



SAN DIEGO
COASTKEEPER



April 29, 2024

The City of San Diego
City of San Diego Planning Department
Attn: Rebecca Malone
9485 Aero Drive, MS 413
San Diego, California 92123

Via Electronic Mail
blueprintsd@sandiego.gov

RE: Blueprint SD, Draft General Plan Amendment, and Environmental Impact Report
Environmental Groups Comments

Dear Ms. Malone:

Please accept the following comments regarding the Draft General Plan Amendment, Blueprint SD (“Blueprint SD”), Hillcrest Focused Plan Amendment, and University Community Plan Update (collectively “Project”) draft environmental impact report (“DEIR”) on behalf of Coastal Environmental Rights Foundation (“CERF”), San Diego Coastkeeper, Environmental Center of San Diego, and Climate Action Campaign (collectively “Environmental Groups”). CERF is dedicated to the preservation, protection, and defense of the environment, the wildlife, and the natural resources of the California Coast. San Diego Coastkeeper works to protect and restore the waters of the San Diego region through water quality monitoring, advocacy, education, community engagement, and enforcement. The Environmental Center of San Diego’s goal is to protect and enhance the natural environment of San Diego through education, activism and direct action. The non-profit organization works to promote healthy natural systems in San Diego by inspiring a deeper understanding and appreciation of positive environmental change and advocacy while working to improve the quality of life and economic vitality of our community. Climate Action Campaign is a non-profit organization based in San Diego with a simple mission: stop the climate crisis through effective and equitable policy action.

As detailed below, the DEIR fails to appropriately analyze the Project’s impact on Greenhouse Gas (“GHG”) emissions, ensuring the City of San Diego (“City”) will fail to meet its GHG reduction goals, successfully implement its CAP, and mitigate GHG impacts at the individual project level.

A. CEQA Carries a Strong Presumption in Favor of an EIR

The CEQA presumption in favor of the preparation of EIRs is reflected in the “fair argument” standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on

the environment.¹ An EIR must be prepared for any project that “may have a significant effect on the environment.”²

“Significant effect upon the environment” is defined as “a substantial or potentially substantial adverse change in the environment.”³ A project “may” have a significant effect on the environment if there is a “reasonable probability” that it will result in a significant impact.⁴ If substantial evidence shows any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial.⁵

This standard sets a low threshold for preparation of an EIR.⁶ If substantial evidence in the record supports a fair argument that the project may have a significant environmental effect, the lead agency must prepare an EIR even if other substantial evidence before it indicates the project will have no significant effect.⁷

As detailed below, the DEIR fails to disclose and adequately mitigate significant GHG impacts. The DEIR must therefore be revised.

B. The DEIR fails to Adequately Analyze and Disclose the Project’s GHG Emissions.

An EIR must contain a good faith, reasonable effort to fully disclose to the public potential environmental impacts and mitigation measures.⁸ As to GHGs, the lead agency must, to the extent possible, use scientific and factual data to “describe, calculate, or estimate the amount of greenhouse gas emissions resulting from a project.”⁹ To meaningfully disclose the

¹ *Quail Botanical Gardens Found., Inc. v City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1602; *Friends of “B” St. v City of Hayward* (1980) 106 Cal. App. 3d 988, 1002.

² Pub. Res. Code §21151; *No Oil, Inc. v City of Los Angeles* (1974) 13 Cal. 3d 68, 75.

³ Pub. Res. Code §21068; 14 Cal. Code Regs. §15382.

⁴ *No Oil, Inc. v City of Los Angeles*, 13 Cal. 3d at 83 n16; *Sundstrom v County of Mendocino* (1988) 202 Cal. App. 3d 296, 309.

⁵ 14 Cal. Code Regs. §15063(b)(1).

