



# City of Mission Viejo

*"We Value: Public Service, Integrity, Teamwork, Innovation, and Excellence"*

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Lance R. MacLean  
*Mayor Pro Tem*

Trish Kelley  
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John Paul "J.P." Ledesma  
*Council Member*

Cathy Schlicht  
*Council Member*

December 9, 2008

Ms. Mary D. Nichols, Chair  
California Air Resources Board  
1001 "I" Street  
P.O. Box 2815  
Sacramento, California 95812

Dear Chair Nichols:

**RE: City of Mission Viejo Comments on the AB 32 Draft Scoping Plan**

Thank you for the opportunity to review and comment on the AB 32 Draft Scoping Plan.

The City of Mission Viejo has long been a supporter of programs and activities that can achieve reductions in greenhouse gas emissions with its: recycling programs; tree planting programs; use of green building standards for city facilities; free Wi-Fi Internet access at major city facilities; use of recycled water for city medians and parks; purchase of alternative fuel city vehicles and construction of alternatively fueled fueling stations; and conduct of annual environmental fairs with school-aged children to promote environmental stewardship.

With the release of the California Air Resources Board's draft AB 32 Scoping Plan, the City of Mission Viejo has been carefully monitoring provisions relating to local government implementation of proposed strategies to reduce the state's greenhouse gas emissions back to 1990 levels, by the Year 2020.

On behalf of the City of Mission Viejo, I respectfully submit the following comments on the AB 32 Draft Scoping Plan, and respectfully request that these comments be considered by the Governing Board prior to any adoption of the strategies and their associated targets to reduce statewide greenhouse gas emissions.

The four key comments are as follows:

1. ***Confirm that the statewide greenhouse gas emission target for Year 2020 is 169 Million Metric Tons of Carbon Dioxide Equivalent (MMTCO<sub>2</sub>E) and not 174 MMTCO<sub>2</sub>E.***
2. ***Do not continue to increase the Year 2020 greenhouse gas emissions target for Regional Transportation-Related GHG Targets from the original target of 2 million metric tons of carbon dioxide equivalent.***
3. ***Endorse a consistency between SB 375 and the AB 32 Scoping Plan that allows additional strategies, besides VMT reduction from land use shifts, to be eligible for consideration to achieve greenhouse gas emissions reductions from cars and light trucks.***
4. ***Recognize that any proposal to have local jurisdictions achieve a community-wide 15 percent reduction in greenhouse gas emissions from current levels by Year 2020 shall be elective only, and that no statewide target shall be established in the AB 32 Scoping Plan for this strategy, especially in absence of any funding to implement this proposal.***

A discussion of each of these four comments, and the City of Mission Viejo recommendations, are presented below:

1. ***Confirm that the statewide greenhouse gas emission target for Year 2020 is 169 Million Metric Tons of Carbon Dioxide Equivalent (MMTCO<sub>2</sub>E) and not 174 MMTCO<sub>2</sub>E.***

The AB 32 Scoping Plan identifies the state's objective to reduce greenhouse gas emissions to 1990 levels by Year 2020. In the initial draft of the AB 32 Scoping Plan, the Scoping Plan quantifies that to reach the 1990 levels of greenhouse gas emissions in Year 2020, 169 million metric tons of carbon dioxide equivalent would need to be reduced statewide.

In the revised October 2008 Scoping Plan that has been released for public comment, it is unclear as to whether the Year 2020 GHG emissions reduction target remains at 169 million metric tons of carbon dioxide equivalent, or whether the target has been increased to 174 million metric tons of carbon dioxide equivalent through this revised Scoping Plan document.

Specifically, **Table 2: Recommended Greenhouse Gas Reduction Measures** [page 17] lists the recommended strategies to reduce statewide greenhouse gas emissions, and identifies that these strategies, if approved for implementation, would achieve 174 million metric tons of carbon dioxide equivalent. Said table, however, does not identify that the 1990 target is actually 169 million metric tons, thus resulting in a surplus of 5 million metric tons.

**Recommendation:**

Revise the AB 32 Scoping Plan narrative and Table 2: Recommended Greenhouse Gas Reduction Measures, to include an additional section that clearly identifies that the 2020 emissions reductions target remains at 169 million metric tons of carbon dioxide equivalent. Further, that the proposed list of strategies identified in Table 2 results in a surplus of 5 million metric tons of carbon dioxide equivalent.

