July 21, 2021

City of San Diego
Planning Department
9485 Aero Drive, M.S. 413
San Diego, CA 92123
Via Email: planning@sandiego.gov

Subject: Climate Action Campaign recommendations for the Clairemont Community Plan Update

Dear Planning Department,

Climate Action Campaign (CAC) is a non-profit organization based in San Diego and Orange County with a simple mission: stop the climate crisis through effective policy action.

The City has an opportunity to make great strides in reaching its Climate Action Plan (CAP) goals with the adoption of a Clairemont Community Plan Update (CPU) that couples climate strategies and a specific plan to bring clean air and water, safe streets, affordable housing near transit, and economic benefits to residents and businesses in Clairemont.

Before we share our recommendations, we would like to highlight our disappointment that the City has not provided mode share data for the Clairemont CPU. We requested this data well in advance of the original July 21 comment period deadline, but did not receive it in time to incorporate in our analysis of the CPU. Unfortunately, this continues a long pattern and practice of the City not disclosing community specific mode shift projections to meet our legally binding CAP goals. If the CPU fails to meet the CAP's mode shift targets, how will the City meet its goals?

We have also attached our 2016 letter addressed to the City regarding our concerns over the CPUs in San Ysidro, North Park, Uptown and Golden Hill. Those CPU EIR's failed to ensure the necessary CAP consistency. We remain concerned that the City continues to fail in centering the CAP in key planning and land use documents—such as CPUs with regards to mode shift—and setting itself up for failure to meet its legally binding CAP goals.

We hope the City will take a different approach, disclose the mode share data with the community, and properly integrate this vital information into the CPU process in Clairemont and other communities.

Below are our recommendations for the Clairemont CPU:

Share Existing and Projected Mode Share Data for the CPU

Unfortunately, the City has yet to provide the existing and projected mode share data for the Clairemont CPU. This information is critical to ensuring the City can plan and meet it's legally binding CAP transportation goals within Clairemont. We urge the City to end its long practice of withholding mode share data from the community until the very end of the CPU process. The community must have this information early on in the planning process to make informed and fact-based decisions.

Set Specific Mode Share Targets for the CPU

Chapter 3 of this CPU, addresses how the envisioned Mobility Element update will allow all modes of transportation to play a role in serving the travel needs of the community. However, while plans such as "Vision Zero" and "Bicycle Boulevards" are worthwhile actions, the CPU does not commit to specific mode share targets.

As a long range planning document, the city needs to ensure that the Clairemont CPU sets specific targets for mode shift, and plans accordingly to achieve those targets in alignment with the CAP. The Clairemont CPU should integrate MTS and SANDAG plans, projects and programs to set aggressive mode share targets tailored to Clairemont's local context, and include strategies to meet them. We also recommend setting higher overall targets for pedestrian, bicycle, and mass transit mode shares.

Additionally, the City must deploy strategies that will actually induce mode shift from driving to biking and walking. Figure 3-2: Planned Bicycle Network includes the development of more Class I-IV bike facilities. However, Class II bike facilities, which are striped bike lanes without a physical barrier, do not increase ridership as much as physically protected bike lanes. Research shows that better safety outcomes for all road users, especially bicyclists, are associated with a greater prevalence of bike facilities—particularly protected and separated bike facilities—and that high-bicycling-mode-share cities are safer for all road users.[1]

To create bikeable and walkable neighborhoods, increase bike ridership, and secure safer streets for all, we recommend prioritizing protected and/or separated bike infrastructure. That means only installing Class I or Class IV bike facilities.

Include Smart Land Use Policies with Affordable Housing Near Transit

Clairemont is near high job and high opportunity areas, and located between two major employment centers, Downtown San Diego and University Town Center (UTC). It is critical that the CPU take advantage of its proximity to high opportunity and employment centers by developing a higher percentage of deed restricted and naturally affordable housing. An increase

[1] Wesley E. Marshall, Nicholas N. Ferenchak, "Why cities with high bicycling rates are safer for all road users," *Journal of Transport & Health*, Volume 13, 2019, https://www.sciencedirect.com/science/article/abs/pii/S2214140518301488?via%3Dihub

of affordable housing will help desegregate communities and provide more access to opportunities and upward social mobility.