⁶ *Consolidated Irrig. Dist. v City of Selma* (2012) 204 Cal. App. 4th 187, 207; *Nelson v County of Kern* (2010) 190 CA4th 252; *Pocket Protectors v City of Sacramento* (2004) 124 Cal. App. 4th 903, 928; *Bowman v City of Berkeley* (2004) 122 Cal. App. 4th 572, 580; *Citizen Action to Serve All Students v Thornley* (1990) 222 Cal. App. 3d 748, 754; *Sundstrom v County of Mendocino* (1988) 202 Cal. App. 3d 296, 310.

⁷ *Save the Agoura Cornell Knoll v City of Agoura Hills* (2020) 46 Cal. App. 5th 665, 689, 696; *Georgetown Preservation Soc’y v County of El Dorado* (2018) 30 Cal. App. 5th 358, 373; *Jensen v City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 886; *Clews Land & Livestock v City of San Diego* (2017) 19 Cal. App. 5th 161, 183; *Stanislaus Audubon Soc’y, Inc. v County of Stanislaus* (1995) 33 Cal. App. 4th 144, 150; *Brentwood Ass’n for No Drilling, Inc. v City of Los Angeles* (1982) 134 Cal. App. 3d 491; *Friends of “B” St. v City of Hayward* (1980) 106 CA3d 988; See also, 14 Cal. Code Regs. §15064(f)(1).

⁸ CEQA Guidelines Section 15151.

⁹ CEQA Guidelines Section 15064.4.

Project’s GHG impact, a quantitative analysis of Project and baseline emissions must be disclosed.¹⁰

The Project includes a General Plan amendment, University Community Plan Update, and Hillcrest Focused Plan Amendment to the Uptown Community Plan. Though the Environmental Groups applaud the City’s attempt to increase density in areas within Transit Priority Areas (“TPAs”) and potential TPAs, without full disclosure of the Project’s impacts, current and future residents will bear the brunt of impacts without the benefit of mitigation. As intended, the Project will result in substantial urban growth:¹¹

Table 3-1
Residential Bulldozer - Adopted and Proposed Hillcrest FPA/Uptown Community Plan

Land Use Category	Existing Units	Adopted Uptown Community Plan Units	Proposed Uptown Community Plan Units with the Hillcrest FPA	Change from Existing	Change from Adopted Plan
Multi-family	15,499	27,703	44,921	29,422	17,218
Single-family	7,684	7,897	7,897	213	0
Grand Total	23,183	35,600	52,818	29,635	17,218

Source: City of San Diego 2023
 Note: Source for existing units is SANDAG; Reported data is for overall Uptown Community Plan units.

Table 3-5
Residential Bulldozer - Adopted and Proposed Community Plan

Land Use Category	Existing Units	Adopted Plan Units	Proposed CPU Units	Change from Existing	Change from Adopted Plan
Multi-family	21,790	23,220	52,220	30,430	29,000
Single-family	4,730	4,780	4,780	50	0
Grand Total	26,520	28,000	57,000	30,480	29,000

CPU = Community Plan Update
 Source: City of San Diego 2020
 Note: Existing units are from the November 2020 University Community Plan Update Adopted Plan Bulldozer Report.

¹⁰ *Friends of Oroville v. City of Oroville*, 219 Cal.App.4th 832, 843 (2013).

¹¹ Table 2 is excerpted from DEIR Appendix J, Appendix B, p. 4.

Table 2 Dwelling Units and Retail Employment Summary by Model Run

Model Run	Source	Single-family	Multi-family	Mobile home	Retail Employment	Total Dwelling Units
Model Run 1	LUDU22	288,146	260,067	4,872	N/A	553,085
	GP-14 2050	304,367	377,812	4,962	196,551	687,141
	BP 2050	278,790	526,577	3,681	229,930	809,048
Model Run 2	LUDU22	288,146	260,067	4,872	N/A	553,085
	GP-14 2050	304,367	377,812	4,962	196,551	687,141
	BP 2050	273,388	589,850	2,742	243,908	865,980
Model Run 3	LUDU22	288,146	260,067	4,872	N/A	553,085
	GP-14 2050	304,367	377,812	4,962	196,551	687,141
	BP 2050	252,295	713,014	2,426	255,348	967,735

More than doubling the existing and planned housing units will certainly lead to significant GHG emissions. An independent (conservative) analysis by SWAPE¹² concludes the Project will result in *additional* net annual operational GHG emissions of between 798,843 and 1,185,241- MT CO₂e/year. The DEIR’s failure to disclose this increase is inconsistent with the letter and spirit of CEQA.

