Supervisors.

The discussion on Pages 2.7-37 through 2.7-40 shows a failure to understand that General Plan Updates (GPUs, or zoning changes, or additional sprawl developments) are project design features and they do not have to be approved. They in no way justify purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry or any other such off site measure. It is true that CARB recognized if no local design feature is possible it might be acceptable to justify purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry or any other such off site measure. However, that is not the case because GPUs do not have to be approved.

If a developer wanted an approval that required a GPU and it was going to pioneer a method of operation that would reduce emissions in a way that could be widely adopted, then it may be reasonable and conform to CEQA to allow it.

**Table 2.7-1 County Greenhouse Emissions by Category (2014) (Page 2.7-42)**

We note that on-road vehicles are 57% of the total. We know from the work (available on line) of our friends at the Energy Policy Initiatives Center (EPIC) that most of the on-road emissions are from LDVs. For this reason there needs to be a rigorous treatment of LDVs.

**Table 2.7-2 County Emissions Forecasts, Reduction Targets and CAP Reductions (MTCO<sub>2</sub>e/year) (Page 2.7-42)**

Often municipal governments have no records of GHG emissions for year 1990, which is a baseline year for S-3-05. S-3-05 requires that 1990 levels are achieved in 2020. The table says that the target for year 2030 is 40% below the 2014 level, which means, since SB 32 calls for a 40% reduction from 1990 levels, that the 2014 level is coincidentally equal to what is being assumed to be the 1990 level. However, if this is true, the -2% in the 2020 column should be 0% and the -77% in the 2050 column should be -80%, to match the S-3-05 target. Please explain the discrepancies.

**2.12 Transportation and Traffic (Page 2.7-12-1)**

This section attempts to summarize the impacts of the transportation-related measures. We will comment on the measures as described in Chapter 3 of the CAP itself, because it seems to have the most detail. We find much of the discussion of transportation off base because it fails to recognize the overriding need to improve the methods by which we pay for the use of roads and parking.

**Section 3 of the CAP**

**Built Environment and Transportation**

Strategy T-1 is described as reducing VMT. It only has 3 measures, which would:

- acquired open space,
- acquire agricultural easements and
- update Community Plans

The first two would only "reduce VMT" in the sense that they would stop additional sprawl development which would increase VMT. If all we do is "hold the line" we have no hope of stabilizing the climate at a livable level. Updating Community Plans could be important.

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O22-27  
cont.

O22-28

O22-29

O22-30

**O22-28** The comment states that there needs to be rigorous treatment of LDVs. The County acknowledges this comment. The comment does not address the adequacy of the Draft SEIR. 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 this project.

**O22-29** The comment questions how the baseline emission inventory was generated and how it relates to 1990 emissions levels. Please refer to Master Response 4 on GHG reduction targets that explains how the 2020 target is different from the 2030 target and 2050 goal. Also refer to Page 5 of Appendix C to the CAP for a description of how the 2020 target differs from the 2030 target and 2050 goal.

**O22-30** The comment provides general commentary on Strategy T-1. The County acknowledges this comment. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project. Please refer to Master Response 6 related to transportation GHG reduction measures.

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We will comment on T-2 through T-4 below.

#### **T-1.1 Acquire Open Space**

It is clear that this is an on-going program that would happen in any case. The claim is made that it prevents a total of 491 homes. We agree it might, if the Supervisors were so unconcerned about climate change that they would approve additional sprawl development, without this acquisition of land. We understand this to be legitimate if the "baseline" or what is sometimes called the "business as usual" case included these homes. Is that correct or are these savings not real? To compute the GHG savings, what is the average number of trips per year per household and what is the average mileage (MPG) and trip length assumed?

#### **T-1.2 Acquire Agricultural Easements**

It looks like this is an on-going program. It is a Purchase of Agriculture Conservation Easement (PACE) Program and it is said to be an acquisition of 443 acres of agricultural easements by 2020 and an additional 4,430 acres between 2021 and 2030. The claim is made that it prevents a total of 198 homes. We agree it would, if the Supervisors were so unconcerned about climate change that they would approve additional sprawl development, without this purchase of land. We understand this to be legitimate if the "baseline" or what is sometimes called the "business as usual" case included the homes that could be approved on this land. Is that correct or are these savings not real? To compute the GHG savings, what is the average number of trips per year per household and what is the average mileage (MPG) and trip length assumed?

#### **T-1.3 Update Community Plans**

How do you compute the anticipated GHG Reduction? How do you know that the future Board of Supervisors will take this action? If they take this action, what allows you to assume how useful it will be? How do you quantify "Transit Oriented Development"? Many times the Sierra Club Transportation Chair has urged the San Diego Association of Government to replace "Smart Growth" with "VMT-Reducing Growth". This would be far better because "VMT-Reducing Growth" can be quantified but "Smart Growth" cannot be quantified. Not one member of SANDAG's Board or Staff gave any notice of the suggestion. Likewise, it may be that "Transit Oriented Development" has no definition and is not quantifiable in any way.

If a Community Plan has transit service is there any standard for that service to qualify it as being good enough to serve a so-called TOD? If so, what is that standard?

In an attempt to perhaps help you quantify VMT reductions, we offer the following Figure 2.

Are there any standards of density increase or maximum height increase that you are looking for in making these communities a better "TOD", or, expressed in a more realistic way, more "VMT-Reducing"? Is there a metric for improving the jobs-housing balance or are you operating free of any numerical standards for that consideration?

Why does the County constantly assume that how drivers pay for parking is inconsequential? Every study of the matter finds that if, for example, all employees pay for parking with a reduced wage, whether they drive or not, many more people will drive than if the payment for parking is associated with the choice to drive.

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O22-30

O22-31

O22-32

**O22-31** The comment questions the validity of reductions under GHG Reduction Measure T-1.1 based on the premise that the acquisition of lands may happen under existing programs. The CAP can still assign GHG reductions to existing programs as long as the programs are within the County's jurisdictional control and the reductions are not double-counted. The dwelling units that would be offset under this measure are currently part of the County's business-as-usual growth projections and are based on land uses currently allowed under the General Plan. In other words, development of these dwelling units could occur in the absence of this action from the County. Therefore, GHG reductions applied from reduced development potential from acquisition of conservation lands are valid. Please refer to Page 3 of Attachment 1, Appendix C to the CAP for details on how this measure was quantified. Because the dwelling units offset are included in the business-as-usual projections and reductions are assigned from these projections, there is no double-counting of reductions. The comment also inquires about the average number of trips per household and trip length used to estimate GHG savings from this measure. Reductions were estimated based on California Emissions Estimator Model (CalEEMod) defaults for rural land uses. Average miles per gallon information was also based on aggregated data in CalEEMod.

