



CENTER for BIOLOGICAL DIVERSITY

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VIA EMAIL ~~EXHIBITS~~

June 25, 2007

Ms. Marilyn Mirrasoul
 City of San Diego Development Services Center
 1222 First Avenue, Mail Station 501, 5th Floor
 San Diego, California 92101
 Email: mmirrasoul@sandiego.gov

Re: Comments on the Draft Program Environmental Impact Report for the City of San Diego General Plan Update (SCH # 2006091032)

Dear Ms. Mirrasoul:

These comments are submitted on behalf of the Center for Biological Diversity ("Center") on the Draft Environmental Impact Report ("DEIR") for the City of San Diego General Plan Update ("GP Update"). The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 35,000 members throughout California and the United States. As an initial matter, please ensure that the Center is on the mailing list for all future notices and documents relating to the GP Update. Our specific comments on the DEIR focus on the failure of the DEIR to adequately analyze and mitigate several areas of importance, including but not limited to greenhouse gas ("GHG") emissions, air quality, water supply, and energy demand. Further, the Enhanced Sustainability Alternative was not adequately described, nor were other feasible, environmentally superior alternatives discussed. The City should revise and recirculate these sections of the DEIR. Please find specific comments below.

T-1

I. THE DEIR CONTAINS INADEQUATE ANALYSIS AND MITIGATION OF GREENHOUSE GAS EMISSIONS

A. The DEIR Fails to Provide an Adequate Inventory of GHG Emissions

The DEIR incorporates the GHG analysis contained in the Climate Protection Action Plan (CPAP) into the cumulative impacts analysis of Section 5.2. The various sources of GHG emissions are broken down into three categories: energy; transportation; and waste. However, it is unclear what these categories cover and whether they cover all sources of greenhouse gases in the City, for example municipal, residential, industrial/commercial, agricultural, water transport, building material, and other sources of greenhouse gases. The DEIR tables note that the emission figures are from the CPAP. (DEIR, p. 5-25) Appendix G to the CPAP gives the data origination and formulas for calculations in the CPAP. Appendix H details the break-down of the waste, energy and transportation figures into a few sub-categories. However, the information in these appendices is still insufficient. First, the DEIR should include the calculation information in the document itself, not simply in an appendix to a reference document. Second, the calculations in

T-2

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- T-1 The Center for Biological Diversity has been placed on the mailing list for all future notices and documents related to the GP update.
- T-2 Table 5.2-1 in Section 5.2 (page 5-25) of the DPEIR shows GHG emissions broken down into three categories: energy; transportation; and waste. This table includes total GHG emissions from all residences, businesses, industries, municipal operations and other sources within City limits as provided in the City's adopted Climate Protection Action Plan (CPAP). A footnote has been added to the table to include this explanation. In addition, the DEIR cites the CPAP as the source of the information provided on Table 5.2-1. According to the CEQA Guidelines (§15148), documents relied upon for information in an EIR, such as scientific documents, should be cited but not included in the EIR. In addition, the text of page 5-25 of Section 5.2 of the Final EIR has been updated to incorporate the CPAP by reference. Therefore, citation of the CPAP is sufficient and the calculation information of the CPAP appendices need not be included in the DEIR.
- T-3 Section 5.2 of the DEIR provides an analysis of the GHG emissions associated with Vehicle Miles Traveled (VMT), energy consumption, and solid waste decomposition associated with future development that occurs in accordance with the General Plan. This GHG emissions analysis is based on a calculation of GHG emissions that would be associated with projected VMT under the General Plan and CPAP data indicating that the energy and waste sectors are projected to account for a majority (60 percent) of the City's total GHG emissions in 2010. The analysis also cites CPAP data on the total GHG reductions the CPAP GHG reduction measures have achieved by sector. This information informs the conclusion of the DEIR that population growth and development that occurs in accordance with the General Plan would result in increased VMT and energy consumption (solid waste-related GHG emissions would be substantially lower due to ongoing implementation of CPAP measures), which in turn would result in substantial levels of GHG emissions in excess of existing and 1990 levels. Although further analysis of the GHG emission by sector is not provided in the EIR, the calculations and information cited

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from the CPAP is “sufficient to permit full assessment of significant (global warming) impacts” (CEQA Guidelines §15147).

Furthermore, CEQA Guidelines, §15126.6(d) requires the alternatives discussion of an EIR to include “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project”. The environmental impacts of the Enhanced Sustainability alternative are analyzed and compared with the General Plan in general terms. The DEIR explains that the implementation of sustainable building techniques such as energy efficient design, landscaped “green roofs”, and renewable energy production would reduce the burning of fossil fuels for energy and therefore reduce air quality impacts; and implementation of requirements for recycled water systems and reduced water consumption would reduce the consumption of energy required to import potable water into the City. This alternative would also have reduced impacts to hydrology, mineral resources, public utilities, and water quality when compared to the General Plan. The DEIR concludes in Section 7.4 that the Enhanced Sustainability alternative would be environmentally superior to the General Plan (page 7-31). The City has also added language to the Final EIR stating that the Enhanced Sustainability alternative would be environmentally superior to the General Plan with respect to the level of GHG emissions. Thus, the alternatives discussion includes “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project” (CEQA Guidelines, §15126.6(d)). A calculation of GHG emissions levels of the alternatives is not required under CEQA to conduct a meaningful evaluation and comparison of the alternatives and determine the environmentally superior alternative.

the appendices are still not fully explained. A further break-down and evaluation of these categories is necessary to fulfill the information disclosure mandate of CEQA and would also inform the analysis and selection of feasible mitigation measures and alternatives. Furthermore, in order to effectively analyze alternatives, the DEIR should calculate emission levels under alternative scenarios in comparison to emission levels under the proposed GP Update.

B. The EIR's Analysis of Feasible Mitigation Measures and Alternatives for GHG Emissions is Inadequate

1. *The Mitigation Framework Is Inadequate*

The DEIR's mitigation measures for GHG emissions are largely targeted at municipal activities and measures contained in the CPAP. The terms of CEQA do not permit such a narrow treatment of its critical requirement to mitigate impacts to the maximum extent feasible. CEQA requires analysis and adoption of all feasible mitigation measures for a project' potentially significant environmental impacts. (CEQA Guidelines § 15126.4(a)(1)(A) and (B); Cal. Pub. Res. Code §§ 21002, 21081, 21100(b)(3); see also *Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 564-65 (1990)). Therefore, the DEIR may not focus solely on the measures included in the CPAP for its CEQA compliance. Instead, the DEIR should include all feasible mitigation measures that would reduce GHG emissions, which may necessitate and result in greater reductions than proposed in the CPAP.

