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September 5, 2019

Angel Green, Senior Planner  
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Auburn, California 95603

Via e-mail: [agreen@placer.ca.gov](mailto:agreen@placer.ca.gov)

Dear Ms. Green,

Thank you for the opportunity to comment on the draft *Placer County Sustainability Plan* (PCSP). We encourage all efforts to expedite the transition to a carbon-free economy and are gratified by the County's aspiration to be a leader in reducing greenhouse gas (GHG) emissions. We offer these comments in the hope they will help the County reach that goal.

#### **CEQA STATUS**

The PCSP and associated website are silent on whether the *Plan* is intended to be a "qualified" Greenhouse Reduction Plan pursuant to CEQA (14 CFR §15183.5(b)). For commenting purposes, we assume that it is. The PCSP should clarify this point, and if it is so intended, should describe the effect of the associated regulatory "streamlining", and the proposed CEQA compliance process. Our CEQA-related comments would apply also to project-level GHG analyses. We hope our comments help the County strengthen the PCSP, whether as a "qualified" plan or not.

#### **STATE TARGETS ARE NOT MET**

**Tables 3-11 and 3-12.** These tables respectively forecast the County to exceed AB 32 GHG targets by 58 percent in 2030 and by 500 percent in 2050. The Plan thus unfortunately falls short of its claim to "reduce GHG emissions ... consistent with State targets" (p.1).

**Near-Term versus Future Reductions.** The County will meet the 2020 target with no local effort because of aggressive Statewide initiatives. Statewide opportunities are now exhausted and little further State GHG reduction is expected. Further, in Placer County (as Statewide), the two major sources of GHG are on-road vehicle-miles-traveled (VMT) and building energy. Both are regulated primarily through local land use and building code authorities. It is widely recognized that meeting future reduction goals will require strong local leadership and commitment, as mentioned in the PCSP's Introduction (p. 1).

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**County Commitment to GHG Reduction.** The California Supreme Court has recognized that “*Local governments...bear the primary burden of evaluating a land use project’s impact on greenhouse gas emissions.*”<sup>1</sup> The failure to meet the 2030 and 2050 goals by very large margins is related to the County insufficiently addressing GHG emissions. Since on-road transportation is the largest emitting sector, effective use of land use authority to curb inefficient development patterns is crucial for the County to do its share to reduce GHG emissions. PCSP Measures T-3 and T-10 articulate the principles, which the County needs to require rather than “encourage” or “promote”.

**Table 4-4.** The “Actions” identified in this table don’t correlate with the “Community Reduction Strategy” categories presented later in Chapter 4 and in the Appendix F, “Implementation Matrix”. The Table 4-4 groupings should be correlated with the Strategies/Action Items referenced elsewhere.

**Table 4.6.** The conclusion associated with Table 4-6, that, “*The County is on a trajectory to meet its per-capita targets in 2030 and 2050*” conflicts with the Table, which shows the County will miss both goals. Figure 4-1 demonstrates the trajectory is alarming.

## TARGETS NEED FURTHER ANALYSIS

The Countywide 2030 and 2050 *per capita* targets are derived directly from CARB’s Statewide targets without modification or explanation, and would also comprise thresholds of significance for project-level CEQA compliance. This appears inconsistent with judicial guidance. Using a statewide criterion requires substantial evidence and explanation to substantiate an assumption that the level of effort required in a Statewide context will suffice for a specific project; and a greater degree of GHG reduction may be needed from new land use projects than from the economy as a whole.<sup>2</sup> For example, application of the targets is not projected to bring the County into compliance with State 2030 and 2050 goals.

Re targets, Tables 3-9 and 3-10 confusingly have the same heading.