**O22-32** The comment asks how the reductions for GHG Reduction Measure T-1.3, Update Community Plans, are calculated and whether future Boards of Supervisors will implement these plan updates. Please refer to Master Response 6 on related to transportation GHG reduction measures and Master Response 3 related to community plan updates. Master Response 3 includes a detailed explanation of the quantification of GHG Reduction Measure T-1.3. Regarding employee parking plan please see Response to Comment O22-19 and O22-36. As described on page 3-4 of the Final CAP, the CAP does not rely on any of the supporting efforts for GHG emissions reductions. Regarding roundabouts, please see response to comment I7-2.

The comment also asks if a Community Plan has transit service, what is the standard by which an area would be considered to have transit-oriented development (TOD). The County's understanding of TOD is in line with the definition and understanding set forth by SANDAG, the metropolitan planning organization for the San Diego region. SANDAG states the following in its Regional Transit Oriented Development Strategy as part of *San Diego Forward: The Regional Plan*, the San Diego region's Regional Transportation Plan and Sustainable Communities Strategy:

"The conventional definition of TOD as "Transit-Oriented Development"— development immediately adjacent to an existing or planned transit station—alone would not result in sufficient development capacity and the vibrant communities serviced by transit called for in San Diego Forward. "Transit Oriented Districts," generally described as places within 5 minutes of existing and planned transit stations, would allow communities to consider larger areas for reinvestment and to tailor development to meet community goals. The working definition for a Transit Oriented District set forth in this strategy is 0.25 miles by walking (at 3 mph), 0.75 miles by biking (at 9 mph), and 2.0 miles by vehicle (at 25 mph) from a transit station. These 5-minute access areas vary based on the local topography and physical context of each transit oriented district." (SANDAG 2015:1).

The comment also includes a reference to a "Figure 2" that shows the relationship between annual VMT per household and residential density in an attempt to help quantify VMT reductions from increased density. The County appreciates this recommendation, however, the quantification of GHG Reduction Measure T-1.3 is based on percent reductions in VMT discussed in detail in Master Response 3. Also see response to comment O22-33 regarding the CAP's robust monitoring and implementation component that will allow the County to monitor the progress of the CAP's reduction measures, including GHG Reduction Measure T-1.3, and to make adjustments to the CAP as needed.

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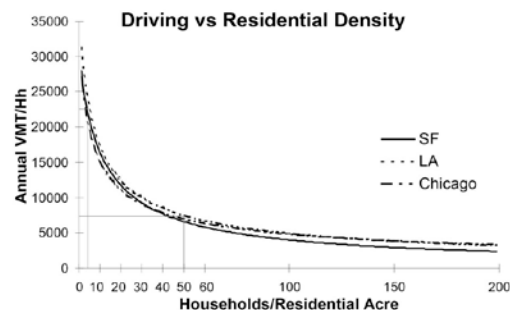


Figure 2 VMT Reductions from Increased Density

Reference 6 describes the modern round-a-bout. It includes a definition, how they improve traffic flow, how they improve air quality and reduce GHG, how they improve safety, and how much they cost. They should be part of any effort to do traffic calming or complete streets. As shown, each round-a-bout can eliminate 189 metric tons of CO<sub>2</sub>e per year. Will you replace stop lights in Community Plans with round-a-bouts?

The *Supporting Efforts* table on Page 3-15 is not encouraging. Those are simple things that should have been done years ago. To "study, collaborate, and promote" are not enforceable and show that the County has not yet realized the urgency of our climate crisis. Enforceable changes in policy regarding density, height, car parking, and round-a-bouts should have been done by now.

Your "Performance Metric" table means almost nothing since your "Supporting Efforts" mean almost nothing.

#### **Strategy T-2 Shift Toward Alternative Modes of Transportation (Page 3-17)**

We agree with words written on Page 3-17.

##### **T-2.1 Improve Roadway Segments as Multi-modal**

There is an insufficient definition of the "multi-modal enhancements" that are being considered and how much this would reduce VMT. We know of no definition for "bikeway". Would this be Class 1 (separated from cars), 2 (bike lanes), or 3 (marked routes)? There may be a place for all 3 and you may have data showing that each of these 3 can encourage riding and thereby reduce VMT. However, your lack of specificity suggests that you know little of this topic.

We believe in well-maintained roads. Since we must convert rapidly to a fleet of cars that no longer burns gasoline, the answer to having enough money to perform timely road maintenance is to design and implement an environmentally-sound road-use charge (RUC) pricing and payout system. A road user charge (RUC), has been proven feasible by the work of SB 1077. Currently, the gas tax rate, although improved by SB 1, is still too low to

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O22-32  
cont.

O22-33

**O22-33** The comment states that the CAP provides insufficient definitions of multi-modal enhancements that are being considered in GHG Reduction Measure T-2.1, Improve Roadways as Multi-Modal Segments. The quantification of this measure is an estimate of the reductions that would occur if a range of multi-modal improvements were made to County roadways. The measure is not intended to be prescriptive, and would allow flexibility for the County to apply the measure in the ways that may be most appropriate to the areas and communities in which the proposed improvements would occur. The adoption of "road-diets" and roundabouts could occur pursuant to this measure, but it is not specified. Chapter 5 of the CAP specifies that the CAP is a dynamic document that would be continuously assessed and 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. Please refer to Master Response 6 related to transportation GHG reduction measures for additional responses. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5.

With respect to the comments question about how GHG Reduction Measure T-2.1 would be funded, the CAP does not propose an increase in taxes. The feasibility of a road user charge (RUC) system is still being studied by the State and, as of November 2017, the State has not yet released the findings of the statewide RUC pilot project. Potential funding sources

for GHG reduction measures are discussed in Chapter 5 of the CAP. Apart from taxes, government funding can also come from grants from federal, State, and regional programs.

The quantification of GHG Reduction Measure T-2.1 is based on a range of studies gathered by Measure SDT-2 in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* (See page 5 of Attachment C to Appendix C to CAP). These studies may use various definitions of "multi-modal" and "bikeways" and can include all three classes of bikeways, as noted in the comment. SANDAG defines "multimodal" as of having multiple modes which can include automobile, transit, bicycle, and walking (SANDAG 2011:F-10). The County will rely on SANDAG's definitions and understanding of planning and transportation-related terms as defined in the MPO's Regional Transportation Plan.

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pay the full cost of road maintenance. Besides this, the gas tax has a poor future. How do you propose to pay for whatever improvements are being considered? We oppose raising general taxes, such as a sales tax, to pay for roads. We should not be making it artificially cheap to drive cars. What is the County's position on this issue? We fully support "complete streets". Please explain how you computed the 2030 and 2050 GHG reductions of 604 and 1292. Why did you not mention "road diet" and round-a-bouts? Cycle tracks are controversial among bicyclists. How did you decide you favor them?

O22-33  
cont.

