



Mayor Weiss and Council  
City of Oceanside  
City Council Chambers  
Oceanside City Hall  
300 N. Coast Highway  
Oceanside, CA 92054

May 8, 2018

**Re: Legal Requirements and Recommendations for Oceanside’s Climate Action Plan (CAP)**

Dear Mayor Weiss and Council,

Climate Action Campaign is a San Diego-based nonprofit organization whose mission is to stop climate change and improve our quality of life. We are writing to ensure that Oceanside’s CAP is on solid legal ground and will deliver the greatest possible benefits and opportunities to Oceanside families in its quest to meet state climate requirements. We are eager to partner with you in advancing a CAP that protects our future, gives families choice and achieves prosperity for all.

In order to facilitate this process moving forward successfully, we are writing to clarify your obligations under CEQA and to recommend strategies to help the city meet its legal requirements and benefit all residents.

**1. The CAP Must Match the Planning Horizon of the General Plan & Align with State Targets**

Through conversations with staff, we understand that the city intends to use this CAP both as mitigation for GHG impacts from the General Plan as well as a tool to allow CEQA tiering for new development.

As a CEQA-qualified plan matching the 30-year planning horizon of your General Plan, the CAP must be consistent with state targets, namely SB 32 (2016), which requires statewide emissions to decrease 40% below 1990 levels by 2030 and, for planning horizons beyond 2030, with EO S-3-05, which requires an 80% reduction below 1990 levels by 2050.

In addition, because the CAP will act as mitigation for impacts from the General Plan, the planning horizon of the CAP must align with that of the General Plan, and the strategies in the CAP must reduce emissions to be consistent with state targets for that year. For example, if the General Plan extends to 2035, the CAP must do the same and must reduce emissions to a level consistent with state targets for that year.<sup>1</sup>

**2. The CAP Must Have Enforceable and Measurable Strategies with Detailed Deadlines**

CEQA is clear about what is required for a qualified greenhouse-gas reduction plan (otherwise known as a CAP.) For a CAP to function meaningfully as a roadmap to the stated reduction target, the measures in the plan must be enforceable — which means they must be specific, unambiguous, and contain clear

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<sup>1</sup> Cleveland Nat’l Forest Foundation v. SANDAG, Case No. 2011-00101593, Final Ruling, p. 12



requirements. Voluntary measures violate these CEQA guidelines. The CAP must also provide substantial evidence for each strategy that implementation of the strategy will lead to the GHG reductions identified for that strategy.

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 (26). 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.

### 3. CAP Must Include 100% Clean Energy Target with Community Choice

Every CAP adopted by cities in the San Diego since 2015 (San Diego, Del Mar, Solana Beach, Chula Vista, Encinitas, and La Mesa) has included a 100% clean energy target with a commitment to pursue Community Choice.

There are three clear reasons for this: 1) achieving 100% clean energy is the most powerful single strategy a city can adopt to reduce GHG emissions, 2) Community Choice is the only feasible strategy to achieve 100% clean energy since cities do not have control or jurisdiction over our monopoly utilities; and 2) Community Choice delivers myriad benefits to cities, including choice, lower rates for families, local decision-making, and the opportunity to keep revenues in the community.

We are pleased Oceanside is participating in the feasibility study of CCE for the North County Coastal cities, and we are confident the result will show a win-win for the community.

We recommend that Oceanside include a 100% clean energy target in its CAP with a commitment to Community Choice in order to achieve significant emissions reductions and community benefits and to keep stride with other cities across the region. Frankly, it is unclear to us how Oceanside could reach state climate targets without a commitment to 100% renewables.

### 4. CAP Must Include Walking, Biking, and Transit Mode Share Targets

Even 100% clean electricity won’t get Oceanside to the state climate targets. Oceanside must change the way the city grows and how people move around the city.

There are two main strategies available to Oceanside to reduce drive-alone trips: 1) pursue dense, infill development — including affordable housing near transit — so that more residents live closer to their destinations and average trip distance decreases (and adopt policies that limit or eliminate new sprawl development), and 2) invest in supportive infrastructure and policies that encourage walking, biking, and transit. We recommend that Oceanside include in its CAP targets and related strategies that support both of these approaches to vehicle emissions reductions.



These two approaches are mutually supportive and should be pursued concurrently. Designing and building walkable, bikeable streets near transit will deliver the greatest results if those neighborhoods also benefit from transit-oriented development. Further, concentrating affordable housing near transit has a well-documented effect of decreasing driving, and all the more when transit is accessible on foot. Conversely, new sprawl development will cause emissions from transportation to continue to rise, even if the city emphasizes walkability and bikeability. Land use and transportation strategies must work hand in glove to reduce vehicle emissions.

We recommend setting ambitious targets for the percentage of trips that will be made by biking, walking, and transit and planning accompanying strategies, as well as identifying a VMT reduction target from land use policies that encourage dense infill development and affordable housing near transit.

#### 5. CAP Must Prioritize Implementation in High-Scoring Communities in CalEnviroScreen 3.0

CalEnviroScreen, the state of California's Environmental Justice screening tool, helps identify the communities most at risk of suffering the impacts of multiple sources of pollution and of climate change. These high-risk communities are frequently low-income communities of color that, in urbanized parts of the state, are often situated close to freeways and lack amenities safe pedestrian and bicycle infrastructure, parks, and street trees.

There are several census tracts in Oceanside that rank in the top 20% of California communities for pollution impacts from traffic, solid waste, and groundwater threats. The two census tracts north of Oceanside Blvd. and adjacent to I-5 rank high for poverty, linguistic isolation, and low educational attainment.

We recommend that the city include in the CAP a section on social equity and green jobs that addresses how Oceanside will ensure that the communities that have been left behind historically are the first to benefit from the implementation of CAP strategies. The development and implementation of this section should take place in consultation with a diverse set of stakeholders from the most impacted of the city's communities.

#### 6. Recommend Inclusion of Best Practices As Described in 2017 CAP Report Card

In addition to the previous strategies, we recommend that Oceanside include the following best practices adopted by numerous cities across the San Diego region. For more detail on the strategies and which cities have incorporated each into their CAPs, please consult CAC's [2017 CAP Report Card](#).

Additional strategies recommended for inclusion in Oceanside's CAP:

- Energy efficiency and water conservation targets and accompanying ordinances
- Strategies to promote zero emissions vehicles (ZEVs) and convert the municipal fleet to ZEVs
- A Commitment to zero waste by a specified date



- Quantifiable target for an increase in tree canopy coverage by planting and caring for drought-tolerant trees.

**Conclusion**

Thank you for the opportunity to weigh in on the development of this critically important document. Oceanside’s CAP presents an opportunity to help protect the health and safety of current and future generations from the worst impacts of climate change. We urge you to direct staff to incorporate the recommendations above to comply with legal requirements, maximize emissions reductions, and deliver economic, safety, and health benefits to families and businesses.

We look forward to working with you to develop a CAP that will comply with the law and establish Oceanside as a regional leader in advancing climate solutions that improve quality of life for all.

Sincerely,

A handwritten signature in black ink that reads "Sophie Wolfram".

Sophie Wolfram  
Director of Programs  
Climate Action Campaign