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REGIONAL CLIMATE ACTION PLANNING FRAMEWORK

TECHNICAL APPENDIX V

California Environmental Quality Act (CEQA) and Climate Action Planning

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Acronyms and abbreviations

AB	Assembly Bill
BAAQMD	Bay Area Air Quality Management District
BAU	business-as-usual
BMP	best management practice
CAP	Climate Action Plan
CARB	California Air Resources Board
CBD	Center for Biological Diversity
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CH_4	methane
CNFF	Cleveland National Forest Foundation
CO_2	carbon dioxide
EIR	Environmental Impact Report
F-gases	fluorinated gases
FSEIR	Final Supplemental Environmental Impact Report
GHG	greenhouse gas
GSW	Golden State Warriors
GWP	global warming potential
HFCs	hydrofluorocarbons
ICLEI	International Council for Local Environmental Initiatives
IPCC	Intergovernmental Panel on Climate Change
IS/MND	Initial Study/Mitigated Negative Declaration
IS/ND	Initial Study/Negative Declaration
LGOP	Local Government Operations Protocol
LLC	Limited Liability Company
MMRP	Mitigation Monitoring and Reporting Program
MPO	metropolitan planning organization
$MTCO_2e$	metric tons of carbon dioxide equivalent
N_2O	nitrous oxide
PFCs	perfluorocarbons
ReCAP	Regional Climate Action Planning Framework
RTP	Regional Transportation Plan
SANDAG	San Diego Association of Governments
SB	Senate Bill
SCS	Sustainable Communities Strategy
SF_6	sulfur hexafluoride
SP	service population
UNFCCC	United Nations Framework Convention on Climate Change
VMT	vehicle miles traveled

1. Introduction

This technical appendix includes detailed information and guidance regarding the climate action planning process as it relates to the California Environmental Quality Act (CEQA), including CEQA compliance for preparation of a climate action plan (CAP), considerations for development and use of "qualified " CAPs for subsequent project-level streamlining, roles of other types of CAPs or sustainability plans and their relationship to CEQA, and mechanisms for streamlining during environmental review.

This appendix provides reference materials for local public agencies in the San Diego region to help them make informed decisions as part of local climate action planning processes. This appendix is provided for informational purposes only and is not intended to convey or constitute legal advice.

Key topics, organized by section in this appendix, include:

Section 2: Overview of the climate action planning process

Section 3: Overview of CEQA guidelines for greenhouse gas analysis

Section 4: Requirements for a "qualified" CAP

Section 5: CEQA documentation for a "qualified" CAP

Section 6: Project streamlining procedures with a "qualified" CAP

Section 7: Legal considerations

In addition to editorial updates, the following are the key updates made to Version 1.0 of this appendix:

- Incorporation of CEQA Guidelines Amendments (effective December 28, 2018) – Section 3 of the appendix
    - These amendments clarify the manner in which the significance of a project's GHG emissions is determined and give the lead agency discretion to select a model or methodology to estimate GHG emissions. Several of the amendments, primarily focused on Section 15064.4 were made to ensure consistency with recent case law dealing with GHG emissions, cumulative impacts, and significance determinations, including *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204 and *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497.
- A summary of the Governor's Office of Planning and Research (OPR) Technical Advisory – Section 7.3 of the appendix
    - In December 2018, OPR issued a draft CEQA and Climate Change Advisory which updates a 2008 advisory to reflect updated legislation to reduce GHG emissions and establish emission targets, and recent case law and CEQA amendments that address climate change and GHG emissions. The draft CEQA and Climate Change Advisory recommends that agencies may adopt significance thresholds based on efficiency, compliance with state goals, consistency with relevant regulations or quantitative thresholds; and provides guidance on adopting mitigation measures. The draft Advisory restates the legislative mandate for lead agencies to tier or streamline their environmental documents wherever feasible and suggests the preparation of a GHG emissions reduction plan that later environmental documents may tier from or incorporate by reference.
- Case Law updates – Section 7.4 of the appendix
    - The appendix incorporates summaries of the Golden Door Properties, LLC v. County of San Diego/Sierra Club, LLC v. County of San Diego (2018) 27 Cal.App.5th 892 and the Golden Door Properties, LLC v. County of San Diego/Sierra Club et al. v. County of San Diego/Sierra Club v. County of San Diego (*Golden Door Properties, LLC v. County of San Diego*) (2020) 50 Cal.App.5th 467.

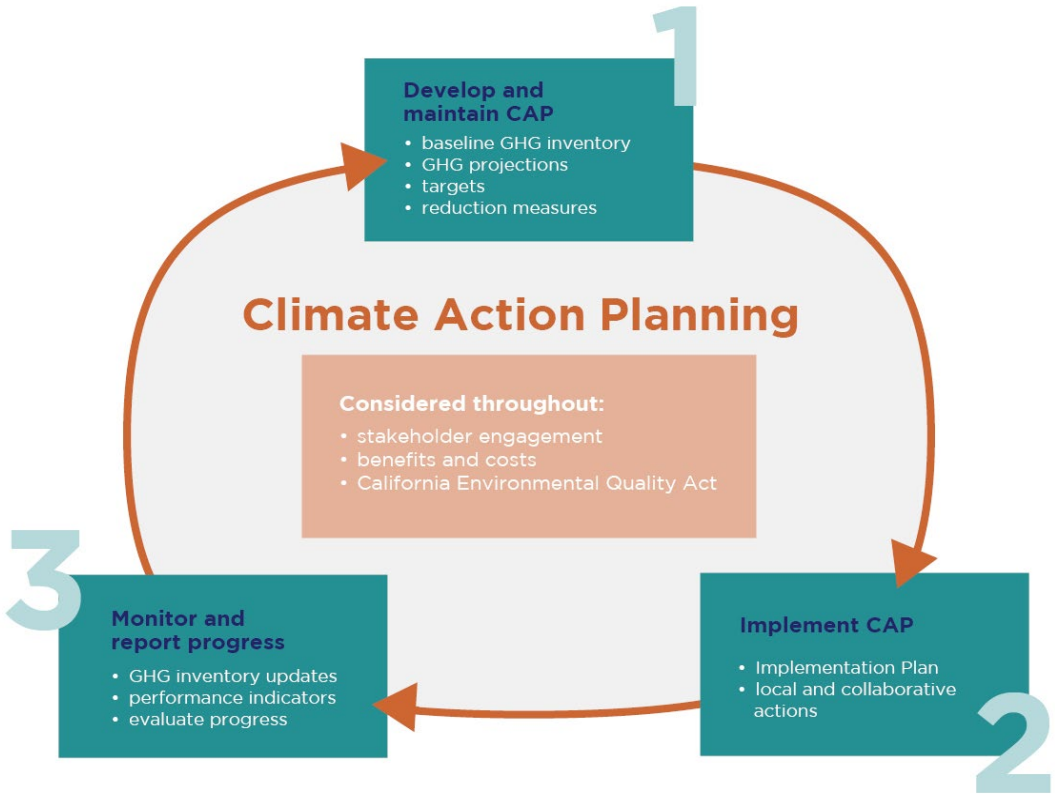
2. Overview of the climate action planning process

A CAP is a comprehensive plan that establishes actionable and measurable policies and implementation programs to address the challenges of climate change. CAPs are typically developed and adopted by a local municipal agency (e.g., city, county) or other public agency (e.g., council of governments, special district) and focus on identifying and reducing greenhouse gas (GHG) emissions from local community sources or sources within an entity's jurisdictional or operational control, in accordance with legislation or policy guidance based on State, federal, or international goals and targets for reducing GHG emissions.

Increasingly, CAPs are also being developed to help communities prepare for and adapt to the effects of climate change and improve their resilience. However, this appendix is focused on the GHG emission reduction purpose of a CAP as the priority emphasis. Climate vulnerability assessments, along with climate adaptation and resilience-building aspects of a CAP, are not discussed further in detail in this appendix; it should be recognized that these aspects of a CAP are equally important for communities, and that actions taken to reduce GHG emissions may also achieve important adaptive co-benefits.

The planning process to develop, adopt, and implement a CAP typically follows a series of phases as shown in Figure 1 and discussed further below.

Figure 1 Climate action planning process



2.1 Phase 1: Develop and maintain CAP

2.1.1 Prepare baseline GHG emissions inventory and projections

The first steps in the CAP process include preparing a baseline inventory of annual GHG emissions, as well as projections of future GHG emissions relative to the baseline.

Emissions inventory

A baseline GHG emissions inventory is a tool to understand the sources, scale, and contributions of emissions from community-wide activities and/or agency operations. Emissions inventories are typically prepared for the most recent year in which complete annual activity data are readily available and cover emissions generated in one calendar year. There may be instances where a different baseline year is chosen based on the availability of data or alignment with regional data and inventories. Technical Appendix I (GHG Inventories, Projections, and Target Selection) to the Regional Climate Action Planning Framework (ReCAP) provides guidance on developing GHG inventories. Once an agency has developed a baseline inventory, subsequent inventory updates may be conducted in future years to measure progress over time.

Emissions inventories are focused on the primary GHGs of concern, which in California include carbon dioxide (CO_2); methane (CH_4); nitrous oxide (N_2O); and, several classes of fluorinated gases (F-gases) including hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6).

The primary sources of GHG emissions include:

- **Transportation:** category fuel combustion or other energy used in on-road and off-road vehicles;
- **Energy:** consumption associated with both electricity purchased from utilities and on-site combustion of natural gas, propane or other fuels used in buildings or other facilities;
- **Solid waste:** emissions generated from existing waste-in-place decomposition at existing landfills and ongoing disposal and decomposition of new waste in landfills;
- **Wastewater:** category emissions from wastewater treatment, including fugitive CH_4 and specific treatment-process energy usage;
- **Water-related:** category emissions from energy usage for the conveyance, treatment and distribution of water;
- **Agriculture:** category emissions, including manure and enteric fermentation in livestock, application of fertilizers, and equipment; and,
- **High-GWP:** category emissions from specific industrial-sector or commercial activities that involve the production or use of F-gases, including refrigerants, foams, insulation, pesticides, and other types of chemicals. High-GWP gases are primarily calculated and regulated at the State level (e.g., the Short-Lived Climate Pollutant Reduction Strategy for F-gases). Due to the regulatory framework at the federal and State levels, the current common practice is to exclude these pollutants from local plans.

All GHG emissions in a given year are commonly measured in metric tons of carbon dioxide equivalent ($MTCO_2e$). The term “carbon dioxide equivalent” means that the different types of GHGs are normalized to CO_2 because of differing global warming potential (GWP) values. For example, CO_2 has a GWP value of one, while other GHGs have much higher GWP values, such as 25 for CH_4, 298 for N_2O, and a wide range of GWP values for F-gases ranging from 140 to as high as 20,000 (Intergovernmental Panel on Climate Change [IPCC] Fourth Assessment Report [2007]).

GHG emissions accounting protocols used in the preparation of local emissions inventories include the ICLEI *U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions*, as well as the *Local Government Operations Protocol* (LGOP) for municipal operations. These protocols provide detailed guidance on the scope of analysis and technical methods that should be used when preparing an emissions inventory. Some key aspects regarding scopes of analysis and approach to inventories should be taken into consideration and are summarized below:

- Emissions inventories prepared for CAPs are typically focused on activities that occur within a community's boundaries or nearby in the surrounding region, and for activities and sources over which the local agencies have jurisdictional control or substantial jurisdictional influence. Technical Appendix I (GHG Inventories, Projections, and Target Selection) to the ReCAP provides additional information on inventory approaches and the predominant use of the activity-based approach for local jurisdictions' community-wide inventories.
- Local government CAPs typically do not use consumption-based or life-cycle scopes of analysis for calculating GHG emissions because: (1) many emissions estimated in such analyses are outside of local jurisdictional control or substantial jurisdictional influence, and (2) such scopes of analysis result in double-counting of emissions in other California communities' inventories or in other jurisdictions' inventories elsewhere in the nation or the world. Many communities in California and across the world are already calculating and reducing emissions under other federal or international agreements or protocols; thus, the framework for emissions analysis in a CAP needs to recognize that a local agency is not responsible for reducing all consumption-based or life-cycle emissions.
- While some agencies or organizations may still choose to prepare emissions inventories using a consumption-based or life-cycle analysis framework for various reasons (e.g., educational value related to consumer behavior or individual choices, or supply chain analysis for sustainable business operations), existing laws and guidance in California that address GHG emissions are focused on production-based emissions and do not require the State to reduce California's comprehensive global consumption-based or life-cycle emissions. Further discussion regarding laws and regulations requiring GHG emissions reductions are addressed below.