Though the City must accommodate much of the County’s anticipated growth – it must also provide the necessary infrastructure to ensure GHG emissions do not result in a significant impact. In that regard, the DEIR fails. Providing a short qualitative analysis which purports to establish the Project’s conformance with the City’s adopted Climate Action Plan (“CAP”), the DEIR misleads the public and decisionmakers, finding GHG impacts would be less than significant.¹³

The DEIR glosses over the first CAP strategy, Decarbonization of the Built Environment, by discussing mobility options, mode shift, and General Plan and Community Plan policies to include renewable energy sources.¹⁴ Nothing in the DEIR reflects an actual commitment, including by way of enforceable mitigation measures, to decarbonization. Because Strategy 1 is the single largest source of emission reductions, the omission is particularly problematic. As noted in an IBA’s report:

The single largest area of change [between the 2015 CAP and CAP 2.0] is the differences in Strategy 1, which is switching from a focus on energy and water efficiency to a focus on decarbonization. CAP 2.0 in particular proposes to focus on the removal of natural gas from both future and existing buildings. This change in focus results in this strategy becoming the largest source of estimated GHG emission reductions within the entire CAP. It is important to note that the vast majority of the reductions for this

¹² See SWAPE Comments submitted concurrently with comment letter from DeLano & DeLano.

¹³ DEIR, p. 4.7-22.

¹⁴ DEIR, pp. 4.7-18-19.

strategy are contained within one measure, which is the decarbonization of *existing* buildings. This measure, with an estimated reduction of 1.9 million MTCO₂e in 2035, represents not only the vast majority of GHG reductions within this strategy but is by far the largest reduction contained within CAP 2.0 and is potentially the most consequential commitment of CAP 2.0. It will require an enormous effort on the part of the City and its citizens and should remain a major focus of implementation planning going forward.¹⁵

Therefore, any delay in developing performance measures for new development simply makes reaching the retrofit goals that much more difficult (as the new development becomes one requiring a retrofit once built).¹⁶

The CAP acknowledges “[t]he first step to decarbonize buildings will focus on removing fossil fuels in new building construction.”¹⁷ Notwithstanding the California Energy Commission’s (“CEC”) state building code amendments, the City committed to do more in its CAP:

The City is engaging with stakeholders to develop a Building Code Amendment that will take a step beyond the new 2023 State building codes and ensure that most new building types do not have natural gas heaters and appliances.¹⁸

...

The City plays an important role in ensuring the market for electric building technologies transforms in adequate time to achieve the GHG emission reductions identified in Strategy 1. It is critical for the City to advocate for and promote direct incentives and economies of scale for resources up and down the supply chain, from manufacturers and distributors to building owners and renters.¹⁹

¹⁵ IBA Report No. 22-19, *Climate Action Plan 2.0: Analysis of Changes Proposed and Recommendations for Improved Implementation Planning*, July 20, 2022, p. 5 (emphasis added).

¹⁶ See *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 226 [“Plaintiffs put forward one ready reason to suspect that the percent reduction is not the same, and that in fact a greater degree of reduction may be needed from new land use projects than from the economy as a whole: **Designing new buildings and infrastructure for maximum energy efficiency and renewable energy use is likely to be easier, and is more likely to occur, than achieving the same savings by retrofitting of older structures and systems.**”, emphasis added.

¹⁷ DEIR, p. 43.

¹⁸ CAP, p. 44.

¹⁹ CAP, p. 45.