#### **T-2.2 Reduce New Non-residential Development Vehicle Miles (Page 3-20)**

There is a claim of a 15% reduction by 2030. This may be based on SANDAG's Regional Transportation Plan's VMT reduction as required by SB 375. If so, the County is doing nothing to claim this reduction. Is this based on SANDAG's Regional Transportation Plan's VMT reduction as required by SB 375? If so, there may be a mismatch because SB 375 is for 2035 but the County is claiming a reduction in 2030. Please explain this mismatch in target year. There is a mention of a Transportation Demand Management (TDM) ordinance. Why has the County not passed a TDM ordinance by now? Where can we read the proposed ordinance? Can we see the calculations of the driving reduction based on the imagined ordinance? We notice that the County is still unaware that "free" parking at work is really not free because it reduces everyone's wages, even those that never drive to work. We have repeatedly explained this issue and it discourages us that the County is still unaware that so-called "free" parking is unfair to those that drive less and that it increases the mode split of single-occupancy vehicle (SOV) driving.

O22-34

The county's performance metric of a 15% reduction is too low to support light-duty vehicles achieving a reasonable climate-stabilizing target, as will be shown later in this letter. Is that value per-capita? Is it with respect to the SB 375 baseline year of 2005? If it is with respect to 2014, please show how you convert an SB 375 target for year 2035 to a value with a different target year and a different baseline year.

#### **T-2.3 Reduce County Employee Vehicle Miles Travelled (Page 3-22)**

In the original Sierra Club letter to San Diego County, regarding its first effort to produce a CAP, we proposed a car-parking-pricing-and-payout system that would increase fairness and reduce the choice of driving to work. That letter, dated March 19, 2012, is Reference 7. Throughout that lawsuit we stressed this mitigation measure as a policy that could be implemented for County employees. We were very specific in our proposal.

This feasible mitigation was ignored by the County in their legally-deficient Climate Action Plan (CAP) which they subsequently rescinded under court order. This is the mitigation measure that was described during oral arguments in Appellate Court, when a Justice asked the Club lawyer to describe a feasible mitigation measure that was ignored by the County.

After hearing the description, the Justice commented, "That sounds like feasible mitigation to me."

Here is a brief description of this feasible mitigation measure. This strategy would be a "game-changer", not only for the County, but for improving our prospects for achieving climate-stabilizing targets, wherever driving is a significant source of GHG emissions and so-called "free parking" at work is common.

O22-35

#### **Demonstration Project to Eliminate the Harm of Bundled-Benefit Parking at Work**

13

**O22-34** The comment questions whether GHG Reduction Measure T-2.2, Reduce New Non-Residential Vehicle Miles is based on SANDAG's Regional Transportation Plan VMT reduction. Please refer to Master Response 6 on transportation measures and Master Response 2 on SB 375. The comment erroneously claims that the 15% reduction is based on SANDAG's Regional Plan's VMT reduction as required by SB 375 and asserts that the CAP milestone year (2030) and SANDAG's reduction year (2035) are mismatched. The 15% reduction is what the County will separately achieve through GHG Reduction Measure T-2.2 after SB 375 reductions as accounted for in SANDAG's travel demand model. The County will adopt a TDM Ordinance as required by GHG Reduction Measure T-2.2 by 2020. The exact language of this ordinance has not yet been developed; however, it would require achievement of the 15% reductions specified under this measure. The comment claims that the 15% reduction in VMT is too low to support "a reasonable climate-stabilizing target". This measure is one of several measures aimed at achieving the State GHG reduction goals. The 15% reduction in commute VMT is based on the maximum reduction estimated in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* for a combination of commute-related transportation strategies and is a reduction from the BAU forecast not 2014 levels (CAPCOA 2010:55). The detailed calculations of this measure, including VMT estimates, are included on page 6 of Attachment 1 of Appendix C. Chapter 5 of the CAP specifies that the CAP is a dynamic document that would be continuously assessed and 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

	<p>monitoring program would ensure that efficiency improvements of goals within each five-year period is not precluded. Lastly, the commenter claims that free parking at work is not free because it reduces everyone's wages. The commenter does not provide any evidence. Please refer to the response to O22-19 and O22-36 regarding unbundled parking costs. The comment also does not address the adequacy of the Draft SEIR; therefore, no further response is required or necessary.</p> <p><b>O22-35</b> The comment states that the County did not consider the commenter's previously recommended mitigation of developing a shared parking system for County staff. Response to comment O22-19 explains the rationale behind not including this measure. The comment refers to this suggestion as a "game changer" in achieving GHG reduction targets. Employee commute emissions from County operations form less than two percent of the County's overall GHG inventory. Under GHG Reduction Measure T-2.3, the County commits to reducing these emissions by 20% by 2030. Ultimately, emissions from employee commute would offer lower returns than other GHG reduction measures due to their lower magnitude. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5.</p>
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San Diego County ("County") would develop a Demonstration Project to, in effect, Unbundle the Benefit of Parking ("Demonstration Project") where County employees work ("Proposed Location").

**BACKGROUND:** Currently, County employees do not have the ability to choose between earnings and driving – employees effectively pay for parking out of their salary, whether or not they use the parking. The Demonstration Project will provide the opportunity for the employees to choose between earnings and driving. This is functionally equivalent to the implementation of the California Air Pollution Control Officers Association (CAPCOA) measure of unbundling the cost of parking.

**PROJECT:** Parking would be charged at a given rate (for example \$0.02/min – roughly \$10.80/day, considering 8 hours of work and 1 hour for lunch). Funds generated from these parking charges would be distributed as earnings to all employees working at the proposed location in proportion to each employee's time spent at work, at the proposed location. Those who decide not to drive will not be charged for parking but will still receive earnings based on their time spent at work at the location. Implemented correctly, this free-market approach will substantially reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions, by reducing the drive-alone mode.

For employees whose parking charges are greater than their parking-lot earnings, an "add-in" may be included so that no employee loses money, compared to "free parking". (Some documentation of this method refers to this payment as a "must-drive bonus".) With such "add-in" payments, there could be an "Opt in" or "Opt out" choice. This would mean that, if the charges and payments associated with this system were included on employee pay checks, those that "Opt out", would see no changes on their pay check, relative to how their pay check looked during the days of "free parking". If the charges and payments associated with this system were shown on a separate, mailed statement, those that opt out would receive no such statement.

This project may be helped by receiving a grant to pay the development and installation cost, as well as the "add in" payments, for some specified number of years. The County would need to apply for such a grant.

This feasible and sensible mitigation measure is actually a demonstration project of an overall system that would operate all types of parking, as described in Reference 8. Reference 9 is a more detailed description of this demonstration project.

Based on Table 1 of Reference 8, the driving reduction could be 25%, at places of employment. Table 1 shows driving reductions resulting from introducing a new price differential for parking, for 10 cases. Its average reduction in driving is 25% and its smallest, single-case reduction is 15%. Again, these systems can be set up so that no driver loses money. Grant possibilities include the California Air Resources Board's *Low Carbon Transportation* program and the Strategic Growth Council's (SGC's) *Transformative Climate Community* program.

