



May 2nd, 2023

Mayor Khan and Council

Irvine City Hall

1 Civic Center Plaza

Irvine, CA 92606

Via Email

RE: Climate Action Campaign Recommendations for Irvine's Climate Action and Adaptation Plan Draft Strategies

Honorable Mayor Khan and Councilmembers,

Climate Action Campaign is a Southern California non-profit climate watchdog organization whose mission is to create a zero-carbon future through effective and equitable policy action.

Thank you for your bold climate actions, including your decision to make 100% clean electricity the default for Irvine through the OC Power Authority, your commitment to achieve zero carbon by 2030, and passing a building electrification ordinance that will lead the way for other OC cities. These actions are aligned with climate science and state law, and if implemented will help protect public health and make us climate-safe and climate-ready.

In order to deliver climate and community benefits, as well as allow the CAP to be CEQA-qualified and help streamline new development, the CAAP must contain both adaptation and action/mitigation strategies that are quantifiable, measurable, and can be successfully implemented to meet the deadlines of state climate law. .

We look forward to the publication of the city's action/mitigation measures in early June.

Failure to mitigate the environmental effects of planned development can bring litigation and significant project delays, as demonstrated by the City's recent loss on appeal in the case *IBC Bus. Owners For Sensible Dev. v. City of Irvine*¹. A legally-binding, enforceable CAAP will benefit Irvine developers by providing a streamlined path to project approvals.

We were glad to see that CAAP adaptation strategies have been released for community review and that staff is collecting community input on those strategies. We assume that the structure of Irvine's action/mitigation measures will be similar to those of the published adaptation measures, and offer the feedback below to help ensure the effectiveness of the CAAP:

Key recommendations:

- 1) Meet state climate law and provide a pathway to Irvine's 2030 zero-carbon goal
- 2) Include enforceable, specific, and actionable measures
- 3) Include an implementation timeline with benchmarks and costs
- 4) Specify implementation staff and team
- 5) Create an implementation budget and funding plan
- 6) Provide the above information with draft CAAP strategies for the community

1. Meet state climate law and provide a pathway to Irvine's 2030 zero carbon goal

Irvine should draft strategies that meet state law and fulfill its 2030 zero-carbon commitment. The most relevant California climate laws are:

- SB 32, which established a mid-term target of reducing statewide GHG levels to 40 percent below 1990 levels by 2030;
- AB 1279, which established a target of reducing GHG levels 85% below 1990 levels by 2045.

2. Include enforceable, specific, and actionable measures

The Irvine CAAP must contain specific, measurable, actionable and enforceable actions to serve as the mitigation document for the General Plan Update and meet CEQA streamlining opportunities. According to CEQA Guidelines Section 15183.5, having a CAAP enables jurisdictions to streamline the approval of development

¹ <https://casetext.com/case/ibc-bus-owners-for-sensible-dev-v-city-of-irvine/>

projects, thereby reducing the cost of preparing environmental impact reports. The California 2017 General Plan Guidelines outline how having a previously approved CAAP can streamline CEQA review and thereby reduce costs.²

In *California Riverwatch v. County of Sonoma et al.* (2017), the court stated that in CAPs used for tiering, “any measures or requirements imposed [must] be sufficiently defined to be enforceable.” This means that for the CAP as a whole to be legally binding, the measures that comprise it must be enforceable. The decision further states that measures that fall into the category of “wishful thinking, good intentions, and an intent to ‘work’ with others” violate CEQA.³ The measures within the CAP must be specific, evidence-based, and contain mandatory requirements, all of which serve to make the CAP as a whole meaningfully enforceable.

In order to comply with CEQA, Irvine’s CAAP mitigation strategies should include implementation items such as specifying they will be accomplished by conducting community outreach and education by staff, applying for funds to provide microgrants to organizations to conduct this work, providing in-kind support from city staff for organizations, or through new ordinances or city codes. Each implementation action and goal must be accompanied by a timeline and interim benchmarks. Though this language is not needed for adaptation strategies in order for the CAAP to be CEQA-qualified, it is required for all mitigation strategies, and it is best practice to include it in all aspects of the plan. Many cities throughout the San Diego region have created bold, legally-binding CEQA-qualified CAAPs.

