



August 17, 2021

City of San Diego  
Planning Department  
9485 Aero Drive, M.S. 413  
San Diego, CA 92123  
Via Email: [PlanningCEQA@sandiego.gov](mailto:PlanningCEQA@sandiego.gov)

**Subject: Climate Action Campaign recommendations for the Blueprint San Diego Proposed Program Environmental Impact Report (PEIR)**

Dear Rebecca Malone 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 policy action.

CAC has been at the frontlines of fighting for Community Plan Updates (CPU's) that couple climate strategies and specific plans to provide abundant affordable housing near world class transit, and create bikeable, walkable neighborhoods powered with 100% clean energy. Since our founding, we have advocated for the exact strategic land use and transit priority areas (TPAs) framework that Blueprint San Diego (SD) is claiming it will establish. As a courtesy, we have attached our 2016 advocacy letter regarding CPUs for further reference.

We hope Blueprint SD is the opportunity for San Diego to develop and implement robust CPUs that will help the City make greater strides to meet and exceed its legally-binding Climate Action Plan (CAP) targets, and General Plan (GP) and Regional Housing Needs Allocation (RHNA) goals.

Below are our recommendations for Blueprint SD:

***Ensure the Program Environmental Impact Report (PEIR) Complies with CEQA Guidelines for Qualified Plans***

Blueprint SD is required to prepare a Program Environmental Impact Report (PEIR) which means that it is a CEQA-qualified, legally binding document. CEQA is clear about what is required for a qualified plan. For BlueprintSD to function meaningfully each measure and alternative in the plan must be enforceable—specific, unambiguous, and contain clear requirements. Voluntary measures that fall into the category of wishful thinking, good intentions, and an intent to 'work' with others violate CEQA Guidelines.

We recommend that the City ensure that Blueprint SD contains evidence-based and legally defensible measures that serve to make the plan meaningfully enforceable.

### ***Share Existing and Projected Mode Share Data for each CPU***

The City cannot meet its CAP mode share target goals if each CPU fails to meet its own. Unfortunately, the City has a long pattern and practice of not disclosing community specific mode shift projections to meet our legally binding CAP goals. CAC previously requested existing and projected mode share data for the Clairemont CPU but did not receive it in time to incorporate in our analysis of the CPU. We want to emphasize how critical mode share data is to ensuring the City can plan and meet its legally binding CAP transportation 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, and we hope Blueprint SD will finally facilitate this.

### ***Set Specific Mode Share Targets for each CPU***

As long range planning documents that serve as a framework for the future development of the City's communities over the next 20 to 30 years, the city needs to ensure that CPU's sets specific targets for mode shift, and plans accordingly to achieve those targets in alignment with the CAP. Blueprint SD should ensure each CPU integrates MTS and SANDAG Regional Plans, projects and programs to set aggressive mode share targets tailored to a community's local context, and include strategies to meet them.

We also recommend setting higher overall targets for pedestrian, bicycle, and mass transit mode shares in TPAs. Blueprint SD must also ensure CPUs will plan for and foster implementation of specific strategies that will induce mode shift from driving to biking, walking, and transit.

### ***Connect Blueprint SD to the Clairemont Mesa and Barrio Logan CPUs***

The Blueprint SD Public Notice of Preparation of a Program Environmental Impact Report and Scoping Meeting states that it "will be used to guide future community plan updates, the program also immediately includes the current ongoing comprehensive updates to the Mira Mesa and University Community Plans, and amendment to the Uptown Community Plan for the Hillcrest Focused Plan area." However, it does not include the Clairemont Mesa or Barrio Logan CPUs which are also currently in the updating process and may benefit from Blueprint SD.

Rather than permit more flawed CPUs from being approved, we recommend the Clairemont, Barrio Logan, and all other CPUs in the update queue be connected to the Blueprint SD framework.

The City gave a public notice of preparation of a PEIR for the Clairemont Mesa CPU in January 2020.<sup>1</sup> The EIR Technical Studies and Clairemont CPU draft were subsequently released for public review in July 2020 and May 2021.<sup>2</sup> CAC sent the City a letter regarding the [Clairemont Community Plan Update](#), which, unfortunately, does not include strategies to advance the development of affordable housing near transit and jobs, and continues to prioritize single family zoning over equitable, affordable mixed-use housing.