T-4

As the Guidelines clarify, if an EIR indicates that a project may have a significant impact on the environment, such as through its greenhouse gas emissions, the agency must respond to this information by "one or more of the following methods:" (1) changing the project; (2) imposing conditions on the approval of the project; (3) adopting plans or ordinances to control a broader class of projects to avoid the adverse changes; (4) choosing an alternative way of meeting the same need; (5) disapproving the project; (6) finding that changing or altering the project is not feasible; and (7) finding that the *unavoidable* significant environmental damage is acceptable as provided in Section 15093. 14 Cal. Code Regs. § 15002(h).

The CEQA Guidelines explain that "mitigation" includes: (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments. 14 Cal. Code Regs. § 15370.

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (14 Cal. Code Regs. § 15091(d); *id* at 26.4(a)(2)) "In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." (*Id* at 26.4(a)(2)). CEQA states that "with some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis." (CEQA Guidelines § 30(c)).

T-4 As discussed in the response to comment B-1, the City met with Deputy Attorney General Sandra Goldberg to discuss the City's obligation under CEQA to examine and require feasible options for mitigating the GHG emissions of future development. The City has taken the following approach to address this issue: (1) modify the policy language of the October 2006 Draft General Plan to expand and strengthen climate change policies; (2) ensure that policies to reduce greenhouse gas (GHG) emissions are imposed on future development and City operations by incorporating them into the Mitigation Monitoring and Reporting Program (MMRP) for the Final EIR; and (3) initiate work on a General Plan Action Plan to identify measures such as new or amended regulations, programs and incentives to implement the GHG reduction policies.

The municipal component of GHG emissions is only two percent of all GHG emissions. (DEIR, p. 5-25) The DEIR impacts analysis states that the CPAP measures to reduce GHG emissions are not anticipated to substantially reduce GHG emissions associated with the projected VMT increase of 24 percent higher emissions in 2030 than 1990 levels. This in part reflects the fact that transportation emissions are largely attributable to non-municipal vehicles. Consequently, in order to achieve the 5,488,000 tons/per year of GHG reduction required to meet the CPAP goal of 15 percent reduction from 1990 levels by 2010 and in order to meet the mandates of CEQA, much more than municipal mitigation is required. The CPAP itself states that: "the contribution of every individual in the community to reduce energy and vehicle use is the final factor that translates the 15% goal into a reality." (CPAP, p.3)

T-5 The mitigation measures proposed in the DEIR clearly do not meet the mitigation mandates of CEQA. The DEIR admits as much in identifying sources of GHG emissions that it and the CPAP do not address. For example, the DEIR states:

As shown above, total GHG reductions in the energy sector have been modest. Although the City's action plan includes measures to further reduce energy-related GHG emissions by 2010, these measures are not anticipated to substantially reduce the GHG emissions associated with the energy consumed by future discretionary development projects (e.g., residences, businesses, and other land uses and buildings) that occur in accordance with the Draft General Plan. Therefore, in addition to increased VMT, it is assumed that energy consumption associated with population growth and development that occurs in accordance with the Draft General Plan will also result in substantial levels of GHG emissions in excess of existing and 1990 levels.

T-6 (DEIR, p. 5-26) The failure to address these "substantial emissions" represents a clear violation of CEQA and must be remedied in a revised EIR.

T-7 Mitigation measures for the GP Update's significant GHG emissions may not be deferred to some later date as the DEIR attempts to do. For example, DEIR Section 5.3 states that future discretionary projects may require additional measures in order to avoid or reduce incremental contribution to GHG emissions, but it does not specify or mandate any such measures. The current mitigation framework only involves general allusions to future measures such as minimization of GHG emissions to the extent feasible in development project proposals and conformity with the City of Villages Strategy. The only arguably specific mitigation measure included is the establishment of a global warming monitoring program. (DEIR, p.5-26) This alone is not truly a mitigation measure as it does nothing to reduce the GP Update's GHG emissions.

It is critical that meaningful, binding mitigation measures be incorporated into the GP Update and EIR. Future discretionary projects in the City will be subject to the GP. As the GP itself emphasizes:

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T-5 See the responses to comments T-4 and B-1 for a discussion of the City's approach to meet its obligation under CEQA to examine and require feasible options for mitigating the GHG emissions of future development.

T-6 See the responses to comments T-4 and B-1 for a discussion of the City's mitigation of the project's substantial GHG emissions in compliance with CEQA.

T-7 See the responses to comments T-4 and B-1 for a discussion of the City's approach to meet its obligation under CEQA to examine and require feasible options for mitigating the GHG emissions of future development. The inclusion of General Plan policies that reduce GHG emissions in the MMRP for the Final EIR ensures that they will be imposed on future development and not deferred to some later date. Pursuant to CEQA Guidelines §15097(b), "(t)he monitoring plan (for a general plan) may consist of policies included in (the) plan-level document."

The City's General Plan is its constitution for development. It is the foundation upon which all land use decisions in the City are based. It expresses community vision and values, and it embodies public policy for the distribution of future land use, both public and private.

(General Plan, SF-2)

T-8 In order to mitigate the GHG emissions from increased transportation and energy use predicted in the DEIR, the GP and EIR must contain specific measures designed to reduce GHG emissions, not general statements deferring mitigation to some future time. As stated by the Governor, "mitigation efforts will be necessary to reduce greenhouse gas emission and adaptation efforts will be necessary to prepare Californians for the consequences of global warming." (Executive Order S-3-05, June 1, 2005) The Attorney General urged San Bernardino to include measures in its GP Update such as: altering building codes and permit requirements to require measures such as solar panels; providing increased public transportation services; supporting alternative fuels; and installing electric vehicle charge stations. (Exhibit 1 (Attorney General San Bernardino General Plan DEIR Comment Letter, October 23, 2006), p. 6; Exhibit 2, Attorney General Petition filed in *People of the State of California ex rel. Attorney General Edmund G. Brown v. County of San Bernardino*, Case No. SS 700329 (San Bernardino County Superior Court) (filed April 12, 2007) (challenging San Bernardino General Plan Update in part for failure to analyze and mitigate global warming impacts)).

