



June 4, 2015

City of La Mesa Planning Commission
City Council Chambers
La Mesa City Hall
8130 Allison Ave.
La Mesa, CA 91942

RE: Oppose Approval of La Mesa Climate Action Plan (CAP); City Must Develop 2030 CAP with Enforceable Mitigation Measures

Dear Planning Commissioners,

Climate Action Campaign is a 501(c)(3) environmental nonprofit organization with a simple mission: to stop climate change and protect our quality of life. We are committed to helping cities in San Diego pass and implement successful Climate Action Plans that achieve 100% clean energy and protect the people and places we love for generations to come.

Unfortunately, we must oppose the staff recommendation on the La Mesa Climate Action Plan. We support the proposed staff recommendations to modify the draft Climate Action Plan to expand the scope of the plan to 2030 and include Community Choice Aggregation as a mitigation strategy, but we must oppose the recommendation to approve the La Mesa Climate Action Plan to the City Council on both legal and public policy grounds.

Climate Action Plan is Insufficient to Comply with CEQA

1. GHG Reduction Target Must be Through At Least Year 2030.

Like the recent County of San Diego Climate Action Plan that was recently rescinding at the mandate of the California Supreme Court, the La Mesa Climate Action Plan suffers from legal insufficiency.¹

The 2012 La Mesa General Plan maps out the growth and development for the City of La Mesa through 2030. In the EIR for the 2012 General Plan, it states that the City will prepare and adopt, within 18 months from the adoption of the 2012 General Plan, a plan to reduce GHG emissions (ie, CAP) that complies with the requirements of CEQA Section 15183.5. “The CAP will include, *at a minimum*, (emphasis added) the following features...” and it includes establishing a

¹ Attached please find the 4/19/13 Superior Court decision regarding the County of San Diego Climate Plan upheld by the Supreme Court.

reduction target below which the GHG emissions from activities covered from the plan would not be cumulatively considerable,” including achieving a 15% GHG reduction target by 2020.

The key words here in CEQA and the General Plan EIR is that the Plan must reduce emissions from the activities occurring through the planning horizon of the plan, which is 2030, not 2020. The General Plan EIR even acknowledges that the CAP must at a minimum hit the 2020 target. It does not suggest it is limited to doing so, and CEQA requires the CAP meet the target based on all activities in the General Plan through 2030.

Further, the Governor recently released a new Executive Order for a 40% statewide GHG reduction by 2030 in line with what is needed to protect our quality of life using best available science, and consistent with the Executive Order S-3-05 calling for an 80% statewide GHG reduction by 2050. Combining science, policy and law, in addition to what is in the best interest of the public health and safety of La Mesa residents, the City must expand the scope of the draft CAP to at least year 2030 -- as staff rightly recommends.

2. The CAP Must Have Enforceable Measures with Detailed Deadlines

Unfortunately, the draft CAP has only voluntary measures to reach even the 2020 target. This voluntary approach to the measures is specifically written as such in the measure descriptions in the CAP. For example:

- E-1 Building Retrofit Outreach. “Encourage *voluntary* (emphasis added) energy efficiency retrofits...”
- E-2 Shade Tree Outreach. “Develop a shade tree outreach campaign....to *voluntarily* plant shade trees.”
- E-6 Solar Photovoltaic Outreach. “Promote the *voluntary* installation of solar PV systems....”
- E-7 Solar Hot Water Heater Outreach Program. “Promote *voluntary* installation of solar hot water heaters....”

And the list goes on. The point here is that the strategies in the draft CAP are not enforceable. The Court in the County of San Diego CAP case was clear that in cases where a Climate Action Plan is mitigation for the activities in the planning horizon of a General Plan, there must be enforceable standards with detailed deadlines, as well as substantial evidence that each mitigation measure will achieve the GHG reduction numbers assigned to each strategy.

Thus, it is necessary for the City of La Mesa to not only redraft the CAP to set a 2030 target, but also craft new enforceable mitigation measures with substantial evidence and detailed deadlines for 2020 and 2030.

The Draft CAP is Likely Not Exempt from CEQA Review

On a separate but related note, the City is attempting to exempt the CAP from environmental review, but this was also a point of contention in the County case. I would encourage the City to rethink this exemption. The purpose of CEQA review here is to ensure the City is protecting the quality of life of La Mesa residents and preventing adverse impacts from climate change. Put

another way and quoted from the Superior Court in the County case, “environmental review is necessary to ascertain whether the CAP met the necessary GHG emission reductions when considering the CAP is merely hortatory and contains no enforcement mechanism for reducing GHG emissions.”

Recommend Inclusion of 100% Clean Energy and Community Choice Aggregation in New Draft CAP

Since the draft CAP only goes out to 2020, it is hard to know what new GHG reduction measures supported by enforceable mechanisms and substantial evidence will be needed to reach 2030 targets. However, we do know that the majority of the emissions in La Mesa come from energy, including the burning of fossil fuels for electricity purposes, and that Community Choice Aggregation is one of the most effective mitigation measures to reach GHG reductions from electricity sources.

Community Choice Aggregation, often called Community Choice Energy, is a way for the City of La Mesa to supply clean energy to its residents, often at a lower or competitive price. The incumbent utility would still deliver reliable power to all residents/businesses in partnership with the Community Choice provider. It is an elegant public/private partnership that allows the City to bring back local control of energy decision-making, as well as insert competition into a monopoly marketplace. It is becoming popular throughout the state of California, and for the two Counties of Marin and Sonoma that have implemented Community Choice, it has provided lower rates with higher clean energy content to all of its customer classes.

Thus, we encourage the City to consider integrating Community Choice Aggregation into the next iteration of the draft CAP as a way to help steeply reduce carbon emissions.

In addition, the City of San Diego draft CAP includes a 100% clean energy goal for the year 2035. In order to ensure all residents of San Diego County benefit from a green grid, and not just the residents of the City of San Diego, as well as help to drive investment and well-paying jobs from clean energy technologies such as solar, wind, geothermal and modernizing our electrical grid, we encourage the City of La Mesa to adopt a similar clean energy goal. If the entire San Diego region embraces a 100% clean energy future, we will be able to coordinate and collaborate together to plan the best pathway to that clean energy future.

Conclusion

Thank you for the opportunity to weigh in on this critically important planning document. According to the most recently available data and climate scientists, there is no greater threat to the future of humanity than climate change. It is incumbent on us to protect our kids and grandkids from the adverse impacts of a heated planet.

We look forward to working with you to continue to improve this draft CAP, and again urge you to send this document back to staff so it can pass legal muster and protect public health and safety of all La Mesa residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Capretz". The signature is fluid and cursive, with a large loop at the end.

Nicole Capretz
Executive Director