

ENDANGERED HABITATS LEAGUE  
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

Letter  
X22



November 30, 2017

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**RE: San Diego County Climate Action Plan (SCH# 2016101055), Newland Sierra Project (SCH# 2015021036), and the CARB 2017 Climate Change Scoping Plan**

Dear Ms. Soffel and Ms. Smith:

Endangered Habitats League (EHL) wishes to supplement its comments on the draft Climate Action Plan (CAP) due to new and previously unavailable information released from the California Air Resources Board (CARB). That agency's revised October 27, 2017 Climate Change Scoping Plan (2017 Climate Change Scoping Plan) is highly pertinent to the County's own efforts. See: <<https://www.arb.ca.gov/cc/scopingplan/revised2017spu.pdf>>. As this new information also affects the proposed Newland Sierra project and its draft environmental impact report (DEIR), please submit this letter into the administrative record for that project.

X22-1

Please note that these comments are also submitted on behalf of California Native Plant Society San Diego Chapter, Environmental Center of San Diego, Escondido Neighbors United, Southwest Wetlands Interpretive Association, San Diego Audubon Society, Preserve Wild Santee, Buena Vista Audubon Society, and San Pasqual Valley Preservation Alliance. All our organizations respectfully request your consideration.

The 2017 Climate Change Scoping Plan identifies how the State may reach its 2030 climate change target to reduce GHG emissions by 40 percent below 1990 levels, and substantially advance towards the State's 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels. The 2017 Climate Change Scoping Plan seeks to integrate efforts already underway to reduce the State's GHG emissions. Given the importance of the 2017 Climate Change Scoping Plan's guidance in reaching the State's GHG emissions reductions goals, it is critical that the County analyzes its recommendations within the County's environmental review for the County's CAP and the Newland Sierra Project.

X22-2

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### Response to Comment Letter X22

**Endangered Habitats League  
Dan Silver, Executive Director  
November 30, 2017**

**X22-1** The comment provides introductory remarks about the commenting organization, Endangered Habitats League, and its interest in the CAP project as well as a project that is in process at the County's Planning & Development Services. The comment requests that the comment letter be included in the administrative record for both projects and notes that these comments are submitted on behalf of the California Native Plant Society San Diego Chapter, Environmental Center of San Diego, Escondido Neighbors United, Southwest Wetlands Interpretive Association, San Diego Audubon Society, Preserve Wild Santee, Buena Vista Audubon Society, and San Pasqual Valley Preservation Alliance. No further response is required.

**X22-2** The comment summarizes the intent of the 2017 Climate Change Scoping Plan (2017 Scoping Plan) prepared by the California Air Resources Board (CARB) and adopted on December 14, 2017. It also states the CAP should analyze the recommendations of the 2017 Scoping Plan. Please refer to comments below for specific responses. Please refer to Master Response 4 regarding the CAP's consistency with the 2017 Climate Change Scoping Plan. No further response is required.

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It is expected that this 2017 Climate Change Scoping Plan will be adopted in final form by CARB within the next few months, perhaps at CARB's December meetings.<sup>1</sup> Assembly Bill 398 directs CARB to update the Scoping Plan no later than January 1, 2018. Therefore, the new Climate Change Scoping Plan will be in effect before the County considers the proposed CAP and proposed Newland Sierra Project. Rather than simply waiting until after the County finalizes the EIRs for both projects, we submit this letter now to make sure that County staff is aware of all of the information regarding the Scoping Plan that must be included in the County's two EIRs. The relevant information is summarized below.

X22-2  
cont.

**I. VEHICLE MILES TRAVELED IS AN ESSENTIAL COMPONENT OF REDUCING GHG EMISSIONS**

**A. CARB Policy**

The 2017 Climate Change Scoping Plan states that VMT reduction serves as an essential part of GHG emissions reductions, enabling the State to meet its climate change goals:

Stronger SB 375 GHG reduction targets will enable the State to make significant progress toward the goal of reducing total light-duty VMT by 15 percent from expected levels in 2050, but alone will not provide all of the VMT reductions that will be needed. The gap between what SB 375 can provide and what is needed to meet the State's 2030 and 2050 goals needs to be addressed through additional VMT reduction measures.

(2017 Climate Change Scoping Plan at p. 116.)

The 2017 Climate Change Scoping Plan repeatedly emphasizes the importance of VMT reductions. (2017 Climate Change Scoping Plan at pp. 74 [VMT reductions result in important health benefits]; 113 [transportation sector reduction goals include: "Promote all feasible policies to reduce VMT, including: Land use and community design that reduce VMT; Transit oriented development".])

X22-3

With regard to local actions, the 2017 Climate Change Scoping Plan recognizes that local decisions to reduce VMT are necessary to achieve the 2030 target under SB 32:

While the State can do more to accelerate and incentivize these local decisions, local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under SB 32. *Through developing the Scoping Plan, CARB staff is more convinced than ever that, in addition to achieving GHG reductions from cleaner fuels and vehicles, California must also reduce VMT.* Stronger SB 375 GHG reduction targets will enable the State to make significant progress toward needed reductions, but alone will not provide the VMT

<sup>1</sup> The first draft of the Plan was released on January 20, 2017. [https://www.arb.ca.gov/cc/scopingplan/2030sp\\_pp\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf)

**X22-3** The comment summarizes policies and language included in the 2017 Scoping Plan related to the topic of vehicle miles traveled (VMT). The County acknowledges the summarized content and no additional response is required.