Some examples of mitigation measures that the City should implement through mandatory measures and where appropriate revisions to the Municipal Code include:

- T-9** • Public transit measures, such as increased bus transit, rail service, and other modes of transport to reduce vehicle miles traveled; pedestrian, bicycles, and other non-motorized transportation improvements;
- T-10** • Electric vehicle charging stations;
- T-11** • Diesel truck anti-idling/electrification requirements;
- T-12** • Conversion of local and private fleets to alternative fuel vehicles and requirement that fleets to run on alternative fuels;
- T-13** • Carpool/rideshare alternative fuel vehicle, and transit programs/incentives;
- T-14** • Mandatory energy efficiency/green building requirements for local government *and* private development projects approved after adoption of the General Plan, such as requiring:
 - o Construction of the most energy-efficient buildings possible, to decrease heating, cooling, and other energy demands, for example by following the highest available U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management;
 - o Utilization of highest efficiency heating, cooling, and lighting devices and appliances;

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T-8 As discussed in the responses to comments T-4, T-7, and B-1, the City has included General Plan policies that reduce GHG emissions in the MMRP for the Final EIR to ensure that they will be imposed on future development upon adoption of the General Plan and not deferred to some later date. Pursuant to CEQA Guidelines §15097(b), "the monitoring plan (for a general plan) may consist of policies included in (the) plan-level document". The implementation measures of the General Plan Action Plan designed to reduce GHG emissions would also be imposed on future development as they are adopted.

T-9 - T-23 See the General Plan Action Plan for a listing of the implementation measures the City shall undertake to reduce the GHG emissions of future development. Also see the response to comment B-1 for a discussion of the General Plan policies designed to reduce GHG emissions that will be imposed on future development.

- T-16 o Use of skylights and other sources of natural light and fluorescent and compact fluorescent lighting to reduce energy use for lighting;
- T-17 o Minimization and recycling of construction-related and other waste;
- T-18 o Use of salvaged, recycled-content, and other materials that required the lowest possible amount of energy to produce for building, hard surfaces, and non-plant landscaping materials;
- T-19 o Maximization of water conservation measures in homes and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- T-20 o Installation of the maximum possible solar energy array on the building roofs and/or on the project site to generate solar energy for the facility;
- T-21 o Use of passive heating, natural cooling, solar hot water systems, and reduced pavement;
- T-22 o Landscaping that preserves natural vegetation, reduces water use, and maintains watershed integrity; and
- T-23 o Installation of electric vehicle charging stations at facilities

Providing additional examples of mitigation measures that could and should be adopted by local jurisdictions in order to mitigate the impacts of their GHG emission, the city of Berkeley recently passed residential and commercial ordinances that require measures such as: increased insulation and weather-proofing; incandescent light bulbs; and low-flow devices for faucets. See City of Berkeley Residential Energy Conservation Ordinance and Commercial Energy Conservation Ordinance, Berkeley Muni. Code, Title 19, available at http://www.cityofberkeley.info/bmc/Berkeley_Municipal_Code/Title_19/72/index.html. Also, recently Berkeley residents passed Measure G, which calls for: mandatory green building requirements, such as using recycled materials, even for small residential projects; strict energy efficiency requirements for all new buildings, resold homes and renovations requiring permits; replacement of older appliances, insulation upgrades and additions; window upgrades and outlets for electric cars in garages. (Exhibit 3); see also Exhibit 4 (Green Communities Checklist); and Exhibit 5 (San Diego City Attorney Interim Report No. 11, *A Call to Action: City of San Diego Must Prepare Its Infrastructure to Withstand Anticipated Impacts From Global Warming*, Report of the San Diego City Attorney (August 31, 2006)).

T-24 In sum, more than municipal reductions, volunteer efforts and discretionary programs are needed to mitigate the GP Update's GHG emissions in compliance with CEQA. The General Plan already lists eight policies aimed at reducing GHG emissions. (General Plan, p.CE-28) However, of these eight policies, two are continuation of current projects, five are supportive measures, and none are mandatory. Additional measures must be incorporated and should be made mandatory and enforceable by also becoming part of the San Diego Municipal Code. Without specific measures, San Diego will not effectively reduce its GHG emissions and is in violation of CEQA's mandate to do so.

T-25 A final flaw with the DEIR's treatment of mitigation is its conclusion that the degree of future impacts and the success of future mitigation measures cannot be known for specific future projects at this program level of analysis. (DEIR, 5-28) This statement is unsupported. Specific mitigation measures aimed at reducing the projected increase in energy, waste, and transportation GHG emissions could and must be successfully implemented now, though the GP Update and

T-24 As discussed in the response to comment T-7, the inclusion of General Plan policies that reduce GHG emissions in the MMRP for the Final EIR ensures that they will be imposed on future development. Pursuant to CEQA Guidelines §15097(b), “the monitoring plan (for a general plan) may consist of policies included in (the) plan-level document”. The implementation measures of the General Plan Action Plan designed to reduce GHG emissions would also be imposed on future development as they are adopted.

T-25 The DEIR correctly concludes that since no specific land development or community plan amendment projects are included in the General Plan, the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis. Although the revised policy language of the Conservation Element and the implementation measures identified in the Action Plan would reduce the level of GHG emissions associated with future development, it is infeasible at the Program EIR level of analysis to provide specific mitigation that would reduce the global warming impacts of all future projects to a less than significant level. Therefore, the cumulatively considerable incremental contribution to the worldwide increase in GHG emissions represented by development that is anticipated to occur with implementation of the General Plan is considered significant and unavoidable.

See the response to comment R-5 for a discussion of the revised General Plan policies that would impose enhanced sustainability measures discussed in the Enhanced Sustainability alternative on future development.

EIR process. The DEIR itself admits as much in the alternatives analysis. The Enhanced Sustainability alternative would include mandatory policies "as a means of further reducing the environmental effects of the Draft General Plan related to energy and water consumption, solid waste generation, water quality and air quality." (DEIR, 7-14) According to the DEIR, this alternative would meet all of the plan objectives and is environmentally superior.

