Date 2/7/17

Submitted in PLUM Committee

Council File No 16-1341 & 16-1341-S1

Item No 6 + 7

Communication from Appellant

Memorandum

To: Planning & Land Use Management (PLUM)

From: Susan Gorman-Chang, Porter Ranch Resident

Date: 2/7/2017

Re: CPC-2016-837-SP-MCUP-DRB-SPP-SP

Susan Gorman-Chang and I am here as a Resident of Porter Ranch. Let me say that I am not against this development. But I have come to an age where I realize our generation is responsible for the health & well-being of our children & grandchildren. Decisions we make now about this development affect the entire city of Los Angeles because bad air quality travels. We saw that with the well blowout in Aliso Canyon whose 100,000 tons of methane affected our **global** climate change. This is not just about us. The one thing and the one responsibility we all have in common is our air. From Porter Ranch to Baldwin Hills to Boyle Heights to downtown LA; we all breathe and share the air. We cannot be so selfish to think otherwise. We **can** do this development in a smart, sustainable way.

You have my Appeal letter dated November 23, 2016, so I'll just touch on some highlights and updates. The first update is the Supreme Court case California Building Industry Association v. Bay Area Air Quality Management District, December 17, 2015 which found C.E.Q.A. does mandate (consistent with a key element of the Resources Agency's interpretation) an analysis of how a project might *exacerbate* existing environmental hazards. This existing environmental hazard in our back yard is the Aliso Canyon Gas Storage Facility, which, even as it is closed continues off-gasing methane which mixes with Volatile Organic Compounds (emitted by vehicles that will be coming/going to The Village) to form smog. If/when that facility reopens that effect will increase exponentially. **The cumulative effect of the proposed development, The Village, in the same area as the Aliso Canyon Gas Storage Facility has not been addressed in any of the EIR documents or Addendums and it needs to be per the recent Supreme Court case.** (Attachment 1)

Second, The Village as planned lacks sufficient evidence that the development and its associated traffic greenhouse gases emissions (GHG) would not be significant.

The Village may serve to help derail the AB-32 if not done correctly. (Attachment 2) . AB-32 is the State law which stipulates we *must* reduce GHG emissions back to 1990 level, which is a substantial decrease from where we are today even without The Village. In another Supreme Court case. Center for Biological Diversity v. Department of Fish & Wildlife 62 Cal 4th 204, 2016 aka the Newhall Ranch Development Supreme Court case, the court found that the developer's EIR "lacked substantial evidence to support a finding that emissions would not be significant." Further, it found that a development simply designed to meet high building efficiency and conservation standards, (as developer Shapell's Addendum puts forth) does not establish that its greenhouse gas emissions from transportation activities lack significant impacts. "Indeed, it seems that new development must be more GHG-efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit." Center for Biological Diversity v. Department of Fish & Wildlife 62 Cal 4th 204, 2016. The precedent set in this Supreme Court case can be applied to The Village. (See Attachment 3)

Third is SB 375, which is the nation's first law to associate global warming with land use planning and transportation. (Attachment 4) Like AB-32, this is a state law and following state law is not optional. Under SB 375 developers can get some relief from certain environmental review requirements under C.E.Q.A. **if** their projects are **consistent** with the limits & policies specified in a region's Sustainable Communities Strategy. LA has a Sustainability Plan with targets to decrease vehicle miles driven, increase public transportation and electric vehicle use. But The Village has not **yet** demonstrated that it is consistent with this plan. The mere existence of LA's Sustainability Plan does not let The Village off the hook. It must show *how* it is consistent with that plan. Let's give them a chance to do that. **And,** this chance is already in Section 9-F of the Specific Plan for our community that stipulates the formation of a Transport Management Organization (TMO) and Shared Ride Transportation System. (Attachment 5) Have these been forgotten and never formed? I suggest we form a TMO and a Shared Ride Transportation System incorporating services such as, for example, Waive (free 2 hour electric car usage) and perhaps an electric trolley, and allow members from PRNC to sit on that organization's board. That may help The Village to comply to our city's Sustainability pLAn, thereby helping it comply to SB 375.

In summary we have two Supreme Court cases setting precedents and two state laws AB-32 and SB-375 that need to be followed. I recommend PLUM reject the building permits until the developer comes **quickly** back with a plan to ensure

compliance and sustainability for The Village. Newhall Ranch, after their defeat, announced their commitment to a Net Zero community, which usually mean a development will create as much energy from clean sources, such as solar and wind, as it uses. I suggest developers of The Village do the same, **and I will work with you** or end up facing the legal precedent of two Supreme Court cases.

CALIFORNIA BUILDING INDUSTRY ASSOCIATION v. BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Supreme Court of California.

CALIFORNIA BUILDING INDUSTRY ASSOCIATION, Plaintiff and Respondent, v. BAY AREA AIR QUALITY MANAGEMENT DISTRICT, Defendant and Appellant.

No. S213478.

Decided: December 17, 2015

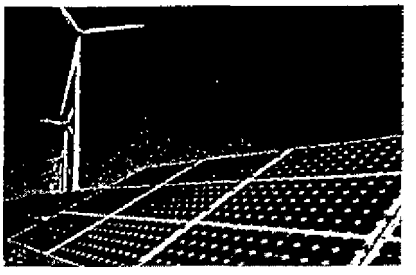
Brian C. Bunger, Randi L. Wallach; Shute, Mihaly & Weinberger, Ellison Folk and Erin B. Chalmers for Defendant and Appellant. Matthew Vespa and Kevin P. Bundy for Sierra Club, Center for Biological Diversity, the Natural Resources Defense Council and the Planning and Conservation League as Amici Curiae on behalf of Defendant and Appellant. Burke, Williams & Sorensen, Thomas B. Brown and Matthew D. Visick for League of California Cities and California State Association of Counties as Amici Curiae on behalf of Defendant and Appellant. Kurt R. Wise, Barbara B. Baird, Veera Tyagi and Ruby Fernandez for South Coast Air Quality Management District as Amicus Curiae on behalf of Defendant and Appellant. Earthjustice and Adriano L. Martinez for Communities for a Better Environment as Amicus Curiae on behalf of Defendant and Appellant. Wittwer Parkin, William P. Parkin and Jonathan Wittwer for California Chapter of the American Planning Association and California Association of Environmental Professionals as Amici Curiae on behalf of Defendant and Appellant. Thomas E. Montgomery, County Counsel, and Paula Forbis, Deputy County Counsel, for San Diego County Air Pollution Control District as Amicus Curiae on behalf of Defendant and Appellant. Paul Campos; Cox, Castle & Nicholson, Michael H. Zischke, Andrew B. Sabey and Christian H. Cebrian for Plaintiff and Respondent. Perkins Coie, Stephen L. Kostka and Geoffrey L. Robinson for Center for Creative Land Recycling, Burbank Housing, Bridge Housing, First Community Housing, Nonprofit Housing Association of Northern California, San Francisco Housing Action Coalition, California Infill Builders Federation, Bay Area Council, Bay Planning Coalition, East Bay Leadership Council, Orange County Business Council, San Mateo County Economic Development Association and Silicon Valley Leadership Group as Amici Curiae on behalf of Plaintiff and Respondent. Miller Starr Regalia, Arthur F. Coon and Matthew C. Henderson for League of

California Environmental Protection Agency
Air Resources Board

Assembly Bill 32 Overview

The passage of AB 32, the California Global Warming Solutions Act of 2006, marked a watershed moment in California's history. By requiring in law a sharp reduction of greenhouse gas (GHG) emissions, California set the stage for its transition to a sustainable, low-carbon future. AB 32 was the first program in the country to take a comprehensive, long-term approach to addressing climate change, and does so in a way that aims to improve the environment and natural resources while maintaining a robust economy.

What Does AB 32 Do?



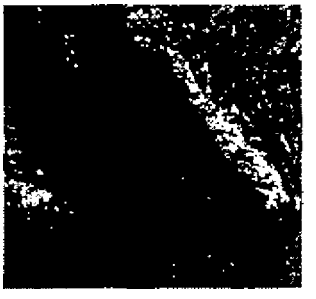
AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020 — a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario.

Pursuant to AB 32, ARB must adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste.

Why is AB 32 Needed?

According to leading climate scientists from around the world, anthropogenic climate change (that caused by humans) is a significant and growing problem that must be addressed in order to avoid the worst effects. Climate change is the result of various GHGs that are emitted into the atmosphere, such as carbon dioxide (CO_2) and methane (CH_4), which have a heat forcing effect on the atmosphere. Sharp rises of GHGs over the last century and a half have led to higher overall worldwide temperatures, reduced snowpack in the higher elevations, greater fluctuations of temperature and precipitation, global sea level rise and more frequent and severe extreme weather events, including hurricanes, heatwaves and droughts.

AB 32 describes the problem for California:



The Legislature finds and declares all of the following:

(a) Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state

Center for Biological Diversity v. Department of Fish & Wildlife

Supreme Court of California

November 30, 2015, Filed

S217763

Reporter
62 Cal. 4th 204; 2015 Cal. LEXIS 9478

CENTER FOR BIOLOGICAL DIVERSITY et al., Plaintiffs and Respondents, v. DEPARTMENT OF FISH AND WILDLIFE, Defendant and Appellant; THE NEWHALL LAND AND FARMING COMPANY, Real Party in Interest and Appellant.