Currently, LU-2 and LU-3 read respectively “Promote the inclusion of affordable housing in a variety of building designs (e.g. townhomes, duplexes, apartments, rowhomes, etc.) with market rate housing for multi-family and mixed-use development” and “encourage affordable home ownership opportunities for moderate income buyers.” However, the CPU does not currently include strategies that advance the development of affordable housing near the City’s transit priority areas and high-frequency bus lines.

A recent report found that the Clairemont Drive station is the third most underutilized transit station in San Diego.[2] The CPU must prioritize developing high density affordable housing, commercial, and employment centers near train stations and mobility hubs. Building affordable housing near transit is a key climate and equity strategy to reduce VMT and GHG emissions. We recommend the Clairemont CPU permit more housing and include strategies to increase affordable housing development near transit.

Increase the Dwelling Units Per Acre, Decrease Onerous Design Standards

Currently, Table 2-1: Land Use Designation illustrates that the residential density, dwelling units per acre (DU/AC) ranges from 0-109 DU/AC in just two residential areas. However, in order to permit the development of more sustainable, deed-restricted, and naturally affordable housing, the CPU needs to increase the DU/AC in all areas. We suggest that each residential area in Transit Priority Areas (TPA’s) have a minimum of 120 DU/AC, and all single family zoned areas be permitted to split lots and develop duplexes, triplexes and fourplexes.

This CPU should also avoid onerous design standards that create barriers in developing dense, affordable housing near transit. For example, under the Community Core Density and Building Height section, SDR-4 reads “Building height shall transition under an established 45-degree angled building envelope plane sloping inward from the first 30 feet of a structure to the maximum structure height, along a major street facing opposite to residentially zoned property.” We recommend that the Clairemont CPU allow for more flexibility and increase the maximum structure height of new developments near TPA’s, which will allow for more market and affordable housing.

Set a CPU-Specific Affordable Housing Requirement

It is essential that the City’s CAP goals align with its density and affordable housing programs. This CPU does not address the need for inclusionary housing development. Currently, Rose Canyon Gateway Village is the only section that mentions incorporating a minimum percentage of affordable housing development. Currently, this CPU prioritizes low density single family

[2] Joe Bettles, “Land Use Policy for a More Sustainable San Diego” March 31, 2021 http://sdgpolicyinitiative.org/transit_bettles/

zoning and commercial use development over high density inclusionary housing development, specifically near transit areas. Again, infill, upzoning, and affordable housing development in smart growth areas need to be incorporated into every aspect of the land use and urban design policy.

A robust Clairemont-specific Inclusionary Housing Program is a strategy that can address affordable housing and achieve balanced communities with housing available for households of all income levels. We recommend that the Clairemont CPU set robust density targets and inclusionary housing requirements in different neighborhoods to increase affordable housing development.

Another strategy to increase the development of affordable housing are Community Land Trusts (CLTs). CLTs are non-profit organizations that work with many community partners, including city governments, housing developers, and other non-profits to buy market-rate properties and then rent or sell them to residents as permanently affordable housing. The goal of CLTs is to secure land in which affordable housing can be built and preserved for generations. We recommend the CPU explore CLT as a housing strategy.

Adopt More Robust Carbon Sequestration Measures and Green Infrastructure Strategies

Clairemont has an opportunity to help the City of San Diego reach its commitment to a 35% urban tree canopy cover by 2035 and boost tree canopy coverage in communities of concern first as a key equity strategy.

We applaud UD-9 reads “Design green streets to incorporate improvements which could include enhanced pedestrian and bicycle facilities; canopy street trees; and storm water features that increase absorption of storm water, urban runoff, pollutants, and carbon dioxide, suitable to each green street type”. However, this CPU must include more robust green infrastructure strategies to sequester carbon and deliver environmental, social, and economic benefits to Clairemont. We recommend that this CPU commit to a quantifiable tree canopy coverage target by planting and caring for drought-tolerant shade trees that can meet the City’s CAP 35% tree canopy target.

