



July 5, 2019

Bill Jacobs, AICP CEP, Principal Planner  
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**Re: Move Forward with Climate Action Plan Now**

Dear Mr. Jacobs,

Climate Action Campaign is a nonprofit organization with a simple mission: stop the climate crisis. We recognize and thank the City for its leadership on environmental protection through actions including adopting the first non-toxic landscaping program in Orange County, preserving open space, and evaluating Community Choice Energy.

We urge the Council to move forward with the Climate Action Plan now, without delay. The community has spoken with a unified voice about the need for a community-driven roadmap to make Irvine climate safe and climate ready, given the climate emergency confronting all of us and threatening our health and safety. Failing to do so could not only increase the cost of the CAP, but also would be a disservice to the sixty Irvine residents, including UCI climate scientists, who came to the Irvine City Council May 14th, 2019 in support of the City Council creating a CAP immediately.

We recommend the City include the following best practices when developing a CAP:

- Planning horizon of 2045 to Align with Executive Order B-55-18
- Enforceable Measures with Detailed Deadlines as CEQA Requires
- Set a 100% Clean Energy Target By 2030 And Commit to Community Choice
- Eliminate Building Emissions by 2045 Through Building Electrification
- Set Water Conservation and Energy Efficiency Targets
- Set Mode Share Targets for Biking, Walking, and Transit
- Smart Growth Policies
- Include Strategies to Ensure Equitable Implementation of CAP
- Commit to Zero Waste
- Fully Electrify the City's Municipal Vehicle Fleet
- Include a Tree Canopy Target
- Sufficient Administration And Staffing



The City of Irvine has an opportunity to show environmental leadership by creating a CAP that fulfills the City's legal requirements and helps bring clean air, public health, safe streets, affordable clean energy, and other benefits to families in Irvine.

CEQA mandates that all state and local agencies must adopt enforceable measures to mitigate the expected GHG impacts of its General Plan. Irvine must adopt a Greenhouse Gas Reduction Plan (or commonly called a Climate Action Plan) to ensure the city will meet local and state climate law, and protect our public health and safety. These laws include:

- SB 32, which mandates statewide GHG emissions reductions of 40 percent below 1990 levels by 2030.
- Executive Order S-3-05, which mandates statewide GHG emissions reductions of 80 percent below 1990 levels by 2050.
- Executive Order B-55-18, which mandates statewide carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.

Irvine is well positioned to reduce emissions to these levels if it moves ahead with policies already under consideration like 100% renewable energy with Community Choice Energy, Affordable housing near transit, All-Electric Buildings, Trees, and an Active Transportation Plan.

The benefits of Community Choice are already known thanks to the results of the Feasibility Study. These GHG benefits can easily be integrated into a CAP. A Climate Action Plan process would do a technical analysis to how all of their strategies add up to meet the state climate targets, and give more clarity around timelines, cost and departmental leadership.

### **Climate Action Plans are Community Documents that Outline the Roadmap to Meet State Climate Law**

As required under CEQA, Irvine will need to mitigate the GHG impacts expected to result from the planned growth and development in the City's General Plan Update. CEQA and case law make clear that mitigation conditions must be enforceable and "[m]itigation conditions are not mere expressions of hope." ([Lincoln Place Tenants Assn. v. City of Los Angeles, 130 Cal. App. 4th 1491, 1508 \(2005\)](#)).

The CEQA Guidelines recognize the important role of Climate Action Plans in the CEQA process ([CEQA Guidelines § 15183.5, Tiering and Streamlining the Analysis of Greenhouse Gas Emissions](#)). The Guidelines set forth a basic framework for developing a plan to reduce GHG emissions and acknowledges the role CEQA plays in ensuring the impacts of climate change are addressed ([CEQA Guidelines § 15183.5\(b\), Plans for the Reduction of Greenhouse Gas Emissions](#)).



The state of California Office of Planning and Research has also developed guidance to help local governments comply with state law and meet state climate targets through development of Climate Plans: [http://opr.ca.gov/docs/OPR\\_C8\\_final.pdf](http://opr.ca.gov/docs/OPR_C8_final.pdf)

These guidelines and guidance documents describe in detail what is needed to achieve the required mitigation in a Climate Action Plan (CAP). A CAP will serve as the City's roadmap to achieve emissions targets using strategies that have co-benefits and shared goals with the GP, including reduced traffic congestion, a cleaner environment, better public health, clean air, extended biking and walking infrastructure for residents, increased green job opportunities and improved neighborhoods.