Subsequent History: Time for Granting or Denying Rehearing Extended *Ctr. for Biological Diversity v. Dep't of Fish & Wildlife, 2015 Cal. LEXIS 10164 (Cal., Dec. 15, 2015)*

Prior History: [**1] Superior Court of Los Angeles County, No. BS131347, Ann I. Jones, Judge. Court of Appeal, Second Appellate District, Division Five, No. B245131.
Center for Biological Diversity v. Department of Fish & Wildlife, 224 Cal. App. 4th 1105, 169 Cal. Rptr. 3d 413, 2014 Cal. App. LEXIS 256 (Cal. App. 2d Dist., 2014)

Case Summary

Overview

HOLDINGS: [1]-Consistency with statewide goals for greenhouse gas emission reductions under the California Global Warming Solutions Act of 2006, *Health & Saf. Code, § 38500 et seq.*, was a permissible significance criterion for cumulative impacts under *Pub. Resources Code, § 21083, subd. (b)(2)*, and Cal. Code Regs., tit. 14, *§ 15064.4*, in an environmental impact report; [2]-The report lacked substantial evidence to support a finding that emissions would not be significant; [3]-Mitigation measures calling for capture and relocation of a fully protected species were prohibited under *Fish & G. Code, § 5515, subd. (a)*, as a taking under *Fish & G. Code, § 86*, that was not part of a species recovery program; [4]-Raising claims during an optional comment period under *Pub. Resources Code, § 21091, subd. (a)*, exhausted administrative remedies under *Pub. Resources Code, § 21177*.

Outcome

Reversed and remanded.

Counsel: Wendy L. Bogdan, Thomas R. Gibson, John H. Mattox; Thomas Law Group, Tina A. Thomas, Ashle T. Crocker, Amy R. Higuera and Meghan M. Dunnagan for Defendant and Appellant.

Latham & Watkins, Christopher W. Garrett and Taiga Takahashi for California Chamber of Commerce as Amicus Curiae on behalf of Defendant and Appellant.

Holland & Knight, Jennifer L. Hernandez and Charles L. Coleman III for San Joaquin Valley Air Pollution Control District and County of Kern as Amici Curiae on behalf of Defendant and Appellant.

Kathrine Pittard for Sacramento Metropolitan Air Quality Management District as Amicus Curiae on behalf of Defendant and Appellant.

Nossaman, Robert D. Thornton, Stephanie N. Clark; Best Best & Krieger, Steven C. DeBaun, Charity B. Schiller; Stefanie D. Morris; Marcia Scully, Robert C. Horton; Mark J. Saladino, County Counsel (Los Angeles), Charles M. Safer, Assistant County Counsel, Ronald W. Stamm, Principal Deputy County Counsel; and Amelia T. Minaberrigarai for Foothill/Eastern Transportation Corridor Agency, San Joaquin Hills Transportation Corridor Agency, Kern County Water Agency, Metropolitan Water District of Southern California, Riverside County Transportation Commission, Los Angeles County Metropolitan Transportation Authority and State Water Contractors as Amici Curiae on behalf of Defendant and Appellant.

Cox, Castle & Nicholson, Michael H. Zischke, Andrew B. Sabey, Linda C. Klein and James M. Purvis for California Building Industry Association, Building Industry Legal

Attachment 3

Defense Foundation, Building Industry Association of the Bay Area, California Business Properties Association and California Association of Realtors as Amici Curiae on behalf of Defendant and Appellant. [*212]

Sidley Austin, Mark E. Haddad, Michelle B. Goodman, Wen W. Shen and David L. Anderson for Governors George Deukmejian, Pete Wilson and Gray Davis as Amici Curiae on behalf of Defendant and Appellant.

Gatzke Dillon & Ballance, Mark J. Dillon, David P. Hubbard; Morrison & Foerster, Miriam A. Vogel; Nielsen Merksamer Parinello Gross & Leoni, Arthur G. Scotland; Downey Brand and Patrick G. Mitchell for Real Party in Interest and Appellant.

Poole & Shaffery, David S. Poole, John H. Shaffery and Samuel R.W. Price for Santa Clarita Valley Economic Development Corporation as Amicus Curiae on behalf of Defendant and Appellant and Real Party in Interest and Appellant.

John Buse, Kevin P. Bundy, Aruna Prabhala; Law Office of Adam Keats, Adam Keats; Jason A. Weiner; Frank G. Wells Environmental Law Clinic, Sean B. Hecht; Chatten-Brown and Carstens, Jan Chatten-Brown and Doug Carstens for Plaintiffs and Respondents.

Courtney Ann Coyle for the Karuk Tribe, the Kashia Band of Pomo Indians of Stewarts Point Rancheria, the Pala Band of Mission Indians, the Pechanga Band of Luiseño Indians, the Santa Ynez Band of Chumash Indians and the Tinoqui-Chaloa Council of Kitanemuk & Yowlumne Tejon Indians of the Former Sebastian Indian Reservation as Amici Curiae on [**2] behalf of Plaintiffs and Respondents.

Matthew Vespa for Sierra Club as Amicus Curiae on behalf of Plaintiffs and Respondents.

Lucy H. Allen; Austin Sutta and Sharon E. Duggan for Environmental Protection Information Center, Audubon California and California Trout, Inc., as Amici Curiae on behalf of Plaintiffs and Respondents.

Christopher H. Calfee for Governor's Office of Planning and Research and California Natural Resources Agency as Amici Curiae on behalf of Plaintiffs and Respondents.

Burke, Williams & Sorensen, Kevin D. Siegel and Stephen Velyvis for League of California Cities, California State Association of Counties, California Special Districts Association and Southern California Association of Governments as Amici Curiae.

Brandt-Hawley Law Group and Susan Brandt-Hawley for Planning and Conservation League as Amicus Curiae.

Judges: Opinion by Werdegar, J., with Cantil-Sakauye, C.J., Liu, Cuéllar, Kruger, JJ., concurring. Concurring and Dissenting Opinion by Corrigan, J. Dissenting Opinion by Chin, J.

Opinion by: Werdegar

Opinion

[*213]

WERDEGAR, J.—This case presents three issues regarding the adequacy of an environmental impact report for a large land development in northwest Los Angeles County, each issue arising [**3] under the California Environmental Quality Act (CEQA; *Pub. Resources Code, § 21000 et seq.*): (1) Does the environmental impact report validly determine the development would not significantly impact the environment by its discharge of greenhouse gases? (2) Are mitigation measures adopted for protection of a freshwater fish, the unarmored threespine stickleback, improper because they involve taking of the fish prohibited by the Fish and Game Code? (3) Were plaintiffs' comments on two other areas of disputed impact submitted too late in the environmental review process to exhaust their administrative remedies under *Public Resources Code section 21177*?

We conclude, first, that as to greenhouse gas emissions the environmental impact report employs a legally permissible criterion of significance—whether the project was consistent with meeting statewide emission reduction goals—but the report's finding that the project's emissions would not be significant under that criterion is not supported by a reasoned explanation based on substantial evidence. Second, we conclude the report's mitigation measures calling for capture and relocation of the stickleback, a fully protected species under *Fish and Game Code section 5515, subdivision (b)(9)*, themselves constitute a taking prohibited under subdivision (a) of the [**4] same statute. Finally, we hold that under the circumstances of this case plaintiffs exhausted their administrative remedies regarding certain claims of deficiency by raising them during an optional comment period on the final report.

I. Factual and Procedural Background

The Department of Fish and Wildlife (DFW, formerly the Department of Fish and Game) and the United States Army

Corps of Engineers prepared a joint environmental impact statement/environmental impact report (the EIR) [1] for two natural resource plans (the "Resource Management and Development Plan" and the "Spineflower Conservation Plan") related to a proposed land development called Newhall Ranch. To be developed over about 20 years on [*214] almost 12,000 acres along the Santa Clara River west of the City of Santa Clarita, the proposed Newhall Ranch would consist of up to 20,885 dwelling units housing nearly 58,000 residents as well as commercial and business uses, schools, golf courses, parks and other community facilities. The project applicant and owner of Newhall Ranch is real party in interest The Newhall Land and Farming Company (Newhall).

Newhall Ranch's potential environmental impacts were previously studied by the County of Los Angeles in connection with the county's 2003 approval of a land use plan for the proposed development; the present EIR draws on but is independent of the environmental documentation for that approval. DFW acted as the lead state agency in preparing the EIR because the project (i.e., the Resource Management and Development Plan and the Spineflower Conservation Plan) called for DFW's concurrence in a streambed alteration agreement and issuance of incidental take permits for protected species. Although DFW has direct authority only over biological resource impacts from the project, the agency attempts in the EIR to evaluate all environmental impacts from the project and the [**6] Newhall Ranch development that would be facilitated by project approval.