Emissions projections

After the baseline GHG emissions inventory is completed, projections of future annual GHG emissions are prepared to estimate how emissions included in the inventory may change over time. The projections can be prepared in a series of scenarios, as described below:

- Emissions projections typically start with forecasts of emissions into the future as the result of community growth in population, housing, and employment. This socioeconomic projection is typically referred to as the "**business-as-usual" (BAU) scenario** projection. It assumes no further action will be taken to reduce emissions by the local agency, State agencies, or others, and is a hypothetical scenario for illustration and comparison purposes only. The BAU projection is typically prepared using projections that are consistent with the latest growth assumptions from the most recent local general plan, or from the most recent regional transportation plan and sustainable communities strategy (RTP/SCS) prepared by the regional metropolitan planning organization (MPO) in which the local entity is located, whichever is deemed to be most reliable and appropriate for the CAP per the lead agency. The local RTP/SCS for the San Diego region is San Diego Forward: The Regional Plan prepared by the San Diego Association of Governments (SANDAG).[1]
- Once the BAU scenario has been quantified, future BAU emissions estimates are reduced to reflect quantified GHG-reducing actions. These actions apply to the projections because of "legislative actions" taken by State or federal agencies in the form of existing or planned regulations or programs; or, other mandated efforts that would be taken by other agencies or authorities other than the agency preparing the CAP. This scenario can be referred to as the **"legislatively-adjusted BAU scenario"** and considers GHG reductions in future years.

[1] The current RTP/SCS for the San Diego region, i.e., San Diego Forward: The Regional Plan, was adopted in October 2015. A new RTP/SCS is adopted every four years, consistent with federal regulations. San Diego Forward: The 2021 Regional Plan is currently under preparation and is expected to be adopted in 2021.

For both the BAU and the legislatively-adjusted BAU scenarios, annual emissions are typically estimated for a series of future milestone or target years that are aligned with existing laws or policy guidance in California established to reduce statewide emissions. These include:

- 2020 – Assembly Bill (AB) 32 (adopted in 2006, also known as the Global Warming Solutions Act) calls for reducing statewide emissions to 1990 levels by the year 2020.
- 2030 – Senate Bill (SB) 32 calls for a 40 percent reduction below 1990 levels by the year 2030. SB 32 was adopted in 2016 and codified the 2030 target set by Executive Order (EO) B-30-15 into statute.
- 2050 – EO S-3-05 and reconfirmed by EO B-30-15 call for an 80 percent reduction below 1990 levels by the year 2050.

In addition, EO B-55-18 calls for California to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative GHG emissions thereafter. Reducing the State's emissions consistent with the long-term goals in these EOs would be consistent with the Intergovernmental Panel on Climate Change (IPCC's) analysis of the global emissions trajectory needed to stabilize atmospheric concentrations or CO_2 at 350 parts per million or less, to "reduce the likelihood of catastrophic climate change."[2] The interim targets for 2020 and 2030 and the goals for 2045 and 2050 are intended to meet these reduced emissions needed to limit global warming below two degrees Celsius, consistent with the Under2 MOU and the Paris Agreement.[3] Therefore, by aligning with State laws and EOs, local CAPs are also aligning with these levels of GHG reductions, supported by climate science, to avoid the most catastrophic effects of climate change. Additional discussion regarding these statewide targets and how CAPs should align or be consistent with these targets is included in the following section.

Identify GHG emissions targets

The second major step in the CAP planning process is to identify and establish GHG emissions target(s) for one or more future years. GHG targets are policies that express a local commitment to achieve a specified level of annual GHG emissions in the future through a combination of local actions and actions taken by others.

The targets should be developed in consideration of emissions in the baseline inventory while also considering the GHG emissions projections in future years. The targets can be expressed in several ways, including:

- a specific mass emissions limit expressed in $MTCO_2e$ for a target year (e.g., reduce emissions to 1 million $MTCO_2e$ or less by 2050);
- a percent reduction below baseline or projection years (e.g., reduce emissions 40 percent below 1990 levels by 2030);
- a performance or efficiency metric based on normalizing annual emissions by population (e.g., reduce emissions to 2 $MTCO_2e$ per capita or less by 2050); or
- a performance or efficiency metric based on normalizing annual emissions per service population (SP), which is expressed in $MTCO_2e$ per residential population plus jobs located in the jurisdiction, in a projection year (e.g., 4.6 $MTCO_2e$/SP by 2020).

As discussed above, the GHG emissions projections prepared for future years should be aligned with policies set by the State through specific laws or EOs for the years 2020, 2030, 2045, and 2050.

One of the challenging aspects of target-setting for local CAPs in California is that the State's GHG emissions targets expressed in existing laws and policy guidance are measured against 1990 levels; however, local government emissions inventories do not exist for the year 1990 and are typically not possible because of a lack of available activity data and other required information. Thus, target setting in a local CAP tends to occur by relying on estimating a local agency's "fair share" of the total statewide reductions required to achieve the State targets in future years.

Methodological considerations for determining a local agency's "fair share" of statewide reductions required to achieve the State targets are presented below, with a discussion of benefits and tradeoffs:

[2] California Air Resources Board. 2014 (May). First Update to the Climate Change Scoping Plan.
[3] California Air Resources Board. 2017 (November). California's 2017 Climate Change Scoping Plan.

- **2008 Scoping Plan method** (i.e., 15 percent below "current" levels by 2020) – one of the earliest forms of guidance for setting local government targets was published by the California Air Resources Board (CARB) in the AB 32 Climate Change Scoping Plan (Scoping Plan) in 2008, which stated that local governments should reduce emissions by 15 percent relative to current levels by the year 2020. The Scoping Plan did not specify whether this guidance was applicable to community emissions, local government operations, or both; however, it was broadly interpreted as a minimum standard for use in setting GHG targets for the year 2020 in CAPs. The meaning of "current" levels was subsequently clarified to mean 2005 to 2008 levels by CARB. Some communities also extrapolated post-2020 targets that demonstrated further reductions on the trajectory between the State's 2020 and 2050 targets, using the 15 percent target as guidance.
- **2017 Scoping Plan method** (i.e., 6 $MTCO_2e$ per capita by 2030) – CARB published the Draft 2017 Scoping Plan in early 2017 that established a roadmap for the State to achieve the 2030 target established by SB 32. The Final Plan was subsequently released in November 2017 and includes new and more detailed guidance for local governments related to the analysis and mitigation of GHG emissions for plan-level efforts such as CAPs, as well as project-level analyses in CEQA. Per the Final 2017 Scoping Plan, "CARB recommends that local governments evaluate and adopt robust and quantitative locally-appropriate goals that align with the statewide per capita targets and the State's sustainable development objectives and develop plans to achieve the local goals." The statewide targets for 2030 and 2050 are expressed as 6 $MTCO_2e$ per capita and 2 $MTCO_2e$ per capita, respectively, and CARB states that "they were developed by applying the percent reductions necessary to reach the 2030 and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to the State's 1990 emissions limit established under AB 32." CARB goes on to state,

  > *Emissions inventories and reduction goals should be expressed in mass emissions, per capita emissions, and service population emissions. To do this, local governments can start by developing a community-wide GHG emissions target consistent with the accepted protocols as outlined in OPR's General Plan Guidelines Chapter 8: Climate Change. They can then calculate GHG emissions thresholds by applying the percent reductions necessary to reach 2030 and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to their community-wide GHG emissions target.*

  The 2017 Scoping Plan was adopted by the CARB Board in December 2017.
- **Local targets as a "fair share" of State targets:** while both methods identified above in different versions of the State's Climate Change Scoping Plans provide some helpful guidance, ultimately local targets and calculation of "fair share" reductions can also be calculated proportional to the statewide level of reductions. Local targets can be estimated based on reductions that must be achieved below GHG emissions levels in the most recent statewide GHG emissions inventory to achieve the SB 32 target by 2030, and estimating the proportional reductions required at the local level.

Additional information on various methods to set targets can be found in Technical Appendix I (GHG Inventories, Projections and Target Selection) to the ReCAP.

Develop and adopt a local CAP

The next step is to develop a strategic set of policy responses, including specific GHG reduction measures and associated actions to implement the policies, which form the "action plan" of a CAP. The GHG reduction measures included in a CAP are focused on local actions that the agency can take, either alone or in partnership with others. Technical Appendix II (GHG Reduction Calculation Methods for CAP Measures) to the ReCAP provides guidance on selecting and quantifying GHG reduction measures in a CAP.

Some of the GHG reduction measures are regulatory in nature and within the jurisdictional authority provided to local governments, while other measures are program-level commitments that require partnerships or supporting functions for the local agency to engage in activities that are not necessarily within local jurisdictional authority or entirely under the agency's purview. Not all GHG reduction measures in a CAP may be mandatory; in fact, many voluntary measures in CAPs can be successful given the right mix of staffing, financial resources, and effective partnerships to enable significant actions that will reduce emissions.

During this phase, the local agency typically produces a formal CAP document that summarizes the results of analyses conducted in the previous steps, along with details on the proposed GHG reduction measures and action strategies required to meet the GHG targets.

The typical chapters or components of a CAP document include:

- Executive Summary;
- Introductory chapter, including an overview of climate change issues and the purpose/goals of the CAP;
- Chapter(s) summarizing the GHG emissions inventory, projections, and recommended GHG targets;
- Chapter(s) summarizing the GHG reduction measures required to achieve the targets;
- Chapter(s) summarizing how the CAP will be implemented, monitored, and adjusted over time; and
- Appendices that contain supporting technical documentation regarding detailed emissions modeling, measures analysis, results of public outreach, and other supporting information.

A sample outline for a typical CAP document is provided as Attachment A to this appendix.

Once a draft CAP document has been prepared, local agencies typically release the CAP for public review. In general, because a CAP is often adopted as a policy document by the local agency, it would typically be subject to State environmental review per the requirements of CEQA. Exceptions to this process may include policy documents that are not formally adopted or are found to be exempt from CEQA per Section 15061 of the CEQA Guidelines. Ultimately, local CAPs are designed to meet the needs of the individual agency and reflect their unique local conditions. For these reasons, local CAPs are often diverse and different from one another, and each local lead agency has the responsibility and authority to determine whether the CAP is subject to CEQA and the appropriate level of environmental review, if deemed necessary and appropriate. Further discussion regarding CEQA review for a proposed CAP, along with guidance for CAPs that are designed to meet the criteria defined in Section 15183.5 of the CEQA Guidelines to enable subsequent streamlining opportunities, are discussed in subsequent sections of this appendix.

Following public review, the CAP document is typically revised in response to public comments and moved forward to decision-making bodies for review and formal adoption.

CAPs or similar components are also sometimes integrated into other plans, such as general plans, sustainability plans, hazard mitigation plans, or regional plans. Further discussion about these approaches is provided in subsequent sections of this appendix.

2.2 Phase 2: Implement CAP

Implementation of a CAP begins after the local agency adopts the CAP and begins to move forward with policies, programs, or other "actionable" aspects of the GHG reduction measures identified in the CAP. In some cases, implementation means hiring staff, allocating funding, and creating new programs; in others, it can involve changing local codes and ordinances, and adjusting design or scoring criteria for public infrastructure investments.

For CAPs that are set up to facilitate the streamlining of GHG analysis in subsequent projects per CEQA Guidelines Section 15183.5, the CAP itself or related documentation in the CAP (e.g., development review checklist) can serve as a guide for ensuring project-level consistency with certain applicable measures in the CAP. These tools are discussed in subsequent sections of this appendix.

Local agencies may choose to develop a separate, detailed Implementation Plan for their CAPs. Having a separate Implementation Plan allows efficient updating of priorities to improve implementation of the CAP. As a freestanding document that is directly linked and cross-referenced to the CAP, the agency can maintain the flexibility to regularly update the Implementation Plan without the necessity of amending the CAP. This flexibility may be desirable to address changes that occur over time and that may affect the agency's vision, the availability of funding for programs, and future tools and technology that may be used to implement the CAP.

The Implementation Plan is typically designed to be a key resource for agency staff in assuring that the goals and policies of the CAP are reflected in day-to-day agency operations and services, including preparing plans and programs, reviewing development proposals, and maintaining infrastructure. The Implementation Plan can be used as a work program, a framework for preparing departmental budgets, or as a monitoring tool to assess annual performance in achieving targeted goals for key implementation actions. Implementation is closely intertwined with the monitoring and update process described under Phase 3 below.

An effective implementation program for a CAP typically includes:

- Immediate, short-term, and long-term action steps;
- Proposed measurable outcomes;
- Responsible parties for implementation; and
- Specific funding sources, where appropriate.

Implementation Plans may also include additional elements, such as costs to the agency and the community, including staffing needs and budget. Technical Appendix III (Benefit-Cost Analysis for CAP Measures) and IV (CAP Implementation Cost Analysis) provide guidance on performing varying levels of cost analysis for a CAP. A sample outline for an Implementation Plan is provided as Attachment B to this appendix. Ultimately, the components of an Implementation Plan for a CAP will be determined by the individual agency's priorities.

2.3 Phase 3: Monitor and report progress

The final phase in the climate action planning process is to monitor performance of the CAP and the various measures identified therein, including verification of whether or not GHG reduction measures are implemented and how GHG emissions are changing over time after the CAP is adopted. Procedures specified in the CAP document should clearly identify the process, mechanisms, frequency, and timing of specific monitoring and verification activities.

Monitoring and verification can be conducted using specific monitoring and verification tools that facilitate gathering and reporting of performance or activity data annually with respect to the GHG reduction measures. Additionally, conducting periodic updates to the GHG emissions inventory (i.e., annually, biennially, or triennially) is often recommended to account not just for the status and degree of success of actions being taken to reduce emissions, but also to measure the overall effects of growth and change in an agency or community that might have effects on annual GHG emissions. Technical Appendix VI (CAP Monitoring and Reporting) to the ReCAP provides guidance on monitoring and reporting on CAP performance. An additional resource for local agencies is the Climate Action Data Portal that can be used to generate "Snapshots" showing key activity and emissions indicators for local agencies.

