



# City of Mission Viejo

## Community Development Department

**Wendy Bucknum**  
Mayor

**Edward Sachs**  
Mayor Pro Tem

**Brian Goodell**  
Council Member

**Patricia Kelley**  
Council Member

**Greg Rath**  
Council Member

TRANSMITTED VIA ARB WEBSITE PORTAL: SCOPING PLAN 2030

April 10, 2017

Ms. Rahinder Sahota  
California Air Resources Board  
1001 I Street  
Sacramento, California 95814

Dear Ms. Sahota:

Subject: California Air Resources Board (ARB)  
Draft 2017 Climate Change Scoping Plan Update (January 20, 2017 Release):  
City of Mission Viejo Comments

The City of Mission Viejo appreciates the opportunity to review and comment on the January 20, 2017 draft of the California Air Resources Board's 2017 Climate Change Scoping Plan Update.

The City of Mission Viejo has reviewed the key principles and strategies outlined in the 2017 Scoping Plan, and respectfully requests the Air Resources Board's thoughtful consideration of the City's comments, as presented in the attached matrix (Attachment 1). Included in this matrix is a re-statement and re-submittal of the City's December 15, 2016 comments on the prior Discussion Draft of the Scoping Plan Update, which outlines the City's continued opposition to the Scoping Plan's "one-size-fits-all" greenhouse gas emissions reduction goals for local jurisdictions. These comments are repeated with this transmittal, due to our concern that the January 2017 draft of the Scoping Plan does not appear to have been modified to reflect a consideration of these comments.

Should you have any questions on the City's comments, please do not hesitate to contact me by email at [elister@cityofmissionviejo.org](mailto:elister@cityofmissionviejo.org), or by phone at 949/470-3029. The City of Mission Viejo looks forward to ARB's proposed Final 2017 Scoping Plan Update.

Respectfully,

Elaine Lister  
Director of Community Development  
City of Mission Viejo



Attachments:

- 1) City of Mission Viejo Matrix of Review Comments
- 2) City of Mission Viejo 12/15/2016 Comment Letter

cc: Dennis Wilberg, City Manager  
Keith Rattay, Assistant City Manager  
Mark Chagnon, Public Works Director  
Larry Longenecker, Planning & Economic Development Manager  
Rich Schlesinger, City Engineer  
Philip Nitollama, City Traffic Engineer  
Denise Matson, Environmental Program Administrator  
Marnie O'Brien Primmer, OCCOG Executive Director  
Marika Poynter, OCCOG TAC Chair  
Gail Shiimoto-Lohr, GSL Associates

**ATTACHMENT 1**  
**City of Mission Viejo Comments: April 10, 2017**  
**January 20, 2017 ARB 2017 Climate Change Scoping Plan Update**

#	Chapter/Appendix	Page	Scoping Plan Language	Comment/Recommendation
#1	<p>V. Achieving Success  A. Enabling Local Action</p>	134	<p>Recommended Local Plan-Level GHG Emissions Reduction Goal:  “CARB recommends that local governments aim to achieve community-wide goal to achieve emissions of no more than six metric tons CO2e per capita by 2030 and no more than two metric tons CO2e per capita by 2050.”</p>	<p>1) As identified in the City of Mission Viejo’s 12-15-2016 comment letter on the December 2016 Discussion Draft of the 2017 Climate Change Scoping Plan Update (Attachment 2), the City continues to express its opposition to the Scoping Plan’s identification and inclusion of numeric target caps for community-wide GHG emissions, and recommends that the identified, numeric, local government targets be deleted. The “one-size-fits-all” approach assumes that all jurisdictions in the State of California are equal in their respective ability to achieve an identical numeric cap in GHG emissions, and fails to respect that different jurisdictions would have differing characteristics, due to distinct climate zones, industry mix, development patterns, public transit availability, and emissions sectors within the community. Further, the inclusion of specific, numeric targets, even though recommended, can and would be considered as de facto mandatory.</p> <p>2) As identified in the City of Mission Viejo’s 12-15-2016 comment letter on the December 2016 Discussion Draft of the 2017 Climate Change Scoping Plan Update (Attachment 2), the City continues to express concern over the funding implications to local government, to achieve significant GHG emissions reductions by 2030 and 2050. The new approach – a numeric cap of GHG emissions by 2030 and 2050 – makes obsolete current climate action plans and their associated target setting which were based on a 2008 Scoping Plan approach of a percentage reduction from baseline (2005-2008) levels. The 2017 Scoping Plan Update would therefore require all local jurisdictions to re-visit adopted Climate Action Plans, and incur the significant expense in preparing and adopting updated Climate Action Plans that are compliant with the target cap approach. The Air Resources Board needs to recognize and be sensitive to the financial constraints of local jurisdictions to fund updated Climate Action Plans to meet the target cap approach. Further, the Final Scoping Plan Update should include a financial component that commits available, non-competitive funding to all jurisdictions, regardless if said jurisdictions contain disadvantaged community census tract designations, for any elective efforts to update already adopted, local jurisdiction Climate Action Plans, to make them compliant with any adopted Scoping Plan Update.</p>