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growth reductions needed; there is a gap between what SB 375 can provide and what is needed to meet the State's 2030 and 2050 goals. In its evaluation of the role of the transportation system in meeting the statewide emissions targets, CARB determined that *VMT reductions of 7 percent below projected VMT levels in 2030 (which includes currently adopted SB 375 SCSs) are necessary. In 2050, reductions of 15 percent below projected VMT levels are needed. A 7 percent VMT reduction translates to a reduction, on average, of 1.5 miles/person/day from projected levels in 2030.* It is recommended that local governments consider policies to reduce VMT to help achieve these reductions, including: land use and community design that reduces VMT; transit oriented development; street design policies that prioritize transit, biking, and walking; and increasing low carbon mobility choices, including improved access to viable and affordable public transportation and active transportation opportunities. It is important that VMT reducing strategies are implemented early because more time is necessary to achieve the full climate, health, social, equity, and economic benefits from these strategies

(2017 Climate Change Scoping Plan at p. 150 [emphasis added].)

The 2017 Climate Change Scoping Plan makes clear that VMT reduction stands alone as separate and distinct from any plan for mitigating project GHG emissions impacts or other land use policies, including the potential for allowing the purchase of GHG emissions offsets and "offshore offsets." Because CARB is "more convinced than ever" that VMT reduction is necessary to achieve State GHG reduction targets, local land use decisions may not mitigate increased GHG emissions resulting from VMT generated by new development projects merely by implementing GHG reduction policies that do not also reduce projects' VMT. The 2017 Climate Change Scoping Plan does not allow for VMT mitigation through measures, such as purchasing offsets, that do not reduce projects' VMT.

**B. Climate Action Plan**

The CAP draft supplemental environmental impact report (DSEIR) fails to describe how the proposed action will affect San Diego County's overall VMT either by total miles or per person miles. Further, the DSEIR does not provide separate metrics for measuring VMT, nor does it describe how the CAP will impact the region as a whole. While the CAP analyzes GHG emissions impacts sector-by-sector within the County, it should provide an overall consideration of the impacts as a whole to accurately ascertain consistency with the 2017 Climate Change Scoping Plan, and compliance with Assembly Bill (AB) 32, Senate Bill (SB) 32, and other GHG reduction requirements. The DSEIR must provide this information.

For General Plan Amendments (GPAs) approved after the adoption of the CAP, the CAP proposes mitigating GHG impacts through the reliance on offsets that do not result in VMT reductions. GPAs would inherently produce GHG emissions over and above those considered in the General Plan and mitigated in the CAP. Similarly, any VMT from GPAs approved

X22-3  
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**X22-4**

The comment asserts that the 2017 Scoping Plan clearly identifies VMT reductions as "separate and distinct" elements of a plan for mitigating project GHG emission impacts. The commenter also asserts that because the 2017 Scoping Plan includes language related to VMT, that the County must not utilize carbon offset credits to reduce cumulative GHG emissions from GPAs. The County disagrees with this assertion for the following reasons.

The County has incorporated VMT reductions as a "separate and distinct" element of the CAP. The County agrees with CARB that "...local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under SB 32" and has included VMT reduction measures in line with the State's vision while accounting for the local, rural setting and land use patterns.

As reflected in the CAP, the County is committed to reducing VMT within its jurisdiction beyond VMT projections already accounted for in the Regional Plan. GHG Reduction Measures T-1.1 through T-1.3 specifically reduce VMT from planned developments either through elimination of development potential in more remote areas of the unincorporated county or through improved design of community plan areas. For example, a Community Plan Update could refine and change the land use designations within a certain community to establish a mixed-use village, increase density, or include specific roadway improvements that provide for enhanced multi-modal use. All of these actions within a Community Plan Update would serve to reduce VMT.

Other measures in the CAP focus on reducing commute VMT through transportation demand management and parking strategies, which will be required for certain types of projects that are implemented after the adoption of the CAP. In addition, GHG Reduction Measures T-1.1 and T-1.2 focus on conserving open space and agricultural lands and in turn limit future growth in the more remote areas of the county. The extinguished future development potential under these measures serves to eliminate VMT that would otherwise be generated from a developed land use. This reduction in development potential will result in VMT reductions above and

beyond those contemplated in the current Regional Plan and SB 375 targets and will also be reflected in future updates provided to SANDAG based on land use changes that occur in the unincorporated county.

The comment also contends that CARB's Scoping Plan does not allow use of carbon offset credits to mitigate projects' GHG emissions. This is not accurate. CARB's Scoping Plan states that "...it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits" where further project design or regional investments are infeasible or not proven to be effective (CARB 2017). The County acknowledges this in the framework of CAP Mitigation Measure M-GHG-1 whereby off-site mitigation, including purchase of carbon offset credits, would be allowed after all feasible on-site design features and mitigation measures have been incorporated. This is consistent with guidance in the Scoping Plan which does not prohibit use of carbon offset credits.

Regarding the reference to the 7 percent reduction below projected VMT referenced in the Scoping Plan, it should be noted that CARB identifies that as a *statewide* figure:

In its evaluation of the role of the transportation system in meeting the *statewide* emissions targets, CARB determined that VMT reductions of 7 percent below projected VMT levels in 2030 (which includes currently adopted SB 375 SCSs) are necessary (emphasis added)

While it is true that CARB discloses the VMT reductions they anticipate are needed beyond adopted SB 375 targets, they do not set these as reduction targets for local jurisdictions. The County's CAP follows CARB's recommendations on overall per-capita GHG reduction targets. The anticipated VMT reductions needed, as reported in the Scoping Plan, are based on statewide data and do not account for local context and land use patterns. In addition, there are regions of the State that are not within the jurisdiction of an MPO and do not have established SB 375 reduction targets. The San Diego region is exceeding its targets as described below. Moreover, CARB acknowledges that the guidance is voluntary when it states the following in the Scoping Plan (page 99):

While this guidance is provided out of the recognition that local policy makers are critical in reducing the carbon footprint of cities and counties, the decision to follow this guidance is voluntary and should not be interpreted as a directive or mandate to local governments.