DFW and the United States Army Corps of Engineers (the Corps), the lead federal agency, issued a draft EIR in April 2009 and a final EIR in June 2010. In December 2010, DFW certified the EIR, made the findings required by CEQA as to significant impacts, mitigation, alternatives and overriding considerations, and approved the project. Of relevance here, DFW found that the project could significantly impact the unarmored threespine stickleback but that adopted mitigation measures would avoid or substantially lessen that impact, and that "taking into account the applicant's design commitments and existing regulatory standards," Newhall Ranch's emissions of greenhouse gases would have a less than significant impact on the global climate.

Plaintiffs challenged DFW's actions by a petition for writ of mandate. [2] The superior court granted the petition on several grounds. The Court of Appeal reversed, rejecting all of plaintiffs' CEQA claims. We granted plaintiffs' petition for review.

II. Discussion

The general principles governing our review of DFW's actions can be simply stated. In reviewing an agency's nonadjudicative determination or [*215] decision for compliance with CEQA, we ask whether the agency has prejudicially abused its discretion; such an abuse is established "if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (*Pub. Resources Code, § 21168.5.*) [3] In determining whether there has been an abuse of discretion, we review the agency's action, not the trial court's decision. "[I]n that sense appellate judicial review under CEQA is de novo." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 427 [53 Cal. Rptr. 3d 821, 150 P.3d 709]* (*Vineyard Area Citizens*).)

On particular questions of CEQA compliance, however, the standard of review depends on "whether the claim is predominantly one of improper procedure or a dispute over the facts." (*Vineyard Area Citizens, supra, 40 Cal.4th at p. 435.*) "While we determine de novo whether the agency has employed the correct procedures, ... we accord greater deference to the agency's substantive factual conclusions. In reviewing for substantial evidence, the reviewing [**8] court 'may not set aside an agency's approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable,' for, on factual questions, our task 'is not to weigh conflicting evidence and determine who has the better argument.' (*Laurel Heights [Improve-*

[1] Federal participation in environmental evaluation was called for under [**5] the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. § 4321 et seq.) because the proposed infrastructure requires permits from federal agencies. Both CEQA and NEPA provide for cooperation between state and federal agencies in environmental review of projects, including by the preparation of joint documents. (Pub. Resources Code, §§ 21083.6, 21083.7; ***42 U.S.C. § 4332***.) We generally refer to the joint document prepared in this case simply as the EIR because we discuss solely issues arising under CEQA.

[2] Plaintiffs are the Center for Biological Diversity, Friends of the Santa Clara River, Santa Clarita Organization for Planning the Environment, [**7] California Native Plant Society, and Wishtoyo Foundation/Ventura Coastkeeper.

[3] All further unspecified statutory references are to the Public Resources Code.

ment Assn. v. Regents of University of California (1988)] 47 Cal.3d [376,] 393 [253 Cal.Rptr. 426, 764 P.2d 278].)" (*Ibid.*)

A. *The EIR's Determination the Project's Greenhouse Gas Emissions Will Not Have a Significant Environmental Impact*

1. *Background*

In California's landmark legislation addressing global climate change, the California Global Warming Solutions Act of 2006 (Health & Saf. Code, § 38500 et seq.), Statutes 2006, Chapter 488, page 3419 (enacting Assem. Bill No. 32 (2005–2006 Reg. Sess.); hereafter referred to by its common shorthand name, Assembly Bill 32), our Legislature emphatically established as state policy the achievement of a substantial reduction in the emission of gases contributing to global warming. (*Health & Saf. Code, §§ 38500, 38501.*) More specifically, Assembly Bill 32 calls for reduction of such emissions to 1990 levels by the year 2020. (*Health & Saf. Code, § 38550.*) The law designates the State Air Resources Board (the Air Board) as the state agency charged with regulating greenhouse gas emissions (*id., § 38510*) and calls for the Air Board to coordinate with other state agencies to implement the state's reduction [**9] goal (*id.*, § 38501, subd. (f)).

Under Assembly Bill 32, the Air Board was required to determine as accurately as possible the statewide level of greenhouse gas emissions in [*216] 1990 and to approve on that basis a statewide emissions limit to be achieved by 2020. (*Health & Saf. Code, § 38550.*) The Air Board was required to prepare and approve by January 1, 2009, a "scoping plan" for achieving the "maximum technologically feasible and cost-effective" reductions in greenhouse gas emissions by 2020. (*Id., § 38561, subd. (a).*)

In its 2008 Climate Change Scoping Plan, the Air Board explained that "[r]educing greenhouse gas emissions to 1990 levels means cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 15 percent from today's levels." (Air Bd., Climate Change Scoping Plan (Dec. 2008) Executive Summary, p. ES-1 (Scoping Plan).) The Scoping Plan then set out a "comprehensive array of emissions reduction approaches and tools" to meet the goal, including expanding energy efficiency programs, achieving a statewide renewable energy mix of 33 percent, developing with our regional partners a cap-and-trade program for greenhouse gases, establishing targets and policies for emissions in transportation and implementing existing [**10] clean transportation programs, and creating targeted fees on certain activities affecting emissions. (*Id.*, pp. ES-3 to ES-4.)

The Scoping Plan's "business-as-usual" model is important here, as it formed the basis for the present EIR's greenhouse gas significance analysis. The Air Board had previously identified a year 2020 annual emissions limit, equal to its estimate of statewide 1990 emissions, of 427 million metric tons of carbon dioxide equivalent ($MMTCO_2E$). (Scoping Plan, *supra*, at p. 5.) In the Scoping Plan, the board estimated emissions by economic sector in the period 2002 to 2004, finding they totaled 469 $MMTCO_2E$ annually. Those annual emissions were then projected forward to the year 2020, employing population and economic growth estimates, yielding a business-as-usual figure of 596 $MMTCO_2E$. (*Id.*, p. 13.) The target of 427 $MMTCO_2E$ is about 29 percent below the 2020 forecast of 596 $MMTCO_2E$, giving the Air Board the 30 percent reduction goal quoted earlier.

The Scoping Plan's 2020 forecast is referred to as a "business-as-usual" projection because it assumes no conservation or regulatory efforts beyond what was in place when the forecast was made. It "represent[s] the emissions that would be expected to occur in the absence of any [**11] GHG [greenhouse gas] reductions actions." (Scoping Plan, *supra*, appen. F, California's Greenhouse Gas Emissions Inventory, p. F-3.) For example, the emissions forecast for electricity generation assumes "all growth in electricity demand by 2020 will be met by in-state natural gas-fired power plants" and the estimate for on-road vehicle emissions "assumes no change in vehicle fleet mix over time." (*Id.*, p. F-4.)

Neither Assembly Bill 32 nor the Air Board's Scoping Plan set out a mandate or method for CEQA analysis of greenhouse gas emissions from a [*217] proposed project. A 2007 CEQA amendment, however, required the preparation, adoption and periodic update of guidelines for mitigation of greenhouse gas impacts. (Stats. 2007, ch. 185, § 1, p. 2330, adding *Pub. Resources Code, § 21083.05.*) In 2010, the Natural Resources Agency adopted a new CEQA guideline

on determining the significance of impacts from greenhouse gas emissions. (*Cal. Code Regs., tit. 14, § 15064.4.*) [4]

(1) The new guideline provides that a lead agency should attempt to "describe, calculate or estimate" the amount of greenhouse gases the project will emit, but recognizes that agencies have discretion in how to do so. (*Guidelines, § 15064.4, subd. (a).*) It goes on to provide that when assessing the significance of greenhouse gas emissions, the agency should consider these factors among others: "(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting; [¶] (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project[;] [¶] (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively **[**13]** considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project." (*Id., subd. (b).*)

2. *The EIR's Significance Determination*

In order to evaluate the project's greenhouse gas emissions impact, the EIR attempts to quantify the emissions currently generated on the project site in its existing uses and the emissions that would be generated by full development of the Newhall Ranch community. Annual emissions from the existing uses (primarily oil wells and agriculture) are estimated at 10,272 metric tons of CO2, which the EIR conservatively treats as zero for purposes of the impact analysis. The annual greenhouse gas emissions from Newhall Ranch at full build-out are projected to be 269,053 metric tons of CO2 equivalent (MTCO2E).
[*218]

The EIR asserts that while this annual emissions increase of 269,053 MTCO2E is "an obvious change to existing, on-site conditions," the global nature of climate change and the "absence of scientific and factual information" on the significance of particular amounts of greenhouse gas emissions make the change "[in]sufficient to support a significance determination." The EIR accordingly goes on to consider "whether the **[**14]** proposed Project's emissions ... would impede the State of California's compliance with the statutory emissions reduction mandate established by AB 32."