We recommend developing a CAP simultaneously with the Irvine 2035 Plan, not only to fulfill the City's mitigation requirements under CEQA, but also to allow for the streamlining of the environmental review of future development projects.

## **Climate Action Plan Best Practices**

We are available as a resource on best practices for CAP drafting, passage and implementation, including how to make a CAP structurally and legally sound. For example, we suggest creating a CAP task force of citizens and experts to advise the City and engage stakeholders. We recommend creating a CAP implementation timeline and implementation plan, designating who will be responsible for putting the plan into action, and publishing annual CAP monitoring reports and regular GHG inventory updates.

Below are our initial recommendations for the City of Irvine to create a legally binding CAP in conjunction with its General Plan Update process that fulfills CEQA mitigation requirements, passes legal muster, and delivers a safe and healthy future for families in Irvine. Please consider our organization a resource to help with policy recommendations, research and answering any questions about Climate Action Plans or your climate planning process generally.

### **The Planning Horizon of CAP Should Extend Through 2045 to Align with Executive Order B-55-18**

As a long-range planning document, Irvine's CAP's planning horizon should extend through at least 2045, and the target for that year should align with Executive Order B-55-18, which aims to achieve carbon neutrality by 2045. Other cities in California, including Los Angeles and Santa Monica, are already planning for this goal, showing that planning for carbon neutrality is not only necessary, but achievable today.

Importantly, courts have found fault in climate plans that did not have a sufficient planning horizon to meet state targets. The Court struck down a climate plan that did not extend past 2020 in *Cleveland Nat'l Forest Foundation v. SANDAG* (Case No. 2011-00101593, Final Ruling, p. 12). In contrast, the City of



San Diego CAP is in good legal standing and is based on a 2035 planning horizon to mirror the planning horizon of San Diego's GP as well as achieve emissions reductions consistent with AB32 and California Executive Orders B-30-15 and S-3-05.

### **CEQA Requires Enforceable Measures with Detailed Deadlines**

For a CAP to function meaningfully as a roadmap to its reduction target, the measures in the plan must be enforceable — which means they must be specific, unambiguous, and contain clear requirements. Voluntary measures violate these CEQA guidelines.

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 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.

### **Set a 100% Clean Energy Target By 2030 And Commit to Community Choice**

Six cities in the San Diego region (San Diego, Del Mar, Solana Beach, Chula Vista, Encinitas, and La Mesa) and the City of Santa Monica have set 100% clean energy targets by either 2030 or 2035, with a commitment to pursue Community Choice as the means to that end.

We recommend making a firm commitment to 100% clean energy through Community Choice by including language to read, “Achieve 100% clean energy by 2030 through Community Choice.”

Community Choice is the only viable pathway to reaching 100% clean energy at the local level, and nearly two dozen programs are operating successfully in over 160 cities across California. Therefore, we urge the city to express the intent to launch a Community Choice program to meet its renewable energy targets.

### **Eliminate Building Emissions by 2045 Through Building Electrification**

Even as our cities achieve 100% clean electricity, natural gas remains the third most significant source of emissions in our cities, so to fully transition away from fossil fuels, we must identify strategies to reduce and ultimately eliminate natural gas consumption.

We urge Irvine to include in its CAP targets and associated strategies to electrify municipal, commercial, and residential buildings. These targets and strategies should include:

- Reducing GHG emissions from buildings by 40 percent below 1990 levels by 2030 and eliminating building emissions by 2045 through widespread building electrification.
- Requiring or all newly constructed or renovated buildings to be all-electric.
- Adopting a plan to electrify municipal buildings.



- Streamlining permitting to make electrifying existing buildings easier.
- Developing financial incentives to lower purchase and installation costs for electric appliances.
- Creating public outreach and education campaigns to promote building electrification.
- Support workforce development and training programs that promote good-paying careers for technicians that install and service electric appliances.

In addition to reducing emissions, building electrification provides numerous co-benefits including lower energy bills and lower costs for new construction, improved indoor and outdoor air quality, safer energy infrastructure, and the creation of good-paying green jobs.