Clairemont should also adopt an adaptation measure to develop a holistic green infrastructure plan. A Green Infrastructure Plan can include strategies that preserve or restore natural lands in Clairemont’s many canyons, implement green streets using techniques such as street trees, permeable pavements, bioretention and swales, and retrofit policies for public and private properties that promote projects such as green roofs.

Center and Strengthen Equity in the CPU

Climate change hits hardest in communities of concern that are disproportionately burdened by multiple sources of pollution and face health and socioeconomic challenges. California’s Environmental Health Screening Tool, CalEnviroScreen 3.0, identifies communities most

vulnerable to pollution and climate impacts so that state and local governments can direct attention and resources toward the pursuit of economic, environmental, and racial justice in those places. The City also has a Climate Equity Index to identify low to moderate access to opportunity census tracts across the City for priority climate investments and Climate Equity Fund dollars.

Clairemont is a predominantly single family zoned and a majority white community.[3] Like many San Diego neighborhoods, Clairemont has historically implemented redlining and other racially discriminatory housing practices which have helped define San Diego's demographic landscape and promoted segregation. The CPU can reverse decades of harm and has the opportunity to create inclusive, thriving communities, where every resident has access to safe, affordable, zero carbon housing near jobs and transit. We recommend that equity is integrated and centered in the entirety of the CPU and tha smart land use and transportation policies are implemented in service to the City's Climate Action Plan goals.

Conclusion

Thank you for the opportunity to weigh in on the development of this critically important document. The Clairemont CPU presents an opportunity to help protect the health and safety of future generations from the worst impacts of climate change. We urge the Planning Department to incorporate the recommendations above to maximize emissions reductions, and deliver economic, safety, and health benefits to Clairemont's families and businesses.

Sincerely,

Madison Coleman

Madison Coleman
Policy Advocate
Climate Action Campaign

[3] SANDAG, "Demographic and Socioeconomic Estimates Community Planning Area Clairemont Mesa," August 19, 2020, www.sandag.org

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July 8, 2016

Via Email

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Re: **San Ysidro, North Park, Uptown, and Golden Hill Community Plan Updates**
Climate Action Campaign CEQA Comments
Project Nos. 21002568, 380611, and 310690

Dear Ms. Malone:

Please accept the following comments on behalf of our client Climate Action Campaign regarding the Environmental Impact Reports (EIRs) for the San Ysidro, North Park and Golden Hill, and Uptown Community Plan Updates. Climate Action Campaign's mission is to stop climate change. To achieve this goal, Climate Action Campaign has been actively engaged in the development and passage of the City's Climate Action Plan. Now, Climate Action Campaign's focus is to ensure the Climate Action Plan is implemented, and its goals are achieved.

The City has an opportunity to make great strides in implementing Climate Action Plan goals with the adopted of Community Plan Updates. As noted below, however, each of the Community Plan Update EIRs fails to comply with the California Environmental Quality Act (CEQA) with respect to greenhouse gas (GHG) emissions. Until and unless these deficiencies are addressed, the EIRs will not withstand judicial scrutiny.

I. The Climate Action Plan Is the City's Central Climate Plan

The City's Climate Action Plan plays a pivotal and important role in not only reducing GHG emissions Citywide, but also mitigating the impacts of the City's General Plan. (CAP, p. 5). Eventually, this document will serve as a CEQA Qualified GHG Reduction Plan. In the interim, however, a project-level CAP consistency determination is an essential component of CEQA GHG impacts assessment. Inconsistency with a land use plan or policy intended to mitigate environmental impacts is likely to result in a finding of significant environmental impact. (See *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 934 ["Because the land use policies at issue were adopted at least in part to avoid or mitigate environmental effects, we consider their applicability under the fair argument test with no presumption in favor of the City."]).

As the mechanism to achieve compliance with State reduction goals, the CAP requires vigilance and, in light of the looming 2020 reduction target, immediate implementation. Such implementation is especially important in the context of long-term land use plans such as Community Plan Updates (CPU). Unfortunately, the CPU EIRs fail to ensure the necessary CAP consistency in 2020 and beyond. As detailed below, the EIRs therefore reveal a significant environmental impact with respect to GHGs.