As the local agency monitors and verifies results of both CAP implementation and GHG emissions in the aggregate, adjustments can be made by recommending periodic updates to the CAP. Some agencies may choose to review and update the CAP every few years following a GHG inventory update and evaluation of the existing CAP's performance.

3. Overview of CEQA guidelines for GHG analysis

The laws and rules governing the CEQA process are contained in the CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. The CEQA Guidelines, developed by the California Natural Resources Agency along with OPR, are administrative regulations interpreting the CEQA statute and published court decisions. The CEQA Guidelines include various provisions and guidance for analysis of GHG emissions for projects subject to environmental review in California. Key sections of the Guidelines on this topic are excerpted below, some of which relate to CAPs or components thereof, either directly or indirectly. It should be noted that the excerpted text is based on the 2020 version of the CEQA Guidelines and is intended to serve as a reference for local lead agencies. CEQA Guidelines are frequently updated to reflect case law and statutory changes. Local lead agencies should refer to the cited sections in the current version of the CEQA Guidelines to ensure they are relying on the latest information. Specific references to these excerpts are discussed in subsequent sections of this appendix.

3.1 Section 15064(h)(3) – Cumulative impacts and compliance with existing plans

Climate change is an inherently cumulative and global environmental impact, resulting from anthropogenic GHG emissions that lead to the warming of the Earth's atmosphere and other related impacts. Substantial evidence supported by global scientific research published by the IPCC has demonstrated the extent to which cumulative global GHG emissions are causing climate change, as well as the level to which GHG emissions must be reduced by the middle of the 21st century to avoid the most catastrophic and irreversible effects of climate change.

GHG emissions generated from one single project, or a single community, are not by themselves the cause of global climate change; however, GHG emissions from specific projects or from a community are incremental contributions to a cumulative effect. Thus, the guidance regarding cumulative impacts and compliance with existing plans in CEQA Guidelines Section 15064(h)(3) is relevant and applicable to both project-level and plan-level analysis of GHG emissions.

> *A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.*

3.2 Section 15064.4 – Determining significance of GHG emissions impacts

The CEQA Guidelines also include guidance on how to determine the significance of GHG emissions in Section 15064.4. Notably, Section 15064.4(b)(3) provides some guidance that enables consideration of whether project-level emissions should be considered significant based on consistency with existing

adopted plans (see also CEQA Guidelines Section 15125[d]). This is an important concept that is expanded upon further in Section 15183.5.

> *(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:*
>
> *(1) Quantify greenhouse gas emissions resulting from a project; and/or*
>
> *(2) Rely on a qualitative analysis or performance-based standards.*
>
> *(b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. A lead agency should consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:*
>
> *(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 (see, e.g., Section 15183.5(b)). 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 considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.*
>
> *(c) A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.*

3.3 Section 15064.7 – Thresholds must be based on substantial evidence

While this section of the CEQA guidelines does not explicitly address thresholds for GHG emissions or climate change, it provides some helpful context for understanding the approach to thresholds of significance that may be developed by a lead agency for GHG emissions analysis.

A critical point of this section is that thresholds must be based on substantial evidence, whether developed and adopted by a lead agency or by others.

(a) A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.

(b) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2)

(c) When adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.

(d) Using environmental standards as thresholds of significance promotes consistency in significance determinations and integrates environmental review with other environmental program planning and regulation. Any public agency may adopt or use an environmental standard as a threshold of significance. In adopting or using an environmental standard as a threshold of significance, a public agency shall explain how the particular requirements of that environmental standard reduce project impacts, including cumulative impacts, to a level that is less than significant, and why the environmental standard is relevant to the analysis of the project under consideration. For the purposes of this subdivision, an "environmental standard" is a rule of general application that is adopted by a public agency through a public review process and that is all of the following:

(1) a quantitative, qualitative or performance requirement found in an ordinance, resolution, rule, regulation, order, plan or other environmental requirement;

(2) adopted for the purpose of environmental protection;

(3) addresses the environmental effect caused by the project; and,

(4) applies to the project under review.

3.4 Section 15183.5 – Tiering and streamlining analysis of GHG emissions

This section of the CEQA Guidelines provides guidance and specific criteria for the development and adoption of CAPs for the specific purpose of tiering[4] and streamlining analysis of GHG emissions for subsequent projects that are consistent with the plan. The tiering mechanisms that are specified include existing plans and associated programmatic Environmental Impact Reports (EIRs) that addressed plan-level GHG emissions, as well as a specific "plan for the reduction of greenhouse gas emissions" that meets criteria specified herein.

This section should not be viewed as establishing minimum standards for CAPs or other sustainability plans that do not have the specific goal or purpose of tiering and streamlining for future projects undergoing CEQA review; however, most of the criteria specified in Section 15183(b)(1) are generally consistent with the climate action planning process outlined earlier in this appendix.

> *(a) Lead agencies may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level, such as in a general plan, a long-range development plan, or a separate plan to reduce greenhouse gas emissions. Later project-specific environmental documents may tier from and/or incorporate by reference that existing programmatic review. Project-specific environmental documents may rely on an EIR containing a programmatic analysis of greenhouse gas emissions as provided in section 15152 (tiering), 15167 (staged EIRs) 15168 (program EIRs), 15175–15179.5 (Master EIRs), 15182 (EIRs Prepared for Specific Plans), and 15183 (EIRs Prepared for General Plans, Community Plans, or Zoning).*
>
> *(b) Plans for the Reduction of Greenhouse Gas Emissions. Public agencies may choose to analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or similar document. A plan to reduce greenhouse gas emissions may be used in a cumulative impacts analysis as set forth below. Pursuant to sections 15064(h)(3) and 15130(d), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances.*
>
> > *(1) Plan Elements. A plan for the reduction of greenhouse gas emissions should:*
> >
> > > *(A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;*
> > >
> > > *(B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;*
> > >
> > > *(C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;*
> > >
> > > *(D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;*
> > >
> > > *(E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;*
> > >
> > > *(F) Be adopted in a public process following environmental review.*
> >
> > *(2) Use with Later Activities. A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR or adoption of an environmental document, may be used in the cumulative impacts analysis of later projects. An*

[4] The CEQA concept of "tiering" refers to the coverage of general environmental matters in broad program-level EIRs, with subsequent focused environmental documents for individual projects that implement the program.

environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable, notwithstanding the project's compliance with the specified requirements in the plan for the reduction of greenhouse gas emissions, an EIR must be prepared for the project.

(A) Special Situations. As provided in Public Resources Code sections 21155.2 and 21159.28, environmental documents for certain residential and mixed use projects, and transit priority projects, as defined in section 21155, that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in an applicable sustainable communities strategy or alternative planning strategy need not analyze global warming impacts resulting from cars and light duty trucks. A lead agency should consider whether such projects may result in greenhouse gas emissions resulting from other sources, however, consistent with these Guidelines.

4. Requirements for a "qualified" CAP

This section provides a more detailed description and guidance regarding development and adoption of a "qualified" CAP for purposes of Section 15183.5.

First, the word "qualified" does not appear anywhere in Section 15183.5 of the CEQA Guidelines. However, the concept of having a "qualified" CAP has been used often amongst California planning professionals in recent years, with the general understanding that this means that a CAP meets the criteria specified in Section 15183.5(b) for a "plan for the reduction of greenhouse gas emissions," such that a "qualified" CAP may then be used for the specific purpose of streamlining the analysis of GHG emissions in subsequent projects. Similarly, there is no specific "qualification" process defined in Section 15183.5.

4.1 Plan elements – Section 15183.5(b)(1)

(1) CEQA Guidelines Section 15183.5(b)(1) establishes criteria to guide the preparation of a "plan for the reduction of greenhouse gas emissions." However, it does not establish absolute requirements or minimum standards, but states that these "Plan Elements" should be followed. Keeping this in mind, lead agencies have discretion in how they demonstrate consistency with these criteria. The following subsections provide specific language from the CEQA Guidelines and a description of how each plan element aligns with phases of the climate action planning process. Plan Elements. A plan for the reduction of greenhouse gas emissions ***should*** *[emphasis added]:*

(A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

This first criterion aligns with Phase 1 in the climate action planning process outlined earlier in this appendix. An existing baseline GHG emissions inventory should be prepared, along with projections (or forecasts) of future emissions.

The "specified time period" should be aligned with the specific target years of 2020, 2030, 2045, and 2050 per State targets defined in AB 32, SB 32, and EOs B-30-15, B-55-18, and S-3-05.

Regarding the sources of emissions or "activities" that may be in a "defined geographic area", the Guidelines do not specify further exactly what geographic area should be used. However, as discussed previously under Phase 1 earlier in this appendix, per existing GHG emissions inventory protocols and the scope of analysis being used by the State pursuant to AB 32 and SB 32, a GHG inventory and projections should focus on activity-based emissions within the local jurisdictional boundaries of the community or within the regional context over which the local agency may have substantial jurisdictional

influence. For example, on-road transportation emissions in the region are attributable to one or more jurisdictions in the region, and thus a framework for calculating and forecasting this category may be focused on the origin/destination of trips and associated vehicle miles traveled (VMT[5]), and creating a system to split regional VMT pursuant to the Regional Targets Advisory Committee recommendations submitted to CARB per SB 375.

Furthermore, a "defined geographic area" seems to suggest that emissions included in a CAP should be focused on a defined area; this is different from a consumption-based or life-cycle scope of analysis that could include emissions from anywhere in the world, which would seem to be inconsistent with this criterion. As described in Technical Appendix I (GHG Inventories, Projections, and Target Selection) to the ReCAP, the activity-based approach is the standard practice for local jurisdictions' community-wide inventories in California.

> *(B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;*

This second criterion is aligned with Phase 1 in the climate action planning process outlined earlier, which includes setting targets (or levels) for community-wide emissions in future years. Local agencies may choose to align their projections and targets with specific targets defined for 2020, 2030, 2045, and 2050 per State targets defined in legislation (i.e., AB 32 and SB 32) and State EOs (i.e., EOs B-30-15, B-55-18, and S-3-05). The emissions targets specified by the State are consistent with substantial scientific evidence published by the IPCC and the United Nations Framework Convention on Climate Change (UNFCCC) regarding the need to ultimately reduce global GHG emissions down to 80 percent below 1990 levels by 2050, as described above.

Local agencies may also choose to establish specific emissions limits to describe their target levels that are based on a proportional, fair-share approach to complement the State's emission targets. There is no specific guidance in Section 15183.5 on what specific metrics or thresholds should be used in a CAP; however, as described under Section 2 of this appendix, plan-level guidance was issued by CARB in the 2017 Scoping Plan.

Ultimately, local lead agencies have discretion on what levels or targets are established in a "qualified" CAP, provided they are based on substantial evidence.

> *(C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;*

This criterion is aligned with aspects of climate action planning phases previously described. It is aligned with the GHG emissions inventory and projections process under Phase 1, including identification and quantification of legislative actions taken by the State or others to reduce emissions pursuant to existing legislation, regulations, or policies. This criterion could also include an analysis of existing local actions already being taken by the local agency, other local agencies, or organizations that could have an ongoing effect of either increasing or reducing emissions in the future, which is typically addressed during the later stages of Phase 1 when specific actions and measures are in development.

The words "anticipated within the geographic area" seem to suggest that the local agency should focus their analysis on what is known or anticipated within their local or regional context and area of jurisdictional control or substantial influence, rather than engage in analysis of remote, speculative, or unknown actions elsewhere using consumption-based or life-cycle scopes of analysis.

> *(D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;*

This criterion is aligned with Phase 1 in the climate action planning process, which includes development of specific actions in a CAP that demonstrate how the GHG target will be achieved and defining implementation assumptions and procedures for carrying out the measures in a CAP.

[5] Details on the origin-destination method of VMT estimation are provided in Technical Appendix I (GHG Inventories, Projections, and Target Selection)

CAPs that address community-wide GHG emissions sources are comprehensive and typically address all sources of emissions in a community. This includes current emissions documented in the baseline emissions inventory, which is reflective of the existing built environment, and future emissions that reflect both existing emissions and additional emissions associated with growth and change in a community, including emissions associated with future "projects" that could be subject to review under CEQA.

GHG reduction measures in a CAP are similarly designed to address both existing emissions and future emissions associated with growth and change; therefore, it would be incorrect to assume that all GHG reduction measures must apply to future projects subject to environmental review, or that future discretionary projects would be solely responsible for achieving the "specified level" (i.e., GHG emissions target) for an entire community, as a narrow reading of this criterion might suggest.

GHG reduction measures included in a CAP typically include a subset of measures that are designed to reduce GHG emissions from activities in existing homes, businesses, or other aspects in the existing built environmental, and thus will not usually be applicable on a "project-by-project" basis during development review, with some limited exceptions (i.e., redevelopment, rehabilitation, or other similar activities). Considerations for selecting GHG reduction measures are discussed in Technical Appendix II (GHG Reduction Calculation Methods for CAP Measures) to the ReCAP.