## GHG-1 CARBON OFFSET PROGRAM

**Strategy GHG-1** proposes a carbon offset program which would be credible (as defined), used only after application of all feasible onsite mitigation, and compatible with regional plans. Offsets can be an effective part of a successful mitigation plan, and we support the proposed criteria. “Feasible” mitigation includes land use decisions in the County’s purview to reduce VMT. Projects which unnecessarily generate VMT result in structural, long-term harm not amenable to short-term offset-mitigation. In addition, State climate policy is premised on reduction of GHG via local land use decisions. SB 375 instructs that GHG reductions are to result from efficient development and transportation patterns. CARB’s *Scoping Plan* notes local government’s central role in developing, “land use plans with more efficient development patterns that bring people and destinations closer”, and its SB 375 staff report states SB 375’s targets should be “achieved predominantly through

<sup>1</sup> *Center for Biological Diversity v. California Dept. of Fish and Wildlife* (2016) 62 Cal.4th 204

<sup>2</sup> *Center for Biological Diversity supra. Sierra Club v County of San Diego* (2018) Cal App.4th.

strategies that reduce” VMT. One regional plan with which any offset program must be “compatible” is SACOG’s *Metropolitan Transportation Plan/Sustainable Communities Strategy*, which supports the *Sacramento Region Blueprint* document.

### **VOLUNTARY ACTION ITEMS.**

We appreciate the clear organization of all Strategies and the systematic identification of co-benefits.

**Voluntary Actions not Enforceable.** Of the Plan’s 187 Action items, 182 (97 percent) are voluntary. Voluntary actions are not, “*fully enforceable through permit conditions, agreements, or other measures*” as CEQA requires (PRC, §21081.6 (b)). Many of the proposed voluntary measures fall within the County’ regulatory authority. If the County is confident these measures will be implemented, as asserted in PCSP *Appendix E’s* GHG assumptions, making them mandatory should not be difficult, and we urge the County to do so.

### **Funding to Support Voluntary Actions**

The 182 Action Items associated with voluntary measures all involve specified staff tasks. In the aggregate, these tasks represent a major body of work outside normal County operations. The PCSP does not provide breakdown estimates of staff time for each task, or total resource needs, and no funding source is identified. Absent funding, implementation is unlikely.

### **MANDATORY ACTION ITEMS**

Five Community-Wide Action Items are presented as mandatory, but are of limited GHG-reduction value, as discussed below.

### **Items Mitigating Discretionary Projects Exceeding GHG Thresholds**

Of the five Action Items proposed by the County as being mandatory, four (E-4, E-21, WW-2, T-1) are presented as “*mitigation for discretionary projects exceeding applicable GHG thresholds*”. The term “*discretionary projects*” is not defined in the PCSP (it should be); but we understand it to mean projects subject to CEQA, and “*threshold*” to denote CEQA-mandated thresholds of significance (“*targets*”).

Mitigation measures are tools to achieve compliance with thresholds, not ends in themselves. The County’s formulation might be construed to mean each Action would serve as the mitigation for a project exceeding the GHG target, and we suggest it be clarified.

As the CEQA lead agency, the County is prohibited from approving projects if there are feasible alternatives or mitigation measures to lessen environmental effects exceeding thresholds (PRC §21002), so these four Actions confer no GHG-reduction benefit beyond current County obligations.

These four Action Items are discussed individually below.

**Strategy E-4, Action Item 1: Require CalGreen Tier 1.**

This Item would require development subject to CEQA and not meeting GHG thresholds to comply with CALGreen Tier 1 standards. Please see the above comment re mitigation of discretionary projects. In addition, State policy is that all new residential buildings be Zero-Net-Energy starting in 2020, and this will almost certainly be reflected in the next triennial CalGreen update, rendering this Action of only short-term benefit.

**Strategy E-21, Action Item 1: Non-residential Photovoltaic (PV)**

This Item is supportive and no GHG reductions are claimed. It would require “new, large-scale nonresidential buildings” subject to CEQA and not meeting GHG thresholds to include rooftop photovoltaic systems. Please see above comment re mitigation of discretionary projects.

CalGreen requires PV installs on all new low-rise homes starting 2020. New non-residential construction must be “solar ready”, dedicating rooftop space for future solar systems. Solar installs will almost certainly be required for new non-residential buildings in the next triennial CalGreen update, rendering this Action of only short-term benefit.

The Action as written is somewhat unclear:

- The term “large-scale” is undefined.
- The “and/or” term makes it uncertain whether the intent is to always require storage; and if/when storage might be required absent solar arrays.