T-26 The proposed DEIR mitigation framework relies on nature project-specific measures to mitigate non-municipal emissions and therefore reaches the conclusion that success cannot be adequately determined. Utilization of mandatory regulations in the GP Update and EIR would mitigate impacts in a way that is easily determined. For example, if all residential homes were required to be Energy Star compliant, potential energy savings would be 25 to 30 percent compared with current consumption.¹ Similar results would apply to the commercial sector. In 2005, the Energy Star program avoided 34.2 MMTCE in national emissions.² Applying such a program locally with the maximum feasible energy efficiency ratings (which may be substantially higher than Energy Star) would reduce San Diego's contribution to the cumulative impacts of GHG emissions.

T-27 The cumulative impacts of the GP Update are clear. Mitigation measures are available to address and neutralize the City's contribution to GHG emissions. Stating that future project impacts and mitigation success cannot be adequately determined now is merely the result of the DEIR's failure to attempt to outline and incorporate mitigation measures with any specificity at this point in the planning process, when such measures are particularly appropriate and necessary.

2. The Enhanced Sustainability Alternative Must be Improved and Selected

T-28 The DEIR states that the Enhanced Sustainability Alternative meets all of the GP objectives and is environmentally superior. (DEIR, p. 7-18) One preliminary issue with this alternative is that its proposed measures are not specified, and thus comparison of this alternative and others is not possible. The alternative is described in the DEIR as follows:

[This alternative would add mandatory policies to the Draft General Plan to enhance the Sustainability of future development within the plan area. These policies would include requirements for: builders/owners to employ sustainable building techniques (e.g., energy efficient design, landscaped "green" roofs; recycled building materials; renewable energy generation [e.g., solar panels]) in private developments; the installation of recycled water systems for large development projects; and reductions in water consumption associated with existing and future development in the plan area (e.g., landscaping associated with residential land uses, landscaping and fields within parks and open spaces, etc.).

¹ See http://www.energystar.gov/ia/news/downloads/annual_report2005.pdf, Executive Summary p. 3.

² See http://www.energystar.gov/ia/partners/downloads/energy_star_report_aug_2003.pdf, Residential Energy Efficiency p.3.

T-26 The commenter is correct in that the success of a specific mitigation measure, such as the Energy Star compliance example presented in the comment, can generally be determined. However, this comment misrepresents the conclusion of the DEIR. The DEIR states that since no specific land development or community plan amendment projects are included in the General Plan, the degree of future impacts and applicability, feasibility, and success of future mitigation cannot be adequately known for each specific future project at this program level of analysis. The applicability, feasibility, and success of future mitigation cannot be determined until specific land development or community plan amendment projects are proposed. Since the success of future mitigation cannot be adequately known for each and every specific future project at this time, the DEIR concludes that cumulative global warming impacts are significant and unavoidable at the program level of analysis.

T-27 See the response to comment B-1 for a discussion of the City's approach to meet its obligation under CEQA to examine and require feasible options for mitigating the GHG emissions of future development. Furthermore, the conclusion of the DEIR that the degree of future impacts and applicability, feasibility, and success of future mitigation cannot be adequately known for each specific future project at this program level of analysis is based on the fact that no specific land development or community plan amendment projects are included in the General Plan. The applicability, feasibility, and success of future mitigation cannot be determined until specific land development or community plan amendment projects are proposed.

T-28 The environmental impacts of the Enhanced Sustainability alternative are analyzed and compared with the General Plan in general terms. The DEIR explains that the implementation of sustainable building techniques such as energy efficient design, landscaped "green roofs", and renewable energy production would reduce the burning of fossil fuels for energy and therefore reduce air quality impacts; and implementation of requirements for recycled water systems and reduced water consumption would

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reduce the consumption of energy required to import potable water into the City. This alternative would also have reduced impacts to hydrology, mineral resources, public utilities, and water quality when compared to the General Plan. Based on the analysis of Section 7.2, the DEIR concludes in Section 7.4 that the Enhanced Sustainability alternative would be environmentally superior to the General Plan. Thus, the alternatives discussion includes “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project” (CEQA Guidelines, §15126.6(d)). More specific enhanced sustainability measures are not required to evaluate this alternative and compare it with the General Plan.

The Draft General Plan includes similar policies that encourage, but do not require, more sustainable development.

(DEIR, p. 7-14).

T-29

This alternative appears to incorporate some of the suggestions outlined above for specific mandatory mitigation measures to mitigate the GP Update's GHG emissions, but the DEIR does not actually specify which measures would be required. In order to fully analyze this alternative, the DEIR should define the precise measures that would be required and should include the measures outlined above and all other feasible mitigation measures to reduce the GP's GHG emissions. In addition, more detail about the air quality, GHG and other measurable benefits of this measure must be provided in order to enable a more accurate comparison of this and other alternatives, including the Draft GP.

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This alternative should also be expanded to further describe its benefits for the decisionmakers. The comparison with the Draft General Plan is very cursory. Under many sections is a brief statement that the alternative "would result in similar impacts related to ...when compared to the Draft General Plan," but omits key information. For example, biological resources would benefit from a decrease in water pollution and reduced hydrological interruption. Also, the benefit of this alternative could be a substantial reduction in GHG emissions in San Diego, which would mitigate the cumulative impacts on global warming and provide air quality and public health co-benefits.

In addition to more effectively meeting the conservation, public facilities, and recreation element objectives of the GP, the Enhanced Sustainability alternative would better achieve the GP's goal of making San Diego "a leader in clean technology." (GP, p. CE-4)

3. *The DEIR Fails to Mention the Economic Costs Associated with its GHG Emissions*

T-31

The DEIR also fails to disclose the economic cost of the project's greenhouse gas emissions. Accounting for the economic cost of greenhouse gas emissions is entirely appropriate under CEQA. For example, under CEQA Guidelines section 15064(e), the "economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant." Furthermore, in assessing the feasibility of mitigation measures and alternatives, the City must consider the costs of its greenhouse gas emissions.