Furthermore, as described in Master Response 2, SANDAG's analysis in the Regional Plan and associated CEQA documentation demonstrated that it would achieve a reduction of 15% in per capita GHG emissions from 2005 levels by 2020 (SANDAG was tasked by CARB to achieve a 7% reduction in per capita GHGs from passenger cars and light trucks by 2020), and 21% in per capita GHG emissions from 2005 levels by 2035 (SANDAG was tasked by CARB to achieve a 13% reduction in per capita GHGs from passenger cars and light trucks by 2035) from light-duty vehicles, thereby exceeding its SB 375 targets. The CAP includes GHG reduction measures that would serve to reduce VMT by 4% below projected amounts. Refer to Master Responses 2 and 6 for details on VMT reduction measures identified in the CAP. The comment will be included in the administrative record and provided to decision makers for consideration.

**X22-5**

The comment asserts that the Draft SEIR fails to describe how the CAP will affect the County's overall VMT, nor does it provide a metric for measuring VMT, nor does it describe how the CAP will impact the region as a whole. The County disagrees with these assertions. Please refer to Master Response 2 and response to comment X29-6 which addresses how the CAP is consistent with the County's 2011 GPU land use plan and SANDAG's regional planning efforts. The Draft SEIR evaluates the environmental impacts related to the implementation of the CAP's 11 strategies, 30 GHG reduction measures and supporting efforts. It should also be noted that there is no current requirement pursuant to CEQA to analyze VMT at this time. Senate Bill (SB) 743 was signed in 2013, requiring a move away from vehicle delay and level of service (LOS) under CEQA transportation analysis. It requires the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts. OPR identified VMT per capita, VMT per employee,

and net VMT as new metrics for transportation analysis and in November 2017 released a CEQA Guidelines update package. It is anticipated that regulatory language changes to CEQA will be adopted in 2018 by the Natural Resources Agency and that statewide implementation will occur on January 1, 2020. Nevertheless, as described in the response to X22-4 above, the CAP is committed to reducing VMT through numerous measures that are achievable and enforceable.

The comment also suggests that the Draft SEIR should provide an overall consideration of impacts “as a whole” to accurately ascertain consistency with the 2017 Scoping Plan, compliance with AB 32, SB 32, and other GHG reduction requirements. Please see Master Response 2. As stated above, the CAP will reduce VMT through its identified measures (see also response to X22-4). It is unclear what is meant by the comment suggesting that the Draft SEIR analyze how the CAP will impact the region as a whole. The Draft SEIR adequately describes the potential environmental impacts related to implementation of the CAP and its 11 strategies, 30 GHG reduction measures, and supporting efforts. The commenter does not provide specific examples of the Draft SEIR inadequately describing the environmental impacts, therefore no further response can be provided. The CAP establishes GHG emissions targets that are consistent with the State’s GHG emission reduction targets, therefore, the CAP is consistent with those regulations. The comment will be included in the administrative record and provided to decision makers for consideration.

**X22-6** The comment suggests that General Plan Amendments (GPAs) approved after the adoption of the CAP would result in additional GHG emissions above and beyond what was considered by the 2011 GPU and mitigated in the CAP and which cannot be mitigated through the use of carbon offset credits. The County disagrees with this assertion. As described on pages 2.7-36 through 2.7-41 of the Final EIR, CAP Mitigation Measure M-GHG-1 would require the use of a comprehensive mitigation program that would include onsite and offsite mitigation and could be supplemented as needed upon the exhaustion of all feasible mitigation, with carbon

offset credits. The mitigation program would result in no new net GHG emissions above what was considered by the 2011 GPU and would include all GHG emissions associated with project-related VMT. The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) supports the State's climate action goals to reduce GHG emissions through coordinated transportation and land use planning with the goal of more sustainable communities. The purpose of SB 375 is to reduce GHG emissions. The Final SEIR provides feasible mitigation through Mitigation Measure M-GHG-1 that would require GPAs to reduce their GHG emissions. The use of carbon offset credits is supported through previous case law as described in Master Response 12. Additionally, individual GPA projects would be evaluated for project-level VMT and consistency with the SCS at the time of discretionary review. Speculation regarding the level of impacts and whether impacts could be mitigated is not appropriate as the project-level analysis for these projects is not completed. Please also refer to response to comment X29-7. The comment will be included in the administrative record and provided to decision makers for consideration.

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subsequent to the CAP would be additive and must be appropriately mitigated. This cannot be achieved through the use of offsets alone.

**C. Newland Sierra Project**

The Newland Sierra Project’s DEIR does not describe how the development will affect San Diego County’s overall VMT either by total miles or per person miles. Although the Newland Sierra DEIR argues that a VMT analysis is not required, it provides a cursory analysis of the Newland Sierra Project’s VMT: it states that the Newland Sierra Project’s per capita VMT would be greater than the threshold for the County as a whole but less than the threshold for its rural subregion. Here, the appropriate metric would be the Countywide comparison, which corresponds to SANDAG’s jurisdiction and the area to which the RTP/SCS applies. Also, the higher VMT in the subregion than the County as a whole is indicative that the Newland Sierra Project is proposed in a rural area requiring long car trips, which is contrary to smart planning.

