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Gayle Ackerman, AICP, Director of Community Development
25550 Commercentre Drive, Suite 100
505 S. Vulcan Avenue
Lake Forest, CA 92630

Via Electronic Mail
GAckerman@lakeforestca.gov

Re: City of Lake Forest General Plan Update Draft EIR
Climate Action Campaign Comments

Dear Ms. Ackerman:

Please accept the following comments on behalf of our client Climate Action Campaign (CAC) regarding the City of Lake Forest (City) General Plan (General Plan or Project) Draft Environmental Impact Report (EIR). CAC's aim is to make climate action a number one priority for policymakers everywhere until its mission of stopping climate change is achieved.

As the first Orange County General Plan update in recent history, the Project presents an opportunity for the City to show leadership in land use planning and climate resiliency. In lieu of developing a stand-alone Climate Action Plan (CAP), the City has elected to incorporate a greenhouse gas (GHG) reduction plan into the General Plan. Unfortunately, the City's attempts have fallen far short of both the spirit and letter of the law. The City's failure to disclose the assumptions and modeling information which form the foundation of its GHG emissions analysis, coupled with its lack of meaningful local GHG reduction measures, undermine the DEIR's informational purpose. As detailed below, the City's approach is inconsistent with the California Environmental Quality Act (CEQA).

A. The DEIR Fails to Disclose the Basis for Its "Legislative-Adjusted BAU Project Scenario"

The City's General Plan concludes the City's GHG emissions will be less than significant with no local measures. (DEIR, p. 3.7-29 ["However, as described above, after accounting for Federal and State GHG reducing actions in future years, City of Lake Forest community per capita emissions in years 2030 and 2040 would be below the per capita targets established consistent with the CARB's 2017 Scoping Plan."]). Remarkably, despite an almost doubling of population by 2040, the City anticipates reducing its emissions by more than 10 percent – by taking no GHG reduction measures.

The DEIR's lack of information to support this fantastical claim is not only suspect but also undermines the informational purpose of the document. "CEQA requires an EIR to reflect a good faith effort at full disclosure..." (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1046; *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 228 ["We further agree with plaintiffs that DFW's failure to provide substantial evidentiary support for its no significant impact conclusion was prejudicial, in that it deprived decision makers and the public of substantial relevant information about the project's likely impacts."]).

For example, the City's continued downward trend in most emissions categories despite limitations of new standards (especially those applicable only to new construction) is neither explained nor substantiated.¹

¹ "Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (Pub. Resources Code § 21082.2(c); see also, CEQA Guidelines §15384).

Notably, other agencies undergoing similar planning have provided much more information than that contained in the instant DEIR and appendices.² Therefore, to serve its informational purpose, the DEIR must provide additional information, including but not limited to, more detailed emissions inventories and reduction categories, any modifications to the model inputs based on state and federal measures, the number of days included in its VMT analysis, and additional modeling assumptions (such as number of miles driven by EVs).

B. The General Plan Policies and Actions that Purportedly Mitigate Potential Impacts are Impermissibly Vague and Unenforceable

As a purported qualified greenhouse gas reduction plan, the City's General Plan must meet the requirements for all first-tier documents and impose effectively enforceable requirements and measures with defined performance standards. (See, *California Riverwatch v. County of Sonoma et. al.*, Superior Court for the County of Sonoma Case No. SCV-259242, Order Granting Writ, p. 11 [enclosed herewith]). Because future discretionary projects will rely on the General Plan, and any "group of measures, including performance standards" to achieve the specified reductions and forgo further CEQA GHG emissions analysis, the General Plan's reduction measures must be considered mitigation measures for purposes of CEQA and must therefore comply with CEQA requirements. (See, *Id.* at p. 20). However, the General Plan's reduction measures are not only vague and unenforceable, they fail to set forth any real performance standards.

Because the City relies wholly on state and federal measures to reduce its GHG impacts, its local measures are all voluntary, vaguely-defined aspirational measures. Should the City fail to meet its GHG reduction goals despite federal and state measures, it will have no measures in place to address its shortfall. The City must therefore explore additional reduction strategies tied to development and incorporate them into a meaningful, enforceable GHG reduction plan. (Pub. Res. Code §§21002.1(a), 21061). The EIR must be updated to include such real, verifiable, enforceable reduction strategies. In light of the City's goal to tier from the DEIR for future, specific developments, these enforceable mitigation measures must be incorporated into the approval process.

Unless the City updates its DEIR with the aforementioned GHG emissions analysis and incorporates adequate mitigation measures, the Project's CEQA analysis will remain fatally flawed.

Thank you in advance for your consideration of our comments.

Sincerely,

COAST LAW GROUP LLP



Livia B. Beaudin
Attorneys for CAC

² See, <https://www.coronaca.gov/government/departments-divisions/planning-division/general-plan-update>
<https://www.coronaca.gov/home/showdocument?id=17286>
<https://www.coronaca.gov/home/showdocument?id=17290>
<https://www.coronaca.gov/home/showdocument?id=17292>