The EIR's method for determining whether the project would impede achievement of Assembly Bill 32's goals is modeled on the Air Board's use, in its Scoping Plan, of comparison to a "business-as-usual" projection as a measure of the emission reductions needed to meet the 2020 goal (determined to be a reduction of 29 percent from business as usual). As explained earlier, the Scoping Plan forecasted statewide greenhouse gas emissions under a business-as-usual scenario in which no additional regulatory actions were taken to reduce emissions. The EIR does the same for Newhall Ranch, estimating at 390,046 MTCO2E per year the emissions "if the proposed Project and resulting development were constructed consistent with [the Air Board's] assumptions for the CARB 2020 NAT [no action taken, or business as usual] scenario." Because the EIR's estimate of actual annual project emissions (269,053 MTCO2E) is 31 percent below its business-as-usual estimate (390,046 MTCO2E), exceeding the Air Board's determination of a 29 percent reduction from business as **[**15]** usual needed statewide, the EIR concludes the project's likely greenhouse gas emissions will not impede achievement of Assembly Bill 32's goals and are therefore less than significant for CEQA purposes.

3. *Analysis*

We consider whether DFW abused its discretion in determining the project's greenhouse gas emissions would not have a significant environmental impact, either because it failed to proceed in the manner required by CEQA or because it made the no significant impact determination without the support of substantial evidence in the administrative record. (*§ 21168.5.*)

Plaintiffs contend the EIR's no significant impact conclusion resulted from use of a legally improper baseline for

[4] The CEQA guidelines (Guidelines), promulgated by the state Natural Resources Agency and found in title 14 of the California Code of Regulations, section 15000 et seq., are statutorily mandated to provide "criteria for public agencies to follow in determining whether or not a proposed project may have a 'significant effect on the environment.'" (§ 21083, subd. (b).) We give the Guidelines great weight in interpreting **[**12]** CEQA, except where they are clearly unauthorized or erroneous. (*Vineyard Area Citizens, supra,* 40 Cal.4th at p. 428, fn. 5; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 [26 Cal. Rptr. 2d 231, 864 P.2d 502].)

comparison. Relying on this court's decision in *Communities for a Better Environment v. South Coast Air Quality Management Dist. (2010) 48 Cal.4th 310 [106 Cal. Rptr. 3d 502, 226 P.3d 985]* (*Communities for a Better Environment*), in which we disapproved the defendant district's use of pollutant emission levels allowed under prior permits—but not reflecting actual existing conditions—as a comparative baseline for a CEQA significance evaluation, plaintiffs argue DFW erred in [*219] determining significance by comparison to the hypothetical business-as-usual scenario rather than by comparison to existing greenhouse gas emissions on the project site.

DFW contends it properly [**16] relied on methodology devised by the Air Board, the state agency with greatest expertise on climate change. Newhall defends the EIR's approach and conclusion extensively, arguing that DFW acted within its discretion under *Guidelines section 15064.4* in adopting compliance with Assembly Bill 32's goals as its significance criterion and that both DFW's choice of methodology and its conclusion of no significant impact should be reviewed only for support by substantial evidence.

We begin with the broadest question posed: Did DFW abuse its discretion in adopting consistency with Assembly Bill 32's reduction goals as its significance criterion for the project's greenhouse gas emissions? We review this issue de novo, as it is predominantly a legal question of correct CEQA procedure. (*Communities for a Better Environment, supra, 48 Cal.4th at p. 319*; *Vineyard Area Citizens, supra, 40 Cal.4th at p. 435*.)

Before considering the principal statutory and regulatory provisions governing CEQA analysis of greenhouse gas emissions (*§ 21083.05*; *Guidelines, § 15064.4*), we address two related aspects of the greenhouse gas problem that inform our discussion of CEQA significance.

(2) First, because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself. The challenge for CEQA purposes is to determine whether the impact of [**17] the project's emissions of greenhouse gases is *cumulatively* considerable, in the sense that "the incremental effects of [the] individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (*§ 21083, subd. (b)(2)*; see *§ Guidelines, 15064, subd. (h)(1)*.) "With respect to climate change, an individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the project's incremental addition of greenhouse gases is 'cumulatively considerable' in light of the global problem, and thus significant." (Crockett, *Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World* (July 2011) *4 Golden Gate U. Envtl. L.J. 203, 207–208* (hereafter *Addressing the Significance of Greenhouse Gas Emissions*).)

(3) Second, the global scope of climate change and the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are [*220] not contained in the local area [**18] of their emission means that the impacts to be evaluated are also global rather than local. For many air pollutants, the significance of their environmental impact may depend greatly on *where* they are emitted; for greenhouse gases, it does not. For projects, like the present residential and commercial development, which are designed to accommodate long-term growth in California's population and economic activity, this fact gives rise to an argument that a certain amount of greenhouse gas emissions is as inevitable as population growth. Under this view, a significance criterion framed in terms of efficiency is superior to a simple numerical threshold because CEQA is not intended as a population control measure.

The EIR makes this point in its response to plaintiff Center for Biological Diversity's comments on the greenhouse gas significance analysis: "[W]hen location does not matter (such as in the case of GHG emissions), evaluation of project significance via an efficiency metric is appropriate. [¶] ... [F]or a global environmental issue (such as climate change), utilizing an absolute number as a significance criterion equates to attempting to use CEQA to discourage population growth. Of note, the [**19] future residents and occupants of development enabled by Project approval would exist and live somewhere else if this Project is not approved. Whether 'here or there,' GHG emissions associated with such population growth will occur."

(4) These considerations militate in favor of consistency with meeting Assembly Bill 32's statewide goals as a permissible significance criterion for project emissions. Meeting our statewide reduction goals does not preclude all new development. Rather, the Scoping Plan—the state's roadmap for meeting Assembly Bill 32's target—assumes continued growth and depends on increased efficiency and conservation in land use and transportation from all Californians. (See Scoping Plan, *supra*, pp. ES-1 [meeting the Assembly Bill 32 goal "means reducing our annual emissions of 14 tons of carbon dioxide equivalent for every

man, woman and child in California down to about 10 tons per person by 2020"]; Scoping Plan, at pp. 15 ["Every part of California's economy needs to play a role in reducing greenhouse gas emissions."], 42 [outlining energy efficiency measures for both new and existing buildings].) To the extent a project incorporates efficiency and conservation measures sufficient to contribute its portion of the overall greenhouse gas reductions [**20] necessary, one can reasonably argue that the project's impact "is not 'cumulatively considerable,' because it is helping to solve the cumulative problem of greenhouse gas emissions as envisioned by California law." (*Addressing the Significance of Greenhouse Gas Emissions, supra,* 4 Golden Gate U. Envtl. L.J. at p. 210.)

Given the reality of growth, some greenhouse gas emissions from new housing and commercial developments are inevitable. The critical CEQA [*221] question is the cumulative significance of a project's greenhouse gas emissions, and from a climate change point of view it does not matter where in the state those emissions are produced. Under these circumstances, evaluating the significance of a residential or mixed-use project's greenhouse gas emissions by their effect on the state's efforts to meet its long-term goals makes at least as much sense as measuring them against an absolute numerical threshold.

(5) Using consistency with Assembly Bill 32's statewide goal for greenhouse gas reduction, rather than a numerical threshold, as a significance criterion is also consistent with the broad guidance provided by section 15064.4 of the CEQA Guidelines. As the issuing agency explained, section 15064.4 was drafted to reflect "the existing CEQA principle that there is no iron-clad definition of 'significance.'" (Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97 (Dec. 2009) p. 20 (Final Statement of Reasons); [**21] cf. § 21083.05 [requiring periodic update of CEQA Guidelines for mitigation of greenhouse gas emissions to reflect new information or criteria established by Air Board].) Section 15064.4 was not intended to closely restrict agency discretion in choosing a method for assessing greenhouse gas emissions, but rather "to assist lead agencies" in investigating and disclosing "all that they reasonably can" regarding a project's greenhouse gas emissions impacts. (Final Statement of Reasons, *supra,* at p. 20.) [5]

(6) While Guidelines section 15064.4 states a lead agency "should consider," among other factors, "[t]he extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting" (id., subd. (b)(1)) and "[w]hether the project emissions exceed a threshold of significance that the lead agency determines applies to the project" (id., subd. (b)(2)), the section does not mandate the use of absolute numerical thresholds to measure the significance of greenhouse gas emissions. The factors listed in subdivision (b) are not exclusive. They are rather intended "to assist lead agencies in collecting and considering information [*222] relevant to a project's incremental contribution of GHG emissions and the overall context of such emissions." (Final Statement of Reasons, *supra,* at p. 24.)

The present EIR discloses the project's likely increase in emissions over the existing environment, informing the reader that the project will increase greenhouse gas emissions by 269,053 $MTCO_2E$ compared to the existing environmental setting (Guidelines, § 15064.4, subd. (b)(1)), but declines to consider the impact significant based on the size of that increase alone "because of [**23] the absence of scientific and factual information regarding when particular quantities of greenhouse gas emissions become significant." As for a significance threshold (id., subd. (b)(2)), the EIR asserts that no agency had adopted an applicable threshold.