#### **T-2.4 Shared and Reduced Parking in New Non Residential Development (Page 3-22)**

The system we are proposing as a demonstration project (shown in the T-2.3 section, in this letter, just above this section) is a sub-system of an overall system of parking we are currently calling a "Dividend-Account Parking" system. The "Dividend" word denotes that

O22-35  
cont.

O22-36

**O22-36** The comment would like the County to support efforts to achieve climate stabilization targets. The "Dividend-Account Parking" system mentioned in the comment is similar to the unbundled parking cost measure discussed in Response to Comments O22-19 but would apply to private developments as opposed to County-run facilities. GHG Reduction Measure T-2.4 together with GHG Reduction Measure T-2.2 aim to reduce VMT from new developments through reduced parking and transportation demand management, respectively. The efforts that support GHG Reduction Measure T-2.2 could include various parking strategies including priced parking. Priced parking may be a potential TDM strategy that eligible developments can employ. GHG Reduction Measure T-2.2 is intentionally non-prescriptive, allowing for flexibility in determining how commute VMT is reduced.

The County found the Sierra Club parking proposal to be infeasible for the reasons described in Response to Comment O22-19 and throughout the project record. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5.

The comment also asks for clarification of how reductions from GHG Reduction Measure T-2.4 were calculated on the CAP. The quantification of this measure was based on Measure PDT-1 in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*. Quantification details can be found on page 7 of Attachment 1 of Appendix C of the CAP. The comment also asks for clarification on how reductions from GHG Reduction Measure T-3.3 were calculated. See response to comment O5-21 for details on this measure quantification. Quantification details can be found on page 9 of Attachment 1 of Appendix C of the CAP.

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some people receive parking lot earnings. The "Account" word denotes that the cars parked are associated with an account, of a person responsible to pay the cost of the parking. "Account" also denotes that the cost of parking is being taken into account, instead of being ignored and hidden, as is often the case. It is documented in Reference 8. It is a system where all parking is naturally shared.

Ultimately, based on the system we are proposing, we see no reason to restrict this to either New" or to "Non Residential", as is suggested in the County's title of this section. The system we are proposing was peer reviewed in 2010, when it was accepted for presentation at an Air and Waste Management Association (AWMA) Conference, in Calgary, Canada. The presentation received two standing ovations: once upon the conclusion of the presentation and again at the conclusion of the question and answer portion of the presentation. The system is hosted by the National Sierra Club:

<http://sierraclub.typepad.com/files/mike-bullock-parking-paper.pdf>. The County received this paper as a reference to the Reference 7 letter, back in 2012. We have never been given any indication that anyone at the County has read the paper. The T-2-4 section, which is about parking, gives no indication that anyone at the County has read the paper. We have certainly received no criticism of the paper from the County. Since there has been no criticism, we wonder why its ideas are being ignored. Is there any County employee working for the County on the CAP and its SEIR that is aware of the Sierra Club's submittals to the County regarding car-parking? If so, what is their opinion of the proposals? Why has the County ignored the Sierra Club's car parking proposals for over 5 years? Could you please show us how you compute the 1454 and the 2508 GHG reductions shown? How would you handle the sharing in terms of enforcement?

#### **T-3 Decarbonize On-road and Off-road Vehicle Fleet (Page 3-27)**

We support efforts to decarbonize vehicles. This includes the efforts shown in your sections T-3.1, T-3.2, T-3.3, and T-3.4. Beyond what is shown in these subsections, we have asked the SANDAG Board to put electrifying the Coaster train into their "Unconstrained" (unconstrained by money) Regional Transportation Plan, for example. We are joining with other groups to push for purchasing only Battery Electric busses. We have not heard that the County is interested in these efforts.

We appreciate your efforts to make construction less polluting. As far as retiring old model cars that get poor gas mileage, we would like to see the County join us in advocating for a plan of enforceable measures, whereby light-duty vehicles (LDVs) achieve a climate-stabilizing target. This would require actions such as what is described in T-3.3. We would like to see the County become a force for climate stabilization at SANDAG. Could you show us how you computed the GHG reduction of 866, shown on Page 3-32? Is the County supportive of electric transit vehicles and if so, what is your plan to help bring that about?

#### **T-3.4 Reduce the County's Fleet Emissions (Page 3-34)**

We are disappointed that the County's goal is only 50% of new vehicle purchases. We have a climate crisis. Would you please change that to 100%?

#### **T-4 Invest in Local Projects to Offset Carbon Emissions (Page 3-37)**

We accept that many of the projects named are worthwhile. However, the car parking system that we describe above is also a worthy project. Once that system is designed, other employers will want to use it, because it increases fairness while it decreases driving.

O22-36  
cont.

O22-37

O22-38

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**O22-37** The comment requests that GHG Reduction Measure T-3.4 be increased to 100%. GHG Reduction Measure T-3.4 requires the County to reduce fleet GHG emissions levels by 10% by 2020 and 20% by 2030. As described under GHG Reduction Measure T-3.4 (pg 3-34 of the CAP), the County will implement the 2015-2020 Strategic Energy Plan and the 2016 Green Fleet Action Plan Implementation Strategy to achieve the CAP targets. The 4,200 vehicles and equipment that make up the County's fleet vary in type and operating requirements greatly. As further clarified within GHG Reduction Measure T-3.4, based on current available market technologies, 44% of the light-duty fleet is eligible for conversion to plug-in hybrid electric (PHEV) or electric vehicles (EV), a portion of which cannot be transitioned due to operational constraints. The County is able to transition 23% of the eligible vehicles (10% of the entire light-duty fleet) to PHEV/EV by 2025, in addition to expanding use of alternative fuels, encouraging vehicle reductions, and making improvements in departmental efficiencies. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project. Please refer to Master Response 6 related to transportation GHG reduction measures and Master Response 9 related to the selection of GHG reduction measures.

**O22-38** The comment expresses support for its recommended shared parking system that could be included as one of the local direct investment projects under GHG Reduction Measure T-4.1. Please see Response to Comment O22-36 which addresses the recommended parking system for new developments. Currently there is no such protocol for the Sierra Club's recommended car parking system; however, the County could consider a paid parking proposal within the context of the case-by-case protocol option under the local direct investment measure and the local direct investment program due in 2020. The projects resulting from the local direct investment program must be enforceable and the same certainty would need to be applied to any proposed parking system.

Please see Master Response 3 related to the local direct investment program, Draft SEIR pages 2.7-23 to 2.7-27, and Appendix B of the Draft SEIR which detail the specific standards-based approach for local direct investment projects. Direct investments will be tracked and emissions reductions will be ensured through application to a CARB-approved registry. Please see Response to Comment O14-13 on the environmental integrity established by the protocol requirements. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5. Also, the comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project.