For the subset or group of GHG reduction measures that are applicable to new development, local agencies should clearly identify the mechanisms that will be used to implement the measures and apply the measures through development review. Some measures that could be applicable to new development may be programmatic in nature, while others may include actionable requirements to be applied at the project-level. Several options are possible for defining how GHG measures will apply to a project:

- Some GHG reduction measures or performance standards applicable to new development can be implemented through codes, ordinances, or other rating systems, such as the building code (e.g., adopting CALGreen Tier 1, LEED, or other green building standards or rating systems), zoning code updates, or other new or updated design or development standards that would need to be proposed and adopted separately from the CAP.
- Some local lead agencies have opted to use a tool, such as a CAP Consistency Review Checklist (Checklist). These checklists are used during the development review process to ensure that the project is either designed to be consistent with applicable GHG reduction measures or would incorporate applicable measures either in the project description or as a condition of approval. Accordingly, GHG reduction measures or related actions in the CAP should be written as specifically as possible and integrated into the Checklist, such that staff can make a compliance determination for the project upon receipt of a completed checklist from the project proponent. Similarly, the Checklist itself should provide adequate guidance to the project proponent so that the Checklist can be completed in a reasonable amount of time, and without requiring substantial new analysis.
- Several local lead agencies in the San Diego region have developed CAP Consistency Review Checklists based on their qualified CAPs. Examples include the City of San Diego and the City of Carlsbad. GHG reduction measures in a CAP that are determined to be applicable at the project-level and could be used for tiering by future projects should be specified as mandatory, not voluntary measures that may not be enforced during development review. If the GHG reduction measures applicable at the project level are not mandatory in a CAP, they must become mandatory, either as performance standards or prescriptive requirements through codes or standards or included in a CAP Consistency Checklist or other similar mechanism.
- Conversely, not all GHG reduction measures in a CAP may need to be "mandatory" in nature. Voluntary, incentive-based measures can also result in actions that reduce existing emissions. Thus, local agencies should not be discouraged from including a mix of mandatory and voluntary measures in a CAP, if the specific group of GHG measures deemed applicable to future discretionary projects are mandatory and provide for clear, specific, and enforceable actions that will reduce emissions, for tiering and streamlining purposes.

Ultimately, local agencies should put forth their best efforts to make sure that GHG reductions associated with the primary measures in a CAP are quantifiable and based on substantial evidence. Measures that are not quantifiable should not be relied upon for tiering and streamlining, unless they are supporting actions that are essential to achieve quantified GHG reductions from other measures.

Local agencies should also focus on measures that can feasibly be implemented within the timeframe of the CAP, based on reasonably foreseeable staffing and funding resources, the effectiveness of the CAP measures, available technologies, and other factors. Assumptions and procedures for how GHG reduction measures will be implemented should clearly identify:

- Method of implementation (e.g., What action will be taken? Code or other requirements applied during development review? New community-facing education program to motivate action? New incentive or financing program? Changes to an existing procurement practice?)
- Responsible parties who play a role in implementation (e.g., agency/department with primary responsibility for implementation of the CAP? Local agency? Other agencies or utilities? Regulated entities, such as a developer or builder? Existing residents or businesses? Non-profits or other organizations?)
- Timing or schedule (e.g., When will the measure be implemented? Near-term, mid-term or long-term? Is it a one-time action, a phased program, or an existing/ongoing activity?)
- Staffing and Costs (e.g., What resources are required by the local agency or others to develop and implement the program, such as full-time equivalent [FTE] positions and staff costs? New capital or operational costs: are they quantifiable now, and, if so, how much? Is outside grant funding from public agencies or private foundations available?) Technical Appendix IV (CAP Implementation Cost Analysis) of the ReCAP provides guidance on developing cost estimates for CAP implementation.

In some cases, as with most long-range community-wide plans that are like a CAP, not all the implementation details are known or can be known at the time a CAP is prepared. The specific implementation pathways and assumptions may need to be determined or refined during the actual implementation process. If subsequent studies or more detailed planning and implementation actions are required after the CAP is adopted, those uncertainties and conditions should be explained in the analysis. Definitions for how time intervals are categorized (e.g., what does short-term refer to, what does "ongoing" mean in the context of measure implementation) should also be included to aid in development of implementation plans and cost studies.

> *(E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;*

This criterion aligns with Phase 3 in the planning process and speaks to the need to monitor the implementation and performance of the CAP and its GHG reduction measures to ensure that the CAP stays on track to meeting the GHG targets. If the monitoring process shows that the CAP is not on track to meet established GHG targets, amendments to the plan would be required to make adjustments and realign with targets. Technical Appendix VI (CAP Monitoring and Reporting) to the ReCAP provides guidance on monitoring and reporting CAP performance.

Monitoring and verification procedures should be described clearly in the implementation or monitoring sections of the CAP and can include number of future activities, as described below:

- Review and reporting on the implementation status of the CAP, including the status and performance of GHG reduction measures, should typically occur annually, or biennially at a minimum. CAP monitoring and progress reporting requires adequate staffing and a commitment by the local agency to review and report back to the decision-makers regularly and consistently.
- Key indicators or performance criteria should be identified for monitoring all quantifiable GHG reduction measures, such that future review and reporting efforts can provide meaningful updates on the status and performance of measures easily and consistently over time. Indicators and metrics should focus on data that are readily and consistently available from year to year and require minimal processing time on the part of staff conducting the analysis. Qualitative reporting may also be important to understand successes, barriers, or challenges in implementing measures.
- Periodic review and updates to the GHG emissions inventory should typically occur to understand how GHG emissions are changing over time, which considers not just the performance of the CAP but other factors as well. While annual GHG inventory updates would be ideal, at this time, this is infeasible for most local agencies because of the time, complexity, and cost for preparing inventories in a manner that is consistent with adopted protocols and ensures accurate and meaningful comparisons with the original baseline inventory. These challenges may dissipate over time as data

collection and inventory update methods become more streamlined, and it may become more feasible for agencies to perform inventory updates more frequently.

(F) Be adopted in a public process following environmental review.

This criterion aligns with Phase 1 in the planning process. Adoption of a proposed community-wide plan, such as a qualified CAP or other "plan for the reduction of greenhouse gas emissions", is a "project" and, therefore, subject to environmental review under CEQA. More detailed discussion regarding CEQA documents prepared for CAPs and related issues are discussed in Section 5 of this appendix.

4.2 Use of GHG reduction plan with later activities – Section 15183.5(b)(2)

Per the CEQA Guidelines, "An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project."

Accordingly, the GHG analysis in a CEQA document prepared for a project seeking to tier from a "qualified" CAP using CEQA Guidelines Section 15183.5 must demonstrate consistency with "requirements" in the CAP, which should include: (1) all applicable GHG reduction measures in the CAP, and (2) demonstration of consistency with adopted plans and associated growth forecasts that were assumed in the CAP.

As previously discussed regarding Section 15183.5(b)(1), a "qualified" CAP or similar plan should define which measures are applicable to development projects, as well as the mechanism with which they will be implemented or enforced. The Guidelines here also suggest that "if those requirements are not otherwise binding and enforceable", the project proponent or lead agency must "incorporate those requirements as mitigation measures applicable to the project." This could be interpreted to mean that certain measures in a CAP, or similar plan for the reduction of GHG emissions, may not always be clearly framed as binding and enforceable (i.e., mandatory) requirements; however, they must be incorporated as binding and enforceable mitigation measures applicable to the project through project-level GHG analysis prepared for the project CEQA document.

Furthermore, many GHG emissions reduction measures included in CAPs are scaled based on participation rates and other parameters that may not always result in a specific allocation of GHG reductions to the project level. However, they can be derived based on per capita, per unit, or other variables tied to demographic forecasts from existing adopted plans or forecasts from other documents, such as environmental documents for adopted plans, as deemed appropriate by the lead agency. These plans could include a general plan or another type of plan tied to growth forecasts (e.g., specific plans), from which GHG emissions projections and reduction measures are ultimately calculated. Thus, to demonstrate project-level consistency with a "qualified" CAP, projects would need to demonstrate that they would not conflict with adopted plans with which the emissions projections are associated.

However, a deviation from growth projections alone may not deem a project inconsistent with the CAP. For example, a project may propose an amendment to a plan that leads to lower intensity of GHG emissions compared to original designations. In this case, the project may be deemed consistent with the CAP. A local lead agency may also choose to set efficiency-based GHG targets (e.g., on a per capita or per service population basis) in the CAP, consistent with guidance in the CARB Scoping Plan. In those cases, future projects that deviate from growth projections may be required to demonstrate consistency with these efficiency metrics to show that they would not disrupt achievement of the CAP's overall targets. Lastly, local lead agencies may require projects that propose land use amendments or annexations to mitigate their incremental growth over existing designations to ensure that growth in GHG emissions stays in line with CAP projections. This approach may be applicable if a CAP uses mass emissions-based or percent reduction-based targets. Ultimately, the lead agency has discretion in choosing the appropriate targets for its CAP and specifying compliance mechanisms for projects that may not be consistent with growth anticipated under adopted plans.

Again, several pathways are possible given this guidance:

- Local lead agencies may choose to implement specific GHG reduction measures that apply to new development projects through codes, ordinances, development standards, or other existing regulatory mechanisms that result in "binding and enforceable" GHG reduction standards. In this case, no additional mitigation would be required in the CEQA document because the lead agency already imposes these requirements through regulation. This approach would shift the burden away from staff or the applicant, to show consistency with the CAP itself or adopted plans, and towards compliance with enforceable standards designed to achieve a specific level of GHG emissions reductions per unit or per project.
- Local lead agencies may choose to use a development review checklist, such as a CAP Consistency Review Checklist (Checklist) or other similar mechanism that, once completed, demonstrates how a project is consistent with a CAP. The first step of the Checklist would typically focus on consistency with associated land use plans and growth forecasts used to develop the emissions projections in the CAP. The second step of the Checklist would include providing information on how the project complies with applicable GHG reduction measures in the CAP. Applicable GHG reduction measures may be included as either: (1) design features included in the project description, or (2) mitigation measures in the project's CEQA document. In this case, a completed Checklist would be included as supporting documentation used in the GHG analysis and appended to the CEQA document. The completed Checklist would need to clearly demonstrate not only which GHG measures are applicable to a project, but also the means in which they are "binding and enforceable."

4.3 Streamlining per SB 375 for specific situations – Section 15183.5(c)

Certain residential, mixed-use, and transit priority projects that are consistent with criteria defined under SB 375 and are found to be consistent with general use designations, density, building intensity, and applicable criteria in a RTP/SCS (or Alternative Planning Strategy) need not analyze mobile source emissions from cars and light duty trucks in their CEQA GHG analysis.

SB 375 streamlining for the above project types does not cover all mobile sources of GHG emissions, such as medium- or heavy duty on-road vehicles, or off-road vehicles. Thus, projects that are exempt from analyzing emissions from cars and light-duty trucks still need to analyze GHG emissions from other transportation category sources.

4.4 Types of CAPs or GHG reduction plans

Local agencies may seek to develop and adopt CAPs or other similar plans that do <u>not</u> have the intended purpose of providing for the tiering and streamlining of GHG analysis for subsequent process under CEQA. In such cases, these plans may still function as important policy documents with actionable measures or programs to reduce GHG emissions or achieve other sustainability goals or outcomes in addition to reducing GHG emissions. These CAPs may lay out a general framework or menu of actions, but do not meet all the criteria required for streamlining future projects. Local agencies may also choose not to formally adopt a CAP or conduct environmental review.

There are no existing requirements for any local government to prepare a CAP under AB 32, SB 32, or other State laws. However, local governments that prepare updates to general plans or other community-wide plans may find that preparation and adoption of a CAP or similar GHG reduction plan or strategy, either as a stand-alone document or as a companion to a general plan update or integrated with a Program EIR prepared for general plan update, may serve to identify feasible community-wide strategies to reduce GHG emissions associated with a proposed action. But even in such cases, CAPs or GHG reduction plans prepared for such a purpose are not required to be consistent with the criteria defined in CEQA Guidelines Section 15183.5. Compliance with Section 15183.5 guidelines is purely at the discretion of local lead agencies.

Local agencies may choose this option if they would not benefit from or are otherwise not interested in the streamlining provisions of a qualified CAP. Such plans may include goals and strategies related to GHG reduction but may not specify implementation details and monitoring timelines that are required under Section 15183.5. These plans may also focus on a single, short-term GHG emissions goal as opposed to multiple target years that align with the State's milestone years. The primary difference from a qualified CAP is that a policy-based CAP or other plan would not have the ability to provide CEQA streamlining for GHG analyses of future development projects.

5. CEQA documentation for a "qualified CAP"

5.1 Environmental review of CAP

CEQA Guidelines Section 15183.5 does not require any specific level of environmental review or process for a qualified CAP. The criterion listed under "Plan Elements" in 15183.5(b)(1) only states that such a plan should "*(F) Be adopted in a public process following environmental review.*"

The following sections provide information on scope of analysis and types of environmental documents that may be prepared for a CAP.

5.2 Scope of analysis and types of documents

Lead agencies should consider the nature of the proposed action to adopt a CAP, along with reasonably foreseeable compliance responses to the proposed action and potential environmental effects associated with such compliance responses.