#	Chapter/Appendix	Page	Scoping Plan Language	Comment/Recommendation
#2	<p><b>IV. Key Sectors</b>  C. Transportation Sustainability:  1. Looking to the Future:  • Vibrant Communities and Landscapes/VMT Reduction Goals</p>	102	<p>VMT Reduction Goal:  “Promote all feasible policies to reduce VMT, including:  “Street design policies that <i>prioritize</i> transit, biking and walking.” [emphasis added]</p>	<p>As currently worded, this goal is not sensitive to the individual characteristics of communities throughout the state, where the prioritization of transit, biking and walking in street design, over vehicular travel, would be difficult or even inappropriate.</p> <p>We would suggest that the Scoping Plan Update’s consideration of goals related to street design be aligned with the framework and perspective of Assembly Bill 1358 (The California Complete Streets Act), which emphasizes a balanced, multi-modal transportation network that meets the needs of all users of the streets, and which does not prioritize one mode over another.</p> <p>As such, we would recommend that this goal be amended with a more balanced perspective on street design consistent with AB 1358, as suggested below:</p> <p>“Street design policies that accommodate the needs of all users of the streets, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation.”</p>
#3	<p><b>IV. Key Sectors:</b>  C. Transportation Sustainability:  Overview Discussion</p>	102 - 108	<p>This chapter of the Scoping Plan identifies several tiers of objectives, goals, on-going and proposed measures, and post additional action language to reduce VMT and greenhouse gas emissions from the Transportation Sector.</p>	<p>To the local government reader, this tiering of objectives, goals, on-going measures, proposed measures, and post-additional actions is confusing, and warrants greater clarification and explanation. The Scoping Plan (page 104) states that the measures “include some required and new potential measures to help achieve the State’s 2030 target.” It is unclear which actions are already required, which actions are known commitments, and which actions are new measures. Of particular confusion is the combining of “on-going and proposed measures” into one listing, with no identification of which specific measures are on-going, and which measures are proposed. Are these measures what used to be referred to as “known commitments”?</p>