Plaintiffs challenge these statements as insufficient to justify the EIR's choice of methodology, noting that California air pollution control officials and air quality districts have made several proposals for numerical thresholds. But given that multiple agencies' efforts at framing greenhouse gas significance issues have not yet coalesced into any widely accepted set of numerical significance thresholds, but *have* produced "a certain level of consensus" on the value of Assembly Bill 32 consistency as a criterion (*Addressing the Significance of Greenhouse Gas Emissions, supra,* 4 Golden Gate U. Envtl. L.J. at p. 209), we cannot conclude DFW's

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[5] In an amicus curiae brief, the Natural Resources Agency argues that because Guidelines section 15064.4 was not yet in force when DFW circulated its draft EIR for public comment, the lead agency was not obliged to comply with that regulation. Because we hold the regulation did not prohibit reliance on consistency with Assembly Bill 32's goals as a significance criterion, and further hold DFW's use of a business-as-usual model was deficient for reasons independent of Guidelines section 15064.4 (*post,* at pp. 225–228), we need not decide whether the new Guideline section, which was operative March 18, 2010, applied to the final EIR circulated in June 2010 and to DFW's December 2010 approval of Newhall Ranch. (See Guidelines, § 15007 [prospective [**22] application of amendments to Guidelines].)

discretionary choice of Assembly Bill 32 consistency as a significance criterion for this project violated *Guidelines section 15064.4, subdivision (b)(1)* or *(2)*.

Subdivision (b)(3) of Guidelines section 15064.4 states the lead agency should also consider "[t]he extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions." Assembly Bill 32 did not create [**24] a set of "regulations or requirements" implementing a "plan" (*Guidelines, § 15064.4, subd. (b)(3)*); indeed, it is not a plan but rather a statement of policies and objectives. The Scoping Plan adopted pursuant to Assembly Bill 32 is a plan for reducing greenhouse gas emissions, but does not itself establish the regulations by which it is to be implemented; rather, it sets out how existing regulations, and new ones yet to be adopted at the time of the Scoping Plan, will be used to reach Assembly Bill 32's emission reduction goal. At the time the Natural Resources Agency promulgated *Guidelines section 15064.4*, the agency explained that the Scoping Plan "may not be appropriate for use in determining the significance of individual projects ... because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan." (Final Statement of Reasons, *supra*, at pp. 26–27.)
[*223]

(7) In short, neither Assembly Bill 32 nor the Scoping Plan establishes regulations implementing, for specific projects, the Legislature's statewide goals for reducing greenhouse gas emissions. Neither constitutes a set of "regulations or requirements adopted to implement" a statewide reduction plan within the meaning [**25] of *Guidelines section 15064.4, subdivision (b)(3)*. That guideline, however, does not expressly or impliedly prohibit a lead agency from using the Assembly Bill 32 goals themselves to determine whether the project's projected greenhouse gas emissions are significant. As noted by the Natural Resources Agency in its amicus curiae brief, "a discussion of a project's consistency with the State's long-term climate stabilization objectives ... will often be appropriate ... under CEQA," provided the analysis is "tailored ... specifically to a particular project." Indeed, to proceed in this manner is consistent with CEQA's "inherent recognition ... that if a plan is in place to address a cumulative problem, a new project's incremental addition to the problem will not be 'cumulatively considerable' if it is consistent with the plan and is doing its fair share to achieve the plan's goals." (*Addressing the Significance of Greenhouse Gas Emissions, supra, 4 Golden Gate U. Envtl. L.J. at pp. 210–211*.) For this reason as well, we conclude DFW's choice to use that criterion does not violate CEQA. The only published Court of Appeal decisions to consider this question have reached the same conclusion, albeit with little discussion. (*Friends of Oroville v. City of Oroville (2013) 219 Cal.App.4th 832, 841 [164 Cal. Rptr. 3d 1]*; *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista (2011) 197 Cal.App.4th 327, 335–336 [127 Cal. Rptr. 3d 435]*.)

A qualification regarding the passage of time is in order here. Plaintiffs do not claim it was improper [**26] for this EIR, issued in 2010, to look forward only to 2020 for a guidepost on reductions in greenhouse gas emissions, and we therefore do not consider the question whether CEQA required the EIR to address the state's goals beyond 2020. Nevertheless, over time consistency with year 2020 goals will become a less definitive guide, especially for long-term projects that will not begin operations for several years. An EIR taking a goal-consistency approach to CEQA significance may in the near future need to consider the project's effects on meeting longer term emissions reduction targets. [6]
[*224]

Having concluded DFW did not proceed in violation of CEQA by its choice of Assembly Bill 32 consistency as a significance criterion, we proceed to plaintiff's contention that the agency violated CEQA by comparing the project's expected emissions to a hypothetical business-as-usual scenario rather than to a baseline of emissions in the existing physical environment.

In *Communities for a Better Environment, supra, 48 Cal.4th 310*, a refinery sought a permit to conduct a new process

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[6] Governor's Executive Order No. S-3-05, signed by Governor Schwarzenegger on June 1, 2005, set reduction targets of 1990 levels by 2020 and 80 percent below 1990 levels by 2050. Assembly Bill 32 codified the 2020 goal but did not indicate any intent to abandon the 2050 goal; indeed, the Legislature cited the executive order and indicated its intent that the climate policy efforts the order initiated continue. (Health & Saf. Code, § 38501, subd. (i).) More recently, in an update to the Scoping Plan, the Air Board noted the need for steep post-2020 reductions and proposed the state adopt a "strong mid-term target" for the year 2030, in the range of 35 to 50 percent [**27] below 1990 levels. (Air Bd., First Update to the Climate Change Scoping Plan: Building on the Framework (May 2014) p. 34.) Governor's Executive Order No. B-30-15, signed by Governor Brown on April 29, 2015, endorsed the effort to set "an interim target of emission reductions for 2030." Pending legislation would codify this additional goal, directing the Air Board to establish a 2030 limit equivalent to 40 percent below 1990 levels. (Sen. Bill No. 32 (2015–2016 Reg. Sess.) § 4.)

using some new and some existing equipment, including existing boilers used for steam generation, each of which was subject to an existing permit setting its maximum rate of operation. (*Id. at pp. 317–318.*) The negative declaration the regional air district prepared for the project, in determining the significance of the [**28] project's nitrogen oxide emissions, treated emissions that could be generated by the existing boilers operating together at their maximum permitted capacity (a condition that did not occur in normal operation) as part of the baseline for environmental review rather than as part of the project. (*Id. at p. 318.*) Although the negative declaration acknowledged that actual nitrogen oxide emissions would increase under the project by an amount that would normally be considered significant, the declaration determined the emissions were not significant because they were below what could have been emitted by the refinery's boilers under the existing permits. (*Ibid.*)

(8) We held the air district's approach violated the rule expressed in *Guidelines section 15125, subdivision (a)*, as well as in case law, that the comparative baseline for a significance determination should normally be the existing physical conditions in the project's vicinity. (*Communities for a Better Environment, supra, 48 Cal.4th at pp. 320–322.*) "By comparing the proposed project to what *could* happen, rather than to what was actually happening, the District set the baseline not according to 'established levels of a particular use,' but by 'merely hypothetical conditions allowable' under the permits. [Citation.] Like an EIR, an initial study [**29] or negative declaration 'must focus on impacts to the existing environment, not hypothetical situations.' [Citation.]" (*Id. at p. 322.*)

Contrary to plaintiffs' arguments, we do not see the EIR's approach here as comparable to that of the negative declaration in *Communities for a Better Environment.* Unlike the air district in *Communities for a Better Environment*, DFW does not claim its business-as-usual model represented "the physical environmental conditions ... as they exist" at the time of environmental [*225] analysis. (*Guidelines, § 15125, subd. (a).*) Rather, it employs a hypothetical business-as-usual emissions model merely as a means of comparing the project's projected emissions to the statewide target set under the Scoping Plan. The business-as-usual emissions model is used here as a comparative tool for evaluating efficiency and conservation efforts, not as a significance baseline.

The percentage reduction from business as usual identified by the Scoping Plan is a measure of the reduction effort needed to meet the 2020 goal, not an attempt to describe the existing level of greenhouse gas emissions. Similarly, the EIR employs its calculation of project reductions from business-as-usual emissions in an attempt [**30] to show the project incorporates efficiency and conservation measures sufficient to make it consistent with achievement of Assembly Bill 32's reduction goal, not to show the project will not increase greenhouse gas emissions over those in the existing environment. As discussed earlier, distinctive aspects of the greenhouse gas problem make consistency with statewide reduction goals a permissible significance criterion for such emissions. Using a hypothetical scenario as a method of evaluating the proposed project's efficiency and conservation measures does not violate *Guidelines section 15125* or contravene our decision in *Communities for a Better Environment.*

Notwithstanding this conclusion, we agree with plaintiffs that DFW abused its discretion in finding, on the basis of the EIR's business-as-usual comparison, that the project's greenhouse gas emissions would have no cumulatively significant impact on the environment. We reach this conclusion because the administrative record discloses no substantial evidence that Newhall Ranch's *project-level* reduction of 31 percent in comparison to business as usual is consistent with achieving Assembly Bill 32's *statewide* goal of a 29 percent reduction from business as usual, [**31] a lacuna both dissenting opinions fail to address. Even using the EIR's own significance criterion, the EIR's analysis fails to support its conclusion of no significant impact.

