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**Questions and Answers Related to Climate Action Planning  
OPR Local Government Roundtable  
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Participants in the Governor's Office of Planning and Research (OPR) June 20, 2011 Local Government Roundtable posed the following questions regarding climate action planning. Because other local governments and agencies may have similar questions, OPR developed the following answers to provide general, interim guidance. OPR intends to develop more detailed guidance in a forthcoming technical advisory. If there are additional questions related to climate action plans, please direct your questions to [roundtable@opr.ca.gov](mailto:roundtable@opr.ca.gov). *(Please note that this email account will not be activated until August 18, 2011)*

This response to questions may contain summaries of complex and specific laws and regulations. Any such summary is provided merely for the convenience of the reader. Always refer to the actual text of applicable laws and regulations, and consult with an attorney when applying them.

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## Questions and Answers Related to Climate Action Planning

1. *If a city is not scheduled to perform a comprehensive General Plan Update, do we need to adopt a general plan amendment to address the greenhouse gas (GHG) issue, via a climate action plan?*

Whether a climate action plan (CAP) requires a general plan amendment depends on the purpose and content of the climate action plan. In many cases, adjustments to the land use and or circulation elements may be appropriate. In such cases, a general plan amendment would be required. If the climate action plan can achieve near and long-term reduction targets by augmenting policies that already exist in a general plan, a general plan amendment may not be needed. We suggest reviewing the criteria outlined in Section 15183.5 of the CEQA Guidelines for a "Greenhouse Gas Emissions Reduction Strategy". <http://www.califaep.org/docs/CEQA/CEQAHandbook2011.pdf> (See page 170)

2. *Many cities seem to be adopting CAPs for their individual jurisdictions. Counties seem to be adopting them as well for unincorporated areas, even though they may have significant GHG - generators under their control (within cities). (Examples: courthouses, administrative offices, social welfare, jails, etc.) This being the case, shouldn't CAPs be adopted on a region-wide basis?*

While Section 15183.5(b)(1) does refer to a geographic area, a CAP should address all emissions under the lead agency's control. There is regional context to greenhouse gas emissions reductions, since acting to reduce emissions at the regional level would allow consideration of a broad range of emissions sources and reduction opportunities. Some consideration of regional emissions and reduction is coordinated through formal processes, such as the development of sustainable communities' strategies for transportation related emissions. To ensure that a climate action plan addresses all relevant sources, it is reasonable to coordinate and collaborate with neighboring jurisdictions, particularly with the county in which the city is located. Coordination can include outreach to the public, consistency in the goals, policies and actions in the CAP(s), coordinated grant applications, and resource/staff sharing to reduce the costs of developing and implementing the climate action plan(s). A climate action plan template or approach could also be developed regionally, with ultimate approval of a customized climate action plan and associated environmental documentation occurring at the local level. Ultimately, each jurisdiction has the responsibility to determine the most appropriate actions to take for that jurisdiction's unique issues.

3. *Can the environmental document for a CAP be combined with, or incorporated into, a new Environmental Impact Report (EIR) for a comprehensive General Plan Update? Or, must the CAP have a "stand alone" environmental document?*

Climate action policies should be developed in conjunction with a general plan update whenever possible. One downside of delaying climate action plan development until after a general plan update is that land use and transportation policies will already be set, leaving a jurisdiction with much less flexibility in developing reduction measures. There are several examples available of climate action plans that have been developed in coordination with a general plan update including:

- City of Citrus Heights: <http://www.citrusheights.net/home/index.asp?page=1464>
- City of San Carlos: [http://www.cityofsancarlos.org/generalplanupdate/whats\\_new/\\_climate\\_action\\_plan\\_adopied.asp](http://www.cityofsancarlos.org/generalplanupdate/whats_new/_climate_action_plan_adopied.asp)
- City of San Mateo: <http://www.cityofsanmateo.org/index.aspx?NID=1537>
- City of Rocklin: [http://www.rocklin.ca.us/government/development/planning/publications\\_n\\_maps/default.asp](http://www.rocklin.ca.us/government/development/planning/publications_n_maps/default.asp)
- City of West Hollywood: <http://www.weho.org/index.aspx?page=918>

4. *Will OPR create standard mitigation measures that cities can refer to that are proven feasible implementation tools?*