A large, peer-reviewed literature exists on estimating the social costs of climate change and quantifying the cost of carbon dioxide emissions. As this field has developed, the methodology and inclusiveness of economic studies has improved. At the same time, the scientific understanding of global warming impacts and predictive ability has also improved. The result is that the estimated cost of greenhouse gas emissions in the literature has increased steadily, and we now know that the cost of continued greenhouse gas emission trajectories would be astronomical. While estimating the economic impact of greenhouse gas emissions cannot

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As discussed in response to comment T-28, the identification of more specific enhanced sustainability measures is not required to fulfill CEQA requirements for the meaningful evaluation, analysis, and comparison of alternatives to the proposed project. The response to comment T-28 also explains that Section 7.2 of the DEIR analyzes the benefits of the Enhanced Sustainability alternative compared to the General Plan, and that this discussion is adequate under CEQA. As discussed in the response to comment T-3, the City has also added language to the Final EIR stating that the Enhanced Sustainability alternative would be environmentally superior to the General Plan with respect to the level of GHG emissions. More detailed information about the measurable benefits is not required.

T-30

As already described in the response to comments T-28 and T-29, the DEIR discussion of the Enhanced Sustainability alternative is adequate under CEQA. Furthermore, the City agrees with the comment that a "benefit of this alternative could be a substantial reduction in GHG emissions...", and has added language to the Final EIR stating that the Enhanced Sustainability alternative would be environmentally superior to the General Plan with respect to the level of GHG emissions.

T-31

CEQA Guidelines §15064(e) states that the "economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant." The DEIR includes a detailed discussion of the projected impacts of global warming to the people, economy and environment of California. Furthermore, the DEIR concludes that the incremental GHG emissions associated with future development would cause a cumulatively considerable incremental contribution to the significant cumulative (worldwide) impacts when viewed in connection with worldwide GHG emissions, and would incrementally contribute to the adverse economic, public health, natural resources, and other

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environmental impacts projected to occur in California and throughout the world as a result of global warming. Thus, the DEIR concludes that the General Plan's GHG emissions are considered cumulatively considerable in part for their incremental contribution to adverse economic impacts in California and throughout the world. However, calculation of the economic cost (i.e., specific monetary value) of the GHG emissions associated with future development is not required to make a determination about the significance of such GHG emissions under CEQA. Nonetheless, the City agrees that there are economic costs associated with GHG emissions, and has identified an approach to mitigate the GHG emissions of future development (described in the response to comment B-1) that would also reduce the associated economic costs of such emissions.

substitute for a full discussion of all impacts under CEQA, an estimate of the economic costs should have been included in the EIR.

The Stern Review of the Economics of Climate Change, a comprehensive report commissioned by the British government, recently concluded that allowing current emissions trajectories to continue unabated would eventually cost the global economy between 5 to 20 percent of GDP each year within a decade, or up to \$7 trillion, and warned that these figures should be considered conservative estimates (Exhibit 7). By contrast, measures to mitigate global warming by reducing emissions were estimated to cost about one percent of global GDP each year, and could save the world up to \$2.5 trillion per year (*id.*)

T-32 If we take no action to control emissions, each ton of CO₂ that we emit now is causing damage worth at least \$85 (*id.*). The EIR's failure to include information relating to the economic cost of the project's greenhouse gas emissions renders it inadequate. Thus, even under the potentially inadequate GHG inventory conducted for the DEIR, the costs associated with the GHG emission from the General Plan Update are approximately \$1.9 billion in 2010. This is calculated using the 22.5 million tons of carbon dioxide equivalent as the city's emission forecast for 2010. (DEIR, p. 5-23)

II. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE ENERGY IMPACTS OF THE GENERAL PLAN

T-33 Energy demands will increase as the population grows in San Diego. The CPAP so heavily relied upon by the DEIR states that natural gas and electricity needs will go up about three percent annually. (CPAP, Appendix J, p. 70) Thus, the GP will result in excessive amounts of energy and the DEIR fails to outline a mitigation framework for this adverse impact. CEQA requires EIRs to include a section discussing "[m]itigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." Cal. Pub. Res. Code § 000(b)(3); see also Guidelines Appendix F ("Energy Conservation").

T-34 The DEIR relies on the Regional Energy Strategy (RES) to develop a vision of how energy will be produced and consumed in San Diego. The success of the RES programs mentioned in the DEIR is ambiguous. The RES target of reduction in electricity consumption to 1990 levels in 2010 is far from being met - the electricity consumption in San Diego has risen two percent since the adoption of RES in 2003 and current levels are 16 percent higher than 1990. (DEIR, p.3.14-6) Also, instead of producing more regional energy, San Diego has produced less energy in the region compared to earlier years. (DEIR, p. 3.14-6).

T-35 The DEIR also notes that the CPAP goal is to reduce GHG emission by 15 percent in 2010. Several other plans for reducing GHG emissions are also mentioned. (DEIR, p. 3.14-15) However, this part of the DEIR fails to mention that current GHG emission reductions are not enough to meet the CPAP goal and that the GP will cause increased GHG emissions. (DEIR, p. 5-26,-27) Furthermore, of the five specific actions listed that San Diego is taking to help reduce GHG emissions, only one is aimed at reducing non-municipal emissions and calls for

T-32 As discussed in response to comment T-31, CEQA Guidelines §15064(e) states that the "economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment." The DEIR includes a discussion of the projected impacts of increased GHG emissions on the people, economy and environment of California, and concludes that the General Plan's contribution to the social and economic, as well as environmental impacts of global warming is considered cumulatively significant and unavoidable. Estimation of the economic cost of the project's estimated GHG emissions is not required to reach a conclusion regarding the significance of an environmental impact under CEQA.

T-33 See the response to comment S-8, which addresses energy impacts covered in the PEIR. The mitigation framework for energy impacts is addressed in Section 3.14.4 of the PEIR and includes the efforts and programs described in response to comment S-8, as well as the City's process for the evaluation of discretionary projects, environmental review requirements, and procedures for analysis of projects for consistency with the goals, policies and recommendations of the General Plan. The Mitigation Framework Measures listed in the PEIR include innovative project design, construction, and operations to reduce storm water pollution, energy use, and waste generation; the City's Sustainable Building Policy for expedited review time of projects proposing to meet LEED Silver rating standard for energy efficient construction and design; implementation of water and energy conservation measures beyond what is required by local, state, and federal regulations; project siting, mix of land uses, and design that reduces the need to drive, thus reducing vehicle miles traveled compared to what would occur through conventional development; and strategic planting of trees in quantities and locations that maximizes environmental benefits such as shading.

