



JERRY SANDERS
MAYOR

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SAN DIEGO
COUNTY GRAND JURY

August 8, 2008

Honorable Kenneth K. So
Presiding Judge, San Diego Superior Court
220 West Broadway, Presiding Department
San Diego, CA 92101

Dear Judge So:

Subject: Response to San Diego County Grand Jury 2007-2008 report entitled "A Warmer World- A Challenge and An Opportunity"

In accordance with California Penal Code §933.05, the City of San Diego has thoroughly reviewed the May 22, 2008 Grand Jury Report and has prepared responses to each of the Findings and Recommendations contained therein.

The City greatly appreciates the efforts of the Grand Jury to review issues associated with climate change. The Report is essentially accurate regarding the City's actions to advance greenhouse gas (GHG) emission reduction. The City's response to the Findings and Recommendations serves to clarify the role of the City of San Diego, and the relationship to regional, State and national policies.

Please contact Chris Gonaver, Director, Environmental Services Department at (858) 573-1212 if you have additional questions.

Sincerely,

JERRY SANDERS
Mayor

cc: San Diego County Grand Jury
Chief Operating Officer
San Diego City Council
Deputy Chief, Community Services
Environmental Services Department Director
City Clerk
Administration Department Director

August 8, 2008

Honorable Kenneth K. So
Presiding Judge, San Diego Superior Court
220 West Broadway, Presiding Department
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Subject: Response to San Diego County Grand Jury 2007-2008 report entitled “A Warmer World- A Challenge and An Opportunity”

This letter provides responses to the Findings and Recommendations contained in the 2007-2008 Grand Jury Report of May 22, 2008.

PURPOSE of the STUDY

The purpose of the County Grand Jury Report (Report) was to call attention to the importance of addressing climate change impacts in the San Diego region, to review local government policies and practices regarding greenhouse gas (GHG) emission reduction, and to suggest options that may bring about favorable results. In doing so, the Report provided background on the actions taken thus far by the City of San Diego, including the Climate Protection Action Plan, U.S. Conference of Mayors’ Climate Protection Agreement, and the Conservation Element of the City’s General Plan.

DISCUSSION

In general, City staff found the Report to have accurate descriptions of the actions taken to reduce GHG emissions in the City. In the response to the Grand Jury Findings and Recommendations, the City has provided additional information to clarify its role as a component of other regional, State and national strategies.

Response to Grand Jury Findings

Finding #01: Local government has a responsibility to inventory global warming emissions in City operations and in the community at large, set reduction targets, create and implement an action plan.

(a)(2) Disagree partially with this Finding. The Facts presented in the Grand Jury Report identify the actions taken by the City of San Diego to inventory global warming emissions, set reduction targets and to create and implement an action plan. These include: 1) adoption of the Sustainable Community Program in January 2002; 2) adoption of the revised Climate Protection Action Plan in January 2004; and 3) including climate protection as a component of the Conservation Element of the General Plan. In addition, Mayor Jerry Sanders signed the U.S. Conference of Mayors’ Climate Protection

addition, Mayor Jerry Sanders signed the U.S. Conference of Mayors' Climate Protection Agreement that identifies a series of municipal commitments to reduce GHG emissions. At the State level, California is currently developing regulatory mandates associated with the Global Warming Solutions Act of 2006 (AB 32). This will likely impact local governments' responsibilities. While the City has been proactive in addressing climate protection, it may be more appropriate in certain cases for State and Federal legislation to provide a framework for local government actions. By so doing, it could ensure a consistent approach, rather than each municipality developing and implementing individual policies and procedures.

Finding #02: Regulations need to be in place in order to implement adopted policies and reduce the City's carbon footprint.

(a)(2) Disagree partially with this Finding. Regulations are one option to reduce greenhouse gas emissions. In contrast, the Federal and State governments have often relied on a voluntary approach. The City also has voluntary programs in place, such as the "Sustainable Building Policy" (Council Policy 900-14) and the associated Expedite Program for the private sector. However, in order to meet the GHG emission reduction target associated with AB 32, municipalities may have to use their authority to develop and adopt mandates that will more quickly advance GHG emission reduction. This may include "Green Building" codes and standards. It is important to note that many key GHG sources (e.g. reduce vehicle miles traveled, energy and water conservation, vehicle fuel efficiency) may require intercession by the Federal and/or State government.

Finding #03: Local policy makers should make better use of the expertise of the researchers and the accumulated scientific information that is available in the San Diego academic community.

(a)(1) Agree with this Finding. The City is increasing their level of coordination with UCSD, SDSU, Scripps Institution of Oceanography and nongovernmental organizations to develop a regional plan for climate change mitigation and adaptation.

Response to Grand Jury Recommendations

08-69: Review all policies, initiatives and resolutions listed in the Climate Protection Action Plan and strengthen them to include targets, benchmarks and timetables in order to meet the mandate of AB 32.

(b)(2) The Recommendation has not yet been implemented and will be implemented in the future, with the goal of meeting the timelines once established by the State.