Generally, a CAP or other plan for the reduction of GHG emissions is prepared for the purposes of protecting or benefitting the environment by helping to reduce a local community's contribution to GHG emissions. For this reason, some lead agencies may exempt a CAP, while others may prepare initial studies/negative declarations (IS/NDs) or EIRs. GHG reduction measures in a CAP may result in compliance responses that involve physical activities that have adverse environmental effects, such as construction of new facilities, modifications to existing facilities, new infrastructure, or other actions that could require further analysis in an IS or require the preparation of an EIR. On the other hand, a policy document that does not specify measures that may have adverse environmental effects may be processed with a CEQA exemption under Section 15308 (Actions by Regulatory Agencies for Protection of the Environment). A CAP processed with a CEQA exemption would have limited streamlining opportunities because of the potential narrowness of GHG reduction measures and their limited applicability to new development.

Examples of environmental review and types of documents that could be prepared for a CAP under CEQA include:

- **IS/ND or IS and Mitigated Negative Declaration (IS/MND)**: preparation of an IS is a common "first step" in the environmental review process for many lead agencies. The decision to issue either an ND or Mitigated Negative Declaration (MND) following completion of the IS (rather than prepare an EIR) is informed both by evidence-based conclusions, along with a determination by the lead agency that the level of review is adequate and that no significant environmental impacts would occur without/with mitigation, respectively. Because only a fair argument of a potentially significant impact need be raised on an IS/ND or IS/MND to require the preparation of an EIR, some lead agencies choose to prepare an EIR without preparation of an IS. As a result, when a significant impact is known to occur or there is potential to raise a fair argument of a significant impact, an agency may streamline the environmental review process and proceed directly to preparation of an EIR.
- **Addendum to an EIR:** in some cases, the use of an Addendum to a previously certified EIR may be appropriate for a CAP, such as an Addendum to a Program EIR prepared for a general plan. In this case, the adequacy of the use of an Addendum is contingent upon meeting specific criteria outlined in the CEQA Guidelines related to whether a subsequent EIR is required (see Sections 15162, 15163, and 15164). Key to that evaluation is determining whether the full scope of the CAP and its compliance responses were adequately evaluated in the certified EIR or whether supplemental review may be required.

Situations where supplemental review may be warranted include conditions when new information or substantial changes may have occurred because the original EIR or Program EIR was certified (e.g., new State GHG targets per SB 32), which may not be consistent with the current setting or parameters under which a CAP is subsequently developed. Additionally, once a CAP is developed, more details may be known with respect to the nature of compliance responses or subsequent actions that would be implemented, and those actions could result in new or substantially more severe significant effects that were not previously evaluated. Thus, the scope of analysis in the Program EIR may not be sufficiently detailed. In these cases, the use of an Addendum may not be feasible.

- **Subsequent/Supplemental IS/MND or EIR:** preparation of a subsequent/supplemental environmental document can help to reduce the level of review compared to a full scope, stand-alone environmental document. Preparation of a subsequent/supplemental IS/MND or EIR is required if the CAP would trigger any of the requirements under Sections 15162 and 15163 of the CEQA Guidelines. A subsequent/supplemental environmental document provides a streamlining opportunity by narrowing the focus of evaluation to those issues that were not adequately addressed in a prior document.
- **EIR:** the decision to prepare an EIR, or a focused EIR, for a CAP may be appropriate for lead agencies who find that certain impacts may be significant and would be difficult to mitigate, the issues where impacts occur cover a broad range of topics, and a previous environmental document has not been prepared to evaluate the impacts.

6. Project streamlining using a "qualified" CAP and CEQA document

6.1 Options under CEQA

A lead agency has many tools available in the streamlining of its environmental analysis. As it pertains to CAPs, CEQA provides different options, depending on the situation, where lead agencies can use information from previously prepared and certified environmental documents. These streamlining options can be used individually or in combination.

- **Incorporation by reference – Section 15150:** This section of the CEQA Guidelines allows a lead agency to incorporate all or a portion of another document in its analysis. When doing so, a lead agency must describe the incorporated information in the new environmental document and make the incorporated document available for public review. This provision allows lead agencies to avoid duplicating environmental analysis and the presentation of highly technical information. Key to the success of incorporating by reference is ensuring that the public can easily understand the information being incorporated and have easy access to that information when reviewing the environmental document.
- **Tiering – Section 15152:** This section of the CEQA Guidelines allows the use of information contained in a broader EIR with a later environmental document. This approach can limit repetitive analysis and allow the later environmental document to focus only on the issues that are relevant to that specific project. Tiering has specific limitations in that a lead agency cannot prepare an IS/ND or IS/MND that tiers from a higher tier environmental document where significant and unavoidable impacts are identified. This limitation has been clarified through the courts in *Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98*. Therefore, a lead agency would be required to prepare an EIR or focused EIR in these situations. Updates to the CEQA Guidelines, adopted in 2018, are intended to apply tiering more broadly in the context of supplemental environmental reviews and encourage lead agencies to use the more specific provisions of other streamlining mechanisms, such as Program EIRs.

- **Program EIRs – Section 15168:** This section of the CEQA Guidelines allows the preparation of one EIR that evaluates a series of actions that can be characterized as one large project and are related either geographically, as parts of a whole project, as part of regulations, or as actions carried out under the same statutory authority. Because of their scope (e.g., covering an entire jurisdiction) and because they require the implementation of a variety of actions (e.g., compliance responses), CAPs may be evaluated under a Program EIR. Program EIRs allow the broad consideration of the effects of the program and alternatives that could occur in an individual project EIR, allow the comprehensive evaluation of cumulative impacts, allow lead agencies to apply policy considerations broadly and consider program-wide mitigation that could be applied at the individual project level, and avoid repetitive analysis in subsequent project-level documents.

Key to the success of preparing Program EIRs is that a lead agency must fully describe and evaluate all project elements and actions that could occur with implementation of the program so that, as specific projects are proposed, a lead agency can make a "within the scope" finding for those actions. When a lead agency can make this finding, subsequent environmental review is limited to only those issues that were not covered in the Program EIR. If a "within the scope" finding can be made, no new environmental document would be required. If some effects were determined to not have been evaluated in the Program EIR, then the lead agency would prepare an IS to evaluate only those effects. This evaluation would lead to the preparation of a ND/MND or EIR. Unlike the tiering provisions of CEQA, if a Program EIR identifies significant and unavoidable impacts for an environmental resource, a lead agency could prepare a subsequent IS/ND or IS/MND that relies upon the Program EIR if the project would not result in any new or more severe environmental impacts than previously evaluated in the Program EIR.

As illustrated above, CEQA provides different options for project streamlining. Ultimately, the appropriate level of CEQA review would depend upon the components of the CAP and would be up to the discretion of the lead agency.

7. Legal or other considerations

7.1 What, if any, are the legal definitions of an "enforceable" CAP or a "legally binding" CAP?

There are no legislative or other quasi-judicial requirements that local agency CAPs (or other qualified plans for the reduction of GHG emissions) are or need to be legally binding or otherwise enforceable plans. Furthermore, there are no such requirements mandating the preparation, adoption, or implementation of a CAP. A CAP/GHG reduction plan is a planning-level document that can be prepared and administered by a local agency if it so chooses. If a local agency decides to prepare a CAP, it can follow the provisions of CEQA Guidelines Section 15183.5 identifying the elements of a qualified plan for the reduction of GHGs. Once a "qualified" plan is adopted, future project-level environmental reviews can qualify for CEQA streamlining benefits.

However, it is possible for a local agency to take actions that may, in effect, make a CAP, or elements thereof, enforceable or legally binding. For example, if a lead agency adopts a measure to reduce GHG emissions as part of a CEQA Mitigation Monitoring and Reporting Program (MMRP), and that measure requires the adoption of a CAP that meets specified performance standards and/or includes specified GHG reduction measures, or otherwise commits the agency to including specific elements in a CAP, then those aspects of the CAP could be considered enforceable or legally binding.

This section provides reference materials for local public agencies in the San Diego region to help them make informed decisions as part of local climate action planning processes. This section is provided for informational purposes only and is not intended to convey or constitute legal advice.

7.2 Can a qualified CAP become "unqualified?"

Existing qualified CAPs previously adopted to meet Section 15183.5 criteria may become outdated and found to no longer be "qualified." This could occur for several reasons, including:

- **Outdated or incomplete GHG targets**: An adopted qualified CAP may have a near-term focus, in terms of GHG targets and associated reduction measures that are consistent with the 2020 target established in AB 32, but are not consistent with a longer-term 2030 target expressed in SB 32 because they were adopted before SB 32 was passed in Fall 2016. In such cases, a local CAP may no longer be considered "qualified" to meet the criteria in CEQA Guidelines Section 15183.5. CAPs designed only to achieve a 2020 target now have a limited shelf life as many current or future projects undergoing environmental review will have construction and buildout timeframes extending beyond the year 2020. Thus, updates to some CAPs may be warranted to ensure that they are consistent with the 2030 target per SB 32, or other future targets for future years established by State law. (See previous sections regarding CAP targets and Plan Elements for a qualified CAP under Section 15183.5)
- **Outdated GHG emissions projections**: GHG emissions projections for future years (i.e., 2030, and 2050) are typically prepared based on growth forecasts consistent with adopted land use plans, such as a lead agency's general plan, housing element, or the RTP/SCS for the MPO in which the jurisdiction is located. Substantial changes in growth projections, substantial general plan amendments, or other substantial changes to adopted plans or associated growth forecasts may result in the CAP becoming outdated and require updates to ensure that GHG emission projections and calculations of GHG reductions apportioned or scaled according to applicable growth rates or demographic variables (e.g., per unit, per capita) are still valid.
- **Monitoring and reporting:** Once a CAP is adopted, monitoring and reporting on CAP implementation is a critical activity to ensure that a CAP remains "qualified." Active monitoring and regular reporting on CAP implementation efforts (i.e., at least annually) includes periodically quantifying outcomes by reporting on the individual performance of GHG reduction measures and periodically updating annual GHG emissions inventories; these actions can bolster the record to support ongoing use of a qualified CAP for streamlining purposes. The lead agency or other partners should demonstrate that they are implementing the measures in the CAP, making substantial progress, and that the CAP has achieved, or is on track to achieve, measurable GHG emissions targets. Conversely, a CAP that is not being implemented actively by the lead agency, for which monitoring and reporting is irregular or nonexistent, or for which implementation results are reported but not consistently measured or understood, may raise questions about the CAP's effectiveness in meeting its targets and thus raise questions about its efficacy as a "qualified" CAP.

As noted previously, local agencies should review and update their CAPs periodically as part of implementation and monitoring procedures established in the CAP itself. This will help to ensure that they are still consistent with the current regulatory setting, including current State GHG targets and guidance available in the latest Climate Change Scoping Plan, new regulations, updates to GHG accounting protocols, and other new information.

7.3 What happens if a project is not consistent with a qualified CAP?

First, having a qualified CAP to help streamline GHG analyses for subsequent projects does not prohibit a lead agency from using other available methods or thresholds of significance for analyzing project-level GHG emissions during environmental review. While it may be desirable and efficient for some lead agencies to use qualified CAPs to assist with project-level streamlining to ensure some consistency in analyzing and mitigating emissions, it may not be appropriate or possible for all types of projects to tier from a qualified CAP because of the unique nature of a project, a project's inconsistency with adopted plans, assumptions used in the CAP, or other specific circumstances.

When using a qualified CAP, a lead agency should provide clear guidance for project-level GHG analysis using the qualified CAP; however, the lead agency should also provide clear guidance on the process for using other thresholds and methods if tiering from a qualified CAP may not be possible or appropriate.

GHG thresholds guidance should address the following:

- What a project must do to show consistency with a qualified CAP to qualify for project-level GHG analysis streamlining (i.e., use CAP Consistency Checklist, comply with GHG standards in local codes and ordinances, or other appropriate mechanisms).
- In the event a project meets some, but not all, of the criteria or standards, the lead agency should specify which procedures a project must follow if it cannot be found to be fully consistent with the CAP, including the process for identifying and substantiating any substitute GHG reduction measures.
- Specific project-level thresholds of significance and associated guidance that must be followed if a project cannot demonstrate consistency with the qualified CAP and for which a more detailed project-level analysis is warranted.

In this case, thresholds promulgated by the lead agency or another agency (e.g., a regional air pollution control district) may be appropriate so long as they are based on substantial evidence. Project-level thresholds may be based on "bright-line" mass emissions levels, per capita emissions levels, per service population (i.e., residents plus employees) emissions levels, or other appropriate metrics that specify levels at which project-level emissions contributions would not be cumulatively considerable, considering existing local or State targets or other substantial evidence.

