



Date: October 20, 2022

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 Mira Mesa Update

Dear Alexander Frost and 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 and equitable policy action.

At the bare minimum, everyone deserves quality housing that is affordable, healthy, safe and in close proximity to life's essential goods and services such as public transit, good schools, family-sustaining jobs, green open spaces, and grocery stores.

This is the exact land use growth pattern framework that CAC has advocated for since its founding. CAC has been at the frontlines of fighting for Community Plan Updates (CPUs) that couple climate strategies and specific plans to help the City meet and exceed its Climate Action Plan (CAP) mode shift goals and RHNA targets.

Unfortunately, no CPU has been approved with mode share targets that comply with overall CAP modeshift goals. Specifically, the City has failed to use the Golden Hill, North Park, San Ysidro, and Uptown CPUs as tools to implement the 2015 Climate Action Plan (CAP) Strategy 3: Bicycling, Walking, Transit & Land Use. We have attached our 2016 letter addressed to the City regarding our concerns over the CPUs in San Ysidro, North Park, Uptown and Golden Hill, which EIR's failed to ensure the necessary CAP consistency.

The lack of CPU and CAP goal alignment has significantly delayed new transportation strategies from being deployed, putting San Diego farther behind on meeting legally-binding

targets. If the City continues its long pattern and practice of not disclosing community specific mode shift projections, we will never meet and exceed our legally binding CAP modeshift goals.

We hope that the City will use the Mira Mesa CPU as a tool to bring clean air, safe streets, affordable housing, economic benefits, and overall improved quality of life to families and businesses in the College Area for the next 20-30 years.

Below are our recommendations for the Mira Mesa CPU:

Sharing Existing and Projected Mode Share Data for the CPU

Unfortunately, the City provided Mira Mesa specific current and projected modeshift data to the public at the end of the CPU process. We want to emphasize how critical mode share data is to ensure the City can plan and meet its legally binding CAP modeshift goals. The City must end its long practice of withholding mode share data from the community until the very end of the CPU process. Communities must have this information early on in the planning process to make informed and fact-based decisions on the land use scenarios that will directly impact their quality of life.

Existing and Projected Mode Share Data for the CPU

As a long range planning document, the City needs to ensure the Mira Mesa CPU plans accordingly to achieve modeshift targets in alignment with the CAP. The City simply cannot meet its CAP mode share target goals if each CPU fails to meet its own.

We are concerned that the Single Occupancy Vehicle (SOV) projected mode share percentages for peak hour trips do not go far enough in helping the City meet its overall CAP modeshift goals. The Mira Mesa CPU should integrate MTS programs and SANDAG's Regional Transportation Plan (RTP) to set more aggressive mode share targets for SOVs. This is a key strategy to ensuring individuals take other modes of transportation such as biking, walking, and transit during peak hours. We also recommend setting higher overall targets for pedestrian, bicycle, and mass transit mode shares, and include strategies, timelines, and benchmarks to meet them.

Additionally, the Mira Mesa CPU must promote transit oriented development coupled with the proposed 24,000 additional housing unit capacity in order to create bikeable, walkable, neighborhoods. The City should deploy strategies that will actually induce mode shift from driving to biking and walking. We are pleased that the CPU's proposed bicycle network will add 31.97 miles of class IV facilities and 7.41 miles of class I facilities. However, the proposed bicycle network will also add 25 miles of class III facilities, which are shared-use between bicycles and motor vehicles within the same travel lane and are designated by shared-lane pavement markings (e.g., "sharrow") and signage. 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 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.

Lastly, we recommend that each planned roadway street reconfiguration illustrated in Chapter 3 of this CPU prioritizes pedestrian, protected bicycle, and public transportation infrastructure first.

Include Smart Land Use Policies with Affordable Housing Near Transit

We cannot solve the climate crisis without simultaneously solving the housing crisis. It is critical that the CPU incentivises the development of a high percentage of deed restricted and naturally affordable housing. Infill, upzoning, and affordable housing development in smart growth areas need to be incorporated into every aspect of Chapter 2 of this CPU. An increase of affordable housing will help desegregate communities and provide more access to opportunities and upward social mobility.

Currently, sections 2.9 and 2.10 of Chapter 2 read respectively, “Variety of Housing Types. Encourage the development of a variety of building types, unit types, and densities to support a diversity of housing options” and “Affordability. Encourage a variety of housing types that are affordable to a range of job and household income levels.” We recommend that the CPU specifically 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. We also recommend that the CPU clearly define the term “affordable” in alignment with California Department of Housing and Community Development income categories.

Building affordable housing near transit is a key climate and equity strategy to reduce VMT and GHG emissions. We recommend the Mira Mesa CPU include more strategies to increase affordable housing development near the City’s transit priority areas, high-frequency bus lines, and employment centers.

Set a CPU-Specific Affordable Housing Requirement

It is essential that the City’s CAP goals align with its density and affordable housing programs. Currently, the Mira Mesa CPU does not address the need for inclusionary housing development.

A robust Mira Mesa-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 Mira Mesa CPU set robust density targets and

¹ Wesley E. Marshall, Nicholas N. Ferencak, “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>

inclusionary housing requirements in different neighborhoods to increase affordable housing development.

Another strategy to increase the development of affordable housing is the use of 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

The Mira Mesa CPU has an opportunity to help the City of San Diego reach its commitment to a 35% urban tree canopy cover by 2035.

Currently, section 7.7 after Chapter 7 reads “Shade. Provide shade primarily using broad canopy trees, in addition to other elements such as umbrellas, awnings, canopies, and/or other structures.” We recommend that the CPU also include robust green infrastructure strategies to sequester carbon and deliver environmental, social, and economic benefits to Mira Mesa. This includes committing to a quantifiable tree canopy coverage target by planting and caring for drought-tolerant shade trees.

Additionally, the CPU should prioritize designing green streets to enhance 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.

Conclusion

Thank you for the opportunity to weigh in on the development of this critically important document. The Mira Mesa 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 Mira Mesa’s families and businesses.

Sincerely,

Madison Coleman

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Policy Advocate

Climate Action Campaign



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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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cc: Client