II. The EIRs Fail to Demonstrate Compliance with the Climate Action Plan

To determine whether impacts are significant under CEQA, all of the CPUs rely on a quantitative comparison of future buildout of current Community Plans with future buildout of the proposed CPUs. (See San Ysidro EIR, p. 5.4-16; North Park EIR, pp. 6.5-8-9; Golden Hill EIR, p. 7.5-8; Uptown EIR, pp. 6.5-7-8). Fundamentally, this analysis is improper.

First, the EIRs fail to address, much less analyze, environmental impacts pursuant to CEQA Guideline Section 15064.4(b). A lead agency should assess the significance of GHG emissions by considering the extent to which a project increases emissions compared to the *existing environmental setting*. (CEQA Guidelines §15064.4(b)(1)). All three Community Plan Update EIRs quantify existing emissions, as well as anticipated emissions for existing Community Plans at buildout, and emissions expected at buildout under the proposed CPUs.[1] (See Helix GHG Technical Report for San Ysidro CPU March 2016, pp. 15 and 27; RECON Supplemental Analysis to GHG Analysis for Uptown, North Park, and Golden Hill CPUs, May 16, 2016, pp. 6-8). Nonetheless, the EIRs fail to address the increase in emissions associated with the CPUs – especially in 2020 and 2035 when compared with the existing emissions – or explain why such increases are not significant.

Perhaps more importantly, the CPU EIRs and appendices do not put such increased emissions in context considering the Climate Action Plan reduction goals. The Climate Action Plan requires a **15 percent** reduction from 2010 baseline emissions by 2020, a **40 percent** reduction by 2030, and a **50 percent** reduction by 2035. (CAP, p. 21). Notwithstanding these ambitious CAP GHG reduction goals, and the CPUs' *quantitative* inconsistency with the CAP, the EIRs simply presume CAP consistency based on a *qualitative* analysis. The CPUs make this determination, in part, by claiming the CAP assumes growth based on the Community Plans in effect at the time the CAP was being developed. (See San Ysidro EIR, p. 5.4-8; Uptown EIR, p. 6.5-6; North Park EIR, p. 6.5-5; Golden Hill EIR, p. 7.5-5 ["The CAP assumes future population and economic growth based on the community plans that were in effect at the time the CAP was being developed. Therefore, community plan updates that would result in a

[1] The Helix GHG Technical Report for the San Ysidro CPU does not indicate in which year buildout occurs. Because construction emissions are annualized for thirty years, presumably buildout occurs in the next 30 years. (See Helix GHG Technical Report for San Ysidro CPU March 2016, p. 24).

reduction in GHG at build-out compared to GHG emissions at build-out under the adopted Community Plan would result in further GHG reductions."]). However, the phrase "2010 baseline emissions" cannot be read to mean a baseline defined by "emissions at buildout of Community Plans as they existed in 2010." This approach fails under the CAP and under CEQA.

Though the CAP assumed population growth in calculating *business-as-usual* emissions, nothing in the CAP or CAP appendices indicates GHG reduction modelling relied on existing Community Plans ever actually achieving this buildout. As such, the CPUs' reliance on full buildout at plan levels as a baseline is speculation and does not amount to substantial evidence. (Pub. Res. Code § 21082.2(c); CEQA Guidelines, § 15384(a) ["Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."]).

Rather, the CAP's narrative goals and modelling appendices indicate the exact opposite is true: the CAP expects, and indeed relies on, Community Plan updates that will alter land-use patterns and shift density to Transit Priority Areas. The CAP includes goals to implement the City of Villages Strategy in Transit Priority Areas and promote effective land use to reduce vehicle miles traveled. (CAP, pp. 37-39). Specifically, a CAP supporting measure requires achievement of better walkability and transit-supportive densities "by locating a majority of all new residential development within Transit Priority Areas." (CAP, p. 39).