#	Chapter/Appendix	Page	Scoping Plan Language	Comment/Recommendation
#4	<p><b>IV. Key Sectors:</b></p> <p>C. Transportation Sustainability:</p> <p>1. Looking to the Future:</p> <ul style="list-style-type: none"> <li>• Vehicle Technology Goals</li> </ul>	103	<p>Vehicle Technology Goal:</p> <p>“Through a strong set of complementary policies – including reliable incentives, significant infrastructure investment, broad education and outreach, and <i>potential regulation</i> – aim to reach 100 percent Zero Emission Vehicle (ZEV) sales.” [emphasis added]</p>	<p>The City of Mission Viejo has long supported the acquisition of alternative fuel vehicles and the construction of alternate fuel infrastructure for the City’s fleet, in an effort to reduce vehicular emissions.</p> <p>However, as currently worded, this goal does not appropriately recognize the investments that local governments have already made, in purchasing low emission city fleet vehicles that reduce tailpipe emissions, such as CNG-powered vehicles, yet which are not Zero Emission Vehicles, and the financial impact that this measure would have on local governments.</p> <p>We are also concerned with the current language proposing “potential regulation” to reach 100% ZEV sales, which seems to strong-arm consumer choice and fails to recognize current limitations in how far one can travel using an electric vehicle, which is a significant factor in a lack of greater local government and consumer support for ZEV vehicles.</p> <p>At minimum, we recommend that the language “and potential regulation” be deleted, and that the language of the goal recognize that technology must be significantly advanced and be financially cost effective, to achieve electric vehicle mileage ranges desired by consumers.</p> <p>Also, the proposed goal is inconsistently referenced in the Scoping Plan document as to its applicability to vehicle sectors. For example, page 100 of the Scoping Plan Update states “... CARB solicits input on additional policies to move toward the goal of achieving 100 percent ZEV sales in the light-duty sector”. Page 107 also discusses potential additional action to reach 100% ZEV sales for the light-duty sector.</p> <p>Thus, it is unclear if the proposed, high-level goal referenced on page 103, apply to all vehicle sectors, or just the light-duty sector. Clarify.</p>

#	Chapter/Appendix	Page	Scoping Plan Language	Comment/Recommendation
#5	<p><b>IV. Key Sectors:</b></p> <p>C. Transportation Sustainability:</p> <p>3. Efforts to Reduce Greenhouse Gases</p> <p>On-Going and Proposed Measures: Vibrant Communities and Landscapes/VMT Reduction Goals</p>	105	<p>VMT Reduction Goal:</p> <p>Mobile Source Strategy – 15 percent reduction in total light-duty VMT in 2050 (with measures to achieve this goal not specified; potential measures identified in Appendix C.</p>	<p>The City of Mission Viejo expresses grave concern over the new introduction of a Vehicle Miles Traveled (VMT) reduction goal that has been now identified in the January 2017 draft of the Scoping Plan Update for light-duty vehicles. Both technical and policy-level questions are raised for ARB's consideration in conducting a re-draft of the Transportation Sector section:</p> <ol style="list-style-type: none"> <li>1) The goal lacks specificity as to how the 15% VMT reduction in light-duty vehicles is being calculated. The statewide and regional starting point for the VMT reduction should be clearly explained, to provide a reader a perspective on the feasibility and appropriateness of the 15% reduction goal. For example, is this reduction from a certain base year, and what is that base year? Is it assuming already approved and adopted MPO Sustainable Community Strategy plans, and is thus a reduction that is above and beyond what MPO's have forecast in their 2035-2040 RTP/SCS plans?</li> <li>2) Why is the 15% VMT reduction targeted only on light-duty vehicles, with no accompanying target upon medium and heavy-duty vehicles? Is the State providing a free-pass to goods movement vehicles in crafting this measure, and placing the disproportionate burden on people's ability to drive to work and to school?</li> <li>3) Throughout the document in the Transportation Sector discussion, the Scoping Plan Update identifies a goal for 100 per cent zero emission vehicle sales for the light-duty vehicle sector. The Scoping Plan needs to clarify the relationship and nexus between reducing VMT and reducing greenhouse gas emissions from light-duty vehicles, if a portion of the assumed vehicle fleets contribute low or zero emissions. If a vehicle emits low or no emissions, does it really matter how many miles such a vehicle travels?</li> <li>4) Will a 15% reduction in VMT for light-duty vehicles call forth additional regulations and auto registration requirements that impose additional taxes, fees, pricing mechanisms, penalties or other requirements on each driver, in order for the State to implement a 15% VMT reduction goal? Will this be an additional tax and financial burden upon the State's driving population, above and beyond the increased gas tax prices and registration fees from that will be imposed by SB 1? And will the State require each driver to monitor how many miles one drives each year, and impose financial penalties if a certain mileage threshold is reached, to implement such a goal?</li> </ol>