Similar to the CAP, the Newland Sierra Project mitigates approximately 82% of its GHG emissions through the use of offsets. The offset program will not result in VMT reduction, and therefore is inconsistent with the 2017 Climate Change Scoping Plan. Moreover, the Newland Sierra Project only proposes Project Design Features, not mitigation measures, aimed at reducing VMT, and is therefore inconsistent with the 2017 Climate Change Scoping Plan.

**II. THE CAP EIR AND THE NEWLAND EIR EACH MUST ANALYZE HOW THEY COMPLY WITH THE STATEWIDE METRIC FOR GHG EMISSIONS**

**A. CARB Policy**

As mentioned above: “CARB determined that VMT reductions of 7 percent below projected VMT levels in 2030 (which includes currently adopted SB 375 SCSs) are necessary. In 2050, reductions of 15 percent below projected VMT levels are needed. A 7 percent VMT reduction translates to a reduction, on average, of 1.5 miles/person/day from projected levels in 2030.” (2017 Climate Change Scoping Plan at p. 150.) CARB “also recognized that GHG determinations in CEQA should be consistent with the statewide Scoping Plan goals, and that CEQA documents taking a goal-consistency approach may soon need to consider a project’s effects on meeting the State’s longer term post-2020 goals.” (*Id.* at p. 151) As such, CARB has established that local decisions impacting VMT and GHG are key to meeting the State’s climate change goals.

**B. Climate Action Plan DEIR Deficiencies**

The CAP’s DSEIR does not provide information which compares how the CAP will result in GHG emission metrics that compare to the GHG metrics in the 2017 Climate Change Scoping Plan. In addition, the DSEIR does not indicate whether the CAP’s assumptions are consistent with the projected San Diego County population figures and projections used by CARB to derive the statewide metrics for per person GHG emissions.

The need for this information to be made available to the public is underscored by the fact that the CAP is a mitigation measure for the County’s General Plan Update from 2011,

X22-6 cont.

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**X22-7** The comment is related to a project that is currently being evaluated by the County’s Planning & Development Services Department and does not pertain to the adequacy of the Final CAP or Final SEIR. No further response is required.

**X22-8** The comment is related to a project that is currently being evaluated by the County’s Planning & Development Services Department and does not pertain to the adequacy of the Final CAP or Final SEIR. No further response is required.

**X22-9** The comment summarizes policies contained within the 2017 Scoping Plan related to VMT reductions that are required to meet the State’s goals. Please see Master Response 2. The County acknowledges the summarized content and no further response is required.

**X22-10** The comment asserts that the Draft SEIR does not provide information related to how the CAP’s GHG emissions metrics will compare to the 2017 Scoping Plan GHG emissions metric. It is unclear what the comment means by “GHG metrics” in the Scoping Plan. As described in Chapter 2 of the CAP and in Master Response 4 – GHG Baseline and Reduction Targets, the reduction targets and goal used in the CAP were prepared in a manner consistent with the methodology of CARB’s 2017 Scoping Plan. The Draft SEIR evaluates the physical impacts that would occur as a result of the implementation of the 11 strategies, 30 GHG reduction measures, and supporting efforts. Specifically, Chapter 2.7 GHG, evaluates the emissions impacts of implementing the CAP. It is unclear what type of comparison the commenter is describing. The comment will be included in the administrative record and provided to decision makers for consideration.

**X22-11** The comment asserts that the Draft SEIR does not indicate whether the CAP’s population assumptions are consistent with the statewide metrics used by the CARB in constructing per-person GHG emissions. The per-person GHG emissions metrics in the Scoping Plan are described by CARB as the statewide targets consistent with State goals. As described in Master Response 4, the CAP’s GHG reduction targets are aligned with CARB’s per-person GHG metrics. Chapter 2 and Appendix A to the CAP describe how GHG projections were developed. The projections are based on forecasted



population, employment, and housing data for the San Diego region. The Draft SEIR evaluates the physical impacts that would occur as a result of the implementation of the 11 strategies, 30 GHG reduction measures, and supporting efforts. The discussion of population methodologies is not a subject that would typically be evaluated in the Draft SEIR because it is not relevant to the analysis of physical environmental impacts. The comment will be included in the administrative record and provided to decision makers for consideration.

**X22-12** The comment states that the population comparison referenced above in response to comment X22-11 is important because the 2011 GPU utilized population assumptions that are different than that which the CAP used. The CAP uses growth projections from the 2011 GPU, with the only exception being GPAs that have been *approved* since the adoption of the 2011 GPU. Other GPAs that have not been approved were included in the cumulative impact analysis of the Draft SEIR, and appropriate mitigation was then identified. The CAP does not presuppose any of the GPAs to be approved or not approved; it merely includes them as “reasonably” foreseeable in line with how the CEQA Guidelines requires cumulative project analysis to be presented. The CAP projections do not include GPAs that have not been adopted by the decision-makers. In-process and future GPAs represent reasonably foreseeable probable future projects that need to be evaluated in the context of cumulative impacts. These impacts are discussed in the Chapter 2.7 of the SEIR. The comment will be included in the administrative record and provided to decision makers for consideration.

which assumed the amount of growth planned for within the General Plan. By contrast, the current proposed version of the County's CAP contemplates additional GPAs, which would add population and associated GHG emissions on top of the amounts planned for in the 2011 General Plan as adopted. The CAP's DSEIR must fully analyze the additional population and GHG emissions that are now going to be authorized by the latest proposed CAP. In addition, the CAP DSEIR must analyze whether GPAs that exceed the metric set forth in CARB's 2017 Climate Change Scoping Plan may nonetheless be "cured" by the purchase of offsets without separate VMT mitigation.