Parts of San Ysidro and the majority of Uptown, North Park, and Golden Hill are within Transit Priority Areas, but the EIRs and associated GHG analysis appendices fail to quantify: (i) how the CPUs implement the GHG emission reductions associated with CAP strategies, particularly increased density in TPAs; and, (ii) if such reductions meet the CAP 2020, 2030 and 2035 goals. Such quantitative consistency is particularly important here because to achieve the requisite reductions, the CAP relies heavily on Strategy 3, Bicycling, Walking, Transit and Land Use. Strategy 3 comprises one of the largest shares of local reduction actions. (CAP, p. 30). In the earlier years of the CAP, Strategy 3 is responsible for 36 percent of GHG emission reductions Citywide. Within Strategy 3, "Mass Transit" and "Promote Effective Land Use to Reduce Vehicle Miles Traveled" are two of the largest reduction sub-strategies. (*Id*.).

Such modeling is achievable. The CAP models VMT (and associated GHG) reductions associated with each CAP strategy. (See CAP Appendix A, pp. A-31-A-38). Further, VMT reduction modeling was conducted as part of the CPU EIRs. Nonetheless, the EIRs fail to quantitatively bridge the analytical gap between: (i) the CPU VMT and associated GHG

reductions; and, (ii) the correlating CAP GHG reductions. (See, for example, Uptown, North Park and Golden Hill CPU Appendix E.2. Attachment 1).[2]

This data is also a critical component of demonstrating CAP compliance. Without such data and analysis, numerous questions remain regarding CAP reduction measures. For example, if these four CPUs result in a net increase in emissions in both 2020 and 2035 compared to the 2010 baseline, and all other CPUs are similarly evaluated based only on an expected reduction in emissions compared to full buildout of adopted Community Plans – *despite an increase from existing emissions* – where will the reductions come from? If these four CPUs result in an increase in GHG emissions in 2020 and 2035, reductions from other future land use decisions will have to be even greater to make up for such increases, and it is unclear where such opportunities exist.

As the California Supreme Court recently found in *Center for Biological Diversity v. Department of Fish & Wildlife* ("*Newhall Ranch*") (2015) 62 Cal.4th 204, the EIRs here fail to bridge the analytical gap between the increase in CPU emissions and consistency with the CAP:

> The analytical gap left by the EIR's failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan's statewide comparison and the EIR's own project-level comparison deprived the EIR of its "'sufficiency as an informative document.'" (*Newhall Ranch, supra*, 62 Cal.4th at 227, citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392).

As the planning mechanism to shape future development in these planning areas, the CPUs must result in CAP-mandated reductions *now*.[3] Nevertheless, the EIRs contain no mention of the appropriate allocation of reduction measures attributable to CPU implementation. The CPUs' increase in GHG emissions is counterfactual to a CAP consistency determination. Because the EIRs fail to adequately address the "quantitative equivalence" between the City's CAP and the CPUs, the EIRs are insufficient and the CPUs will result in significant GHG impacts.

[2] See also, Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan, SCH #2014121002, April 26, 2016, p.E-8,9 (reflecting achievement of active transportation mode share increases based on quantitative modeling).

[3] The Supreme Court also posited that "a greater degree of reduction may be needed from new land use projects than from the economy as a whole" in light of the fact that new development is more easily designed to reduce GHG emissions. (*Newhall Ranch*, *supra*, 62 Cal.4th at 226).

III. Conclusion

The current CPU EIRs fail to meet applicable CEQA mandates. The CPU EIRs must assess quantitative compliance with the Climate Action Plan, its reduction targets and goals. As drafted, the EIRs demonstrate a lack of compliance with Climate Action Plan goals because all four CPUs result in an increase in GHG emissions compared to baseline rather than a decrease of 15 percent by 2020, 40 percent by 2030, and 50 percent by 2035. Climate Action Campaign urges the City to conduct the requisite analysis and recirculate the EIRs for further public comment.

Thank you in advance for your consideration of our comments.

Sincerely,

COAST LAW GROUP, LLP

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Attorneys for Climate Action Campaign

cc: Client