To that end, CAP Measure 1.2 requires the development and adoption of a City Building Electrification policy.²⁰ Despite its commitment to a building electrification policy in 2023, the City has not made progress on this measure.²¹

The Project’s inconsistency with the CAP’s decarbonization strategies will result in significant GHG impacts. Natural gas appliances release GHGs, such as nitrogen dioxide, carbon monoxide, and methane. Methane, in particular, is a potent GHG with more than 28 times the greenhouse effect of carbon dioxide.²² Further, natural gas appliances contribute to methane emissions throughout the supply chain. Methane escapes into the atmosphere during extraction, and transportation, while stored in supply tanks, and through the pipes routed to buildings.²³

Despite the substantial impact of natural gas appliances on GHG emissions, the DEIR acknowledges new and renovated buildings will likely “use . . . natural gas to run various appliances and equipment, including space and water heaters, air conditioners, ventilation equipment, lights, and numerous other devices.”²⁴ The DEIR even predicts that in winter months, natural gas impacts will spike due to these appliances heating homes.²⁵

Most notably, the DEIR inaccurately claims that this new development would have “less than significant” environmental impacts.²⁶ To make this determination, the DEIR relies on the CEC Building Electrification policy (“CEC policy”), which it claims, “requires new and residential commercial buildings to eliminate the use of natural gas.” However, this CEC policy does not require the elimination of natural gas. Indeed, in the following section, the DEIR acknowledges that the CEC policy takes “a significant step toward removing natural gas in new construction” rather than prohibiting such construction.²⁷

The City’s refusal to acknowledge that the Project’s inclusion of natural gas infrastructure is (i) inconsistent with its CAP, and (ii) an independent basis for a determination that the Project will result in a significant GHG impact, undermines the City’s significance determination. Indeed, other regulatory agencies have gone further to achieve net zero

²⁰ CAP, p. 48.

²¹ Though recent legal rulings may have made such a policy more challenging, the City has not shown it can achieve its CAP GHG reduction goals without an alternative mechanism to reduce emissions – especially in light of the gap between the City’s reduction goals and CAP measures (391,000 MTCO₂e in 2030 and 2,262,000 in 2035). CAP, p. 18; 80-81. Therefore, wholesale reliance on the Project’s purported compliance with the CAP to assess the Project’s GHG impacts is improper.

²² EPA website on methane emissions. Available at [https://www.epa.gov/gmi/importance-methane#:~:text=Methane%20is%20also%20a%20greenhouse,%2Dinfluenced\)%20and%20natural%20sources](https://www.epa.gov/gmi/importance-methane#:~:text=Methane%20is%20also%20a%20greenhouse,%2Dinfluenced)%20and%20natural%20sources).

²³ *We need to talk about your gas stove, your health and climate change*. Available at <https://www.npr.org/2021/10/07/1015460605/gas-stove-emissions-climate-change-health-effects>.

²⁴ DEIR, p. 4.5-10.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

emissions. For instance, the Bay Area Air Quality Management District’s CEQA significance thresholds require that the “project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development)” to support a determination that climate impacts will be less than significant.²⁸ The BAAQMD’s reasoning for this threshold is equally applicable here:

For the building sector to achieve carbon neutrality, natural gas usage will need to be phased out and replaced with electricity usage, and electrical generation will need to shift to 100-percent carbon-free sources....**Retrofitting an existing building to replace natural gas infrastructure with electrical service is far more difficult and expensive than simply building a new all-electric building** (CEC 2021; E3 2019). For California to successfully eliminate natural gas usage by 2045, it will need to focus available resources on retrofitting existing natural gas infrastructure. **This task will become virtually impossible if we continue to build more natural gas infrastructure that will also need to be retrofit within the next few years.**

The “no natural gas” design element applies to all building types (i.e., residential and nonresidential). **If the project includes appliances or equipment on-site that combust natural gas supplied by natural gas infrastructure, then the GHG emissions from the project would cause a significant and unavoidable impact.** This design element is specific to natural gas being supplied by piped infrastructure, as **extending the natural gas infrastructure for such projects “locks in” GHG emissions for decades to come and is therefore inconsistent with achieving carbon neutrality...**²⁹

Moreover, a threshold of significance is merely a starting point for a significance determination. “Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project’s environmental effects may still be significant.” CEQA Guidelines § 15064(b)(2). Notwithstanding compliance with a threshold of significance, an agency must still consider any fair argument that a certain environmental effect may be significant. *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1108–09 (2004). A threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant. *E. Sacramento Partnerships for a Livable City v. City of Sacramento*, 5 Cal. App. 5th 281, 301, 303 (2016). Thus, the City’s wholesale reliance on the CAP to determine the significance of the Project’s GHG impacts is contrary to CEQA.