Implementation Plan

There are three reporting pathways that the City has in place that will facilitate the review of policies and initiatives on a routine basis:

1. The City's Climate Protection Action Plan, approved in January 2004, includes a goal of achieving a GHG emission reduction of 15% below 1990 by 2012. This is more aggressive than that of the State, but does not extend beyond 2012. The inventories from 1990, 2004 and 2007 indicate that the City organization is closer to achieving the goal than the San Diego community. The data highlights those sources of emissions that will require additional attention.
2. Consistent with Public Resources Code Section 21081.6 and CEQA Section 15087 (b), the General Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP) requires that progress on implementation of General Plan policies be monitored through an annual General Plan Monitoring Report. The Monitoring Report also reports on progress toward meeting a set of Sustainable Community Indicators which were adopted by the City prior to the adoption of AB 32, but which include measures relevant to the AB 32 mandate. Climate protection measures are specifically addressed in the MMRP, and work is currently underway to develop specific actions to reduce GHG emissions for inclusion in the General Plan Action Plan and in the update to the City's Climate Protection Action Plan. Draft actions in the General Plan Action Plan include direction to amend the Land Development Code as needed to implement sustainability policies and to facilitate mixed-use village development.
3. The California Air Resources Board (ARB) is responsible for developing the priorities and guidance to establish objectives and milestones for AB 32. The draft document will be released in June 2008, and public comment will be allowed up until the November ARB meeting. In order to understand the implications to the region, the City of San Diego is coordinating a statewide summit for elected officials and key staff to review the ARB draft document and to develop recommendations. The meeting is scheduled for September 4, 2008.

08-70: Develop an education and outreach program to inform the public, schools, professional associations, business and industry, and other jurisdictions about what they can do to reduce pollution, which may contribute to GHG.

(b)(1) The Recommendation has been implemented.

The City has sponsored a number of public forums about climate protection and resource conservation during the past eight years, and new responsibilities under AB 32 may increase the need to further education and outreach efforts. The City of San Diego has taken a leadership role in the region to coordinate multi-jurisdictional workshops that are designed to provide "best in class" technical and policy recommendations. Examples include the July 12, 2007 Regional Summit, which was the first regional dialogue for elected officials and key staff on climate protection. San Diego State University co-hosted the event. The Regional Summit was followed by a staff workshop hosted by the City in November 2007. The City will also be coordinating a Statewide Summit in September 2008.

Staff funding is provided to the City for the “Green Schools” program, which is a component of the City’s Partnership Program with San Diego Gas & Electric and the California Public Utilities Commission. The program began in 2000 and the target audience is high school students. This is a four-part program that continues to raise awareness about the link between energy conservation and climate protection. The “Green Schools” program includes an in-class lecture, instructions on completing an energy audit, and the opportunity to assist with an energy efficiency project in the community at a qualified facility. Also associated with this is the annual Youth Forum, which is held in the Spring. Guest speakers include experts who can provide real-world case studies on the importance of climate protection. The Youth Forum is often televised on City TV.

Effective public education can also be the result of mandates and guidelines. Three examples include: 1) Guidelines for planning and development; 2) Building codes and standards; and 3) Council Meetings and Council Committee Meetings.

The General Plan specifically addresses sustainability and climate change through policies on: GHG emissions; air quality; transit/land use coordination; alternative modes of transportation; urban heat island; healthy, walkable communities; green buildings; clean technology industries; resource conservation and management; and urban forestry. The educational component is inherent, and it will be especially evident to those businesses/ companies that become part of a project review process.

Similarly, the City Council took an aggressive stance to reduce energy used in new buildings. The adopted policy calls for the City to “develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, to achieve net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings.” Public education is achievable through a phased-approach to mandatory codes and standards.

A third example is the ongoing public workshops on the General Plan Action Plan. The June 18, 2008 presentation to Land Use and Housing Committee is the most recent example of a public forum. The televised presentation on City TV made the information more accessible to many people.

08-71: Develop a formal structure whereby policy makers can interface with academia in order to develop policies that take into account all available options, technologies, and that are based in fact.

(b)(1) The Recommendation has been implemented.

The Conservation Element of the General Plan includes policies that address coordination with academia. Policy CE-A.3 is to "collaborate with climate science experts."

The most recent version of the Climate Protection Action Plan includes recommendations provided by the City Manager's Ad Hoc Advisory Committee. This committee was established specifically to enhance the then existing Climate Protection Action Plan and was disbanded after providing its input.

The City has initiated and actively participated in a number of roundtable discussions and policy forums with local academic institutions. As previously mentioned, the July 12, 2007 Regional Dialogue on Climate Protection was co-sponsored by San Diego State University and the City of San Diego.

Currently, one of the more successful coordination efforts is led by a nongovernmental entity, and is associated with the "2050 Study". The San Diego Foundation, in association with funding from the Bank of America, has commissioned UCSD to complete a detailed report about the effect of climate change on the San Diego region in 2050. City of San Diego staff are on the review committee.

In summary, the City of San Diego is taking action that is consistent with the recommendations of the County Grand Jury.

Please contact Chris Gonaver, Director, Environmental Services Department at (858) 573-1212 if you have additional questions.

Sincerely,



JERRY SANDERS

Mayor

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