The Scoping Plan set out a statewide reduction goal and a framework for reaching it—a set of broadly drawn regulatory approaches covering all sectors of the California economy and projected, if implemented and followed, to result in a reduction to 1990-level greenhouse gas emissions by the year 2020. The plan expressed the overall level of conservation and efficiency improvements required as, among other measures, a percentage reduction from a hypothetical scenario in which no additional regulatory actions were taken. But the Scoping Plan nowhere related that *statewide* level of reduction effort to the percentage of reduction that would or should be required from [*226] *individual projects*, and nothing DFW or Newhall have cited in the administrative record indicates the required percentage reduction from business as usual is the same for an individual project as for the entire state population and economy.

Plaintiffs put forward one ready reason to suspect that the percent reduction is *not* the same, and that in fact [**32] a greater degree of reduction may be needed from new land use projects than from the economy as a whole. Designing

new buildings and infrastructure for maximum energy efficiency and renewable energy use is likely to be easier, and is more likely to occur, than achieving the same savings by retrofitting of older structures and systems. The California Attorney General's Office made this point while commenting on an air district's greenhouse gas emissions reduction plan, in a letter one of the plaintiffs brought to DFW's attention in a comment on the EIR: "The [air district] Staff Report seems to assume that if new development projects reduce emissions by 29 percent compared to 'business as usual,' the 2020 statewide target of 29 percent below 'business as usual' will also be achieved, but it does not supply evidence of this. Indeed, it seems that new development must be more GHG-efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit." In its administrative response to this comment, DFW observed that the Scoping Plan did call for emissions reductions from existing buildings [**33] (though these are not separately quantified) and that one air district's analysis of the Scoping Plan indicated the "land-use driven" economic sector would be required to make only a 26.2 percent reduction from business as usual.

DFW's responses to comments on the EIR do not suffice to demonstrate that a 31 percent reduction from business as usual at the project level corresponds to the statewide reductions called for in the Scoping Plan. In its brief, Newhall characterizes this question as one of competing expert opinions, on which the courts must defer to the lead agency. But Newhall points to no expert opinion stating generally that the Scoping Plan contemplates the same emission reductions from new buildings as from existing ones, or more particularly that the Scoping Plan's statewide standard of a 29 percent reduction from business as usual applies without modification to a new residential or mixed-use development project.

Even if the statewide and economy-wide percentage reduction set out in the Scoping Plan were shown to be generally appropriate for use as a criterion of significance for individual projects, the EIR's conclusion that greenhouse gas emissions will be less than [**34] significant would still lack substantial supporting evidence. This is because the EIR makes an unsupported assumption regarding statewide density averages used in the Scoping [*227] Plan, an assumption that if incorrect could result in a misleading business-as-usual comparison. As plaintiffs point out, the EIR's business-as-usual scenario assumes residential density equal to that currently found in the Santa Clarita Valley. Because Newhall Ranch as designed would have greater residential density than the existing average for the Santa Clarita Valley, the EIR makes a downward adjustment from business as usual in projected vehicle miles traveled, and consequently in greenhouse gas emissions from mobile sources (a substantial part of the total emissions). As far as the EIR reveals, however, the Scoping Plan's statewide business-as-usual model is not necessarily based on residential densities equal to the Santa Clarita Valley average. The Scoping Plan's business-as-usual projection of vehicle miles traveled in 2020 was derived using an established growth model for such projections. (Scoping Plan, *supra*, appen. F, at pp. F-3 to F-4.) But nothing DFW or Newhall points to in the administrative record shows the statewide [**35] density assumptions used in that model mirror conditions in the Santa Clarita Valley. To the extent the Scoping Plan's business-as-usual scenario assumes population densities greater than the Santa Clarita Valley density assumed in the EIR's business-as-usual projection, the EIR's comparison of project reductions from business as usual to reductions demanded in the Scoping Plan will be misleading. The administrative record does not establish a firm ground for the efficiency comparison the EIR makes and thus, for this reason as well, does not substantially support the EIR's conclusion that Newhall Ranch's 31 percent emissions savings over business as usual satisfies the report's significance criterion of consistency with the Scoping Plan's 29 percent statewide savings by 2020.

At bottom, the EIR's deficiency stems from taking a quantitative comparison method developed by the Scoping Plan as a measure of the greenhouse gas emissions reduction effort required by the state as a whole, and attempting to use that method, without consideration of any changes or adjustments, for a purpose very different from its original design: to measure the efficiency and conservation measures incorporated [**36] in a specific land use development proposed for a specific location. The EIR simply assumes that the level of effort required in one context, a 29 percent reduction from business as usual statewide, will suffice in the other, a specific land use development. From the information in the administrative record, we cannot say that conclusion is wrong, but neither can we discern the contours of a logical argument that it is right. The analytical gap left by the EIR's failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan's statewide comparison and the EIR's own project-level comparison deprived the EIR of its "'sufficiency as an informative document.'" (*Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d at p. 392.)

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(9) Justice Corrigan argues our conclusion on this point, requiring DFW to support its chosen quantitative method

for analyzing significance with evidence and reasoned argument, is inconsistent with the deferential nature of our review. (Conc. & dis. opn. of Corrigan, J., *post*, at p. 243.) We disagree. A lead agency enjoys substantial discretion in its choice of methodology. But when the agency chooses to rely completely on a single quantitative method to justify a no-significance [**37] finding, CEQA demands the agency research and document the quantitative parameters essential to that method. Otherwise, decision makers and the public are left with only an unsubstantiated assertion that the impacts—here, the cumulative impact of the project on global warming—will not be significant. (See *Guidelines, § 15064, subd. (f)(5)* [substantial evidence to support a finding on significance includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts," but not "[a]rgument, speculation, [or] unsubstantiated opinion"].)

Nor is Justice Corrigan correct that our analysis "assumes project-level reductions in greenhouse gas emissions must be greater than the reductions California is seeking to achieve statewide." (Conc. & dis. opn. of Corrigan, J., *post*, at pp. 241–242.) As discussed just above (*ante*, at p. 227), we hold only that DFW erred in failing to substantiate its assumption that the Scoping Plan's statewide measure of emissions reduction can also serve as the criterion for an individual land use project.

We further agree with plaintiffs that DFW's failure to provide substantial evidentiary support for its no significant impact conclusion was prejudicial, in that it deprived [**38] decision makers and the public of substantial relevant information about the project's likely impacts. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal.4th 439, 463 [160 Cal. Rptr. 3d 1, 304 P.3d 499]* (lead opn. of Werdegar, J.); *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection (2008) 44 Cal.4th 459, 485–486 [80 Cal. Rptr. 3d 28, 187 P.3d 888]*; *Sierra Club v. State Bd. of Forestry (1994) 7 Cal.4th 1215, 1236–1237 [32 Cal. Rptr. 2d 19, 876 P.2d 505]*.) In this EIR, DFW employed the business-as-usual comparison as its sole criterion of significance. In the absence of substantial evidence to support the EIR's no-significance finding, as noted above, the EIR's readers have no way of knowing whether the project's likely greenhouse gas emissions impacts will indeed be significant and, if so, what mitigation measures will be required to reduce them. This is not the sort of "[i]nsubstantial or merely technical omission[]" that can be overlooked in deciding whether to grant relief. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority, supra, at p. 463*.)

We briefly address some of the potential options for DFW on remand and for other lead agencies faced with evaluating the cumulative significance of a [*229] proposed land use development's greenhouse gas emissions. While the burden of CEQA's mandate in this context can be substantial, methods for complying with CEQA do exist. We do not, of course, guarantee that any of these approaches will be found to satisfy CEQA's demands as to any particular project; what follows [**39] is merely a description of potential pathways to compliance, depending on the circumstances of a given project.

(10) First, although we have found the particular comparison made here lacking in support, and although doubt has been cast on the Scoping Plan's project-level appropriateness (see Final Statement of Reasons, *supra*, at pp. 24–25), a business-as-usual comparison based on the Scoping Plan's methodology may be possible. On an examination of the data behind the Scoping Plan's business-as-usual model, a lead agency might be able to determine what level of reduction from business as usual a new land use development at the proposed location must contribute in order to comply with statewide goals.

Second, a lead agency might assess consistency with Assembly Bill 32's goal in whole or in part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities. (See Final Statement of Reasons, *supra*, at p. 64 [greenhouse gas emissions "may be best analyzed and mitigated at a programmatic level."].) To the extent a project's design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the Air Board or other state [**40] agencies, a lead agency could appropriately rely on their use as showing compliance with "performance based standards" adopted to fulfill "a statewide ... plan for the reduction or mitigation of greenhouse gas emissions." (*Guidelines, § 15064.4, subds. (a)(2), (b)(3)*; see *id., § 15064, subd. (h)(3)* [determination that impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including "plans or regulations for the reduction of greenhouse gas emissions"].)