Lead agencies may explore multiple approaches to developing thresholds for determining whether the contribution of a project's GHG emissions to climate change would be cumulatively considerable, in the absence of a qualified CAP or in cases where projects may not be able to show consistency with a qualified CAP. Certain resources from the State may be useful in thresholds evaluation. In 2008, OPR provided informal guidance in a *Technical Advisory* regarding the steps lead agencies should take to address climate change in CEQA documents. The recommended approach to analyze a project's impact on climate change is to identify GHG sources and emissions; determine whether it is cumulatively considerable in connection with past, current, or future projects; and implement measures to avoid, reduce, or mitigate impacts of those emissions. In the absence of significance regulatory standards, the *Technical Advisory* indicated that projects should be evaluated on a project-by-project basis and that no project's direct and/or indirect impact of climate change should be discounted. In 2018, OPR issued a draft *CEQA and Climate Change Advisory* update to the 2008 *Technical Advisory* document. The draft *CEQA and Climate Change Advisory* recommends that agencies may adopt significance thresholds based on efficiency, compliance with State goals, consistency with relevant regulations or quantitative thresholds when performing an impact analysis, and provides guidance on adopting mitigation measures. The draft *Advisory* restates the legislative mandate for lead agencies to tier or streamline their environmental documents wherever feasible and suggests the preparation of a GHG emissions reduction plan, such as a CAP, that later environmental documents may tier from or incorporate by reference.

Some types of thresholds to consider are discussed in greater detail below.

- *"Bright-Line" Mass Emissions Threshold*: Lead agencies may develop a locally substantiated "bright-line" threshold that is based on a mass emissions limit for the project. Such thresholds can be developed by projecting growth within the jurisdiction and applying the fair share of reductions necessary to meet local targets. A limitation of these thresholds is that the stringency of post-2020 State GHG targets may lead to a low mass emissions limit, necessitating the use of a second tier of analysis or use of a different approach. Nevertheless, such thresholds may be useful for lead agencies to screen smaller projects that may not have a cumulatively considerable impact with respect to GHGs.

- *Service Population-Based Threshold:* This threshold may be a useful option for some project types combined with other options described herein. If desired by the lead agency, service population-based metrics may be developed to align with the statewide target mandated by SB 32 to reduce statewide emissions to 40 percent below 1990 levels by 2030 and for the 2050 EO goal. This threshold has a few limitations in that it may not be applicable to all project types (e.g., schools that do not have a “resident” population and have low employment density compared to the footprint of buildings) and would need to be supported with locally-specific data or other substantial evidence.
- *Net Zero GHG emissions:* Local lead agencies may also consider use of “net zero” as a threshold for determining whether a project’s GHG emissions are substantial and consistent with the Scoping Plan. “Net zero” emissions mean that a project would not emit additional GHG emissions above the baseline as defined by CEQA. With this approach, the lead agency would require projects and plans to implement on-site GHG reduction measures, when feasible and supported by substantial evidence. The CEQA Guidelines define "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. The determination on feasibility is up to the discretion of the lead agency and local decision-makers. After on-site GHG reduction measures have been exhausted, the lead agency may allow projects to implement off-site measures, including carbon offsets that are not otherwise required, and measures that sequester GHGs to reduce the remaining emissions consistent with CEQA Guidelines Section 15126.4. To achieve the most effective outcomes, the lead agency should develop guidelines regarding which offset programs have the most legitimacy, the number of operational years for which offsets would need to be purchased, and the timing of payments. Lead agencies may also explore requiring that purchased offsets be local, as well as ways to prioritize GHG offsets that would have other co-benefits, such as reducing other pollutants in the region (e.g., replacing gas-burning water heaters with solar water heaters, planting carbon-sequestering trees downwind of high-volume roadways). The use of offsets for CEQA mitigation has been the subject of recent litigation, as described in Section 7.4, and is expected to evolve as best practices around this topic emerge.
- *Best Management Practices:* Lead agencies that do not have a current, qualified CAP, or that process project types that are difficult to assess with respect to CAP consistency, may consider a best management practices (BMPs)-based approach. Application of this threshold would involve a qualitative analysis that evaluates whether a project incorporates on-site GHG reduction measures, or BMPs, that are determined to be applicable and feasible by the local air district or the lead agency. A comprehensive list of GHG reduction measures may be developed based on CEQA mitigation typically employed for projects, reduction measures for local CAPs, and from CARB’s recommendations for local measures. Examples of measures include requiring photovoltaic (PV) systems on rooftops and over parking lots, ensuring a certain percentage of parking spaces have charging stations for electric vehicles (EVs), and using renewable diesel fuel in diesel-powered equipment. To address mobile-source GHGs, the lead agency may want to develop measures consistent with the requirements of SB 743 regarding the level of VMT associated with a project or plan. This threshold would require evaluation of each BMP for its feasibility, applicability to various project and plan types (e.g., residential, commercial, plan-level), cost, effectiveness, and consistency with Scoping Plan measures and State policies and regulations. The lead agency should identify those BMPs considered critical for the jurisdiction and/or the region to achieve its fair share of GHG reductions with respect to the statewide targets identified in SB 32 and EO S-03-05. In short, the BMPs would be the mechanism for determining whether a project would ultimately conflict with CARB’s Climate Change Scoping Plan.

Lead agencies should consider the pros and cons of these different thresholds and explore the possibility of recommending more than one of them to achieve a range of applicability. A flow chart that lead agencies use to select which threshold should be applied to its project may be a useful tool.

7.4 Important case law

This section provides reference materials for local public agencies in the San Diego region to help them make informed decisions as part of climate action planning processes. This section is provided for informational purposes only and is not intended to convey or constitute legal advice.

A. Center for Biological Diversity v. California Department of Fish and Wildlife and Newhall Land and Farming (CBD vs. CDFW, i.e., the "Newhall Ranch case")

The California Supreme Court took on the CEQA issue of determining the significance of GHG emissions in its decision, *Center for Biological Diversity v. California Department of Fish and Wildlife and Newhall Land and Farming* (2015) 224 Cal.App.4th 1105 (i.e., CBD vs. CDFW; also known as the "Newhall Ranch" case). The justices evaluated for compliance with CEQA one of the most common approaches to GHG analyses used in recent years for development projects (i.e., evaluating the efficiency of a project's emissions in the context of the AB 32's 2020 reduction goal, as presented in CARB's AB 32 Climate Change Scoping Plan (2008), using a comparison to an unregulated, BAU emissions scenario).

The decision in the Newhall Ranch case found that this BAU approach did not use a "reasoned explanation based on substantial evidence" and outlined several "potential options" for analyzing project-level emissions. Among these options, the Court affirmed the use of a local CAP or other "geographically specific" GHG emissions reduction plan is permissible as a basis for tiering and streamlining project-level GHG analysis per CEQA Guidelines 15183.5, providing that the plan is "sufficiently detailed and adequately supported." Other "potential options" described include: (1) numerical GHG thresholds of significance, using either mass-emissions limits or efficiency metrics such as GHG per capita or GHG per service population; (2) compliance with a regulatory program designed to reduce GHG emissions, (3) demonstration of consistency with a RTP/SCS (per current SB 375 provisions already stated elsewhere in CEQA, discussed in Section 4.3 of this appendix); and, (4) a BAU method based on substantial evidence linked between statewide reductions and targets and project-level emissions and reductions achieved.

B. Cleveland National Forest Foundation v. San Diego Association of Governments (CNFF vs. SANDAG)

The California Supreme Court once again took up the issue of GHG analysis in CEQA in *CNFF vs. SANDAG* (2017). Specifically, the Court addressed the use of California's long-range GHG reduction goal included in EO S-3-05 as a threshold of significance for an RTP/SCS.

The Court ruled that SANDAG did not abuse its discretion by declining "to adopt the 2050 goal as a measure of significance in light of the fact that the Executive Order does not specify any plan or implementation measures to achieve its goal." The Court emphasized the narrowness of its ruling in deciding on the sole question of use of the EO goal as a measure of significance for 2050 emissions. The Court used the EO's lack of specified plans or implementation measures to achieve the long-range goal in its reasoning, rather than come to a specific conclusion based on the fact an EO is neither statute nor regulation.

The Court cautioned that its conclusion "does not mean that this analysis can serve as a template for future EIRs." The Court also recognized that the goal of a 40 percent reduction in 1990 GHG levels by 2030 is "widely acknowledged" as a "necessary interim target to ensure that California meets its longer-range goal of reducing greenhouse gas emissions 80 percent below 1990 levels by the year 2050." SB 32 (Statutes of 2016) has since defined the 2030 goal in statute.

The Court also concluded that the SANDAG EIR sufficiently informed the public about the unavoidable significant GHG impact and did "not obscure the existence or contextual significance of the Executive Order's 2050 emissions reduction target" based on the description of the EO in the EIR's regulatory setting. This part of the ruling emphasizes the importance of a well-defined regulatory setting that informs readers of the complete regulatory scheme for GHGs.

In addition to concluding that an EIR need not use EO S-3-05's goal for determining significance, the Court expressed several points relevant to the practice of CEQA review of GHG impacts, including:

- EIRs should "reasonably evaluate" the "long-range GHG emission impacts for the year 2050;"
- The 2050 target is "grounded in sound science" in that it is "based on the scientifically supported level of emissions reduction needed to avoid significant disruption of the climate;"
- In the case of the SANDAG plan, the increase in long-range GHG emissions by 2050, which would be substantially greater than 2010 (current baseline) levels, was appropriately determined to be significant and unavoidable;
- The reasoning that a project's role in achieving a long-range emission target is "likely small" is not valid for rejecting a target; and
- "As more and better data become available," analysis of proposed plan impacts will likely improve, such that "CEQA analysis stays in step with evolving scientific knowledge and State regulatory schemes."

The Court also ruled that an "an EIR's designation of a particular adverse environmental effect as "significant" does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect."

C. Mission Bay Alliance, et al. v. Office of Community Investment and Infrastructure, et al. (*GSW Arena LLC, et al., Real Parties in Interest*)

In November 2016, the First District Court of Appeal rejected all legal challenges to the City of San Francisco's Final Supplemental Environmental Impact Report (FSEIR) and related land use approvals for a 488,000-square-foot multipurpose event center project on 11 acres in the City's Mission Bay South redevelopment plan area. The Court upheld the FSEIR's non-quantified analysis of the project's GHG emissions, which it concluded would have no significant adverse environmental effects because its "construction and operation meet San Francisco's energy and efficiency standards designed to reduce [GHG] emissions." As a preliminary matter, the Court noted that the Governor's certification of the project as an "environmental leadership development project" (under Public Resources Code § 21178 et seq.) and related finding that it would not have any net GHG emissions after purchase of carbon credits "serves a distinct purpose and is not a substitute for a CEQA determination on the significance of [GHG] emissions[,]" and framed the issue on appeal as "whether consistency with San Francisco's [GHG] strategy alone is sufficient to support the FSEIR's finding that the project's [GHG] emissions will have no significant effect on the environment."

The Court rejected plaintiffs' arguments that the FSEIR's "exclusive reliance on performance-based standards – the project's consistency with San Francisco's [GHG] strategy – is inadequate and that CEQA requires the FSEIR to quantify the project's expected [GHG] emissions and the amount those emissions will be reduced by implementation of the [GHG] strategy or specified mitigation measures." Noting the inherent difficulties of assessing the environmental significance of a single project's GHG emissions and the nature of the analysis as addressing a *cumulative* impact's contribution to global-scale climate change (citing *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 219-220), the Court quoted CEQA Guidelines Sections 15064.4(a) and 15183.5(b) as granting lead agencies discretion to "[r]ely on a qualitative analysis or performance based standards" and to "determine that a project's incremental contribution to climate change is not significant if the project complies with the requirement of [a] previously adopted [area wide GHG reduction] plan." The Court cited a 2010 Bay Area Air Quality Management District (BAAQMD) Guidelines Update encouraging local agencies to adopt and use such plans in making CEQA significance determinations and noted San Francisco's 321-page plan was adopted in 2010 and approved by BAAQMD, which found its planned GHG reductions surpassed State standards.

The Court also attempted to address some seemingly inconsistent Guidelines provisions regarding the need to quantify a project's GHG emissions, coming down on the side of lead agency discretion. Per the Court: "[While] … the Guidelines … provide that an agency 'should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of [GHG] emissions resulting from a project … and to consider '[t]he extent to which the project may increase or reduce [GHG] emissions as compared to the existing environmental setting'", they "do not compel a numeric estimate of every project's [GHG] emissions." Citing the Natural Resources Agency's statement of reasons for adopting the GHG Guidelines, the Court noted that even though there was no dispute here as to the *feasibility* of quantifying the Project's GHG emissions (emphasis added), a lead agency is nonetheless not required to use a quantitative analysis if it determines quantification is not possible, not helpful, or otherwise "not appropriate in the context of a particular project[.]"

D. *Golden Door Properties, LLC v. County of San Diego/Sierra Club, LLC v. County of San Diego (Golden Door Properties, LLC v. County of San Diego)*

In September 2018, the Fourth District Court of Appeal considered the County of San Diego's adoption of a Guidance Document for the evaluation of GHG emissions. The Court concluded that the Guidance Document is a threshold of significance. The Court found that the Guidance Document provided a "recognized and recommended" efficiency metric for determining significance of GHG emissions, and therefore was a threshold of significance for the purposes of CEQA based on Section 15064.7. The Court then held that a threshold of significance for general use (as opposed to a project-specific threshold) is subject to CEQA public adoption guidelines, per *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059. The County conceded that the Guidance Document was not formally adopted through a public review process. Thus, the County violated the CEQA requirement that a threshold of significance be adopted "by ordinance, resolution, rule or regulation, and [be] developed through a public review process," as mandated by CEQA Guidelines Section 15064.7. Further, the Court held, the County failed to provide substantial evidence to support its recommendations in the Guidance Document. Specifically, the County "reli[ed] on statewide data without evidence supporting its relationships to countywide [GHG] reductions." This approach was legally flawed under the principles set forth in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204. The County failed to address why using the statewide data that did not specifically address the County was appropriate for the County and also failed to account for variations in different types of development. Finally, the Court held that the County's adoption of the threshold of significance in advance of its required CAP constituted improper "piecemealing [of] environmental regulations" in violation of CEQA.

