

## Global Response GR-1

### Socioeconomic Impacts and Environmental Justice

A number of commenters stated concerns that implementation of the JVR Energy Park Project (Proposed Project) and other cumulative projects would result in socioeconomic impacts, such as reduced home and property values in the area, reduced tourism, and quality of life. Commenters also expressed concerns about environmental justice impacts to the community of Jacumba Hot Springs.

#### Socioeconomic Impacts and the California Environmental Quality Act (CEQA)

With respect to property values, several commenters submitted comments suggesting that solar projects generally result in decreased property values. CEQA requires an analysis of physical impacts to the environment; it does not require analysis of social and economic impacts. Under CEQA, “an economic or social change by itself shall not be considered a significant effect on the environment.” (14 CCR §§ 15131 & 15382.) Effects analyzed under CEQA must be related to a physical change. (14 CCR § 15358(b).) Social and economic impacts alone do not constitute a significant effect on the environment. (14 CCR §§ 15064(e), 15131 & 15382.)

Property value loss and loss of business are types of social and economic impacts that in and of themselves are not physical impacts required to be included in a CEQA analysis. (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 576 [social and psychological effects of project’s change to community character are not environmental impacts subject to CEQA]; *Porterville Citizens for Responsible Hillside Dev. v. City of Porterville* (2007) 157 Cal.App.4th 885, 903 [claimed impact of new homes on existing home values is economic impact]; *Hecton v. People ex rel Department of Transp.* (1976) 58 Cal.App.3d 653, 656 [CEQA not designed to protect against decline in commercial value of property adjacent to public project].) In general, claims of diminished property value through decreased marketability are based on the reported concern about visual impacts, hazards/public health, and increased noise associated with living in proximity to solar energy projects and high-voltage transmission lines. These issues are analyzed extensively in Section 2.1 Aesthetics, Section 2.6 Hazards and Hazardous Materials, and Section 2.9 Noise of the Draft EIR.

Moreover, the commenters have not supported their argument with evidence. It is the responsibility of the lead agency to weigh the evidence, and it may accept one expert opinion over another, so long as the decision is supported by substantial evidence. (*Citizens for Responsible Equitable Env’t Dev. v City of Chula Vista* (2011) 197 Cal.App.4th 327, 335; see also Pub. Res. Code § 21080(e); 14 CCR §§ 15064(f)(6) & 15384.) These comments are not supported by evidence that

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demonstrates a consistent and quantifiable relationship between solar projects and property values. Opinions presented by laypersons with respect to property values do not on their own qualify as substantial evidence.

It is also worth noting that national studies of property values adjacent to solar projects have shown mixed results with respect to whether there is a demonstrable negative effect on adjacent property values. (Compare CohnReznick, “Adjacent Property Values Solar Impact Study: A Study of Eight Existing Solar Facilities” (June 2020) (finding no consistent negative impact to adjacent property values attributable to adjacent solar farms), available at [http://is0.gaslightmedia.com/cheboygancounty/\\_ORIGINAL\\_/fs51-1594387599-78782.pdf](http://is0.gaslightmedia.com/cheboygancounty/_ORIGINAL_/fs51-1594387599-78782.pdf) (last visited Jan. 7, 2021), with Gaur and Lang, University of Rhode Island, “Property Value Impacts of Commercial-Scale Solar Energy in Massachusetts and Rhode Island” (Sept. 2020) (finding a 1.7% decrease in property values for property within 1 mile of solar farms), available at <https://today.uri.edu/wp-content/uploads/2020/09/PropertyValueImpactsOfSolar-1-1.pdf> (last visited Jan. 7, 2021).)