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**C. Newland Sierra Project DEIR Deficiencies**

The Newland DEIR does not provide information which compares how the development will result in GHG emissions that compare to the GHG metrics in the 2017 Climate Change Scoping Plan. Also, the DEIR does not indicate whether the DEIR's assumptions are consistent with the projected San Diego County population figures and projections used by CARB to derive the Statewide metrics for per person GHG emissions. The Newland Sierra Project is unplanned growth that was not accounted for in the County's General Plan. Because SANDAG's RTP/SCS is based on the County's General Plan land uses, new emissions and VMT from the Newland Sierra Project were not considered therein, and additional analysis is required. It is unclear whether Newland's approximately 6,000 new residents will meet the RTP/SCS metric, or if there will be greater emissions. The DEIR must state whether or not the metric may be exceeded but "cured" by the purchase of offsets without separate VMT mitigation. It must also analyze whether the Project's VMT will comply new Statewide metrics and allow SANDAG to comply with them.

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**III. THE CAP DSEIR AND NEWLAND DEIR MUST ANALYZE HOW THEY COMPLY WITH SENATE BILL 375 COMPLIANCE EFFORTS**

**A. CARB Policy**

The 2017 Climate Change Scoping Plan describes the compliance efforts and GHG reductions from SB 375 and CARB's recently released targets<sup>2</sup> for Metropolitan Planning Organizations (MPOs) such as SANDAG:

Local land use decisions play a particularly critical role in reducing GHG emissions associated with the transportation sector, both at the project level, and in long-term plans, including general plans, local and regional climate action plans, specific plans, transportation plans, and supporting sustainable community strategies developed under SB 375.

(2017 Climate Change Scoping Plan at p. 150.)

Further, CARB recently proposed new GHG emissions reduction targets for MPOs in order to reach the Statewide SB 375 GHG emission reduction targets. The targets are currently

X22-14

<sup>2</sup> Available at: [https://www.arb.ca.gov/cc/sb375/final\\_staff\\_proposal\\_sb375\\_target\\_update\\_october\\_2017.pdf](https://www.arb.ca.gov/cc/sb375/final_staff_proposal_sb375_target_update_october_2017.pdf).

**X22-13** The comment is related to a project that is currently being evaluated by the County's Planning & Development Services Department and does not pertain to the adequacy of the Final CAP or Final SEIR. No further response is required.

**X22-14** The comment summarizes a policy from the 2017 Scoping Plan related to compliance with SB 375 and describes how regional GHG emissions targets have been established for the San Diego Association of Regional Governments (SANDAG) as a result of the legislation. The commenter asserts that because of the County's unique rural land use pattern, new development is likely to result in additional VMT which would be inconsistent with SANDAG's targets. Consistency of the CAP with SB 375 and the relationship between the countywide analysis and SANDAG's data are described at length in Master Response 2. Please refer to Master Response 2.

The comment further makes reference to CARB's proposed updates to GHG emissions reduction targets under SB 375. CARB's proposal for updated targets is currently in draft form and has not been adopted. Consequently, an updated analysis demonstrating consistency with the draft targets is not available. The CAP appropriately relies on the currently adopted San Diego Forward: The Regional Plan (SANDAG) that has been determined to be consistent with SB 375 targets by CARB. Moreover, SANDAG's analysis in the Regional Plan and associated CEQA documentation demonstrated that it would achieve a reduction of 15% in per capita GHG emissions from 2005 levels by 2020 (SANDAG was tasked by CARB to achieve a 7% reduction in per capita GHGs from passenger cars and light trucks by 2020), and 21% in per capita GHG emissions from 2005 levels by 2035 (SANDAG was tasked by CARB to achieve a 13% reduction in per capita GHGs from passenger cars and light trucks by 2035) from light-duty vehicles, thereby exceeding its SB 375 targets. The CAP proposes a rigorous implementation and monitoring component whereby the County will prepare a CAP update every 5 years beginning in 2025. Updated SB 375 targets, once adopted, and SANDAG's updated analysis will be incorporated in future CAP updates. Please refer to Master Response 6 for details on actions being taken by the County

to reduce VMT. The comment will be included in the administrative record and provided to decision makers for consideration.

slated to take effect in 2018. SANDAG originally recommended a seven percent GHG emissions reduction in 2020 and a thirteen percent GHG emissions reduction in 2035 relative to 2005 emissions. SANDAG now proposes an 18 percent reduction target in 2035 relative to 2005 emissions. SANDAG's current RTP/SCS anticipates cities will continue to grow within existing urban boundaries, bringing people and destinations closer in mixed-use, compact communities that facilitate walking and transit use. SANDAG anticipated the additional GHG reductions would need to come from increasing the cost of driving and the number of zero-emission passenger vehicles, which CARB noted are outside the control of SANDAG and SB 375. CARB recommended a SB 375 target of 15 percent in 2020 and 21 percent in 2035, three percentage points higher than SANDAG's target recommendation due to CARB's quantification of the potential for additional land use and transportation strategies. Of note, CARB's targets for SANDAG (which has jurisdiction that is coterminous with County boundaries) are higher than other regional MPO targets, which indicates SANDAG's GHG emissions reduction efforts must go over and above efforts in other parts of the State. VMT reduction within the unincorporated County, therefore, takes on particular importance. Because of the unincorporated County's rural nature, new development there is likely to add more VMT than new development in the incorporated cities. Allowing unplanned sprawl development in the unincorporated County would thwart efforts throughout the County (SANDAG's jurisdiction) to reduce VMT consistent with SB 375 and CARB's new targets.