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It can spread to other types of parking because it supports the sharing of parking. It will need to spread to all types of parking, in one unified system, if we are going to have a chance to achieve climate-stabilizing targets.

O22-38  
cont.

#### Energy (Page 3-40)

We appreciate the target of 90% renewable energy in the County by 2030. This will require the measures you named, which we want to be made enforceable, and more.

San Diego is conducting a study of feasibility of CCE. Carlsbad and other cities to its South are joining together to investigate the feasibility of forming a Community Choice Energy (CCE) District, under California Community Choice Aggregation (CCA) law. In the last three years, the rise of Community Choice Energy in California has been dramatic. The first Community Choice Agency (CCA), *Marin Clean Energy*, launched in 2010, and was the only one for four years until *Sonoma Clean Power* launched in 2014, followed soon after by *Lancaster Choice Energy* in 2015. By mid-2015 a critical mass of information-sharing and proof-of-concept had spread throughout California and by late 2016 nearly half the counties in the state and over 300 cities were either operational or at some stage of evaluation of Community Choice. The CAP and SEIR should include, as a recommended mitigation measure, joining a CCE. To do this, the County needs to act to determine the feasibility of this measure and its effectiveness in moving towards your stated goal of 90% clean energy by 2030. This target is certainly a strength of your effort.

O22-39

In 2014, Lancaster started to require all new residential construction project to include solar power. There is a minimum average solar generating capability of 0.5 to 1.5 kW per unit, depending on lot size and location. Are you willing to meet or exceed that standard?

#### The Need for a Concerted Effort to Ensure that Light-Duty Vehicles Will Achieve a Realistic Climate-Stabilizing Target

##### First, You Need a Plan:

The well-known and well-respected Energy Policy Initiative Center reported that 41% of the GHG emitted in San Diego County comes from cars and light-duty trucks, denoted as "LDVs" in this report. This is larger than the sum of the next two largest emitters: electricity, at 25% and natural gas, at 9%. Because LDVs are so important, there needs to be a plan showing a set of enforceable measures ensuring that LDVs will achieve a climate-stabilizing target. The first step is to show how a reasonable climate-stabilizing target is derived. As has been shown in the letter, there are strong indications that state mandates, such as SB 32 are not good enough.

O22-40

This is not just understood by us. The California Democratic Party (CDP) has come to the same conclusion, as shown in its 2016 Platform. This bullet is from that platform (Reference 4) (<http://www.cadem.org/our-california/platform/2016-platform-energy-and-environment>).

- ***Demand a state plan showing how cars and light-duty trucks can hit climate-stabilizing targets, by defining enforceable measures to achieve the needed fleet efficiency and per-capita driving***

CARB should probably do this but so far, they have issued no such plan, perhaps because they have no such plan. However, CEQA requires that decision makers understand the

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**O22-39** The comment expresses support for a community choice energy program. The description on page 3-52 of the CAP states that GHG Reduction Measure E-2.1 would be achieved through the establishment of a Renewable Energy Program, which could include 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)." The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project.

The comment expresses a desire for the proposed Energy measures listed on page 3-40 of the CAP to be enforceable. Nearly all of the proposed Energy measures are enforceable through ordinances and building codes, or are enforceable as requirements the County is imposing on its own operations. A few required measures rely on the voluntary participation of County residents and businesses through incentives and education, the predicted performance of which is based on historical data or conservative assumptions. In addition, as part of the CAP implementation and monitoring plan, shown in Chapter 5, the County will be tracking the progress of the measures in achieving their goals and adjusting their efforts as part of an adaptive management process. See Master Response 9 for a discussion of the adaptive management approach toward meeting the County's GHG reduction goals.

The commenter also points to the Lancaster requirement that all new residential construction include solar power. The CAP Checklist for New Development item 4a, pursuant to GHG Reduction Measure E-2.3, requires zero net energy (ANE) standards for new non-residential and residential development, which would primarily be achieved through on-site solar energy or other renewable energy onsite. CAP Checklist for New Development item 6a requires 100% of non-residential projects electricity needs to be supplied through rooftop solar or other on-site renewable, or procurement of

	<p>100% renewable electricity from a utility purveyor. Therefore, the County's CAP requires the same program as does the City of Lancaster.</p> <p><b>O22-40</b> The comment states that there needs to be rigorous treatment of LDVs. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project. Please refer to Response to Comment O22-19, O22-36, and O22-24. The commenter provides a link to the California Democratic Party's 2016 platform related to energy and environment. This is a proclamation of commitments the political party makes to preserve and protect the environment and has no legal compliance requirements for a local agency. Specific actions under this platform may inform the State's long-term GHG reduction strategy prepared by CARB; however, the extent of this overlap is not known at this time. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5.</p>
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environmental consequences of what they may approve. What does the state need to do, which has the primary responsibility for fleet efficiency requirements and how much it will cost to drive on the road and how will this fit with what local and regional government may do, understanding that they do RTPs, zoning, and other transportation-related policies such as complete streets, transit, and parking policies. Therefore, such a plan is required for any project that will have a significant impact on the LDV sector. This means that most EIRs have been approved in violation of CEQA law. This should come as no surprise because there are few systems engineers in the ranks of those that might challenge an EIR. Some things take time.

Reference 5 is an example of a state plan that is being requested by the CDP. It may not be perfect but it is an honest attempt and it may be the only such example on the planet. It is included to show that such a report is not impossible. The County or any other government could accept the plan as their own, if they find no errors. What the County cannot do is to take the position that no such plan is required. The County could modify the Plan if it thinks it could improve upon its methods or its assumptions.

#### **Enforceable and Feasible Mitigation Measures to Achieve Driving Reductions**

The following numbered mitigation measures must be implemented unless you can prove that they are either not "technologically feasible" or they are not "cost effective". When considering how cost effective the measures are, keep in mind that climate destabilization, which is where humanity is currently headed, will result in a devastating collapse of the human population, which is very expensive, in many ways.

##### **1.) Reallocate SANDAG Funds Earmarked for Highway Expansion to Transit and Consider Transit-Design Upgrades**

It is well-known that the induced traffic demand resulting from adding highway lanes will cause traffic congestion to remain constant. This is true, even if the new lanes are HOV (High Occupancy Vehicle) lanes; HOT (High Occupancy Toll) lanes; or Managed Lanes, which give priority to moving transit vehicles. Any project (or other change, such as autonomous vehicles that can travel at high speeds with very little distance between vehicles) that temporarily creates space on a freeway will induce enough traffic to fill that space, returning congestion to the level it was before the project (or other change.) Therefore, additional lanes will not reduce congestion one iota. The money spent to add lanes is not just a waste of money. With more lanes and the same level of congestion as before, the result is always more frustrated drivers, more air pollution, and more GHG emissions.