E. *Golden Door Properties, LLC v. County of San Diego/Sierra Club et al. v. County of San Diego/Sierra Club v. County of San Diego (Golden Door Properties, LLC v. County of San Diego)*

In June 2020, the Fourth District Court of Appeal affirmed the superior court's order directing the County of San Diego to set aside its CAP, Guidelines for Determining Significance of Climate Change, and supplemental EIR (SEIR). The Court ruling was focused on M-GHG-1, a GHG mitigation measure in the SEIR. M-GHG-1 allowed General Plan Amendment (GPA) project applicants to mitigate in-county GHG emissions by purchasing carbon offsets, which may originate out-of-county and, potentially, internationally. The mitigation measure required GPAs to achieve "net zero" or "no net increase" in emissions through the following geographic priorities for GHG reduction features, and GHG reduction projects and programs: 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally. The Court held that M-GHG-1, specifically its mechanism of allowing off-site carbon offsets, violated CEQA by containing unenforceable performance standards and by improperly deferring and delegating mitigation. The Court further found that the SEIR violated CEQA because: (a) its cumulative impacts analysis ignored foreseeable cumulative impacts from probable future GPAs; (b) its finding of consistency with the RTP is not supported by substantial evidence; and (c) it failed to consider a smart growth, VMT-reducing alternative. On the issue of carbon offsets, the Court noted that the decision is not intended to be and should not be construed as a blanket prohibition on using carbon offsets, even those originating outside of California, to mitigate GHG emissions under CEQA. The ruling may form the basis for guidance for agencies seeking to design a CEQA compliant off-site carbon offset mitigation program, including evaluating a direct reduction GHG reduction measure (T-4.1) designed to offset in-County GHG emissions.

Appendix A

Sample Climate Action Plan outline

SAMPLE CLIMATE ACTION PLAN OUTLINE

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Acronyms and abbreviations

List of acronyms and abbreviations used in the Climate Action Plan (CAP).

Executive summary

This section provides a summary of key information presented in the CAP including but not limited to:

- Main objectives of a CAP;
- Key components of the CAP;
- Key findings of the greenhouse gas (GHG) inventory, projections, and targets;
- Framework of GHG reduction measures; and
- Key GHG reduction strategies

1 Introduction

1.1 CAP overview

This section introduces the concept of climate action planning and the purpose of a CAP.

Optional items:

- If applicable, summarize any previous CAP efforts and their relationship to the current CAP. This can include a summary of past GHG inventories.
- Provide an outline for the entire CAP, with brief descriptions of what can be found in each chapter.

1.2 Introduction to climate change science

This section summarizes the scientific basis for climate change, including discussions of the effect of anthropogenic emissions on the greenhouse effect, or global climate change. The Intergovernmental Panel on Climate Change (IPCC) is a useful resource for information to populate this section.
A discussion of the anticipated impacts of climate change on a global and regional level is also appropriate here.

Optional items:

- A diagram or figure explaining the greenhouse effect.

1.3 Regulatory framework

This section summarizes the federal, State, regional, and local regulations and policies that affect climate action planning. At a local level, this section summarizes past efforts and notable achievements that have focused on sustainability and reducing GHG emissions.

Optional items:

- If applicable, describe the California Environmental Quality Act (CEQA) implications of the CAP and summarize methods for streamlining GHG analyses of future projects if preparing a CAP consistent with Section 15183.5 of the CEQA Guidelines.

1.4 Purpose and objectives of a CAP

This section explains the purpose and objectives of the CAP. This includes discussion of CAP targets and the agency's pathway to meet the overall objectives of the plan.

Optional items:

- If applicable, this section may also describe the need for a CAP update, along with an explanation of the update process.

1.5 Co-benefits

This section describes the co-benefits of implementing GHG reduction measures. The level of detail provided in this section may vary based on the agency's preference.

Examples of co-benefits include, but are not limited to:

- Cost savings
- Economic benefits
- Air quality improvement
- Public health impacts
- Improved quality of life
- Enhanced community character

Optional items:

- Agencies may choose to cross-reference these benefits throughout the CAP document, tying specific co-benefits to measures in the CAP.
- Provide tables, figures, or icons to highlight co-benefits of the plan.

1.6 Community engagement and public involvement

This section describes the important role the community plays in meeting CAP goals, reducing human-induced GHG emissions, and building resilience. This section also describes the public outreach conducted by an agency during the planning process, describing the types of meetings held, the groups targeted for outreach, and the process for incorporating feedback received into the CAP. There should also be discussion of which governmental body (i.e., City Council or the Board of Supervisors) will review and adopt the CAP, along with any boards or commissions that will also be a part of the planning process.

Optional items:

- Prepare a separate outreach plan for the CAP and include it as an Appendix (Appendix C in this outline).

2 GHG emission inventory, projections, and targets

2.1 Why prepare a GHG emissions inventory?

This section describes the need for conducting emission inventories and introduces typical protocols/methods used in the CAP. Key concepts and terms are defined in this section.

2.2 Inventory

This section summarizes the baseline emissions inventory for a chosen year and the methodology used to develop it for the CAP. This section briefly describes each of the sectors (e.g., residential, commercial, industrial) and categories of the GHG inventory. Typical categories include On-road Transportation, Electricity, Natural Gas, Solid Waste, Wastewater, and Water. Additional categories may include, but are not limited to Off-road Transportation, Agriculture, and Industrial Sources. Contribution of individual sectors/categories to the inventory should be depicted through tables and pie charts for clarity. The technical study, which contains additional details on the GHG inventory, should be referenced, as needed (Appendix A in this outline).

Optional items:

- If a CAP was prepared previously, provide a brief comparison with the agency's previously documented inventory.

2.3 Emission projections

This section summarizes emission projections for chosen milestone years for the CAP, the rationale for selecting milestone years, and why projections are helpful in assessing how an inventory may change over time. This includes a discussion of the business-as-usual (BAU) scenario projection and the legislative-adjusted BAU scenario (i.e., accounting for federal, State, and/or regional actions), along with the emissions estimated for future milestones or target years. Demographic data that form the basis for emissions projections are also explained in this section. The technical study, which contains additional details on the emissions projections, should be referenced, as needed (Appendix B in this outline).

A summary table of the emissions projections (i.e., BAU and legislative-adjusted BAU) by year and sector/category is helpful to illustrate the results in this section.

2.4 Reductions targets

This section describes the targets and goals for one or more future milestone years. It explains the difference between specified targets based on State legislation. A graph showing the relationship between projected emissions and targets is helpful to illustrate the emissions gap. The section also describes the targets' relationship with State GHG reduction goals. The technical study, which contains additional details on the targets, should be referenced, as needed (Appendix B in this outline). Technical Appendix I (GHG Inventories, Projections and Target Selection) to the Regional Framework should be referenced for guidance on target setting.

3 GHG reduction strategies, goals, and actions

3.1 Introduction

This section describes the GHG reduction measures selected and quantified for the CAP, and the emission categories where an agency's reduction efforts will be focused. This section will briefly summarize the framework used to develop measures to reduce emissions, how they are defined and presented in the CAP, and which measures are mandatory and which ones are voluntary. Typical terms and definitions that may be used in this section include:

CAP strategy – CAPs generally have several broad strategies to reduce emissions. These can include building efficiency, renewable energy, clean transportation, zero waste, etc. Multiple strategies can be associated with one emissions category.

CAP measure – Measures are more specific expressions of broad strategies. For example, measures under the building efficiency strategy can seek to increase building efficiency in new or existing homes. Multiple measures can be associated with one strategy.

Local action – These are the specific actions that a local jurisdiction would take to implement the measure. These can include adopting ordinances, developing and implementing programs, or educational outreach. In the case of a "qualified" CAP, local actions must demonstrate substantial evidence for estimating GHG emissions reductions.

Performance indicators or metrics – Each action can have associated performance metrics for tracking progress, which can be evaluated during the monitoring and progress reporting phase. Technical Appendix VI (CAP Monitoring and Reporting) to the Regional Climate Action Planning Framework (ReCAP) provides a detailed discussion of this phase.

Supporting activities – These are activities that can be implemented by the local jurisdiction that support implementation of an action or measure but may not directly lead to quantifiable GHG reduction. For example, educating residents about incentives or rebate programs and making available a PACE financing program to help residents implement efficiency projects may facilitate GHG reducing activities but do not directly reduce emissions. In the case of PACE financing, the energy efficiency retrofit or PV system installed is what would be considered a quantifiable GHG reducing activity.

Optional items:

- A table summarizing all the measures proposed in the CAP.

3.2 Summary of GHG reduction measures

This section summarizes the GHG reduction measures by each sector or related category. For each category or sector, summarize strategies, overarching goals, performance metrics, and quantified reductions. Any supporting measures that are not quantified but support implementation of identified measures should also be summarized here.

Optional items:

- A table summarizing each measure by sector or category.
- A table summarizing the effect of CAP measures on agency emissions and targets.

3.3 Measures to reduce GHG

This section provides more detailed descriptions of each measure for each category or sector, disclosing quantified reductions and key assumptions used to calculate anticipated reductions. The technical study, which contains additional details on the measures, should be referenced, as needed (Appendix B in this outline). Any supporting measures that are not quantified should be described in more detail here.

Optional Items:

- A table summarizing each measure by sector or category.
- If applicable, reduction framework tables showing measures, implementing actions, performance metrics, and GHG reductions by target years.

4 Implementation and monitoring

4.1 Introduction

This section describes the importance of implementing and monitoring the CAP and how an agency will implement the CAP over time. It introduces the terms used in the following sections, such as implementation timelines, administrative and staffing needs, funding needs, and relative cost where available.

4.2 Implementation strategy

This section summarizes the high-level strategy an agency will undertake to monitor and implement the CAP.

Potential components:

- Provide implementation timelines for each measure, i.e. short-term, mid-term or long-term based on defined criteria.
- Provide rough cost estimate for implementing each strategy, using low, medium, and high distinctions based on a defined set of criteria. Costs could also be separated by costs to the agency and costs to the community. The results of an implementation cost analysis or benefit-cost analysis may be referenced here, if available.
- Identify the department and/or individuals responsible for implementing each strategy and action.
- Identify financing mechanisms and/or funding sources for each strategy and action.
- Identify any additional staffing needs to implement the CAP.
- If streamlining through CEQA, describe the process used for streamlining GHG analysis of future projects via the CEQA Thresholds and/or Consistency Checklist (Appendix D in this outline).
- Reference a separate and more detailed Implementation Plan, if the agency plans to prepare one in the future.

4.3 Monitoring and updates

This section describes the next steps needed for implementation, with commitments and timelines for how often the GHG inventory and the CAP will be updated, and how an agency will report and relay progress to government bodies.

Optional items:

- A graphic timeline outlining the CAP monitoring schedule.

4.4 Ongoing engagement

This section describes how an agency will continue to engage the community and stakeholders in CAP implementation, describing specific measures that will require public involvement to achieve GHG reductions.

5 Climate change vulnerability, resiliency, and adaptation (optional)

Note: this entire chapter is optional and may be included in the CAP based on agency preference.

5.1 Introduction

This section provides a general description of the physical effects of global climate change (i.e., increased temperatures and prolonged periods of extreme heat [heat waves], variability in precipitation, increased wildfire risk, sea-level rise, and flooding). The California Adaptation Planning Guide (APG) is a helpful resource in laying out the adaptation planning process.

This section identifies what this chapter will discuss and the role it plays in climate action planning (i.e., adaptation planning improves community resiliency to impending climate change effects).

Optional items

- Prepare a separate and more detailed vulnerability assessment and include it as an Appendix (Appendix E in this outline).

5.2 Climate change effects and vulnerability assessment

This section introduces the purpose of a vulnerability assessment and summarizes the climate-related impacts that may affect an agency, evaluating how these impacts will potentially affect the community's populations, functions, and structures. This section introduces the climate scenario planning tools (e.g., Cal-Adapt) and other resources used to evaluate and determine climate change effects.

Typical climate change effects assessed in a vulnerability include, but are not limited to:

- Increased frequency of extreme heat events and heat waves
- Changes in precipitation patterns
- Increased wildfire risk
- Increased likelihood of flooding
- Sea-level rise

5.3 Current adaptation efforts

This section describes an agency's current climate adaptation efforts, categorized by climate change effects. This discussion can include preparation of a Hazard Mitigation Plan, policies in plans, and programs.

5.4 Resiliency and adaptation strategies

This section outlines the framework for developing strategies that will improve community resiliency, with explanations of the applicability of the adaptation strategies contained in this section.