**B. Climate Action Plan**

The CAP must take into account how its adoption may affect SANDAG's ability to adopt a new RTP/SCS that complies with CARB's new targets. Given the increase in reductions from San Diego County under the new SB 375 targets, CARB has indicated that it believes San Diego County has additional work to do to reduce GHG emissions in order to ensure the State reaches its climate change goals. The CAP DSEIR should analyze how the CAP helps or hinders reaching SANDAG's targets, as it cannot merely assume that SANDAG will meet them.

The CAP DSEIR must identify how the CAP and its various alternative strategies and mitigation measures will affect regional compliance with CARB's updated targets, as well as regional VMT. The County's DSEIR fails to do so. Therefore, the public has not been given crucial information as to how the mitigation measures and alternatives in the proposed CAP will affect the SB 375 regulatory regime. The California Supreme Court recently overturned a local agency's project approval for similarly failing to identify potential environmentally sensitive habitat areas (ESHA) under the California Coastal Act, and account for those areas in their analysis of the project's mitigation. (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918.) The Court concluded the absence of ESHA information failed to provide decision makers with the necessary information on a proposed project, although ESHA impacts were outside of the city's purview. Consistent with the new *Banning Ranch* decision, the CAP DSEIR must identify and analyze how it complies with State regulations which inform the CAP DSEIR's implementation of GHG mitigation measures.

Under *Banning Ranch*, it is crucial that an EIR on a project present information on how "related regulatory regimes" may apply to the proposed project, such as how the various mitigation measures and alternatives may help the County reach compliance with other related regulatory requirements such as SB 375 and CARB's updated GHG emission reduction targets

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**X22-15** The comment states that the CAP and Draft SEIR should evaluate how the CAP may affect the ability of SANDAG to reach its updated regional GHG emissions reduction targets. As stated in response to comment X22-14, the updated targets are in draft form and have not been adopted by CARB. It would be speculative for the County to contemplate SANDAG's future actions to achieve these yet to be adopted targets and the CAP's effect on the process until the rulemaking process is complete. As stated in response to comment X22-14, the CAP will incorporate SANDAG's analysis in compliance with updated SB 375 targets, once adopted, in future CAP updates. The comment also alleges that CARB has indicated that it believes San Diego County has additional work to do to reduce GHG emissions the State reaches its climate change goals. The commenter provides no reference to where this statement was made. Please refer to Master Response 2.

**X22-16** The comment states that the CAP and Draft SEIR should address how the GHG reduction measures affect the ability of SANDAG to meet regional GHG emissions reduction targets and the lack of this information deprives the public of the ability to comment on such information. Please refer to Master Response 2, response to comment X22-14, and response to comment X22-15.

It also states that the County "should be able to provide such information regarding VMTs to accurately disclose how the CAP will affect SANDAG's RTP/SCS process given the proposed land uses under the CAP." The commenter is again mistaken in their interpretation of what the CAP fundamentally does (reduces GHG emissions from existing planned development based on the 2011 GPU and existing County operations) and how the MPO and its RTP/SCS interfaces with the existing 2011 GPU land uses. The commenter is again encouraged to review Master Response 2.

Additionally, the comment refers to the case of *Banning Ranch Conservancy v. City of Newport Beach*, 2 Cal. 5<sup>th</sup> 918 (2017), in support of its statement that the Draft SEIR must analyze how the CAP will affect the ability of SANDAG to meet SB 375 targets. The *Banning Ranch Conservancy* case addressed the City of Newport Beach's failure to analyze the environmental

impacts of a development project, and the City's improper reliance upon the argument that those impacts would be considered during a subsequent permit application to a different agency. By contrast, the CAP does not propose any changes to land use, and is consistent with the RTP/SCS. Please refer to Master Response 2. Furthermore, as stated above, any proposed GPAs would be reevaluated for project-level VMT and consistency with the SCS at the time of discretionary review.

Finally, the commenter suggests that the Draft SEIR must provide a description of consistency with environmental review and consultation requirements. Consistency of the CAP with existing environmental review requirements is found within each environmental topic issue area throughout the Final SEIR. The commenter does not provide examples where the Final SEIR is inadequate with regard to this topic, therefore no specific response can be provided. Please see response to comment X22-4 related to the issue of evaluating VMTs and SANDAG's GHG emissions targets. The comment will be included in the administrative record and provided to decision makers for consideration.

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for SANDAG. In *Banning Ranch*, the Supreme Court stated that “[a]n EIR project description must include “[a] list of related environmental review and consultation requirements [found in] federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.” Failure to present this information results in an information deficiency in the DSEIR, and the County should be able to provide such information regarding VMTs to accurately disclose how the CAP will affect SANDAG’s RTP/SCS process given the proposed land uses under the CAP.

Further, the County’s General Plan itself requires collaboration with local and State agencies, including SANDAG. General Plan Policy COS-20.3 states that the County must “[c]oordinate air quality planning efforts with federal and State agencies, SANDAG, and other jurisdictions.” Therefore, the County should collaborate with SANDAG to analyze consistency with the updated targets in the DSEIR.

**C. Newland Sierra Project**

The Newland Sierra Project fails to meet SANDAG’s current per capita VMT threshold and will generate new VMT that was not included in SANDAG’s adopted 2015 RTP/SCS, which was based on the assumption that the County would not approve a new urban level of development on the Newland site. In the new 2017 Updated Scoping Plan, CARB has indicated that VMT in San Diego County must be further reduced to comply with SB 375. As a result, if the County were to approve the Newland Sierra Project with its unplanned additional VMTs and the amount of VMT’s per person, the County’s action would cause the San Diego County region to fall short of SANDAG’s updated total VMT and per capita VMT reduction goals set forth in the adopted 2015 RTP/SCS and likely as well the upcoming 2020 RTP/SCS now be being prepared by SANDAG.