Section 15126.4(c) of the CEQA Guidelines provides broad categories of mitigation measures for greenhouse gas emissions. The California Air Pollution Control Officers Association and the Office of the Attorney General have created useful guides for more specific mitigation. Many of the most recent climate action plans include examples of emissions reduction measures that would be valuable. Ultimately, the determination of the feasibility of mitigation measures is made by the lead agency. For additional information on what has been done throughout the state, please refer to the following:

- California Planner's Book of Lists located here: <http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-C>
- CAPCOA Guidance: <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>
- California Office of the Attorney General - GHG Mitigation: <http://ag.ca.gov/globalwarming/ceqa/GHGmitigation.php>

5. *Is the message of OPR the same as the Attorney General's message regarding whether or not a CAP is required before a General Plan is adopted?*

The Office of the Attorney General provided comments on a number of environmental documents indicating that CEQA requires analysis and mitigation of a project's greenhouse gas emissions. (Many of those comment letters are available online at <http://ag.ca.gov/globalwarming/ceqa/comments.php>.) OPR agrees. Requirements regarding analysis and mitigation of greenhouse gas emissions are now codified in the State CEQA Guidelines. (See, for example, sections 15064.4 (determining the significance of greenhouse gas emissions) and 15126.4(c) (mitigating greenhouse gas emissions).) If a General Plan EIR has not already accounted for a jurisdiction's greenhouse gas emissions, the State CEQA Guidelines do provide a separate streamlining mechanism for projects that are consistent with a CAP that meets certain criteria provided in section 15183.5(b) of the CEQA Guidelines.

6. *Is any state funding available to complete CAPs initiated by small cities (under 50,000 population) to help implement General Plan actions?*

The Strategic Growth Council manages the Sustainable Communities Planning Grant and Incentives Program, a competitive grant program funded by Proposition 84 bond funds. Within this program, the relevant section is Focus Area #1, which targets cities and counties. There is no population requirement, and it explicitly lists both climate action plans and "targeted general plan updates or elements" as examples of eligible proposals. The SGC plans for this program to fund three cycles of applications—the solicitation for the second of these cycles is expected to be published in late summer or early fall 2011. For guidelines and more information, please see [http://sgc.ca.gov/planning\\_grants.html](http://sgc.ca.gov/planning_grants.html).

For other state funding opportunities, we encourage you to access the Funding Wizard (<http://www.coolcalifornia.org/funding-wizard-home>), a searchable database of grants and incentives for sustainable projects and planning (hosted by the Air Resource Board). The site was launched in June and is still going through beta testing. New sources of grants are added to the Funding Wizard as they become available. This is an excellent resource for identifying funding opportunities from the state or federal government, with other sources to be added at a later date.

7. *We have a lack of funding to hire "experts" to help us develop a climate action plan. Is it going to be possible for local jurisdictions to do a CAP in-house?*

Tools, templates and guides are available to support independent local government climate change related action through [www.coolcalifornia.org](http://www.coolcalifornia.org), ICLEI ([www.iclei.org](http://www.iclei.org)), OPR ([www.opr.ca.gov](http://www.opr.ca.gov)), CalAdapt ([www.caladapt.org](http://www.caladapt.org)) and others. Additional resources and guides are currently in development to address a wide range of local government planning challenges directly related to climate change. As these resources become

available, OPR will post them to our website and will link to other resources as appropriate. The OPR website is currently undergoing a comprehensive update that will allow easier access to new and selected information. Additional information can also be found on the State of California's climate change portal at [www.climatechange.ca.gov](http://www.climatechange.ca.gov). In some instances, a lead agency may prefer the technical expertise of outside experts over the use of publicly available tools. There are multiple avenues for the development of climate action plans using outside experts, including partnerships with academic institutions, non-governmental organizations, the use of interns, leveraging resources from groups such as ICLEI, and innovative partnerships with other agencies and organizations within your region that have an interest in addressing climate change.

8. *Let's assume you have developed a great CAP with specified mitigation measures to be applied to all development projects to reduce GHGs to a less than significant cumulative level, based on substantial evidence. Assuming that, why wouldn't a local agency's (a City that controls development) CAP be considered an action by a local regulatory agency for the protection of the environment (Class 8, categorical exemption, Section 15308 of the CEQA Guidelines)?*

Depending on the specific nature of the climate action plan, visioning documents for example, it is possible that no adverse impacts would result and a categorical exemption may apply. However, if the CAP is to be used to streamline the environmental review of future projects, the plan must satisfy the criteria in section 15183.5(b) of the CEQA Guidelines. Those criteria were derived from another section of the Guidelines addressing the use of plans in a cumulative impacts analysis. (See section 15064(h)(3) of the CEQA Guidelines.) One of those criteria is the requirement that a plan be reviewed in a public process. In addition, courts have held that a mitigation program to be used to streamline the environmental review process must undergo the CEQA review process. (See, for example, *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1053.) Based on those requirements, Section 15183.5(b) provides that, to be used for a streamlining purpose, a CAP must have been reviewed by an "environmental document" that has undergone CEQA review. For additional information, refer to pages 65-66 of the Natural Resources Agency's Final Statement of Reasons, available online at: [http://ceres.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf).

