



August 26, 2019

Mayor Minto and Council
City of Santee
10601 Magnolia Avenue
Santee, CA 92071

Re: Recommended Action on Final CAP and FEIR

Dear Mayor Minto and Councilmembers:

The Sustainable Santee Plan (CAP) will be a legally binding document that is used under CEQA for tiering environmental review. A legally binding CAP must function as a roadmap that establishes an overall emissions reduction target and charts the city actions and associated reductions that will lead to that target. The CAP fails to comply with CEQA for the following reasons:

1. The CAP contains and takes credit for emissions reductions from voluntary measures.
2. Substantial evidence is lacking to show that implementation of the CAP measures will result in GHG reductions to target levels.
3. The Screening Tables fail to demonstrate whether projects seeking to tier from the CAP comply with the requirements in the CAP.

The following changes will bring the plan into compliance with CEQA.

The CAP Measures Must Be Enforceable

For Santee to meet its GHG reduction targets and comply with CEQA, the voluntary measures in the CAP must be revised or replaced with enforceable measures. In *California Riverwatch v. County of Sonoma et. al* (2017), the court stated that in CAPs used for tiering, “any measures or requirements imposed be sufficiently defined to be enforceable.” This decision makes clear that for the CAP as a whole to be legally binding, the measures contained within must be enforceable.

Measures that rely on the wish that education, outreach, partnerships, and other voluntary approaches will lead to significant GHG reductions violate CEQA, as clearly stated in *California Riverwatch v. County of Sonoma* and *Sierra Club v. County of San Diego*. In this plan, measures 1.2, 1.4, 2.1, 3.2, 3.4, and 4.1 remain unenforceable, and therefore violate the requirements of CEQA. All six measures rely on merely tracking participation in voluntary programs. In these cases, city action does not lead to emissions reductions; instead, the city is depending on voluntary engagement from residents, and the city does not have substantial influence over those rates of engagement.

Because these voluntary measures fall short of the requirements of CEQA, the City cannot use the projected emissions reductions from those measures to meet its targets. The emissions reductions that the City cannot take credit for sum to 46,613 MT CO₂e. Santee needs to reduce emissions by 163,157 MT through local measures, but with these reductions eliminated can only achieve 134,981 MT of reductions,

falling short of the target. In order to meet its targets and comply with CEQA, the city must replace the voluntary measures with measures that are specific, unambiguous, and contain clear requirements.

The CAP Must Provide Substantial Evidence

The courts in the *Sierra Club v. County of San Diego* case made clear that good faith reasoned analysis must provide evidence that the measures in a CAP will contribute to achieving GHG reductions - in other words, the public must be able to trace a straight line from proposed action to projected emissions reductions.

To satisfy CEQA's substantial evidence requirement, the CAP must include a technical appendix that details the assumptions and calculations used to arrive at reduction projections for each measure, and the rationale for those assumptions.

The CAP does not include a technical appendix to show substantial evidence that implementation of each measure will result in the emissions reduction potential identified. Instead, the CAP merely identifies the tools used to calculate emissions reduction projections; it does not identify the precise assumptions and calculations themselves. The specific assumptions and calculations used, and the reasoning behind those choices, are the heart of what constitutes substantial evidence. Further, that information is key to providing the needed transparency to the public to allow residents and other stakeholders to understand and evaluate whether the calculations are reasonable.

For example, footnote 30, associated with Measure 7.3, states that the GHG reduction potential for the measure was calculated using "CAPCOA Quantifying GHG Mitigation Measures (CAPCOA 2010), Section 3.3, Commute Trip Reduction Programs." The CAPCOA Document, *Quantifying Greenhouse Gas Mitigation Measures*, is not prescriptive about the emissions reductions projections for any particular measure, however, which means that the consultant has discretion about the assumptions used to drive the calculations. In this case, the measure is projected to reduce VMT by 47,469,165 miles in 2035, which is a reduction of 7.6% from the projected total VMT in 2035, a massive reduction. The guidance document cited in the footnote states that commute trip reduction measures can expect to achieve a 1 to 6% reduction in commute VMT, with low-density suburbs typically falling on the low end of that reduction. Santee, however, projects a reduction exceeding the least conservative estimates in that range, with no evidence backing that claim. This is a clear violation of CEQA.

Similarly, Measure 7.5 is a safe routes to school program that, the CAP claims, will reduce VMT by over 13 million miles by 2020, which is a 2% reduction in citywide VMT. The CAPCOA document projects a 0-2% VMT reduction at the site where the improvements are made. So, for example, if sidewalks are improved near the site of a particular school, VMT to and from that school can be expected to decrease by 0-2%. A 2% citywide reduction as a result of the measure is questionable and is not supported by any explanation.

Projects Must Demonstrate CAP Consistency for Streamlining

As we have previously stated in our letter submitted 04-29-2019, projects relying on the CAP to streamline environmental review must demonstrate that they will be built in a way that is consistent with the requirements of the CAP. After revisions, the CAP still fails to demonstrate any clear connection between earning 100 points or more through the Screening Tables and demonstrating consistency with the requirements of the CAP.

Other cities in the region have developed CAP Consistency Checklists to ensure that projects that wish to tier from the CAP are in fact implementing measures consistent with what is required in the CAP. On p. 103, the CAP states, “Staff will develop a Sustainable Santee Plan consistency checklist within six months of plan adoption to coincide with the Screening Tables to ensure new development is consistent with this plan.” The consistency checklist is part and parcel of the CAP, and the CAP cannot be adopted as a CEQA-qualified plan without the consistency checklist. Furthermore, it remains unclear how the consistency checklist will work with the screening tables.

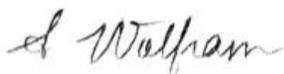
Finally, the city offers yet another mechanism to establish consistency with the CAP, called “Project Specific Quantification,” which is an alternative to the Screening Tables. If a project developer opts to evaluate CAP Consistency this way, they must answer the question, “Will the 2035 emissions be reduced by 55%?” The question is unclear - reduced by 55% compared to what baseline? Nor has the city stated why there are currently two separate pathways to establish consistency with the CAP.

We recommend that once you have revamped the CAP with enforceable measures to comply with CEQA, you eliminate the Screening Tables and the Project Specific Quantification methods and develop a CAP Consistency Checklist to serve as the sole route available to tier from the CAP.

Conclusion

The Sustainable Santee Plan must be revised to include clear, enforceable measures with emissions reductions backed by substantial evidence, and a CAP Consistency Checklist that ensures alignment between future development and the requirements of the CAP. A plan written in this fashion will be able to ensure that Santee families benefit from a community-wide genuine commitment to reduce GHG emissions and mitigate the worst impacts of climate change.

Sincerely,



Sophie Wolfram
Director of Programs
Climate Action Campaign