The Newland Sierra Project DEIR falls victim to many of the same errors as the CAP DSEIR. The Newland DEIR has failed to present information on how the Project will impact cumulative County-wide VMT averages. The DEIR merely discusses VMT, and provides information on the unincorporated County and the project’s subregion, without providing information on how the Project will impact the overall averages for the County, and therefore whether or not the Project will help or hinder the County in reaching its VMT reduction goals recommended by CARB. Under *Banning Ranch*, the County cannot simply leave this analysis for SANDAG to figure out how it will meet the required targets. Further, based on the limited analysis provided in the Newland DEIR, it appears that the Project would increase the County’s overall per person VMT because it exceeds the County’s VMT threshold. This would make it more difficult to comply with SB 375 and CARB’s new targets, making it even more important that the DEIR analyze the Project’s impacts on SANDAG’s ability to comply with SB 375. The County should have coordinated with SANDAG to ensure the required analysis took place. It does not appear the County has done so, and instead presents the Newland Sierra Project’s approval as *fait accompli*, whether or not it allows SANDAG to actually meet its regional GHG and VMT reduction requirements.

X22-16  
cont.

X22-17

X22-18

**X22-17:** The comment suggests that the County is required to collaborate with local and State agencies, including SANDAG. Please refer to Master Response 2. The regional MPO does not have control over each jurisdiction’s land use planning or the designation of land uses. As detailed in Master Response 2, concerning the relationship between the County’s land use plans and the Regional Plan, the County provided SANDAG land use forecasts based on the GPU, which SANDAG then incorporated into the adopted Regional Plan. SANDAG uses these land use forecasts to determine VMT projections within the region. The County coordinates closely with SANDAG on regional efforts. Again, the CAP does not change any land uses within the County and provides 30 measures to reduce approximately 900,000 MTCO2E by 2030, which further helps the MPO reach their mandated targets.

**X22-18:** The comment is related to a project that is currently being evaluated by the County’s Planning & Development Services Department and does not pertain to the adequacy of the Final CAP or Final SEIR. The County has not approved the project, as suggested by the comment. No further response is required.

**IV. THE CAP DSEIR AND THE NEWLAND DEIR MUST ANALYZE ENVIRONMENTAL JUSTICE IMPACTS**

**A. CARB Scoping Plan**

CARB's 2017 Climate Change Scoping Plan rejects reliance on "offshore offsets" as a primary means for GHG mitigation. CARB explicitly recommends prioritization of on-site design features to reduce GHG emissions and direct investment in GHG reduction within a project's own region in order to achieve co-benefits. CARB also emphasizes the need for project features that reduce VMT and planning new development with access to affordable transit opportunities:

To the degree a project relies on GHG mitigation measures, *CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally.* For example, on-site design features to be considered at the planning stage include land use and community design options that reduce VMT, promote transit oriented development, promote street design policies that prioritize transit, biking, and walking, and increase low carbon mobility choices, including improved access to viable and affordable public transportation, and active transportation opportunities.

(2017 Climate Change Scoping Plan at p. 152 [emphasis added].)

In addition to its focus on on-site features to reduce GHG emissions and VMT, CARB provides examples of regional investment to reduce VMT that also create jobs and benefit the local economy. These include "local building retrofit programs that can pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project." (2017 Climate Change Scoping Plan at p. 152.) Other examples include "financing installation of regional electric vehicle (EV) charging stations, paying for electrification of public school buses, and investing in local urban forests." (*Ibid.*) Further, the 2017 Climate Change Scoping Plan recognizes that VMT and GHG emissions reductions are an environmental justice issue, as the Environmental Justice Advisory Committee recommended that CARB restrict sprawl and examine regional transportation issues. (*Id.* at p. 25.)

Finally, CARB emphasizes that offset investments cannot merely pay lip service to GHG reduction, but must provide clear evidence of follow through and monitoring to make sure such reductions are achieved: "Local direct investments in actions to reduce GHG emissions should be supported by quantification methodologies that show the reductions are real, verifiable, quantifiable, permanent, and enforceable." (2017 Climate Change Scoping Plan at p. 152.) Only if project design features and regional investments are found "infeasible" should a lead agency consider mitigation through retiring carbon credits. (*Ibid.*) CARB's emphasis on GHG

X22-19

X22-20

**X22-19:** The comment asserts that the 2017 Scoping Plan rejects the use of "offshore offsets" as a primary means for GHG mitigation. The comment summarizes language within the 2017 Scoping Plan related to this topic as well as CARB's policy statement regarding the preferred inclusion of project design features that reduce VMT by providing access to affordable transit opportunities. Please see Master Response 3 on opportunities for the County to implement local direct investment projects. The County acknowledges this information and no response is required. The comment will be included in the administrative record and provided to decision makers for consideration.

**X22-20:** The comment summarizes CARB's 2017 Scoping Plan language related to the appropriate use of carbon offset credits as a mechanism to mitigate GHG emissions and asserts that the language utilized by CARB emphasizes the importance of the use of on-site project design features and direct investments in regional offsets prior to the use of retired carbon credit offsets. The County acknowledges this mitigation hierarchy and refers the commenter to Master Response 3 related to local direct investments and Master Response 12 related to the appropriate use of mitigation and carbon offset credits. The comment will be included in the administrative record and provided to decision makers for consideration.

reductions through on-site features and direct investment within a project's region is an important public policy and environmental justice issue and should not be discarded lightly.

X22-20  
cont.

