

# 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

- California Environmental Quality Act signed by Governor Reagan in 1970.
- 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

# Local Litigation

- 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  - Plan rescinded.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

- 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

# CAP Implementation

- 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