



March 18, 2019

To: Russ Cunningham (rcunningham@ci.oceanside.ca.us)

Re: Comments on Draft CAP and Draft PEIR

Dear Mr. Cunningham,

Climate Action Campaign (CAC) is an advocacy organization whose mission is to stop climate change and protect quality of life. We are committed to helping governmental entities in the San Diego region develop and implement policies, plans, and regulations that will stop climate change and protect the people and places we love for generations to come.

We appreciate the opportunity to comment on Oceanside's Draft Climate Action Plan and the Draft PEIR for the EDE, ECAP, and CAP.

CAP Targets and Draft PEIR Significance Threshold

CAP Emissions Reduction Targets Do Not Heed Scoping Plan Guidance

Oceanside's CAP targets, based on the statewide per capita targets of 6 MT CO₂e by 2030 and 2 MT CO₂e by 2050, are inadequate because, as the 2017 Climate Change Scoping Plan states, "The statewide per capita targets account for all emissions sectors in the state" (2017 Scoping Plan, p. 99). The Scoping Plan recommends that "local governments adopt robust and quantitative locally-appropriate goals."

The Scoping Plan further recommends that cities "apply the percent reductions necessary to reach 2030 and 2050 goals (i.e., 40 percent and 80 percent, respectively) to their community-wide GHG emissions target ... it is appropriate for local jurisdictions to derive evidence-based local per capita goals based on local emissions sectors and population projections that are consistent with the framework used to develop the statewide per capita targets." Oceanside's CAP targets must follow Scoping Plan guidance to account for local emissions sectors (for example, the state per capita targets include industrial emissions, but Oceanside does not produce industrial emissions).

If Oceanside is to calculate emissions reductions targets on a per capita basis, the city should adopt the Scoping Plan guidance by setting emissions reduction targets at no less than 40% per capita below the baseline by 2030 and 50% by 2035. This would result in 3.48 MT CO₂e per

capita in 2030, and a 35% reduction in mass emissions from the baseline, instead of the 25% reduction planned for in the CAP. It would result in 2.9 MT CO₂e per capita in 2035, and a 46% reduction in mass emissions instead of the 33% planned for in the CAP.

Setting targets in this way would bring Oceanside closer to alignment with the rest of the CAPs in the region. San Diego, Solana Beach, Del Mar, Encinitas, and Vista (Draft CAP) set mass emissions targets committing to at least 50% mass emissions reduction by 2035; La Mesa uses the methodology described above and commits to a 44% reduction below baseline by 2035. Oceanside's current target of 33% below baseline by 2035 is out of step with the region and discounts critical guidance in the Scoping Plan.

Finally, as a long-range planning document, Oceanside's CAP planning horizon should extend until at least 2045, and the target for that year should align with EO B-55-18 to achieve carbon neutrality by 2045.

GHG Significance Threshold Must Be Adjusted to Reflect More Aggressive Targets

Section 4.5.2.1 of the DEIR currently states that the Planning Division has established interim significance thresholds that align with the CAP's 2020 and 2030 emissions reduction targets. As the city updates its targets to account for local emissions sectors and follow the Scoping Plan guidance to apply the 40% reduction by 2030 to its current per capita rate of emissions, the interim significance threshold must also be adjusted.

In addition, the DEIR states that emissions that exceed the CAP targets but are less than state-aligned per capita emissions targets would be less than significant under CEQA. This conflicts with the Scoping Plan's guidance to cities to develop locally appropriate targets; the statewide per capita targets are not an appropriate significance threshold for individual cities, as they do not account for local emissions sectors.

Climate Action Plan Comments

Chapter 3: CAP Measures

Meaningfully Address Environmental Justice and Social Equity

Climate change hits hardest in low-income and communities of color that face a disproportionate pollution burden and have been left behind economically. The CAP should use CalEnviroScreen to identify and prioritize populations hit first and worst by climate change to be the first to benefit from implementation of CAP strategies.

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 lack amenities such as safe pedestrian and bicycle infrastructure, parks, and street trees.

We recommend that the CAP address how Oceanside will ensure that the communities that are most at risk currently are the first to benefit from the implementation of CAP strategies. The development and implementation of this strategy should take place in consultation with a diverse set of stakeholders from the most impacted of the city's communities.