Optional items:

- Explain the applicability of the adaptation strategies contained in this chapter.
- Requirements of Senate Bill (SB) 379 to include Climate Adaptation Planning in General Plans.
- Description of co-benefits of strategies.
- Summary tables for each adaptation strategies, highlighting implementation timeframe and responsible parties.

5.5 Conclusion

This section summarizes the key findings of the chapter, identifying which climate change effects will have the greatest impact and which key areas are at high risk. The conclusion also provides recommendations for any additional analyses or research needed.

6 References

This section provides the references for information relied upon in the CAP.

Appendix B

Sample Implementation Plan outline

SAMPLE IMPLEMENTATION ACTION PLAN OUTLINE

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1 Introduction

1.1 Climate Action Plan overview

This section summarizes key information presented in the Climate Action Plan (CAP), explaining the objectives of the CAP and highlighting key points in the CAP.

Key highlights can include, but are not limited to:

- Description of the baseline GHG inventory, the sectors/categories that make up the inventory, and the quantified results of the inventory.
- Summary of the CAP's targets for future years and how they align with state GHG targets.
- Description of the framework for how the CAP will achieve these targets through GHG reduction measures. Summary of how measures are presented in the CAP.

Optional items:

- If applicable, summarize previous CAP efforts and describe their relationship to the current CAP. This can include a summary of past GHG inventories.
- If applicable, summarize the climate impacts and adaptation strategies identified in the CAP.

1.2 Implementation plan

This section explains how the Implementation Plan builds upon the Implementation Chapter of the CAP and outlines in more detail how an agency will implement CAP measures and monitor progress. Implementation of measures may require that an agency develop and implement new ordinances, programs, and projects, or modify existing ones. The Implementation Plan serves as initial guidance for agency staff in monitoring progress towards established goals, as well as a framework for assessing success and effectiveness of measures in the CAP.

The Implementation Plan may include the following:

- Operational and capital resources needed to implement measures;
- Identify implementation timelines for each measure;
- Identify the department and/or individuals responsible for implementing and monitoring each measure; and
- Estimate high-level costs and anticipated benefits.

1.2.1 Implementation timeframe summary

This section summarizes the implementation timeframe for each measure in the CAP. The information can be summarized collectively in a table or in another user-friendly format. Details regarding timeframe can include phasing, when major work on implementation will be done, and start and end years. The level of detail in this summary section will vary based on the type of information provided for each measure.

1.2.2 Funding, resource allocation, and budgeting summary

This section summarizes the funding, resource allocation, and budgeting information for each measure in the CAP. It also outlines how funding for CAP implementation will be allocated during agency budgeting processes and how it can serve as a resource for considering what programs and projects to include in an agency's budget and what staffing resources will be needed. The level of detail in this summary section will vary based on the type of information provided for each measure.

This section outlines that in lieu of allocating monies from departmental budgets or an agency's general fund, funding and other resources may come from other regional, statewide, and federal programs and grant opportunities. A table can be used to summarize the major potential funding sources and other resources available. Future funding mechanisms can also be established by other means included development impact fees, rebate and incentive programs, and support from local businesses and residents.

This section may also include additional elements, such as costs to the agency and the community, including staffing needs and budget. Technical Appendix III (Benefit-Cost Analysis for CAP Measures) and IV (CAP Implementation Cost Analysis) to the Regional Climate Action Planning Framework (ReCAP) provide guidance on performing varying levels of cost analysis for a CAP.

Optional items:

- Chart or table depicting the CAP implementation cost per year.
- Chart or table depicting funding and resources (e.g., agency staff hours) by year and measure.
- Chart or table depicting CAP implementation costs by year compared to the GHG emissions reduction potential of each measure.

1.2.3 Implementation coordination

This section describes the collaboration necessary between agency departments, as well as local and regional agencies to implement the CAP. This section will describe which agency department(s) will be required to play key role(s) in the implementation of the CAP and whether new administrative roles are needed to oversee the process. Description of workgroups or advisory commissions that will aid in CAP implementation and monitoring should also be provided here.

Optional items:

- If applicable, a chart or table depicting key responsibility of a CAP Program Administrator (or another title) who would handle the administrative functions of implementation.
- If available, a table outlining the potential agency department staffing costs associated with implementation of the CAP.

2 CAP implementation

This section outlines a detailed plan for implementation of each measure that will help an agency achieve the goals and targets of the CAP.

The implementation detail provided and the way each measure is summarized will vary among plans, with priority often given to measures that result in quantifiable GHG reductions. Because the Implementation Plan and strategy is not meant to be static, a summary table is one option to provide information in a user-friendly manner and allows that the plan be updated regularly.

The Implementation Plan may include the following information in a summary table for each measure. This section would provide definitions for each of the items analyzed in the tables:

- **Agency measure:** Description of each measure in the CAP
- **Supporting measure:** Description of any supporting measures, or non-quantified measures, in the CAP
- **Adaptation measures:** Description of any adaptation measures in the CAP (optional)
- **Target year:** Identification of the target years proposed in the CAP
- **Performance metric:** Quantitative performance metrics by which achievement will be measured, by target year
- **GHG reduction potential:** The estimated reduction in local GHG emissions, for each measure
- **Responsible department:** The primary agency department(s) that will be responsible for planning, implementing, and tracking a measure
- **Supporting department:** The supporting agency department(s) that will support the responsible department(s) in measure implementation.
- **Task type:** Categorization of the procedure or task associated with measure implementation. Task types could include ordinance or policy development, research, program development, advocacy, and collaboration.
- **Implementation timeline:** The estimated time frame for which the major implementation effort will occur.
- **Start year:** The estimated year in which the implementation process will tentatively begin.

- **Completion year:** The estimated year in which implementation of a measure is anticipated to be completed.
- **Co-benefits:** The additional beneficial effects that will result from measure implementation.
- **Basic implementation steps or tasks:** The steps/tasks that need to be completed to accomplish measure implementation.
- **Agency cost:** Estimates the amount of agency staff resources needed to complete tasks for a set amount of time. This can also include consultant costs and operating costs. Note, if more detailed agency cost information is not available, relative agency cost may be provided.
- **Relative agency cost:** A categorization of general costs to the agency based on the anticipated level of resources, staffing, and time required to implement each measure. Categories can be low, medium, or high based on a predetermined scale.
- **Community cost:** Provides qualitative and/or quantitative costs for the community to implement measures. Costs can be direct user costs or cost savings. Relative cost categories can be low, medium, or high based on a predetermined scale. Local agencies may choose to estimate costs to the agency and the community as they relate to GHG reductions and measure benefits. Technical Appendix III (Benefit-Cost Analysis for CAP Measures) to the ReCAP provides guidance on performing varying levels of cost analysis for a CAP.
- **Funding opportunities:** Provides resources to potential funding opportunities to implement specific measures.
- **Resources:** Additional resources to help inform the implementation process. These may include opportunities for regional and local collaboration to collectively address climate change (e.g., the San Diego Regional Climate Collaborative, the Beacon Program, sponsored by the Institute for Local Government and the Statewide Energy Efficiency Collaborative).

2.1 Measure implementation

This section provides the Implementation Plan for each measure in the CAP. The level of detail, and presentation of information, may vary based on agency preference.

Below is a sample of a measure implementation table. Depending on the level of information available, this sample table, or parts of it, may also be used for supporting measures and adaptation measures

Measure title

Measure Title					
Detailed description of the measure provided here, if applicable.					
Target Year	**Performance Metric**				**GHG Reduction Potential ($MTCO_2e$)**
20XX (*as specified in the CAP*)	*Detailed description of the performance metric, if applicable.*				#
20XX (*as specified in the CAP*)	*Detailed description of the performance metric, if applicable.*				#
Implementation Details					
Responsible Department	*List responsible department*	**Supporting Department**	*List supporting department*	**Task Type**	*List task type*
Implementation Timeline	*List timeline*	**Start Year**	*State year*	**Completion Year**	*State year*
Co-Benefits	• List co-benefits of measure implementation • List co-benefits of measure implementation				
Basic Implementation Steps/Tasks	1. *List steps/tasks* 2. *List step/tasks*				
Agency Cost	*Describe potential agency (may be qualitative or quantitative). The table below can summarize costs, if applicable.*				
	Agency Staff Resources		**Consultant Costs**		**Other Costs**
	Year X	**Years X**	**Year X**	**Years X**	**Year X**	**Years X**
	X Hours	X Hours	X Hours	X Hours	X Hours	X Hours

Measure Title	
Community Cost	*Describe potential costs to the community (may be qualitative or quantitative). The table below can summarize costs, if applicable.* **Estimated Costs** $XX
Funding Opportunities	*List and provide links for potential funding opportunities to help implement this measure.*
Resources	*List and provide links for additional resources that can help inform the implementation process.*
Notes: Place notes here, including acronyms and definitions Source: Place source here	

2.2 Supporting measure implementation (OPTIONAL)

This section assesses the implementation needs for each supporting measure in the CAP. This section is optional and the level of detail may vary based on agency preference. Local agencies may also combine this section with the measure implementation section (Section 2.1).

Below is a sample of a supporting measure implementation table. Depending on the level of information available, this sample table, or parts of it, may also be used for adaptation measures.

Supporting measure title

Supporting Measure Title					
Detailed description of the supporting measure provided here, if applicable.					
Implementation Details					
Responsible Department	*List responsible department*	Supporting Department	*List supporting department*	Task Type	*List task type*
Implementation Timeline	*List timeline*	Start Year	*State year*	Completion Year	*State year*
Co-Benefits	• List co-benefits of supporting measure implementation • List co-benefits of supporting measure implementation				
Basic Implementation Steps/Tasks	1. *List steps/tasks* 2 *List step/tasks*				
Agency Cost	*Describe potential agency costs (may be qualitative or quantitative). The table below can summarize costs, if applicable.*				

Agency Staff Resources		Consultant Costs		Other Costs	
Year X	Years X	Year X	Years X	Year X	Years X
X Hours	X Hours	X Hours	X Hours	X Hours	X Hours

Supporting Measure Title 2					
Detailed description of the supporting measure provided here, if applicable.					
Implementation Details					
Responsible Department	*List responsible department*	Supporting Department	*List supporting department*	Task Type	*List task type*
Implementation Timeline	*List timeline*	Start Year	*State year*	Completion Year	*State year*
Co-Benefits	• List co-benefits of supporting measure implementation • List co-benefits of supporting measure implementation				
Basic Implementation Steps/Tasks	1. *List steps/tasks* • 2. List step/tasks				
Agency Cost	*Describe potential agency costs (may be qualitative or quantitative). The table below can summarize costs, if applicable.*				

Supporting Measure Title						
Detailed description of the supporting measure provided here, if applicable.						
	Agency Staff Resources		Consultant Costs		Other Costs	
	Year X	Years X	Year X	Years X	Year X	Years X
	X Hours	X Hours	X Hours	X Hours	X Hours	X Hours
Notes: Place notes here, including acronyms and definitions Source: Place source here						

2.3 Adaptation measure implementation (OPTIONAL)

This section assesses the implementation needs for each adaptation measure in the CAP. This section is optional and the level of detail may vary based on agency preference.

Below is a sample of an adaptation measure implementation table. Depending on the level of information available, this sample table, or parts of it, may also be used for supporting measures.

Adaptation measure title

Adaptation Measure Title					
Detailed description of the adaptation measure provided here, if applicable.					
Implementation Details					
Responsible Department	*List responsible department*	Supporting Department	*List supporting department*	Task Type	*List task type*
Implementation Timeline	*List timeline*				
Basic Implementation Steps	1. *List steps/tasks* 2. *List step/tasks*				
Relative Agency Cost	*List costs*				
Adaptation Measure Title 2					
Detailed description of the adaptation measure provided here, if applicable.					
Implementation Details					
Responsible Department	*List responsible department*	Supporting Department	*List supporting department*	Task Type	*List task type*
Implementation Timeline	*List timeline*				
Basic Implementation Steps	1. *List steps/tasks* 2. *List step/tasks*				
Relative Agency Cost	*List costs*				
Notes: Place notes here, including acronyms and definitions Source: Place source here					

3 Implementation monitoring and CAP updates

This section describes how the CAP will be updated and maintained in order to remain relevant and effective.

Potential topics to include in this section:

- How the CAP progress will be presented and reported to the public and to relevant government bodies and commission, including frequency of reporting.
- The role of responsible and supporting department(s) in monitoring and updating the CAP.
- Description of when and how the CAP and GHG emissions inventory will be updated.
- Description of how measures will be reviewed and assessed and incorporated into future CAP updates.

Optional items:

- A figure outlining the CAP implementation and monitoring schedule.

4 Ongoing engagement

This section describes how an agency will continue to engage with the community and stakeholders in implementation of the CAP.

Potential topics to include in this section:

- Describe the importance of active community engagement in implementing specific measures in the CAP.
- Describe how education and outreach is a key component in implementing specific measures in the CAP.
- Describe how an agency will keep the community and stakeholders informed throughout CAP implementation (e.g., emails, agency website updates, public meetings).
- List of stakeholders including key agency staff, partner agencies, and other organizations that may be involved or considered for involvement in the CAP implementation and public outreach process.

5 Conclusion

This section summarizes the major findings of the Implementation Plan and also provides recommendations for any additional analyses or research needed.