Barrio Logan is in the process of preparing an Addendum to the 2013 Certified EIR.<sup>3</sup> Section 2.2 Residential Land Use of the Barrio Logan CPU draft reads “One of the main goals of the Barrio Logan Community Plan is to expand and preserve the supply of affordable housing through the construction of new units.”<sup>4</sup> The City has a great opportunity to prioritize affordable housing in the Barrio Logan CPU by developing a more comprehensive plan that can also meet climate and equity goals with the community.

We also encourage the City to keep partnering with Clairemont and Barrio Logan community and place-based organizations and residents, and elevate how Blueprint SD may or may not impact their important work. This transparency will be important in building community trust in the CPU process.

### ***Take Action on Flawed CPUs***

Blueprint SD also fails to take into account previously approved flawed CPUs. CPUs in Golden Hill, North Park, San Ysidro, and Uptown, and more recent CPUs in Midway, Mission Valley and Kearny Mesa have been adopted without the necessary mode share targets and affordable housing requirements to help the City meet its legally-binding CAP goals, and local and state housing targets. We are concerned that these flawed plans will continue to fail to meet the needs of the community, particularly in the urban core neighborhoods of Golden Hill, North Park and Uptown where climate retrofitting will be easier to achieve.

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<sup>1</sup> City of San Diego “Public Notice of Preparation of a Program Environmental Program Impact Report and Scoping Meeting Planning Department” January 16, 2020

[https://9ff67c5d-1cd1-49a0-b96c-ff60f299d49e.filesusr.com/ugd/a513cc\\_0631959f59dd44a7a1be9b06e10068a9.pdf](https://9ff67c5d-1cd1-49a0-b96c-ff60f299d49e.filesusr.com/ugd/a513cc_0631959f59dd44a7a1be9b06e10068a9.pdf)

<sup>2</sup> San Diego Clairemont Engage “Studies and Technical Reports: EIR Technical Studies”

<https://www.clairemontplan.org/documents>

Clairemont Community Plan May 2021 Draft

[https://9ff67c5d-1cd1-49a0-b96c-ff60f299d49e.filesusr.com/ugd/a513cc\\_4f8effdd179a49f0af7e199c96b01763.pdf](https://9ff67c5d-1cd1-49a0-b96c-ff60f299d49e.filesusr.com/ugd/a513cc_4f8effdd179a49f0af7e199c96b01763.pdf)

<sup>3</sup>Resolution of The City Council of the City of San Diego Certifying the EIR for the Barrio Logan Community Plan Update, Oct 2, 2013

[https://www.sandiego.gov/sites/default/files/legacy/planning/community/cpu/barriologan/pdf/r-308444\\_eir\\_certification.pdf](https://www.sandiego.gov/sites/default/files/legacy/planning/community/cpu/barriologan/pdf/r-308444_eir_certification.pdf)

Final Program Environmental Impact Report (PIER) for the Barrio Logan Community Plan Update

[https://www.sandiego.gov/sites/default/files/legacy/planning/community/cpu/barriologan/pdf/peir\\_barrio\\_lo gan\\_proposed\\_cpu\\_final.pdf](https://www.sandiego.gov/sites/default/files/legacy/planning/community/cpu/barriologan/pdf/peir_barrio_lo gan_proposed_cpu_final.pdf)

<sup>4</sup> Barrio Logan Community Plan and Local Coastal Program Draft - April 2021, page 25.

[https://6b29e548-f8eb-4d4e-b966-52b476b52435.filesusr.com/ugd/ac25bf\\_44357dbb595945758fc599d2544badbd.pdf](https://6b29e548-f8eb-4d4e-b966-52b476b52435.filesusr.com/ugd/ac25bf_44357dbb595945758fc599d2544badbd.pdf)

We recommend the City develop a specific action plan for tackling its flawed CPUs, with an accompanying timeline.

***Conclusion***

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

Sincerely,

*Madison Coleman*

Madison Coleman  
Policy Advocate  
Climate Action Campaign



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**July 8, 2016**

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***Via Email***

*RMalone@sandiego.gov*  
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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.<sup>1</sup> (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

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<sup>1</sup> 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).<sup>2</sup>

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*.<sup>3</sup> 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.

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<sup>2</sup> 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).

<sup>3</sup> 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**



Marco Gonzalez  
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Attorneys for Climate Action Campaign

cc: Client