2. ***Do not continue to increase the Year 2020 greenhouse gas emissions target for Regional Transportation-Related GHG Targets from the original target of 2 million metric tons of carbon dioxide equivalent.***

One of the strategies to reduce greenhouse gas emissions that is embraced by the AB 32 Scoping Plan and SB 375, is a change in where future land use growth would occur. Both the AB 32 Scoping Plan and SB 375 emphasize that future housing and employment should be redirected towards existing employment centers and transit centers, under the premise that such future growth would reduce the length of travel by cars and light trucks in outlying areas, and thus reduce greenhouse gas emissions.

The City of Mission Viejo remains concerned over the degree of greenhouse gas emissions that is anticipated to result from shifts in land use patterns. The original draft Scoping Plan identified a target of 2 million metric tons of carbon dioxide equivalent with the implementation of this land use-transportation strategy. Based on U.C. Berkeley research and some consultation with Metropolitan Planning Organizations, this target has now been revised and increased to 5 million metric tons of carbon dioxide equivalent.

Further, the City of Mission Viejo is aware of recommendations from other stakeholders to further increase this target to possibly 11 to 13 million metric tons of carbon dioxide equivalency statewide, five times the original recommended threshold.

For the reasons listed below, the City of Mission Viejo strongly encourages the California Air Resources Board to return to the target of 2 million metric tons of carbon dioxide equivalency for this land use/transportation strategy. The considerations are as follows:

- AB 32 requires a collective and collaborative effort to reduce statewide greenhouse gas emissions. This particular strategy to re-direct future growth requires a working commitment and joint effort from both the public and private sectors, and requires analytical tools to assist in a community's decision-making process.

While local governments can influence development design, we must all recognize that developers will build projects for which there is a market. In order to effect changes in land use patterns, there must be incentives provided to the development community and to local jurisdictions to encourage more development in areas where the reductions in GHG emissions reductions are great.

- Local jurisdictions cannot endorse changing future growth patterns without understanding how land use intensification in areas near train stations will impact its residents and businesses in terms of traffic congestion, increased infrastructure and resource needs, and additional schools capacity, to name a few, and further, how the funds to address these environmental and service impacts will be made available to local jurisdiction to mitigate these impacts.
- To accommodate dramatic shifts in growth near transit centers, county transportation commissions and affected local jurisdictions will need to provide greater services and improvements to accommodate the anticipated increase in services, such as greater service frequencies in rail and bus transit, in addition to constructing or implementing associated improvements, such as bike and pedestrian trail linkages, parking facilities, and shuttle services to link the land use developments to transit services. These increases in infrastructure and service demand will be costly to local jurisdictions and county transportation commissions, and the full impact of these costs has yet to been analyzed and established.

Clearly, this is an arena where methodology still needs to be more fully developed, where associated modeling capabilities to account for GHG reductions via VMT reduction needs to be created and endorsed by transportation and air quality technical experts, and where the direction to site future growth near existing employment centers and transit centers has the ability to exacerbate congestion and air quality in the immediate vicinity of transit centers and employment centers. Thus, to increase the thresholds in absence of understanding the full impact to local jurisdictions and county transportation commissions, is premature.

- The City of Mission Viejo also believes it is important that the California Air Resources Board recognize that in the SCAG region, there would need to be a tremendous shift across the six-county SCAG region to achieve even the 5 million metric ton reduction target in Year 2020. We must first all understand the degree of land use change that would be necessary to achieve the proposed greenhouse gas emissions reductions targets, before any increase in GHG emissions reductions is considered.

If AB 32 is to be a workable plan, it must be achieved with a series of successes that can build support and momentum. Increasing the target from 2 million to 5 million and possibly 11 million metric tons forces upon local jurisdictions and transportation agencies land use considerations and transit needs that are potentially unrealistic and unfeasible, resulting in failure from the outset.

Recognizing that the AB 32 Scoping Plan is to be a living document, with thresholds re-assessed, let us proceed with a threshold that can be technically justified before proposing any increase to the statewide target.

**Recommendation:**

Revise AB 32 Scoping Plan narrative and Table 2: Recommended Greenhouse Gas Reduction Measures, to restore the original 2 million metric tons of greenhouse gas emissions for the statewide Transportation-Related GHG Target, recognizing that with the 2 million metric tons target, the statewide target of 169 million metric tons would still be achieved for Year 2020.