### Environmental Justice

CEQA does not use the term “environmental justice,” nor does it explicitly require such an analysis. (See, e.g., *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 555 n.46 [expressing no opinion as to whether CEQA requires an environmental justice analysis].) Instead, it focuses on the analysis of potentially significant environmental impacts, including cumulatively considerable impacts. Traditionally, environmental justice concerns focus on the effect of pollution on low-income communities. (California Attorney General, “Environmental Justice at the Local and Regional Level – Legal Background” at 2-4 (July 2012), available at [https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf) (last visited January 7, 2021).) The Draft EIR analyzes the Proposed Project’s potential environmental impacts related to public health and the community in Section 2.1, Aesthetics; Section 2.2, Air Quality; Section 2.6, Hazards and Hazardous Materials; Section 2.7, Hydrology and Water Quality; Section 2.9, Noise; Section 3.1.4, Land Use and Planning; Section 3.1.6, Public Services; Section 3.1.8, Utilities and Service Systems; and Chapter 6, Other CEQA Considerations.

Environmental justice concerns are addressed through other laws and policies. In 2017, the Legislature amended Government Code Section 65302 to require the addition of an environmental justice element in a local General Plan when the agency updates at least two other elements of the General Plan. San Diego County is in the process of adding an environmental justice element to its General Plan. Please refer to <https://www.sandiegocounty.gov/content/sdc/pds/GPUupdate2021/EJElement.html> for the current status of the County’s process to develop an environmental justice element.

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In addition to the land use process described above, the California Environmental Protection Agency (CalEPA) maintains an Environmental Justice Program and Environmental Justice Task Force. CalEPA’s Office of Environmental Health Hazard Assessment (OEHHA) developed the California Communities Environmental Health Screening Tool (CalEnviroScreen), which provides statewide data that can be used to identify communities disproportionately impacted by, or vulnerable to, environmental pollution and contaminants based on twenty indicators. (OEHHA, CalEnviroScreen (June 2018), available at <https://oehha.ca.gov/calenviroscreen/maps-data> (last visited on January 6, 2021) (“CalEnviroScreen Map”).) CalEPA also uses CalEnviroScreen data to identify disadvantaged communities pursuant to Senate Bill 535 (2017). Disadvantaged communities are defined as the top 25 percent of scoring areas from CalEnviroScreen along with other areas with high amounts of pollution and low populations. (CalEPA, Designation of Disadvantaged Communities Pursuant to Senate Bill 545 (De León) (Apr. 2017), available at <https://calepa.ca.gov/wp-content/uploads/sites/6/2017/04/SB-535-Designation-Final.pdf> (last visited on Jan. 6, 2021).)

CalEnviroScreen identifies the community of Jacumba Hot Springs as falling in the 55-60th percentile (on a scale of 0-100) for low population communities disproportionately impacted by, or vulnerable to, environmental pollution. (CalEnviroScreen Map, available at <https://oehha.ca.gov/calenviroscreen/maps-data> (last visited Jan. 7, 2021).)

Further, the SB 535 Disadvantaged Communities Map does not identify Jacumba Hot Springs as a Disadvantaged Community based on the CalEnviroScreen data and SB 535 criteria because it does not rank in the top 25<sup>th</sup> percentile of census tracts with high amounts of pollution and low populations. (OEHHA, SB 535 Disadvantaged Communities (June 2018), available at <https://oehha.maps.arcgis.com/apps/View/index.html?appid=c3e4e4e1d115468390cf61d9db83efc4> (last visited on Jan. 6, 2021).) Accordingly, Jacumba Hot Springs does not meet some of the State’s criteria for a community disproportionately impacted by environmental pollution, while also facing socioeconomic and health challenges, and it does not qualify as a disadvantaged community.

Finally, it is worth noting that the Proposed Project’s operations would allow the avoidance of approximately 396,732 MT CO<sub>2</sub>e over its lifetime after subtracting the total greenhouse gas emissions generated by the Proposed Project’s construction and operation. The Proposed Project would provide a source of renewable energy for the region that would reduce pollution caused by nonrenewable energy production. In other words, the Proposed Project does not produce environmental pollution that would lead to environmental justice and public health concerns.

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