COMMENTS

RESPONSES

- T-34 The continued rise in energy use since adoption of the Regional Energy Strategy (RES) in 2003 is acknowledged. However, it cannot be expected that adoption of a policy in May 2003 for energy reduction through Year 2030 would show results a few years after its adoption. Much of this growth in energy consumption is the result of development projects approved prior to adoption of the RES. The Regional Comprehensive Plan Performance Monitoring Report in 2006 is intended to identify progress in meeting RES targets so that efforts can be stepped up, such as for increased in-county generation of energy to meet 65 percent of summer peak demand by 2010, which was at 60 percent in 2005.
- T-35 As discussed in the response to comment B-1, the City's has identified an approach to meet its obligation under CEQA to examine and require feasible options for mitigating the GHG emissions of future development, including GHG emissions from both public and private projects. The City anticipates that the approach to mitigate the GHG emissions of future development would help the City achieve the CPAP goal of 15% reduction in GHG emissions by 2010.

voluntary participation by residents. As mentioned above, municipal measures are not enough to reduce GHG emissions in San Diego.

T-36

The DEIR states that compliance with current policies and regulations will substantially reduce energy impacts. (DEIR, p. 3.14-16) This statement is not validated by any facts, evidence, literature, or other support. There is no evidence that the policies and regulations that are already in place have sufficiently reduced energy demands and will mitigate the future increased energy demands resulting from implementation of the GP.

T-37

The reliance on meeting future goals or projected future plans is insufficient mitigation for the adverse impacts of the GP. The DEIR should state specific mitigation measures that will be implemented. CEQA requires EIRs to propose mitigation measures for all significant environmental impacts, and to adopt all such feasible measures that would lessen a project's impact on the environment. CEQA forbids public agencies from approving projects that will cause significant harm to the environment until and unless the agency has adopted all feasible mitigation measures. (Public Res. Code § 21002, 0 (a)) As stated by the Attorney General in reference to the San Bernardino County GP Update, the local agency "must explore all feasible mitigation that could be adopted to lessen the effects of the General Plan revision, and cannot rely upon those features of the project that are already required by law to substitute for the mitigation CEQA requires." (Exhibit , p.9) The DEIR has simply not met the mandates of CEQA with respect to Energy mitigation.

III. THE DEIR FAILS TO ADEQUATELY MITIGATE AIR QUALITY IMPACTS

T-38

The DEIR admits that air quality in San Diego does not currently meet the state one-hour standard or federal eight-hour standard for ozone. (DEIR, p. 3.2-7) The city is also not in attainment for state particulate matter standards. (DEIR, p.3.2-10) The DEIR also mentions that there has been a 65 percent increase in particulate matter in the air due to population growth and increased VMT from 1975 to 2005. (DEIR, p. 3.2-9) The expected population growth and increased VMT due to implementation of the GP will cause a further increase of particulate matter in the air. Even though the city is in non-attainment for these standards and the GP will continue to significantly impact air quality, the DEIR lists mitigation measures that "may" be implemented on a project-by-project basis. The measures listed should be made mandatory through ordinance amendments and regulations. Also, the DEIR should specify additional regulatory mitigation measures to decrease criteria pollutant emissions and address existing and predicted violations. *See, e.g.*, DEIR, p. 3.2-4 ("additional local emissions controls are needed to maintain attainment of the ozone standards in the San Diego region.")

T-39

For mitigation of impacts associated with carbon monoxide, ozone, hydrocarbons, and nitrogen and sulfur oxides, the DEIR relies on measures contained in the federal and state air quality plans such as ridesharing, transit improvements, traffic flow improvements, and bicycle facilities and programs. (DEIR, p. 3.2-14) As mentioned above, the city cannot use existing regulations as mitigation measures. Where the city is already legally obligated to undertake pollution-reducing measures, these measures should be considered to be part of the project, not as mitigation. A true mitigation measure would be to implement the above measures through binding regulations.

T-36

The PEIR acknowledges that continued effort to reduce energy consumption is needed and includes the statement that "General Plan policies and City programs would aid in reducing adverse energy impacts, but the projected population growth in the City would result in an increased demand for energy."

T-37

See response to comments S-8 and T-33. Specific mitigation cannot be provided at the Program EIR level of analysis because project- and site-specific impacts cannot be identified. In addition, future availability of alternative energy sources, the potential construction impact of these alternative sources, and feasible mitigation cannot be determined at this time.

T-38:

Table 3.2-3 of the PEIR shows the number of days that the San Diego region exceeded the state ozone standard has decreased from 148 days in 1985 to 24 days in 2000 and 12 days in 2004; and that the days above the National ozone standard has decreased from 50 days in 1985 to zero days in 2000 and one day in 2004. In spite of this progress, the PEIR also states that the region has not met "the more restrictive state one-hour ozone standard, or the federal eight-hour standard." While projected population growth will continue to result in increased automobile use and pollutant emissions, the PEIR states in Section 3.2.3 that much of the new residential development is proposed to occur around transit-accessible nodes that will relieve some of the increased automobile trips that would have otherwise occurred without alternative transportation planning in mind. It also states that transportation plans and programs associated with the Draft General Plan must conform to the purpose of the State Implementation Plan (SIP) for the attainment of the EPA-promulgated National Ambient Air Quality Standards (NAAQS). Section 3.2.4 of the PEIR also states that development that could significantly impact air quality, either individually or cumulatively, would receive entitlement only if it is conditioned with all reasonable mitigation to avoid, minimize, or offset the impact. Sufficient existing regulations and procedures exist to accomplish mitigation and no additional regulatory mitigation measures are needed.

COMMENTS

RESPONSES

As also stated in the PEIR, SANDAG is responsible for developing a “Transportation Control Measures (TCM) Plan” to help achieve air quality objectives for the region. The San Diego Air Pollution Control District (APCD) adopts the TCM Plan as part of the Regional Air Quality Strategy (RAQS), which is updated on a triennial basis and outlines measures for achieving state and national air quality standards. One way to achieve the RAQS will be to implement the TCMs contained in the federal and state air quality plans such as ridesharing, transit improvements, traffic flow improvements, and bicycle facilities and programs. Traffic flow improvements will reduce the amount of pollution created by vehicle emissions by reducing the amount of time vehicles spend on roads, while ridesharing, transit improvements, and bicycle facilities and programs will reduce vehicle miles traveled. Air quality conditions can also be improved by reducing the amount of harmful emissions produced by vehicles through increased use of energy-efficient vehicles such as hybrid electric vehicles, electric vehicles, or those that run on alternative fuels. Overall, implementation of the Draft General Plan would benefit the region’s air quality by helping to relieve otherwise expected traffic congestion and by encouraging the use of more efficient transportation methods.