The sales tax measure called "Trans-Net" allocates approximately one-third for highway expansion, one-third for transit, and one-third for road maintenance. It has a provision that allows for a reallocation of funds, if supported by at least two-thirds of SANDAG Board members, including a so-called weighted vote, where governments are given a portion of 100 votes, proportional to their population. This feasible mitigation measure is to reallocate the Trans-Net amount, earmarked for all highway expansions, to transit. It is noted that perceived political risk for decision makers does not constitute infeasibility, for a suggested mitigation measure. SANDAG needs to help educate the public about the futility of adding lanes because of induced traffic demand, as well as our responsibility to have a plan showing how cars and light-duty trucks can achieve climate-stabilizing targets. This will reduce political risk.

This money could be used to fund additional transit systems; improve transit operations; and/or redesign and implement the redesign of an existing transit system. A redesign could be

O22-40  
cont.

O22-41

**O22-41** The comment suggests that SANDAG funds earmarked for highway expansion be reallocated to transit projects. However, SANDAG is the regional planning agency for the San Diego County region and is the primary provider of transit funding and planning. Therefore, the County does not have the jurisdiction to control the use of funds as the commenter suggests. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project.

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the electrification and automation, or even a wholesale technology upgrading of the Coaster/AMTRAK and Sprinter rail lines. These systems need to be frequent and operate 24/7.

The money could also be used to implement a fixed-guideway connection between the San Diego Airport and both the Santa Fe Train Station and the Old Town Transit Center. A trade-off study is needed to find out if this should be done with a trolley extension or an automated system, perhaps using the technology that connects the Oakland Airport to the Coliseum BART station.

The County needs to assume this mitigation measure and then do everything it its power to convince the SANDAG Board that it must be done. (AB 805 would help.)

### **2.) A Comprehensive Road-Use Charge (RUC), Pricing-and-Payout System to Improve the Way We Pay for the Use of Roads**

*Comprehensive* means that, for example, pricing, overall, is sufficient to cover all costs, including road maintenance and externalities such as harm to the environment and health; privacy is defined and achieved; the economic interests of low-income drivers doing necessary driving would be protected; that the incentive to drive fuel-efficient cars would be at least as large as it is under the current fuels-excise tax; and, as good technology becomes available, congestion pricing is used, if needed, to protect critical driving from congestion.

The word "payout" means that some of the money collected would go to people that are losing money under the current system.

Currently, user fees (gas taxes and tolls) are not enough to cover road costs. Even though general-fund money is being used to operate and maintain roads, California is not doing maintenance with enough frequency to minimize cost. It is well understood that deferred maintenance will cost more than timely maintenance. Besides this, the improved mileage of the Internal Combustion Engine vehicles (ICEs) and the large number of Zero-Emission Vehicles (ZEVs), both of which are needed to have the fleet efficiency required to achieve climate mandates, mean that gas-tax revenues will drop precipitously over the coming years. In view of these facts, California has passed and is implementing SB 1077, which creates a pilot project road user charge (RUC). The Road User Charge Technical Advisory Committee (RUC TAC) has twice visited San Diego. The first time, they met in the SANDAG Board Room. The second time, they met at the CALTRANS District 4 office. SANDAG Board Members and SANDAG staff were conspicuously absent from these meetings. SANDAG staff did not inform its Board of these meetings. This is unfortunate because a RUC is the future of road funding. Unfortunately, the SANDAG Board Majority seems to think that a new sales tax can be used to expand roads. The recent defeat of Measure A suggests that this is not true.

Both SANDAG and the County need to support California in its efforts to create an effective RUC pricing-and- payout system. As the pilot project finishes, legislation is needed to get the design and implementation moving. SANDAG and the County should lobby for a good system and then, in their EIRs, they should assume a good system. Such a system will play a useful role in reducing per-capita driving.

### **3.) Improving the Way We Pay for the Use of Car Parking**

O22-41  
cont.

O22-42

O22-43

18

**O22-42** The comment states that both the County and SANDAG need to support an effective road use charge (RUC) pricing and payout system. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project. As noted in the response to comment O22-33, the feasibility of RUC is still being determined by the State under its California Road Charge pilot program as of November 2017 (Caltrans/CalSTA 2017). In response to this comment, the County has added a supporting effort under GHG Reduction Measure T-2.2 which would result in efforts to monitor the State's progress related to the California Road Charge Pilot Program.

**O22-43** The comment states that the County did not consider the commenter's previously recommended mitigation of unbundling parking costs. Please see Response to Comment O22-19. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5.

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Bundled-cost parking increases the cost of everything, from rent to food; bundled-benefit parking reduces wages. These unsustainable practices are economically unfair to those that drive less or might like to drive less, if they could receive the fair, market-priced compensation for their effort, considering the high cost of providing parking. Surface parking only provides spaces at a rate of 120 car-spaces per acre of land. Parking garage construction costs are over \$20,000 per space. Underground parking costs from \$60,000 to \$100,000 per space. The fourth bullet of the Transportation Sub-plan of the 2016 California Democratic Party Platform (Reference 4) calls for *"shared, convenient and value-priced parking, operated with a system that provides earnings to those paying higher costs or getting a reduced wage, due to the cost of providing the parking."*

O22-43  
cont.

This feasible mitigation was ignored by the County in their legally-deficient Climate Action Plan (CAP) which they subsequently rescinded under court order. This is the mitigation measure that was described during oral arguments in Appellate Court, when a Justice asked the Club to describe a feasible mitigation measure that was ignored by the County. It is described in this letter in Section T-2.3 Reduce County Employee Vehicle Miles Travelled (Page 3-22) on Page 13 of this letter.

#### 4.) Good Bicycle Projects and Bicycle Traffic Skills Education

The best criterion for spending money for bicycle transportation is the estimated reduction in driving per the amount spent. It is hoped that the following strategies will come close to maximizing this important parameter.

##### a.) Projects to Improve Bicycle Access

All of the smart-growth neighborhoods, central business districts, and other high trip destinations or origins, both existing and planned, should be checked to see if bicycle access could be substantially improved with either a traffic calming project, a "complete streets" project, more shoulder width, or a project to overcome some natural or made-made barrier. One example is to build a Vista Way bicycle bridge over I-5 in Oceanside, to allow those walking or biking to travel between the South Oceanside coastal neighborhood and the regional shopping center, which contains such large stores as Wal-Mart and Stator Brothers grocery store. Currently, those walking or biking from the Vista Way area West of I-5 must travel much further and travel over a steep hill (Cassidy Street). There are no large grocery stores in the Coastal region of Oceanside, west of I-5. Vista Way was connected for bike riders and pedestrians before the construction of I-5.

O22-44

##### b.) League of American Bicyclist Certified Instruction of "Traffic Skills 101"

Most serious injuries to bike riders occur in accidents that do not involve a motor vehicle. Most car-bike accidents are caused by wrong-way riding, riding on sidewalks, and errors in intersections; the clear-cut-hit-from-behind accident is rare.