9. *How does the CAP baseline differ from the CEQA baseline? If we are using a 2005 CAP baseline and CEQA requires the baseline to be existing conditions, how can we use a General Plan/CAP CEQA analysis to exempt future projects from CEQA GHG analysis?*

The "baseline" for a CAP serves a different purpose than the typical CEQA baseline. Section 15183.5(b)(1)(A) requires a climate action plan to include an inventory of existing emissions within the plan area. This inventory would generally reflect conditions as they existed at the time of plan preparation. It may be necessary to inventory a prior year for the purposes of a climate action plan in order to use more

complete data. Section 15125(a) states the general CEQA rule that the baseline for analysis of a project should normally be conditions as they existed at the time that environmental review is prepared. In the absence of a qualified CAP, a lead agency analyzing greenhouse gas emissions would compare a project's emissions to the existing environmental setting. If streamlining from a qualified CAP, a lead agency would not need to estimate the project's emissions and compare to the existing baseline. Instead, when a qualified climate action plan exists, the lead agency's question is whether the project is consistent with the plan.

*10. It seems that the current focus for CAPs pertain to local agencies and incorporation of CAPs in their General Plans and CEQA documents. Given that local CAPs are very dependent on regional or state actions, is there any movement or discussion to develop regional or state level CAP policies and quantitative goals which can then be incorporated into local CAPs. This might strengthen the reliability and consistency between local GHG targets. SB 375 is part of the solution, but it only deals with vehicle emissions from passenger vehicles and light trucks.*

The State is currently developing numerous tools that will assist in the development of climate action plans at the local level as outlined in #7 above. Local governments, however, have the discretion to develop the most appropriate policy structure for their specific situation. For guidance on what policies can be included in local plans, please refer to question #4.

*11. We were unable to develop an approach to include propane usage data in our climate action plan. Has OPR heard of any way to estimate sales and or use of propane within a specific local government geopolitical boundary?*

The CEC gathers data on LPG (Liquefied Petroleum Gases) which include propane, butane and isobutane at the state level. However; the State does not maintain records on the sales or use of propane within other geopolitical boundaries since propane is an unregulated fuel.

*12. We have several Community Services Districts in the county that provide water and wastewater service within their communities. The electricity and gas use at these facilities are embedded in the community wide electricity and natural gas usage. Since the County does not have "control" over these CSD services, we have not included measures to address these districts. Is there a way to encourage CSD's to prepare CAPs?*

While a county or city cannot require a community services district to prepare a climate action plan, it could indirectly address the emissions associated with such districts by reducing resource usage. For example, if a CSD is a water provider, a jurisdiction can directly affect that amount of energy used by pumping and conveyance by reducing water usage within the jurisdiction. If all of the jurisdictions that are served by the CSD develop a collaborative framework for action, the impacts on resources (and associated

GHG emissions) by the CSD that provides those resources would be substantive. The most ideal situation with jurisdictions and CSDs is working together in partnership to reduce emissions, energy and resource use, rather than focusing on the specific mechanism to achieve those results.

*18. Considering that Climate Action Plans are not mandatory, what reason could we have to prepare a CAP when we seem to have a solid long-term strategy in place already?*

CAPs are one option in addressing climate change as part of a CEQA analysis, but are not a required component of the programmatic policy structure for a jurisdiction. Please refer to Section 15183.5(a) of the CEQA Guidelines for other streamlining mechanisms that can be used to address greenhouse gas emissions in CEQA.

*19. Does OPR have a list of rural jurisdictions currently engaged in preparing CAPs, conducting energy audits, carbon footprint studies, etc? Please provide contact information for these jurisdictions.*

Please refer to the 2011 California Planner's Book of Lists located on OPR's website:

<http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-C>

The 2012 Book of Lists will be available around January 1, 2012.