- T-39 The PEIR does not identify existing regulations as mitigation measures. Rather, these regulations are part of the Mitigation Framework through which future development and community plan amendments would be analyzed at a project level of analysis so that project-level mitigation measures can be identified. As stated in the introduction to Chapter 3.0 of the PEIR, standard existing regulations, requirements, programs, and procedures that are applied to all similar projects are taken into account in identifying additional project specific mitigation that may be needed to reduce significant impacts. Mitigation, in addition to measures that the lead agency will implement, can also include measures that are within the responsibility and jurisdiction of another public agency (CEQA Guidelines, Section 15091 [a] [2]).

T-40 Also, the policies listed in the conservation element of the GP have great potential for reducing air quality impacts. (DEIR, p. 3.2-15) However, they should be implemented through mandatory, binding regulations in order to be effective. Otherwise, these policies suffer from the same defect as other parts of the mitigation plan in that they utilize existing regulations and standards instead of implementing CEQA mandated mitigation measures. Furthermore, many of the mitigation measures that would apply to air quality would apply to other areas of environmental impact such as GHG emissions, water quality, and energy. For example, by creating better public transit, VMT would decrease, thereby decreasing GHG emission from vehicles, improving air quality and decreasing energy consumption.

IV. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE WATER SUPPLY IMPACTS OF THE GENERAL PLAN

T-41 The DEIR states that no significant impact has been identified for water supply. However, the water supply will be significantly and adversely impacted by the GP Update. Future population growth is projected to increase water supply demand. (DEIR, p. 3.14-8) The city currently imports 90 percent of its water. (DEIR, p.3.14-2) Most of San Diego's water is purchased from the Water Authority. The key component of the Water Authority's diversification plan is seawater desalination. (DEIR, p. 3.14-1) Desalination itself is environmentally damaging and requires tremendous amounts of energy to turn salt water into fresh water. Desalination is not a reliable source of water and is merely a potential source.

In fact, all of the DEIR sources of water in case of drought or emergency rely on potential future plans. The only substantial water source is conservation and this is projected to account for merely ten percent of San Diego's annual water demands in 2020. (DEIR, p. 3.14-3) The largest use of water in California is landscape irrigation and the city of San Diego has yet to develop a strategic plan for landscape water conservation.

Disruptions in water supplies and changes in the snow pack due to global warming will only add to the problems facing San Diego's water supply. Increased temperatures will cause more demand for water and rising sea levels will contaminate the existing water supply San Diego relies upon.

T-42 The future increased demand for water and the predicted effects of global warming on water supply will substantially effect the environment in San Diego. Drought will cause distress to biological wildlife and fauna; adversely impact agriculture and other areas of the economy; and decrease the availability of hydropower production. This amounts to a significant adverse environmental effect and should be fully analyzed in the DEIR with adequate mitigation measures.

V. THE DEIR INADEQUATELY DESCRIBES MITIGATION MEASURES FOR MOST ENVIRONMENTAL IMPACTS

As discussed above in the context of GHG emissions, the mitigation measures outlined in the DEIR largely rely upon existing regulations at the state or federal level. However, after a

T-40 See response to comments T-38 and T-39. Federal, state, and regional agency regulations and programs, as well as compliance with Conservation Element and other General Plan policies, would be applied at the subsequent project level of analysis to avoid or mitigate specific project impacts.

T-41- T-42 An analysis of the project's impact on the City's water supply is found within the Public Utilities Section of the PEIR Section 3.14.3 along with a description of the measures to be taken to address catastrophic water shortages and drought management planning. Additional information was added to the PEIR regarding recent court cases which may affect our water supply; and additional policies were included within the Draft General Plan to augment the contingency plans for the City. As stated in the PEIR, the City has the ability to condition development to avoid, minimize, or offset impacts to the water supply should unforeseen water shortages occur. Please also see response to comment S-29.

A discussion of Global Warming impacts is included within the Cumulative Impacts Section 5.0 of the PEIR. Implementation of the Draft General Plan policies and ongoing City programs, as well as continual updates to the Urban Water Management Plan would enable the City, to the extent feasible, to address short-term and long-term water supply needs.

With regards to landscape water conservation and irrigation management, the City of San Diego began developing and implementing landscape conservation programs in response to the 1997 Strategic Plan for Water Supply. With the aid of a couple of City-developed tools on the internet and via GIS and satellite maps, customers with large landscaped areas have been surveyed and issued water budgets and irrigation schedules. Single-family residential customers have been given irrigations schedules based on plant evapotranspiration since 1992. The Web-based Landscape Watering Calculator has helped numerous customers in Southern California manage their irrigation schedules with an easy to use program. The City is also an active participant in the drafting of the model regional landscape ordinance in San Diego as required by AB 1881.

long analysis of the effectiveness of these regulations, the DEIR then states that these regulations are not mitigation and that future measures may be needed but are not appropriate at the program level. A few additional examples of the DEIR' language are given below. From the Water Quality section:

T-43 Because the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis, the program-level impacts related to water quality remains significant and unavoidable.

(DEIR, p. 3.17-10) Also, similar language is found in the Air Quality section:

T-44 However, it is possible that for certain projects, adherence to the regulations may not adequately protect air quality, and such projects would require additional measures to avoid or reduce significant air quality impacts. These additional measures would be considered mitigation. For each future project requiring mitigation (i.e., measures that go beyond what is required by existing regulations), site-specific measures will be identified that reduce significant project level impacts to less than significant or the project level impact may remain significant and unavoidable where no feasible mitigation exists.

(DEIR, p. 3.2-17,18) In the Hydrology section:

T-45 Compliance with the standards is required of all projects and is not considered to be mitigation. However, it is possible that for certain projects, adherence to the regulations may not adequately avoid or reduce impacts, and such projects would require additional measures. These additional measures would be considered for each future discretionary project requiring mitigation (i.e., measures that go beyond what is required by existing regulations). Site-specific measures will be identified that reduce significant project level impacts to less than significant or the project level impact may remain significant and unavoidable where no feasible mitigation exists.