By making its CAAP CEQA-qualified and legally enforceable, the City can create a guiding tool to reach zero carbon by 2030 and measure success along the way. This will also make it easier for staff to track and report progress annually and transparently to the council and the community.

To accomplish this, Irvine must include the specific, measurable, actionable, and enforceable actions that can and will be taken to implement each strategy in its draft action/mitigation strategies.

3. Specify an implementation timeline

² Governor’s Office Planning and Research. “State of California 2017 General Plan Guidelines CHAPTER 8: CLIMATE CHANGE” (pages 224 and 225)

³ *California River Watch v. County of Sonoma*, 55 F. Supp. 3d 1204 (N.D. Cal. 2014)

The draft adaptation strategies include a timeframe for implementation associated with each measure, which is a helpful starting point in considering the implementation of the plan. However, a detailed implementation timeline of all strategies, which includes key benchmarks and costs associated over time is needed to ensure the plan is implemented effectively and timely.

A detailed timeline of when work will begin, when work is planned to be finished, and key benchmarks will ensure transparency and accountability with the community and allow for easier tracking and reporting of progress. A detailed timeline also shows state and federal agencies that the city is prepared to receive and deploy funds, allowing the city to be competitive in applying for climate funding.

4. Implementation staff and team

We also recommend that the city identify an implementation team for the CAAP. For each strategy, the City should identify the department that will lead the implementation of the strategy and designate an implementation manager to oversee all strategies. This will allow for accountability from all city departments to the council and community and transparent communication between departments on implementation responsibilities. Identifying implementation leads will also ensure that no strategy is forgotten.

An implementation manager will aid in ensuring all strategies are implemented and assist in monitoring and reporting on the progress of the full plan, acting as a central communication point between departments, the council, and the community.

5. Create an implementation budget and funding plan

To ensure the CAAP is successfully implemented in a timely manner, the strategies in Irvine's CAAP must be accompanied by a robust and funded implementation plan, budget, and funding plan which are passed concurrently with the CAAP. This will ensure Irvine can win competitive grants for billions of dollars in historic federal and state climate funds, meet CEQA guidelines, and deliver the community benefits that residents deserve.

If the city does not pass an implementation and funding plan with an associated budget, then Irvine risks wasting significant time and money re-creating plans that are not implemented. For example, the city of San Diego initially passed its CAP without an implementation plan with associated funding costs and then struggled to approve funding for individual measures in a timely manner, and ended up needing to redo its CAP, restarting a multimillion-dollar process without any measurable results.

An implementation and funding plan with an associated budget should indicate associated costs for all measures and how the city will use funds to implement the CAAP. A detailed plan includes developing a 5-year budget outlook for CAP implementation funding needs and aligning those outlooks in annual budgeting processes. Early planning and preparation are key to ensuring adequate project funding.

The City will need to demonstrate existing plans for specific projects and programs, as well as strategies for allocating expected funding in order to compete for needed federal and state grants. CAC recommends that Irvine hires grant writers and establishes working groups to seek local, state, and federal funding sources and ensure the City budget is written to achieve the timely fulfillment of CAAP priorities.

6. Provide the above information to the community with draft CAAP strategies

Detailed adaptation and action/mitigation strategies that include enforceable, specific and actionable measures, an implementation timeline and team, and an implementation budget must be provided to the community when the draft CAAP is published in June. Delaying the release of the draft CAAP strategies and excluding vital information about the implementation of the strategies is not an equitable or effective way to engage the community.

The CAAP belongs to the community, so the community must have all the strategies and key information about strategy implementation so they can engage and provide feedback on their effectiveness. Having enough time to engage with the strategies before providing feedback is also necessary, as all Irvine residents have families, jobs, and other responsibilities that require their time and attention.

Community outreach and engagement should be prioritized throughout CAAP development and implementation. We recommend providing the draft strategies for adaptation and action/mitigation, and the inclusion of key implementation information for each strategy to the community as soon as possible.

Conclusion

We look forward to helping Irvine develop and implement CAAP strategies that ensure health, safety, and a sustainable future for Irvine families. Please do not hesitate to

reach out to us with questions. The Climate Action Campaign team wants to be a resource to advance climate justice in Irvine and is always available to provide assistance.

Sincerely,

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