**Strategy WW-2, Action Item 1: Water Efficiency**

Please see above comment re mitigation of discretionary projects.

- It would be useful to identify the source of the proposed more stringent standard, and to state the current State standard to allow comparison.
- The Appendix F analysis is unclear re how assumed percent of “new homes installing beyond-code fixtures in future years” was derived.

**Strategy WW-6, Action Item 1: Water Efficient Landscaping**

This Action Item requires “*water-efficient landscaping...consistent with the Water Efficient Landscaping Ordinance (WELO)*”.

- The WELO is already in force, and is presumably already factored into the County’s GHG Emissions inventory. If so, further reduction should not be credited. Please clarify.

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### Strategy T-1, Action Item 1: EV Charging <sup>3</sup>

The following would be required for discretionary projects exceeding applicable GHG thresholds. Please see above comment re mitigation of discretionary projects. We suggest these measures be made mandatory for all new construction, and be augmented as described below.

T-1.2: *Require new residential one- and two-family dwelling units include wiring.*

- We suggest requiring a NEMA 14-50 outlet installed at the end of the wiring. This is a low-cost item (~\$10) that saves homebuyers from having to contract with an electrician to add the outlet (\$300) (see related recommendation for multifamily installs).

T-1.3 *Require new multifamily residential and residential mixed-use development, install EV-Capable and EVSE- Installed Level 2 charging stations at the state's code requirement for 3% of parking spaces.*

- We recommend instead of Level 2 charging stations, the County require only a weather-proof NEMA 14-50 electrical outlet (EVSE-Ready Outlet option) at parking locations. Occupants could provide their own charger (\$350 and up) suiting their needs, lowering development costs, and allowing charger customization and mobility.
- 2019 CalGreen requires a minimum of 10% of EV-capable spaces, and provides two additional levels: Tier 1, extending coverage to 15% of parking spaces, and Tier 2 extending coverage to 20%. Given the much lower cost of running conduit during construction and not requiring a full charging station, per the above, the county should require Tier 2 (20% coverage).

#### **Add three additional sub-strategies:**

T-1.5 Adopt processes and standards in the Governor's Office of Business and Economic Development (GO-Biz), *Electric Vehicle Charging Station Permitting Guidebook*. The Guidebook is designed to lower investment costs and accelerate installation of public and private EV charging. Placer can join other counties on the statewide *Scorecard* as an "EVCS Permit Ready All Star."<sup>4</sup>

T-1.6: Conduct robust and ongoing outreach to publicize the benefits of ZEVs.

T-1.7: Provide Level 1 trickle charging at major transit pick up points.

<sup>3</sup> The formatting of Strategy T-1 is anomalous: in addition to Action Items, four sub-strategies are presented, three of which could be identified as mandatory. However, they are consolidated under one Action Item, and we count them as such here.

<sup>4</sup> *Electric Vehicle Charging Station Permitting Guidebook*: <http://businessportal.ca.gov/wp-content/uploads/2019/07/GoBIZ-EVCharging-Guidebook.pdf>  
*Scorecard*: [http://www.business.ca.gov/Portals/0/Files/Permitting Electric Vehicle Charging Stations Scorecard\\_Updated\\_7.9.19.pdf](http://www.business.ca.gov/Portals/0/Files/Permitting Electric Vehicle Charging Stations Scorecard_Updated_7.9.19.pdf)

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## IMPLEMENTATION STRATEGY

PCSP Chapter 6 offers a robust monitoring and update plan. We offer the following comments to further strengthen.

**Strategy 1, Action Item 3.** The metric(s) used to assess progress should be stated, e.g., verification or otherwise of assumptions presented in Appendix F.

**Strategy 2, Action Item 4.** The proposal to update the PCSP if reduction targets are not met, is difficult to parse because as noted above the targets are already projected to not be met.

We appreciate the very substantial effort needed to prepare the draft PCSP. It is evident from the draft Plan's strong monitoring and update commitments that it is meant to be a "living" document, subject to ongoing community dialogue and further refinement. We look forward to working with the County to advance the Plan's important role in mitigating climate change.

Sincerely,



Laurie Litman, President  
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Environmental Council of Sacramento

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