### **Water Conservation and Energy Efficiency Targets**

The CAP should set targets for water conservation and energy efficiency for single-family, multifamily, commercial, and municipal buildings, as well as plan for ordinances to help reach those targets. These ordinances should include a Residential Energy Disclosure Ordinance similar to the one adopted in Portland, Oregon (and called for in the City of San Diego’s CAP), which requires sellers of single-family homes to obtain and disclose a Home Energy Report estimating the energy-related use, associated costs, and cost-effective solutions to improve the home’s efficiency.<sup>1</sup>

In addition to reducing emissions, energy efficiency promotes lower energy bills and creates good-paying green jobs.<sup>2</sup>

### **Set Mode Share Targets for Biking, Walking, and Transit**

In order to hit the state climate targets, Irvine will need to continue shifting people away from driving and towards biking, walking, and transit. We recommend setting ambitious targets for the percentage of commute trips that will be made by biking, walking, and transit (known as mode share targets) and identifying strategies to meet those targets, and incorporating those targets into the City’s Strategic Active Transportation Plan. For example, the City of San Diego states its goal as, “Achieve mass transit mode share of 12% by 2020 and 25% by 2035 in Transit Priority Areas,” “Achieve walking commuter mode share of 4% by 2020 and 7% by 2035 in Transit Priority Areas,” and, “Achieve 6% bicycle commuter mode share by 2020 and 18% mode share by 2035 in Transit Priority Areas.” Irvine’s CAP should set aggressive mode share targets tailored to the City’s local context, and include strategies to meet them.

Articulating mode share targets clearly allows the development of aligned strategies to ensure goals are met. Mode share targets also help municipalities plan and budget to facilitate a shift away from car-centric

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<sup>1</sup> City of Portland Home Energy Score, City of Portland, Bureau of Planning and Sustainability, <https://www.pdxhes.com/>

<sup>2</sup> Ettenson, Lara. “Good News for Good Jobs: Clean Energy Soars.” NRDC.org, NRDC, 30 May 2018, <https://www.nrdc.org/experts/lara-ettenson/good-news-good-jobs-clean-energy-outpaces-fossil-fuels>.



growth, as well as advocate for assistance for better transit infrastructure. Finally, they can also help communities plan for anticipated or desired health outcomes.

We strongly recommend the City adopt a Complete Streets program and prioritize protected bike facilities. Research and experience have shown that Class II bike facilities, which are striped bike lanes without a physical barrier, do not increase ridership as much as physically protected bike lanes. To increase bike ridership and secure safer streets for all, we recommend prioritizing protected bike facilities, not painted bike lanes. We also recommend prioritizing HOVs over SOVs, traffic calming, safe routes to schools, Vision Zero, a transit-first resolution, and supporting planning and policy decisions at SCAG to reduce GHG emissions and VMT and increase transit ridership.

### **Smart Growth**

Smart land use policies are essential to support commuters' ability to choose non-car transportation. We recommend dense development located near transit, walking, and biking infrastructure. Affordable urban housing enables people to use non-car transportation, rather than depending on a car for daily commutes. This also reduces the number of "super commuters" who exacerbate traffic and emissions by commuting long distances by car.

### **Include Strategies to Ensure Equitable Implementation of CAP**

Environmental justice and social equity play an inherent role in protecting our environment and supporting healthy communities. This section would explicitly outline how the CAP will implement the Environmental Justice section of the General Plan. We also recommend the development and implementation of this section take place in consultation with a diverse set of stakeholders from the most impacted of the City's communities.

### **Commit to Zero Waste**

Waste decaying in landfills emits methane, a potent greenhouse gas. The CAP should achieve zero waste through strategies such as eliminating single-use materials, composting, and capturing landfill gas. We recommend adopting a Zero Waste policy that commits to 100% waste diversion by 2035.

### **Fully Electrify the City's Municipal Vehicle Fleet**

The CAP should include strategies to promote zero emissions vehicles (ZEVs) and convert the municipal fleet to ZEVs by 2030. We strongly recommend that the CAP exclusively commit to ZEV's, and not to hybrid vehicles.

### **Include a Tree Canopy Target**

We recommend including a tree canopy coverage target to sequester carbon. City of San Diego's CAP includes a tree canopy coverage target of 35%.



### **Administration And Staffing**

It is not feasible to implement the CAP without at least one dedicated CAP Administrator to coordinate and track implementation efforts. The CAP should call for a full-time CAP Administrator, and that position should be filled within the first six months after adoption of the plan. The city will likely need to bring on additional staff to seek grants to help fund implementation of the CAP.

### **Conclusion**

Thank you for considering our recommendations as you move forward with the creation of a Climate Action Plan. Irvine's CAP presents an opportunity to help protect the health and safety of current and future generations from the worst impacts of climate change, and makes it easy for the public to understand the impacts of the City's plans on the environment. We are happy to provide comprehensive information on these and other policies as you move forward with your climate planning process.

Please do not hesitate to reach out to us with questions, and thank you for the opportunity to weigh in on the City's Climate Action Plan.

Sincerely,

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