²⁸ Bay Area Air Quality Management District 2022 CEQA Guidelines, Chapter 6, p.6-3. Available at: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>

²⁹ *Id.* at p. 6-4, emphasis added.

CEQA Guideline Section 15064.4 requires more than the DEIR provides:

A lead agency should consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., section 15183.5(b))...³⁰

As reflected in Section 15064.4, assessment of a project's compliance with the CAP (adopted pursuant to Section 15183.5(b)) is just one part of the analysis. For a project of this magnitude, the failure to quantify GHG emissions is contrary to Section 15064.4, as well as the Section 15064 and 15151 requirements that the DEIR reflect the City's good faith effort at *full disclosure*.³¹ To provide a meaningful analysis of the "extent to which the project may increase" GHG emissions compared to the existing environmental setting, the baseline and Project emissions must be disclosed.

In *IBC Business Owners for Sensible Development v. City of Irvine* (2023) 88 Cal.App.5th 100, the appellate court found improper the City of Irvine's failure to (1) assess the proposed project's consistency with the net zero GHG emissions target of a prior PEIR; and (2) quantify the project's GHG emissions.³² Though the CEQA addendum concluded the project would incorporate all the PEIR's mitigation measures, the court found this was not enough. The PEIR's mitigation measures – like the CAP strategies and measures here – are "a means to achieve" net zero emissions.³³

But the incorporation of the mitigation measures alone does not constitute substantial evidence that the [Project] is consistent with this overall goal. Even with all applicable [CAP] measures in place, the largescale nature of the [Project] could cause it to emit a disproportionate level of greenhouse gases.³⁴

³⁰ CEQA Guidelines §15064.4(b), emphasis added.

³¹ See also, CEQA Guidelines §15142 ["An EIR shall be prepared using an interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the consideration of qualitative as well as quantitative factors..."].

³² *Id.* at 128-129.

³³ *Id.*

³⁴ *Id.*

Just as the City of Irvine, here, the City fails to quantify the Project’s GHG emissions. Instead, the DEIR appears to rely on “land use strategy” and “transportation policies” to reduce GHGs.³⁵ However, the DEIR’s modelling suggests, even in 2050 (a full 15 years after the CAP’s horizon year of 2035), the Project fails to meet the CAP mode share goals.³⁶ Thus, the only available data suggests the Project will not meet the CAP’s GHG emission reduction goals and will consequently result in significant GHG impacts.

Lastly, notably absent from the DEIR is an analysis of the City’s contribution to sulfuranyl fluoride emissions. As much as 60-85 percent of national sulfuranyl fluoride emissions come from California, primarily in Los Angeles, Orange, and San Diego Counties.³⁷ Once emitted, the gas spreads and stays for more than 40 years in the atmosphere, where it contributes to global warming.³⁸ “Rising emissions are a concern since [sulfuranyl fluoride] has a relatively long atmospheric lifetime and a high global warming potential.”³⁹ Because the City’s CAP modelling did not take sulfuranyl fluoride into account, predicted Citywide GHG emissions are likely greater than anticipated. The DEIR fails to consider the Project’s contribution to such emissions.

The City’s failure to quantify and disclose the Project’s contribution to the City’s GHG emissions not only impedes informed public comment, but it also forecloses the City’s opportunity to adopt mitigation measures that bring the City closer to meeting its CAP goals, namely, net zero in less than 11 years.

a. The DEIR’s Mode Share Analysis is Vague and Relies on Unfunded and Unimplemented Plans.