**B. Climate Action Plan**

The CAP fails to meet CARB's criteria for GHG mitigation as described above. As described in EHL's prior comments on the draft CAP, as an *initial* measure, all GPAs should attain a minimum threshold of VMT reduction, for example, at least achieving compliance with regional RTP/SCS VMT reduction targets. While *after* this, offsets might be considered, the CAP provides only a loose priority system for availability of offsets and sets no criteria for a project's analysis of feasibility of on-site reduction activities or regional direct investment. In fact, the CAP does not even disclose whether or to what extent projects exist in San Diego County that would be candidates for local direct investment. As a programmatic document, the County's CAP should provide clear guidance for subsequent project-specific analyses regarding the availability of local direct investment opportunities. The CAP should also require a clear finding of infeasibility, based on up-front standards, for additional on-site measures before a project moves to local direct investment and a clear finding of infeasibility, based on up-front standards, for local direct investment before moving to more distant or "offshore" offsets.

X22-21

In addition, the CAP does not provide criteria for GPA projects relying on offsets to demonstrate with substantial evidence that reductions are "real, verifiable, quantifiable, permanent, and enforceable." In fact, the CAP lacks provisions requiring that the County as lead agency be a party to any contract relating to offsets or that clarifying the duties of any entity providing such offsets.

The CAP's loose priority structure would allow a project to move forward with 100% "offshore offsets" with little or no certainty that any would ever be achieved. This failure only serves to deprive the citizens of San Diego County of the economic opportunity brought by local direct investment and the health and air quality co-benefits of on-site GHG emissions reductions and local direct investment. This ignores sound public policy and environmental justice. Further, County roadways could become even further clogged with traffic due to greenfield developments that add GHG emissions and VMT while relying on "offshore offset" projects for mitigation.

**C. Newland Sierra Project**

The Newland Sierra DEIR repeats and builds upon many of the CAP's failings with allowing 100% "offshore offsets" while polluting San Diego County air and adding to San Diego County traffic congestion in exchange for a vague and unenforceable promise to seek GHG reduction activities across the globe. Newland Sierra fails to account for environmental justice in its analysis, and instead proposes a project that would result in greater sprawl rather than more infill development located near transportation hubs. Also, the use of offsets as an apparent replacement for specified on-site mitigation measures to reduce the Project's GHG emissions impacts contradicts the 2017 Climate Change Scoping Plan's emphasis on VMT reductions in order to "contribute potential air quality, health, and economic co-benefits locally." (2017 Climate Change Scoping Plan at p. 152.) The Newland Sierra Project's proposed offset scheme will not reduce the Project's overall VMT, and therefore cannot provide the necessary co-

X22-22

**X22-21:** The comment asserts that the CAP should establish a minimum VMT threshold for all GPA projects, as included in previously submitted comments. The County disagrees and refers the commenter to responses to comment letter O22 related to this topic. To the commenter's second point related to the potential for use of local direct investments, the commenter confuses the County's potential to invest in projects related to GHG Reduction Measure T-4.1 and the ability of GPA projects to use carbon offset credits as may be required under CAP Mitigation Measure M-GHG-1. Please refer to Master Response 3 related to local direct investments and Master Response 12 related to the use of carbon offset credits. Please also refer to Attachment H3, the Preliminary Assessment of the County of San Diego Local Direct Investment Program. The comment will be included in the administrative record and provided to decision makers for consideration.

**X22-22:** The comment is related to a project that is currently being evaluated by the County's Planning & Development Services Department and does not pertain to the adequacy of the Final CAP or Final SEIR. No further response is required.



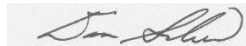
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benefits to the area's health and economy. The DEIR should require real investment in on-site GHG reductions to "generate real demand side benefits and local jobs." (*Ibid.*) Before resorting to the use of offsets, the Newland Sierra DEIR should consider and analyze the options outlined in the 2017 Climate Change Scoping Plan. Further, the Newland Sierra Project is proposed far from any existing or planned transit infrastructure and fails to provide any meaningful proposal to eliminate long automobile trips necessitated by sprawl development.

Newland's proposal is contrary to the public policy and environmental justice principles emphasized in the 2017 Climate Change Scoping Plan. The Newland Sierra Project would set a low bar for efforts in San Diego County and across the State to reduce GHG emissions by opening the floodgates to greenfield development based on vague and unenforceable promises of developers purchasing carbon credits overseas. CARB's emphasis on GHG reduction through VMT reduction followed by on-site measures and local direct investment sets a path forward for responsible balancing of development and GHG emissions reduction. The net zero concept must not become a paper tiger that shirks California's and San Diego County's commitment and responsibility as leaders in the fight to curb the effects of global climate change. The goal should be a carbon efficient economy *in San Diego*.

Thank you for your time and attention to these comments. Please include them in the CAP's administrative record and the Newland Sierra Project's administrative record, and please provide response to the points raised above. While the public comment periods for both the CAP's DSEIR and Newland DEIR have closed, this important development in State and regional GHG emissions and VMT reduction efforts was not available previously and warrants additional comment and response at this time. As always, we would look forward to collaborating with you on solutions. Please do not hesitate to contact me with questions or comments.

Yours truly,



Dan Silver  
Executive Director

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Environmental Center of San Diego

Laura Hunter  
Escondido Neighbors United

NeySa Ely  
San Pasqual Valley Preservation Alliance

Jim Peugh  
San Diego Audubon Society

X22-22  
cont.

X22-23

**X22-23:** The comment provides closing comments and requests that the comment letter and responses be included in the administrative record. No further response is required.

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Van Collinworth  
Preserve Wild Santee

Natalie Shapiro  
Buena Vista Audubon Society

Frank Landis  
California Native Plant Society  
San Diego Chapter

Mike McCoy  
Southwest Wetlands Interpretive  
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X-22-23  
cont.