A significance analysis based on compliance with such statewide regulations, however, only goes to impacts within the area governed by the regulations. That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts. (Final Statement of Reasons, *supra*, at p. 23.) Although transportation accounts for almost 40 percent of the state's greenhouse gas emissions, and transportation

emissions are affected by the location and density of residential and commercial development, the Scoping Plan does not propose statewide regulation of land use planning but relies instead on local governments. [**41] (Scoping Plan, *supra*, at pp. 11, 27.)
[*230]

Local governments thus bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions. Some of this burden can be relieved by using geographically specific greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis. *Guidelines section 15183.5*, added in 2010 along with *section 15064.4*, explains in detail how a programmatic effort such as "a general plan, a long range development plan, or a separate plan to reduce greenhouse gas emissions" (*id., § 15183.5, subd. (a)*) may, if sufficiently detailed and adequately supported, be used in later project-specific CEQA documents to simplify the evaluation of the project's cumulative contribution to the effects of greenhouse gas emissions (*§ 15183.5, subd. (b)*). The Scoping Plan encourages local jurisdictions to develop "'climate action plans'" or greenhouse gas "'emissions reduction plans'" for their geographic areas, and several jurisdictions have adopted or proposed such plans as tools for CEQA streamlining. (Final Statement of Reasons, *supra*, at p. 65; see, e.g., City of Milpitas, Climate Action Plan: A Qualified Greenhouse Gas Reduction Strategy (May 2013) p. 1-1; City of San [**42] Bernardino, Sustainability Master Plan (Public Review Draft, Aug. 2012) p. 4.)

(11) In addition, CEQA expressly allows streamlining of transportation impacts analysis for certain land use projects based on metropolitan regional "sustainable communities strategies." Under follow-up legislation to Assembly Bill 32 (Stats. 2008, ch. 728, p. 5065, commonly known as Senate Bill 375) each metropolitan planning organization in the state is to prepare a "sustainable communities strategy" or alternative plan to meet regional targets set by the Air Board for greenhouse gas emissions from cars and light trucks. (*Gov. Code, § 65080, subd. (b)(2).*) CEQA documents for certain residential, mixed-use and transit priority projects that are consistent with the limits and policies specified in an applicable sustainable communities strategy need not additionally analyze greenhouse gas emissions from cars and light trucks. (§§ 21155.2, 21159.28; *Guidelines, § 15183.5, subd. (c).*)

(12) Third, a lead agency may rely on existing numerical thresholds of significance for greenhouse gas emissions, though as we have explained (*ante*, at p. 221), use of such thresholds is not required. (*Guidelines, § 15064.4, subd. (b)(2)*; see, e.g., Bay Area Air Quality Management Dist. (BAAQMD), California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance [**43] (May 3, 2010) pp. 8–21 [regional air quality district for the San Francisco Bay Area proposes a threshold of 1,100 $MTCO_2E$ in annual emissions as one alternative agencies may use in determining CEQA significance for new land use projects].) [7] Thresholds, it [*231] should be noted, only define the level at which an environmental effect "normally" is considered significant; they do not relieve the lead agency of its duty to determine the significance of an impact independently. (*Guidelines, § 15064.7, subd. (a)*); *Mejia v. City of Los Angeles (2005) 130 Cal.App.4th 322, 342 [29 Cal. Rptr. 3d 788]*.)

For a large land use project such as Newhall Ranch, using a numerical threshold may result in a determination of significant greenhouse gas emission impacts. In that circumstance, the lead agency must adopt feasible mitigation measures or project alternatives to reduce the effect to insignificance; to the extent significant impacts remain after mitigation, the agency may still approve the project with a statement of overriding considerations. (§§ 21002, 21002.1, subd. (b), 21081; *Guidelines, §§ 15091, 15093, 15126.6.*) Were DFW to determine on remand that adding hundreds of thousands of tons of greenhouse gasses to the atmosphere has a cumulatively significant effect, therefore, it would not necessarily be required to disapprove the project on that basis. The agency could instead adopt whatever feasible alternatives and mitigation measures exist beyond the efficiency and conservation features already incorporated in the project design and, to the extent those measures do not reduce the cumulative impact of the project below the chosen threshold of significance, DFW could add a discussion of these impacts, and the countervailing benefits of the project, [**45] to the statement of overriding

[7] BAAQMD approved its greenhouse gas thresholds along with other CEQA thresholds of significance in June 2010, but has refrained from recommending their use pending the completion of litigation challenging its promulgation of thresholds. (BAAQMD, California Environmental Quality Act Air Quality Guidelines (May 2012 update) p. 2-5.) The litigation is currently pending in this court (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.*, review granted Nov. 26, 2013, S213478), but the question we granted review to decide relates solely to certain BAAQMD thresholds for analyzing the effect of existing pollution sources on projects bringing more users or residents to a location. The validity of the greenhouse gas [**44] source thresholds is not under examination in this court. (*Ibid.*)

SB-375

California Environmental Protection Agency
Air Resources Board

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Sustainable Communities

The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) supports the State's climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning with the goal of more sustainable communities.

Under the Sustainable Communities Act, ARB sets regional targets for GHG emissions reductions from passenger vehicle use. In 2010, ARB established these targets for 2020 and 2035 for each region covered by one of the State's metropolitan planning organizations (MPO). ARB will periodically review and update the targets, as needed.

Each of California's MPOs must prepare a "sustainable communities strategy" (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. ARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate "alternative planning strategy" (APS) to meet the targets. The APS is not a part of the RTP.

The Sustainable Communities Act also establishes incentives to encourage local governments and developers to implement the SCS or the APS. Developers can get relief from certain environmental review requirements under the California Environmental Quality Act (CEQA) if their new residential and mixed-use projects are consistent with a region's SCS (or APS) that meets the targets (see Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28.).

What's New

- ARB Executive Order for the Sacramento Area Council of Governments' Final Sustainable Communities Strategy (Sept. 2016) NEW!
- ARB staff's technical evaluation of the Sacramento Area Council of Governments' Final Sustainable Communities Strategy (Sept. 2016) NEW!

Sustainable Communities Strategies Review

Sacramento Area Council of Governments (SACOG)

2016 MTP/SCS

Attachment 4

PORTER RANCH LAND USE/TRANSPORTATION

Specific Plan

Ordinance No. 166,068
Effective August 24, 1990

Specific Plan Procedures
Amended by Ordinance No. 173,445

Amended by Ordinance Nos. 173,871, 173872, and 173873
Effective May 17, 2001

Amended by Ordinance No. 175,070
Effective March 9, 2003

Amended by Ordinance Nos. 175,641 and 175,642
Effective December 29, 2003

Amended by Ordinance No. 180,083
Effective September 9, 2008

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Section 3.	Definitions.
Section 4.	Relationship to other Provisions of the Los Angeles Municipal Code.
Section 5.	Relationship of Development Agreements to the Provisions of this Specific Plan.
Section 6.	The Community Center Area Regulations.
Section 7.	The Single-Family Area Regulations.
Section 8.	Advisory Agency Approvals.
Section 9.	Developments and Improvements to be assured by Development Agreement(s).
Section 10.	Porter Ranch Design Review.
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Section 12.	Other Approvals.
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Credits	

A Part of the General Plan - City of Los Angeles
http://cityplanning.lacity.org (General Plan - Specific Plan)

Attachment 5 pg 1

(b) Design the street system within the Single-Family Area to keep the majority of the traffic on major and secondary highways and collector streets, rather than on the local streets. Design and improve all roadways to the following standards:

(1) **Hillside Collector Streets:** A 54-foot right-of-way with a 44-foot roadway and the remainder of the right of way improved with parkways and sidewalks.

(2) **Hillside Local Streets:** A 44-foot right-of-way with a 36-foot roadway and the remainder of the right-of-way with parkways and sidewalks.

(3) **Single Loaded Streets:** As determined by the Advisory Agency, a 36-foot right-of-way may be provided with a 28-foot roadway and the remainder of the right-of-way shall be improved with parkways and sidewalks on one side of the street only.

(4) **Private Drives:** As determined by the Advisory Agency, a 28-foot private driveway may be provided with a 20-foot roadway.

F. **Transportation Management Organization and Shared Ride Transportation System:** The Applicant shall assure that a Transportation Management Organization (TMO) is established for the Community Center Area. The TMO is to develop and implement ridesharing and transportation demand management (TDM) related activities in order to provide commuter access to and circulation within the Community Center Area. The TMO shall include mandatory membership for all owners of commercial property within the Specific Plan area.

The Applicant shall assure that the TMO is in operation six months prior to the occupancy of any commercial building in the Specific Plan area with initial funding provided by the Applicant. The TMO will assist employers within the Specific Plan area in complying with the requirements of Regulation XV, or any successor rule, of the South Coast Air Quality Management District. The TMO shall be modeled on other successful TMOs and shall include a funding mechanism and an annual monitoring program. All of the major elements of the TMO shall be included in recorded covenants, conditions and restrictions for all lots within the Community Center Area.

The TMO shall be organized with the following goals for the management of commuter transportation demand:

1. Reduction of traffic congestion on nearby streets and freeways;

2. Reduction of air pollution generated by commuter vehicles; and

3. Improvement of mobility for employees and residents of the Specific Plan Area.

The TMO shall promote innovative and effective ridesharing related programs. Ridesharing programs implemented by the TMO shall have as an objective the achievement of an Average Vehicle Ridership (AVR) of 1.5.