The CAP’s mode share goals⁴⁰ are aggressive and go beyond the San Diego Association of Governments’ (“SANDAG”) Regional Transportation Plan (“RTP”):

2030 Target 19% walking and 7% cycling mode share of all San Diego residents’ trips	2030 GHG Reduction (MT CO2e) 79,722	2035 Target 25% walking and 10% cycling mode share of all San Diego residents’ trips	2035 GHG Reduction (MT CO2e) 115,315
2030 Target 10% transit mode share of all San Diego residents’ trips	2030 GHG Reduction (MT CO2e) 162,866	2035 Target 15% transit mode share of all San Diego residents’ trips	2035 GHG Reduction (MT CO2e) 234,351

³⁵ DEIR, p. 4.10-80; DEIR, Appendix N.

³⁶ DEIR, Appendix N.

³⁷ <https://scripps.ucsd.edu/news/california-leads-us-emissions-little-known-greenhouse-gas#:~:text=California%2C%20a%20state%20known%20for,stem%20from%20the%20United%20States.>

³⁸ Gaeta, D.C., Mühle, J., Vimont, I.J. et al. California dominates U.S. emissions of the pesticide and potent greenhouse gas sulfuranyl fluoride. *Commun Earth Environ* 5, 161 (2024). <https://doi.org/10.1038/s43247-024-01294-x>

³⁹ DEIR, Appendix N, p. 1, emphasis added.

⁴⁰ CAP, p. 59, 61.

The DEIR claims the “Blueprint SD land use strategy is the maximum extent feasible land use scenario that - **when combined with other mobility implementation strategies**, which are part of the Draft General Plan Refresh - can achieve the mode shift goals of the CAP.”⁴¹ However, the mode share analysis reveals the Project is not consistent with the mode share targets – even in 2050.

Daily Mode Choice	Climate Action Plan (2035 Target)	Model Run 1 (2050) ¹	Model Run 2 (2050) ¹	Model Run 3 (2050) ¹
Walk	25%	13.8%	15.3%	16.8%
Bike	10%	2.6%	2.8%	3.0%
Transit	15%	7.3%	7.5%	7.9%
Vehicular (Total)	50%	76.4%	74.5%	72.3%
Vehicular (High-Occupancy Vehicle)	None	37.9%	37.0%	36.0%
Vehicular (Single-Occupancy Vehicle)	None	38.5%	37.5%	36.3%

¹ Model run 1, 2 and 3 apply additional dwelling units to the existing dwelling units in 2022 within Blueprint identified priority areas. The model runs also adds commensurate citywide increases to employment and enrollment.

Refusing to acknowledge the discrepancy between the CAP mode share targets and the Project, the DEIR instead relies on vague “mobility implementation strategies.”⁴² Though the “strategies” are broadly defined, the effectiveness of such strategies (including their timeframe and available funding) is noticeably absent from the analysis. Nothing in the DEIR suggests the “implementation strategies” can close the 23-26 percent gap between the CAP mode share targets and the Project’s predicted mode share – even 15 years after the CAP horizon year.

Thus, the DEIR’s conclusion that the Project is consistent with the CAP’s mode share targets, and that as a result its GHG emissions are less than significant, is unsupported.

C. Conclusion

The DEIR fails to adequately analyze the Project’s significant environmental impacts to GHGs. The Environmental Groups urge the City to revise the DEIR to adequately assess, disclose, avoid, and/or mitigate the Project’s significant GHG impacts.

⁴¹ *Id.*

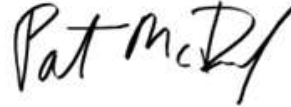
⁴² DEIR, Appendix N, p. 3.

Thank you in advance for your consideration of our comments.

Sincerely,



Livia B. Beaudin
Legal Director,
Coastal Environmental Rights Foundation



Patrick McDonough
Senior Attorney,
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Nicole Capretz
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Pam Heatherington
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