Standards for CAPS

- Provides roadmap to achieve GhG reductions
  - All do this

- Conforms w CA laws & regulations
  - All do this, but not all legally required to meet GhG targets

- Implements General Plans
  - All cities with updated General Plans are legally required to meet CA GhG targets due to CEQA
CA Climate Laws & Regulations

- **AB 32**: 1990 GHG levels by 2020
- **Executive Order S-3-05**: 80% below 1990 levels by 2050
- **New** Executive Order B-30-15: 40% below 1990 levels by 2030.
- **SB 375, Sustainable Communities & Climate Protection Act**: Creates regional targets for GHG emissions reductions from cars and light trucks.
- San Diego has per capita GHG reduction targets of 7% reduction for 2020 and 13% for 2035.
CEQA

- CEQA requires public agencies to examine and disclose potential significant adverse environmental consequences of their actions, and provide mitigation measures.
- CEQA applies to updated General Plans and Climate Action Plans
- CEQA requires City’s to reduce GHG emissions to comply with CA laws and regulations
Sierra Club vs County of San Diego, 2012:
- CAP was mitigation for County’s 2011 updated General Plan
- 2015, Supreme Court upheld lower court and found County CAP insufficient, in part, because it lacked enforceable mitigation measures to reach 2050 target.
- Plan rescinded. County legally required to hit GhG reduction targets. New process starting now.

Cleveland Nat’l Forest Foundation v. SANDAG, 2013:
- Trial court found 2012 Regional Transportation Plan/SCS insufficient because it failed to address the 2050 state goal.
- Also failed to tie transportation funding to local climate action plans
- Supreme Court 2015: upheld trial court BUT still wanting answer on whether Exec Orders are law of the land (hence, legislation)
Bottom line: City and County have legally required GHG reductions through 2050 because CAP is mitigation for City’s updated General Plan.

Other cities:

1) If CAP is mitigation for city’s updated General Plan under CEQA - YES, legally required GHG reductions.

2) If not mitigation for city’s updated General Plan, can make POLICY decision to make enforceable...but law not require.
Appendix: Need technical support document to detail exactly how City’s strategies will hit the GhG targets

Implementation Plan: Need detailed workplan outlining step-by-step, year-by-year how CAP will be implemented – including staff/resources needed

Watchdog: Need Committee/Commission charged with monitoring implementation. Both official committees and community oversight essential