#	Chapter/Appendix	Page	Scoping Plan Language	Comment/Recommendation
#6	<p><b>IV. Key Sectors:</b>  C. Transportation Sustainability:  3. Efforts to Reduce Greenhouse Gases</p> <p>Appendix C, Section II:  Infrastructure Investment</p>	<p>108</p> <p>2</p>	<p>Potential Additional Action:</p> <p><u>Scoping Plan:</u>  Identifying performance criteria for transportation and other infrastructure investments, to ensure alignment with GHG reduction goals and other State policy priorities, and improve proximity, expanded access to transit, shared mobility, and active transportation choices.</p> <p><u>Appendix C:</u>  Explore development and adoption of additional performance measures and targets to inform the selection of transportation capital projects.</p>	<p>This potential additional action requires extensive discussion with Metropolitan Planning Organizations, county transportation commissions, and other stakeholders.</p> <p>The language, especially when read in concert with Appendix C, inserts VMT and greenhouse gas emissions factors into transportation project selection, and though that effort, subtly prioritizes the selection of transportation projects based on how much VMT/GHG they generate, which in turn would penalize the delivery of roadway improvements when compared to active transportation and transit improvements.</p> <p>This potential action is in direct contradiction to voter-approved sales tax measures that include future freeway and roadway improvements, and subjects such projects to additional and unnecessary analyses and thresholds. The City of Mission Viejo strongly supports each county transportation commission to work with its local jurisdictions in implementing a balanced, infrastructure delivery of transportation investments needed for their residences and businesses, and opposes any efforts and proposals in the 2017 Scoping Plan Update that would inject a policy platform that would prioritize the selection and/or funding of transportation investments, based on how much greenhouse gas emissions or Vehicle Miles Traveled, each transportation investment would generate.</p>
#7	<p><b>IV. Key Sectors</b>  V. Achieving Success  A. Enabling Local Action</p> <p>Appendix B, Local Action  • Transportation &amp; Land Use</p>	<p>131</p> <p>2</p>	<p><u>Scoping Plan:</u>  Examples of plan-level GHG reduction actions that could be implemented by local governments are listed in Appendix B.</p> <p><u>Appendix B:</u>  Adopt general plan policies and diagram designations and zone map and standards that are consistent with the Sustainable Communities Strategy.</p>	<p>The City of Mission Viejo finds it imperative to make clear that the Government Code statute governing an MPO's development and adoption of a Sustainable Communities Strategy, does <u>not</u> require a local jurisdiction's general plan and zoning to be consistent with an adopted SCS. Specifically, Government Code Section 65080(b)(2)J states:</p> <p>“Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy.”</p> <p>Thus, the proposed local government measure referenced in Appendix B – to have local jurisdictions adopt general plan policies, plans and zoning that are consistent with its MPO's SCS – is an optional and elective opportunity for local jurisdictions. Any Scoping Plan proposal to mandate consistency between an MPO SCS and local government General Plans and zoning, would require state statute amendment to the State Government Code, Section 65080 (b)(2)J.</p>



# City of Mission Viejo

## Community Development Department

**Wendy Bucknum**  
*Mayor*

**Ed Sachs**  
*Mayor Pro Tem*

**Greg Rath**  
*Council Member*

**Brian Goodell**  
*Council Member*

**Patricia Kelley**  
*Council Member*

December 15, 2016

Ms. Rahinder Sahota [rsahota@arb.ca.gov]  
California Air Resources Board  
1001 I Street  
Sacramento, California 95814

Dear Ms. Sahota:

**Subject: 12/02/2016 Discussion Draft: ARB 2030 Target Scoping Plan Update;  
City of Mission Viejo Comments**

The City of Mission Viejo has completed a preliminary review of the California Air Resources Board's 12/02/2016 2030 Target Scoping Plan, with particular attention on the recommended local government greenhouse gas emissions (GHG) reduction goals.

Working within the constraints of your Agency's two-week review period, this letter highlights, from a local government perspective, two key comments with this new target-setting approach for local government community-wide GHG emissions.

The City of Mission Viejo's key comments are as follows:

- 1) Local Government Community-Wide GHG Emissions Reduction Goals: Uniform "One Size Fits All" Per Capita Cap for California Cities and Counties

The 12/01/2016 Discussion Draft presents a radically new and different target-setting approach for local jurisdiction GHG emissions reductions. The City of Mission Viejo respectfully states its opposition to this new approach.