After attending *Traffic Skills 101*, students that pass a rigorous written test and demonstrate proficiency in riding in traffic and other challenging conditions could be paid for their time and effort.

As an example of what could be done in San Diego County, if the average class size was 3 riders per instructor and each rider passes both tests and earns \$100 and if the instructor, with overhead, costs \$500 dollars, for a total of \$800 for each 3 students, that would mean that \$160M could teach  $\$160M/\$800 = 200,000$  classes of 3 students, for a total of 600,000 students. This is approximately 20% of the population of San Diego

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**O22-44** The comment provides information on bicycle projects and bicycle skills education programs that could be implemented. The County appreciates these suggestions. Many of these recommended bicycle-related projects and programs could be implemented as part of GHG Reduction Measure T-2.1, which would result in the improvement of 700 centerline miles by 2030 with multi-modal enhancements for pedestrian and cyclist comfort and safety. The County will consider these suggestions as part of the implementation of GHG Reduction Measure T-2.1.

The comment also states that transit-oriented development (TOD) should be prioritized as a means of accommodating new growth in the County where possible, including shared parking and unbundled parking as supporting policies. Shared parking is already included in GHG Reduction Measure T-2.4. Please refer to responses to comments O22-19 and O22-36 regarding unbundled parking costs. With respect to land use planning, the County agrees that TOD is a desirable planning strategy to reduce GHG emissions but is limited by the availability of transit service in the unincorporated County, as noted in the comment. The adopted 2011 GPU provides the designated land uses that have been established by the County. Growth and densities in the plan were established by emphasizing the development of villages which could support additional forms of transit and would reduce GHG emissions by locating services and jobs closer to residential uses. In addition, GHG Reduction Measure T-1.3 further requires the County to focus growth in county villages to achieve mixed-use, transit-oriented development by updating a total of 19 community plans by 2040. The County does not have jurisdiction over the provision of transit services, but does coordinate with SANDAG on such matters.

Finally, the commenter suggests that the County should develop a "dividend-account" system at train stations in the county. Many of these train stations are located in incorporated cities and, thus, would be outside the County's jurisdiction. Additionally, such a system would still be under the jurisdiction of local transit districts and not the County because it affects



facilities owned and operated by those districts. While the County will consider recommending the “dividend-account” system described in this comment to those districts, such a system cannot be managed the same way the system would be managed by an employer. An employer already has control over salaries and how benefits are managed. In contrast, a transit district would need to set up an entirely new system to manage both parking “income” and fares. It is in the County’s opinion that the comment’s proposed “dividend-account” system may work from an employer’s perspective but would be overly complex for a transit agency and could result in confusing riders and defeating the purpose of the system to increase ridership despite any reduction in fares or net income generated. The comment assumes that those living close to train stations drive and park at stations at such a level that discourages those living further away from parking at these stations. However, no evidence is provided to support this assumption. The comment also did not explain how such a system could be easily explained to riders to encourage participation in such a program, given its complexity. Such a system would also require significant resources to purchase the technology required to manage such a program, which would need to be agreed upon by the entire transit agency board before implementation.

Please also refer to response to comment O22-19 and O22-36 for more information regarding the County’s constraints to implementing a priced parking system. Please refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5. The comment does not address the adequacy of the Draft SEIR. The comment will be included in the Final EIR and made available to decision makers prior to a final decision on this project.

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County. If a significant percentage of the graduates become every-day, utilitarian riders, this program will be a very cost-effective mitigation measure. It is certainly technologically feasible.

If SANDAG is unwilling to do this program countywide, the County could scale the program described above down to a County-run program. Members of Oceanside's Bicycle-Pedestrian Committee and others in the County are already teaching League-Certified classes, as described above.

**5.) Eliminate or Greatly Increase the Maximum Height and Density Limits Close to Transit Stops that Meet Appropriate Service Standards**

As sprawl is reduced, more compact, transit-oriented development (TOD) will need to be built. This strategy will incentivize a consideration of what level of transit service will be needed, how it can be achieved, and what levels of maximum height and density are appropriate. Having no limits at all is reasonable if models show that the development can function without harming the existing adjacent neighborhoods, given the level of transit service and other *supporting transportation policies*. One such *supporting transportation policy* would be the use of car-parking systems described in References 8 and 9, which support the full sharing of parking, less driving, and less car ownership. These are reasons that the County Supervisors and Staff need to weigh in on the redesign and rezoning of the area around its downtown San Diego location. This is probably not applicable in other locations under County control because the transit service is either nonexistent or it is insufficient.

C22-44  
cont.

**6.) Work for Installing a "Dividend-Account" Parking System at Train Stations in the County**

We understand it is difficult for the County to influence SANDAG and the North County Transit District (NCTD), which runs the Coaster. We are hopeful that AB 805 will reform the decision-making of the NCTD so that it will become open to progressive change and more responsible regarding the fact of our anthropogenic climate change crisis. We would like to see the County to develop a Plan to help the NCTD adopt the same sort of Dividend-Account Parking system at the Transit Centers as what we hope will be installed at your County offices downtown. In this case, the earnings or dividend are paid to adult train riders in proportion to the time they spend on round trip train rides. These beneficiaries are selected because the car parking is being provided for adult (driving age) train riders making round-trip train rides. The parking would be available to anyone driving a car that is in the Dividend-Account Parking system, meaning that there is an account with a person responsible for paying for the parking of the car being parked. This system would allow the parking to be used by any driver with an account, including non-train riders. Fully-shared parking is generally better than parking that is not shared or is less shared. "Free parking" at train stations maximizes driving to the station. A Dividend-Account parking system would maximize ridership. Currently, a person that could easily walk or bike to the station may drive. However, this is less likely to happen after the installation of a Dividend-Account parking system. The net cost (fare minus parking dividend) to ride will be reduced. This will increase ridership. This system will also ensure that someone that drives to the station can be assured of finding a parking place, because it will not be difficult to set the price of the parking to ensure vacancy, as is described in the paper shown here: <http://sierraclub.typepad.com/files/mike-bullock-parking-paper.pdf> (Reference 8). Note that the paper provides a dynamic pricing system

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to guarantee a selected minimum vacancy rate. If a person drives to the station but does not find a parking place, they may become discouraged from riding the train.

#### Summary of the Six Mitigation Measures Described

Do you agree that Measure 3 above is feasible and if not, why not? Do you agree that Item 4 is feasible? Do you see the value in working for Mitigation Measures 1, 2, 5, and 6?

#### Need to Include Plots and Explanations of the Plots, in the EIR, to Leave No Doubt About the Cause and Grave Nature of Anthropogenic Climate Change

The SEIR must fully explain the urgency and danger of humanity's anthropogenic climate change crisis, sometimes referred to as simply "climate".

The best way to do this is to include plots and explanations of the plots, that leave no doubt about the validity and grave nature of climate.

Figure 3 shows the rise of the world's atmospheric CO<sub>2</sub> over the last 50 years.