3. ***Endorse a consistency between SB 375 and the AB 32 Scoping Plan that allows additional strategies, besides VMT reduction from land use shifts, to be eligible for consideration to achieve greenhouse gas emissions reductions from cars and light trucks.***

SB 375 has been identified as the implementing legislation to achieve transportation-related greenhouse gas emissions reductions from cars and light trucks, through a re-direction of future growth towards transit centers and existing employment centers. SB 375 emphasizes that such greenhouse gas emissions would be achieved through a reduction in Vehicle Miles Traveled that would be achieved through shorter trips and multi-modal travel choices that are assumed to be available to the proposed development pattern, by bringing people closer to their destinations.

The AB 32 Scoping Plan recognizes that there are additional strategies that are capable of reducing greenhouse gas emissions for cars and light trucks, beyond the re-direction of where future growth would occur. The additional VMT reduction strategies cited in the AB 32 Scoping Plan include congestion pricing strategies, employee transit incentives, telework programs, parking policies, carsharing and Pay-As-You-Drive insurance [pages 48 and 49].

Clearly, these additional strategies that are cited in the AB 32 Scoping Plan, should be recognized as strategies that are to be available in SB 375 implementation as well.

**Recommendation:**

Establish a policy determination that SB 375 VMT reduction from cars and light trucks shall include strategies cited in the AB 32 Scoping Plan, including:

- fostering land use patterns consistent with the transportation network and transportation modes;
- congestion pricing strategies;
- employee transit incentives
- telework programs
- parking policies
- carsharing

4. ***Recognize that any proposal to have local jurisdictions achieve a community-wide 15 percent reduction in greenhouse gas emissions from current levels by Year 2020 shall be elective only, and that no statewide target shall be established in the AB 32 Scoping Plan for this strategy, especially in absence of any funding to implement this proposal.***

The AB 32 Scoping Plan proposes that local jurisdictions volunteer to administer, quantify, and summarize all public and private local efforts within its community that can achieve a 15 percent reduction in current levels, by Year 2020, to parallel the state's target. The City of Mission Viejo raises a series of concerns with this proposal:

- This proposal would require local jurisdictions to be responsible for establishing an inventory and then monitoring, tracking, coordinating, compiling and quantifying greenhouse gas emissions reductions for activities within its boundaries.
- This proposal goes beyond just city operations, and includes emissions from the entire community including residential and commercial energy consumption, local transportation activity, and extensive coordination with schools activities, and waste and water and other special district activities that provide services within the jurisdiction. Clearly, this is a responsibility that is beyond the financial capabilities, technical resources and capabilities, and staffing/consulting needs available to local governments. Further, the AB 32 Scoping Plan identifies no dedicated and continuous funding that would be provided to local jurisdictions that elect to administer this proposed responsibility.

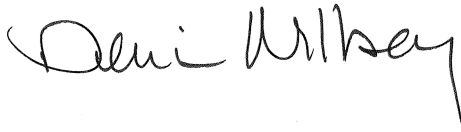
At present, ***Table 2: Recommended Greenhouse Gas Reduction Measures*** identifies that a quantification of this strategy is "To Be Determined."

Given the voluntary nature of this particular proposal, the City of Mission Viejo strongly recommends that there be no emissions reductions targets assigned for this proposed strategy. The City of Mission Viejo advises that any specific, numeric quantification of this strategy would comprise a defacto unfunded mandate.

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On behalf of the City of Mission Viejo, I thank you for the opportunity to comment on the California Air Resources Board's proposed AB 32 Scoping Plan.

With appreciation,

A handwritten signature in black ink, appearing to read "Dennis Wilberg". The signature is fluid and cursive, with the first name "Dennis" written in a larger, more prominent script than the last name "Wilberg".

Dennis R. Wilberg,  
City Manager

Cc: City of Mission Viejo City Council  
City of Mission Viejo Planning and Transportation Commission  
OCCOG Board of Directors  
OCCOG Technical Advisory Committee  
Lacy Kelly, League of California Cities, Orange County Division  
Tony Cardenas, League of California Cities, Orange County Division  
City of Mission Viejo Deputy City Manager  
City of Mission Viejo Director of Community Development  
City of Mission Viejo Director of Public Works  
City of Mission Viejo Planning Manager  
City of Mission Viejo Transportation Manager