Previously, local government climate action plans worked with the framework of the 2008 AB32 Scoping Plan, which utilized an approach of establishing a baseline community-wide GHG inventory of all sources of GHG emissions, projecting future emissions for 2020 and 2035, and identifying relevant and feasible GHG reduction strategies and measures to achieve a percentage reduction of GHG emissions as compared to the baseline, for years 2020 and 2035.

ARB's new approach, as recommended in the December 2016 draft of the Scoping Plan, proposes to abandon the above-mentioned approach for reducing projected community-wide GHG emissions. Instead, the Scoping Plan proposes that every jurisdiction be





assigned an identical, tops-down derived, per capita “cap” target for Years 2030 and 2050.

The City of Mission Viejo finds this tops-down, uniform, “one-size fits all” approach to be inappropriate. This approach bears no relationship or recognition to differing local conditions, settings, GHG-emitting sectors, and opportunities relevant to each individual jurisdiction. The City believes that the specific choice of climate action plan targets should be made at the local level, not the state level, and urges the Air Resources Board to return to a locally-based baseline and establishment of workable targets derived from the local conditions and constraints.

2) Funding for Local Government Climate Action Plans That Would Be Compliant with the Recommended New Approach for GHG Emissions Reduction Goals:

The City of Mission Viejo commissioned its 2012 Sustainability Action Plan based upon the 2008 Scoping Plan approach, at a cost of \$200,000 in General Fund funds. This Plan sets forth the City’s short-term and long-term strategy, by distinct sector, to reduce GHG emissions out to Year 2035. The 2030 Target Scoping Plan Discussion Draft further identifies that 42% of local governments in California have completed a climate action/energy/sustainability action plan to address GHG emissions reductions based on the 2008 Scoping Plan, and no doubt many additional jurisdictions have received funding and are preparing such additional new plans now.

The City expresses significant concern over the funding implications of the recommended approach for local government GHG reduction goals. This new approach essentially makes obsolete current climate action plans and their associated target setting, and in the spirit of “fair share” responsibility, the new approach assumes that local governments would set course to assume the financial responsibility to prepare new/updated climate action plans based upon the new cap thresholds and now for the Years 2030 and 2050.

The Air Resources Board needs to be sensitive to the financial constraints of local jurisdictions to perform updated Climate Action Plans, especially after already completing such plans based upon the 2008 Scoping Plan approach. At minimum, any final 2030 Target Scoping Plan Update should include a financial component that commits available, non-competitive funding to all jurisdictions who seek to update their adopted Plans to make them compliant with any adopted 2030 Scoping Plan Update.

In closing, the City of Mission Viejo appreciates the opportunity to review this important document, and urges your Agency’s thoughtful reconsideration and approach on the target-setting approach for local government community-wide GHG emissions reductions, as stated herein. Further, the City of Mission Viejo respectfully observes that the abrupt, two-week review period of this important discussion draft was not ideal; any potential impacts to local government requirements, processes and finances should have been conducted within a broader net for outreach and consultation, and with the conduct of timely public workshop(s) that would have allowed for consideration of the public workshop information prior to any deadlines for public comment.

Should you have any questions on the City's comments, please do not hesitate to contact me by email at [elister@cityofmissionviejo.org](mailto:elister@cityofmissionviejo.org), or by phone at 949/470-3029. The City looks forward to the release and review of the January 2017 Proposed 2030 Target Scoping Plan.

With appreciation,



Elaine Lister  
Director of Community Development  
City of Mission Viejo

cc: Dennis Wilberg, City Manager  
Keith Rattay, Assistant City Manager  
Mark Chagnon, Public Works Director  
Larry Longenecker, Planning and Economic Development Manager  
Rich Schlesinger, City Engineer  
Philip Nitollama, City Traffic Engineer  
Denise Matson, Environmental Program Administrator  
Marnie O'Brien, Executive Director, OCCOG  
Marika Poynter, OCCOG TAC Chair  
Gail Shiimoto-Lohr, GSL Associates