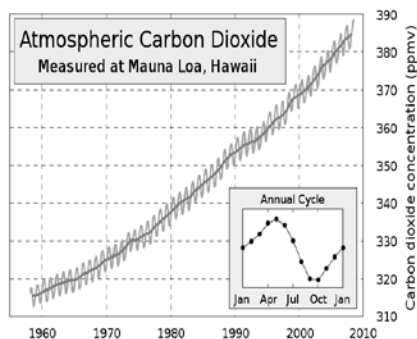


Figure 3 Atmospheric CO<sub>2</sub>, Increasing Over Recent Decades

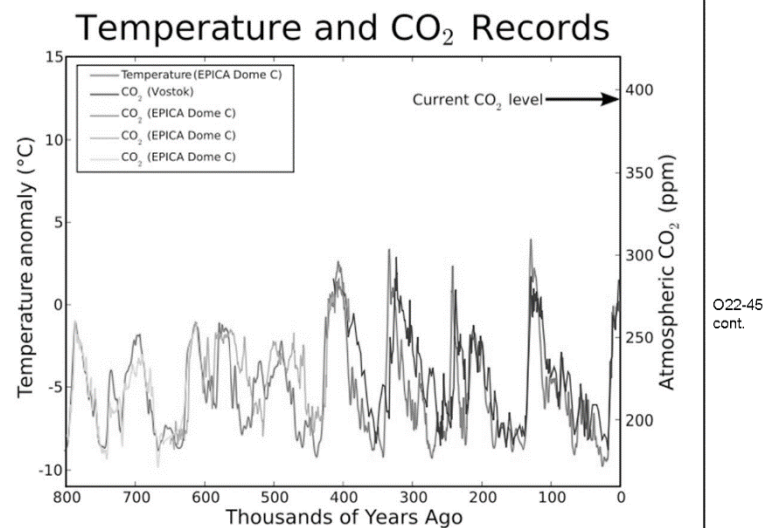
Figure 4 shows both atmospheric temperature (averaged over a year and averaged over all of the earth, derived from an isotope analysis) and atmospheric CO<sub>2</sub>, over 800,000 years. (Our species is only around 300,000 years old.) Figure 4 shows that when climate deniers say that climate is always changing and so therefore climate change is normal, they are correct, except for one important consideration. There is nothing normal about the outrageous run up of atmospheric CO<sub>2</sub>, to over 400 PPM, in such a short time that it appears to be an instantaneous spike, on Figure 4. There is no doubt that the spike is the result of our combustion of fossil fuels. The spike is clearly anthropogenic climate change.

O22-44  
cont.

O22-45

**O22-45** The comment provides a summary of comments listed above. In light of the body of comments that the commenter has submitted and have been addressed in responses above and in master responses, the County recognizes the severity of the issue of climate change as summarized in this comment. Although the CAP is not required to address climate destabilization, the County has provided a good faith, evidentiary-based effort to meet state mandated targets for 2020 and 2030 and to disclose to the public and decision makers the potential significant impacts from the project. Please refer to the responses above specifically addressing each of the comments that are summarized here by the commenter. Also refer to Master Response 9 regarding GHG reduction measure selection, specifically that the County does not have to implement every feasible reduction measure to develop a qualified GHG reduction plan per 15183.5. No further response is required or necessary.

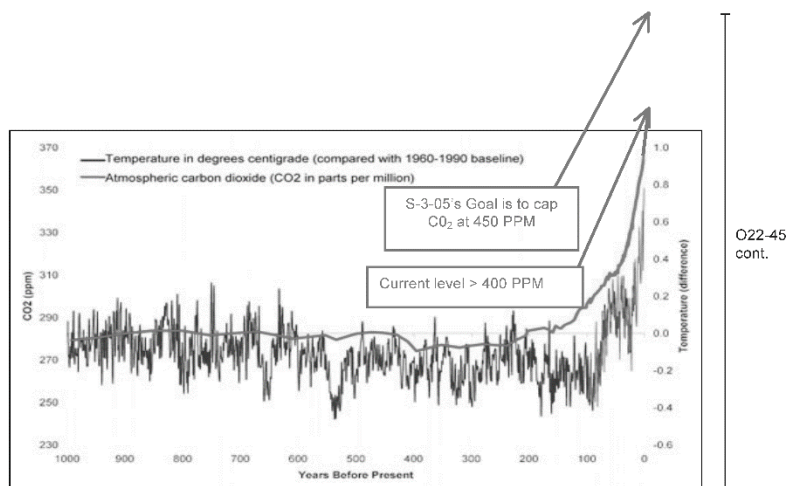
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**Figure 4 Atmospheric CO<sub>2</sub> and Mean Temperature, from 800,000 Years Ago, with Current CO<sub>2</sub> PPM Shown**

Figure 5 covers all of the time of the development of our civilization. By focusing on just 1000 years, the spike's shape, in red, is revealed. Everything was normal until about 150 years ago, which is the start of our industrial revolution, when we started to burn fossil fuels. The ominous increase in temperature (in blue) is also shown. By doing extensive calculations we know how much CO<sub>2</sub> we have produced from the combustion of fossil fuels. Then, by directly measuring the atmospheric CO<sub>2</sub> and the acidity of the oceans, we know where all of that CO<sub>2</sub> currently resides. We also know that atmospheric CO<sub>2</sub> traps heat. There is no doubt that we have an Anthropogenic Global Warming (AGW) catastrophe in the making. Achieving climate-stabilizing targets is our only hope.

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**Figure 5 Atmospheric CO2 and Mean Temperature Over the Last 1,000 Years**

#### **Conclusion**

We offer these words from Reference 10, which is the Superior Court Ruling, against the County (emphasis added):

*There is no time for "building strategies" or "living documents;" as the PEIR quite rightly found, enforceable mitigation measures are necessary now.*

We need to keep in mind the following:

- climate change has the potential to end most life forms on the planet and
- our own species could be headed towards a "devastating collapse" of our population, to quote the June 2008 issue of *Scientific American*

We would like to meet with County representatives to discuss our concerns and our proposed mitigation measures. Thank you for doing this critical and challenging work.

Respectfully submitted,

Mike Bullock mike\_bullock@earthlink.net  
Chair, Transportation Subcommittee  
Sierra Club San Diego

George Courser  
Chair, Conservation Committee  
Sierra Club San Diego

**O22-46** The comment provides concluding remarks. No further response is required or necessary.

O22-45  
cont.

O22-46

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The San Diego Chapter of the Sierra Club is San Diego's oldest and largest grassroots environmental organization, founded in 1948. Encompassing San Diego and Imperial Counties, the San Diego Chapter seeks to preserve the special nature of the San Diego and Imperial Valley area through education, activism, and advocacy. The Chapter has over 14,000 members. The National Sierra Club has over 700,000 members in 65 Chapters in all 50 states, and Puerto Rico.