(DEIR, p. 3.7-5) The Public Utilities section acknowledges that future growth is expected, and the GP and DEIR rely on statistics that predict a three percent annual growth in energy demand in both natural gas and electricity in three different sectors. However, the DEIR claims this is not enough information upon which to decide mitigation measures:

T-46 No specific projects or actions have been identified with the Draft General Plan that would result in any direct or indirect physical change in the environment. However, future growth is anticipated

T-43 - T-47 See response to comments T-38 and T-39. Because no specific land development or community plan amendments projects are included in the Draft General Plan, mitigation measures to avoid or reduce significant impacts of future projects cannot be identified at this time. The methodology of using federal, state, regional, and City regulations and programs to evaluate potential impacts related to water quality, air quality, hydrology, public utilities, as well as water supply and energy provides an analytical mitigation framework to avoid or mitigate impacts at the subsequent project level of environmental analysis.

and the construction of future public utilities needed to support that growth may result in environmental impacts. Therefore, impacts associated with the construction of public utilities may occur and even though potential mitigation framework measures have been identified, those impacts remain significant and unavoidable.

T-47 (DEIR, p. 3.14-16, 17) Contrary to the conclusion reached overwhelmingly in the DEIR, detailed impacts analysis and mitigation can and should occur now, at the GP Update stage, and not at some future time when projects are addressed piecemeal and have bureaucratic and financial momentum behind them. At this programmatic level, the City has more than adequate information upon which to design mitigation measures to address the foreseeable and acknowledged environmental consequences of the GP Update. The GP will result in growth that will inevitably put a strain on water supply and energy. Future growth will create increased VMT, energy use, air pollution and GHG emissions. However, the DEIR fails to outline any specific mitigation measures aimed at these impacts. The DEIR instead appears to schizophrenically rely on existing regulations for mitigation and then denounce that such compliance constitutes mitigation. Providing for mitigation measures at the GP level is not only beneficial because it would create uniformity and predictability for future projects, but it is the only means of truly mitigating future impacts, particularly when cumulative. As CEQA Guidelines Section 15130 (c) aptly notes, "[w]ith some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis."

VI. THE GENERAL PLAN SHOULD INSTITUTE MANDATORY MEASURES TO ENSURE THAT THE GENERAL PLAN POLICY GOALS ARE MET

T-48 As mentioned above, the overwhelming reliance upon existing plans and policies for mitigation within the DEIR is inadequate. Because the policies in the GP are not enforceable requirements, they do not constitute mitigation under CEQA. The GP and DEIR's consistent failure to implement any specific regulations results in not only insufficient mitigation but also virtually ensures that the policy goals of the GP will have no force.

T-49 The DEIR Land Use section articulates the importance of adopting specific mandatory measures at the General Plan level. The DEIR initially states that existing and future regulations will provide development standards. (DEIR, Significant Unmitigated Impacts Section, p. 6) More specifically, the DEIR Land Use section states that as community plans are updated, the Land Development Code (LDC) regulations will be used to achieve the desired community plan land use, design, and public benefits. (DEIR, p. 3.8-28) These LDC regulations are necessary to ensure that the GP or community plan policies are carried out. As explained in the DEIR, the development process is a discretionary review process that involves balancing of competing interests. (DEIR, p. 3.8-29) During the development review process, community plans will be the authority on land use density and site specific recommendations. (DEIR, p. 3.8-29) If the GP and community plan policies are inconsistent, it will be up to decision makers to balance these interests. Furthermore, during this review process, all of the competing interests will be resolved by the decision makers. Therefore, in order to ensure consistent implementation of GHG

T-48 See response to comment B-1.

T-49 See response to comments B-1, N-4, N-6, and P-3.

reduction measures at the community plan and project approval level, specific and mandatory regulations are needed at the GP level.

VII. CONCLUSION

T-50

The GP Update presents an incredible opportunity for the City to plan for a future that protects public health, the environment and quality of life. Unfortunately, as drafted, it lacks substance and vision, which can only be remedied by full compliance with CEQA and comprehensive analysis and mitigation of the GP Update's significant environmental impacts, including GHG emissions. The DEIR includes some compelling information and disclosure of some of the GP Updates' environmental impacts, but follows up with woefully inadequate mitigation measures or none at all. These deficiencies must be addressed. Thank you for your time and consideration of these comments. The Center looks forward to reviewing a revised DEIR for the San Diego GP Update that responds to its concerns.

Sincerely,

/s/ Livia Borak
 Livia Borak
 Legal Intern
 Center for Biological Diversity

LIST OF ATTACHED EXHIBITS (108 pages)

Exhibit 1. California Attorney General, San Bernardino General Plan DEIR Comment Letter (October 23, 2006).

Exhibit 2. California Attorney General, Petition filed in *People of the State of California ex rel. Attorney General Edmund G. Brown v. County of San Bernardino*, Case No. SS 700329 (San Bernardino County Superior Court) (filed April 12, 2007) (challenge to San Bernardino General Plan Update in part for failure to analyze and mitigate global warming impacts).

Exhibit 3. *IT WON'T BE EASY BEING GREEN: Berkeley sets tough course for its residents to follow to help reduce emissions of greenhouse gases in city* available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/05/24/MNGJ5Q0N671.DTL&hw=it+won%27t+be+easy+being+green&sn=004&sc=607>; City of Berkeley, Measure G.

Exhibit 4. Green Communities, Online Green Criteria Checklist, available at http://www.greencommunitiesonline.org/documents/green_criteria_checklist.pdf

Exhibit 5. San Diego City Attorney, *Interim Report No. 11, A Call to Action: City of San Diego Must Prepare Its Infrastructure to Withstand Anticipated Impacts From Global Warming*, Report of the San Diego City Attorney, Michael J. Aguirre (August 31, 2006).

T-50 See response to comment B-1 & CC-1, and the MMRP which lists the applicable General Plan policies.

COMMENTS

RESPONSES

Exhibit 6. Stern, Sir Nicholas, Stern Review: The Economics of Climate Change (October 30, 2006) (Executive Summary and Press Notice), available at http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/sternreview_index.cfm.