G. **Community Park:** The Applicant shall fully develop, in accordance with a plan approved by the Los Angeles City Board of Recreation and Parks Commissioners, the approximately 50-acre park provided to the City of Los Angeles north of Subarea E in the Single-Family Area, as shown on the map in Section 1 of this Specific Plan. The Applicant is not required to expend for improvement to the park more than the amount that the Applicant would otherwise be required to pay as fees under the Quimby Act for recordation of residential subdivisions within the Specific Plan area.

Prior to the development of this park, the Department of Recreation and Parks shall transmit a copy of its proposed plan to the Design Review Board for its review.

The Porter Ranch Design Review Board shall review any development plan for the park facilities and shall transmit its recommendations to the Councilmember with a copy to the Board of Recreation and Parks Commissioners.

H. **School: Elementary School.** The Applicant shall reserve a 7-acre, level parcel at the southeast corner of Sesnon Boulevard and Mason Avenue to be used for the construction of instructional facilities for kindergarten and grades 1 through 6, consistent with the provisions of Section I of the October 22, 1991 agreement between Porter Ranch Development Company and the Los Angeles Unified School District, a copy of which is attached as Exhibit "F" of the Development Agreement applicable to the Specific Plan Area, unless, within the time period specified below, the Applicant and the Los Angeles Unified School District have amended their 1991 agreement or entered into a new agreement to provide for a new approximately 13-acre K-8 school site in Subarea D. The time period within which a new agreement or an amendment of the 1991 agreement shall be entered into by the Applicant and the Los Angeles Unified School District shall be the same time period that is specified in Section 1 of the parties' 1991 agreement for the Los Angeles Unified School District to acquire the 7-acre elementary school site, which is "the expiration of three (3) years following completion of the sale (close of escrow) of sixty percent (60%) of the single-family residential units authorized by the Specific Plan."

I. **Library and Other Municipal Facilities:** The Applicant shall provide and dedicate to the City of Los Angeles a two-acre site for government offices or other municipal buildings and uses, including a public library facility, as determined by the City Council, within Subareas I, II, III or IV of the Community Center Area, or as part of the K-8 school site as provided

Attachment 5 (P93)

Save Porter Ranch

Matt Pakucko
President | Co Founder

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CPC 2016 837 SP
MCUP DRB SPP SP

From: Edwin Grover <edwin.grover@lacity.org>
Subject: Fwd: Message from 14KONICABH364_CH3CPS_2
Date: February 6, 2017 11:31:26 AM PST
To: matt@saveporterranch.com

1 Attachment, 40 KB

---------- Forwarded message ----------
From: <clerk-konica@lacity.org>
Date: 2017-02-06 12:36 GMT-08:00
Subject: Message from 14KONICABH364_CH3CPS_2
To: edwin.grover@lacity.org

Date: 2/7/17
Submitted in PLUM Committee
Council File No: 16-1341 & 16-1341-S1
Item No. 6+7
Communication from Appellant

DETERMINATION MAILING
CPC-2016-837-SP-MCUP-DRB-SPP-SPR (CORRECTED)
MAILING DATE: 11/28/2016

Council District 12
City Hall, Room 405
Mail Stop: 220/ 237

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Mail Stop: 395

From: Edwin Grover <edwin.grover@lacity.org>
Subject: Clarification
Date: February 6, 2017 1:00:13 PM PST
To: matt@saveporterranch.com

Mr. Pakucko,

To clarify, the mailing list page that I previously transmitted to you was provided to us by the Department of City Planning.

Edwin Grover

From: "Kyoko" <kyoko@saveporterranch.com>
Subject: URGENT:PLUM meeting agenda: Case: CPC-2016-MCUP-DRB-SPP-SP
Date: February 3, 2017 3:09:28 PM PST
To: "kevin.taylor@lacity.org" <Kevin.taylor@lacity.org>, "Mitch Englander" <Councilmember.Englander@lacity.org>, "Elizabeth Fenton" <Elizabeth.Fenton@SEN.CA.GOV>, "Jarrod DeGonia" <JDeGonia@lacbos.org>, "Kathryn Barger Leibrich" <KBarger@lacbos.org>, board@prnc.org, james.k.williams@lacity.org, shawn.kuk@lacity.org
Cc: susangorman-chang@prnc.org, "Jason Hector" <jasonhector@prnc.org>, "Matt Pakucko" <matt@saveporterranch.com>

Hi Whom it may concern

We would like to postpone the agenda on the hearing for case CPA-2016-MCUP-DRB-SPP-SP (agenda 6) on 2/7/17. As you may all know, We Save Porter Ranch (appellant) and residents in Porter Ranch has been dealing with public hearing for Southern California Gas Company Alison Canyon reopening by California Department of Conservation and California Public Utilities Commission, which was just held on 2/1 and 2/2. The public comments period for that is still open and it will end on 2/6. Given all that, we will not have enough time to prepare and collect the public comments from people who want to participate in this CPC appeal. We are physically and mentally very dedicated to meet all meetings to face very important issues and voice out concern. This time, we are not able to prepare to bring our and residents issues within the tight time frame.
I believe the city code allows for an extension or postponement.

Also we were informed the file 98-0991 we requested was not found. We would like to see the file before the hearing. see the email below from Jason Valencia.

Thank you.

Kyoko Hibino
Save Porter Ranch
Porter Ranch Resident

> From: Jason Valencia <jason.valencia@lacity.org>
> Sent: Monday, January 23, 2017 9:16 AM
> Subject: Re: Beautification Meeting Jan 24th Speaker Requests
> To: Jason Hector <jasonhector@prnc.org>
>
> The City Clerk informed me that the City Attorney's office checked out the Council File and has yet to return it.
> I will wait a bit to see if it gets returned soon.
>
> On Mon, Jan 23, 2017 at 9:13 AM, Jason Hector <jasonhector@prnc.org> wrote:

Filed 11/24/14

CERTIFIED FOR PUBLICATION

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

CLEVELAND NATIONAL FOREST FOUNDATION et al., Plaintiffs and Appellants, v. SAN DIEGO ASSOCIATION OF GOVERNMENTS et al., Defendants and Appellants; THE PEOPLE, Intervenor and Appellant.	D063288 (Super. Ct. No. 37-2011-00101593-CU-TT-CTL)
CREED-21 et al., Plaintiffs and Appellants, v. SAN DIEGO ASSOCIATION OF GOVERNMENTS et al., Defendants and Appellants; THE PEOPLE, Intervenor and Appellant.	(Super. Ct. No. 37-2011-00101660-CU-TT-CTL)

APPEAL from a judgment of the Superior Court of San Diego County, Timothy B. Taylor, Judge. Judgment modified and affirmed.

The Sohagi Law Group, Margaret M. Sohagi, Philip A. Seymour; and Julie D. Wiley for Defendants and Appellants San Diego Association of Governments et al.

Kamala D. Harris, Attorney General, Timothy R. Patterson and Janill L. Richards, Deputy Attorneys General, for Intervenor and Appellant.

Shute, Mihaly & Weinberger, Rachel B. Hooper, Amy J. Bricker, Erin B. Chalmers; Daniel P. Selmi; Coast Law Group, Marco Gonzalez; Kevin P. Bundy; and Cory J. Briggs for Plaintiffs and Appellants Cleveland National Forest et al.

INTRODUCTION

After the San Diego Association of Governments (SANDAG) certified an environmental impact report (EIR) for its 2050 Regional Transportation Plan/Sustainable Communities Strategy (transportation plan), CREED-21 and Affordable Housing Coalition of San Diego filed a petition for writ of mandate challenging the EIR's adequacy under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).[1] Cleveland National Forest Foundation and the Center for Biological Diversity filed a similar petition, in which Sierra Club and the People later joined.

The superior court granted the petitions in part, finding the EIR failed to carry out its role as an informational document because it did not analyze the inconsistency

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1 Further statutory references are also to the Public Resources Code unless otherwise stated.

between the state's policy goals reflected in Executive Order S-3-05 (Executive Order) and the transportation plan's greenhouse gas emissions impacts after 2020. The court also found the EIR failed to adequately address mitigation measures for the transportation plan's greenhouse gas emissions impacts. Given these findings, the court declined to decide any of the other challenges raised in the petitions.

SANDAG appeals, contending the EIR complied with CEQA in both respects. Cleveland National Forest Foundation and Sierra Club (collectively, Cleveland) cross-appeal, contending the EIR further violated CEQA by failing to analyze a reasonable range of project alternatives, failing to adequately analyze and mitigate the transportation plan's air quality impacts, and understating the transportation plan's impacts on agricultural lands. The People separately cross-appeal, contending the EIR further violated CEQA by failing to adequately analyze and mitigate the transportation plan's impacts from particulate matter pollution. We conclude the EIR failed to comply with CEQA in all identified respects. We, therefore, modify the judgment to incorporate our decision on the cross-appeals and affirm. In doing so, we are upholding the right of the public and our public officials to be well informed about the potential environmental consequences of their planning decisions, which CEQA requires and the public deserves, before approving long-term plans that may have irreversible environmental impacts.