E-1: CAP Must Include 100% Clean Energy Commitment with Community Choice

The Draft CAP target of 75% clean energy by 2030 is out of step with the region and insufficient to meet the more aggressive targets the city will need to adopt to comply with the guidance of the Scoping Plan and be consistent with the rest of the region.

Additionally, the DEIR finds that the 100% clean energy alternative would meet the project objectives and would have the same impacts as the project, except greater GHG reductions. That alternative is also identified as the Environmentally Superior Alternative. Public Resources Code §21002 states, "The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." Because the 100% clean energy alternative is found to be feasible and would lessen the environmental impact of the project by further reducing emissions, it should be adopted.

Further, the CAP offers no substantial evidence, which is required under CEQA, that Oceanside could achieve 75% clean energy through collaboration with SDG&E. Furthermore, SDG&E is looking into legislation to offer "a glide-path out of the energy procurement space," raising serious questions about the viability of Oceanside's developing a partnership with the utility to procure 75% clean energy by 2030.¹

Meanwhile, nearly every city in the region that is moving forward with Community Choice Energy is doing so in pursuit of 100% clean energy by either 2030 or 2035. The clear choice for Oceanside is to set a 100% clean energy target for 2030 or 2035 and join the rest of the region in the shift toward Community Choice, which offers the only pathway to meeting more aggressive climate targets, and brings opportunities for more affordable rates, a more resilient energy system, local reinvestment, and local economic development.

¹ November 14, 2018 from Eugene Mitchell, VP of State Government Affairs & External & State Legislative Affairs to State Senator Ben Hueso.
<https://www.voiceofsandiego.org/wp-content/uploads/2018/11/Delegation-Glidepath-Memorandum.pdf>

E-2: Ordinance Requiring New Development to Offset Energy Demand Should Not Tether Requirements to Number of Parking Spaces

Measure E-2 calls for new developments with 50 or more off-street parking spaces to offset at least 50% of their energy demand with on-site renewables. While we support measures that promote and require on-site renewable energy, we recommend untethering the requirement for renewable energy from the number of parking spaces a development has. As Oceanside continues to adopt smart growth policies, the city should be considering eliminating parking minimums and unbundling parking. Those policies will result in fewer off-street parking spaces per residential unit and, were on-site renewable requirements tied to parking spaces, would lessen the amount of required on-site renewable energy per residential unit. Instead, an ordinance requiring the offset of energy demand could link the requirement to building square footage, number of residential units, or another metric more logically linked to expected electricity usage.

SW-2: Support 90% Solid Waste Diversion Rate by 2035, Enforceable Strategies Needed

We support a 90% solid waste diversion rate, which was used to calculate the GHG emissions reduction potential of measure SW-2. Because emissions reductions were calculated for this measure, it must be enforceable (whereas measures without calculated emissions reductions projections may be voluntary).

The sixth strategy in measure SW-2 states that the city “may” establish new solid waste diversion rate targets of 80% by 2025, 85% by 2030, and 90% by 2035. Because the city is relying on a 90% diversion rate by 2035 to hit the overall GHG reduction target for 2035, voluntary language does not comply with the requirements of CEQA for measures to be enforceable and measurable, with detailed deadlines. This measure should itself set new solid waste diversion rate targets.

Further, the CAP must clarify whether the five other strategies comprising measure SW-2 would collectively achieve a 90% waste diversion rate by 2035, either in the measure itself or in the technical appendix.

TL-4: Set Mode Share Targets for Biking, Walking, and Transit

We recommend that Oceanside use the CAP as an opportunity to set mode share targets for walking, biking, and transit, and commit to developing a mobility action plan or sustainable mobility plan to set the roadmap to meet those targets.

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

AF-1: Establish Tree Canopy Maintenance Targets and Requirements, and Clarify Strategy Allowing Streamlined Review for Projects That Incorporate Additional Tree Installation.

We support the intention to plant trees on public rights-of-way as a way to mitigate GHG emissions and provide multiple benefits to the community and the urban ecosystem; however, in addition to planting new trees, the city must continue to maintain the tree canopy in order to achieve GHG emissions reductions. It takes many new plantings to make up for the loss of a single mature tree in terms of canopy coverage and carbon sequestration, so simply planting new trees every year does not guarantee any emissions reductions. Therefore, instead of we recommend setting an overall tree canopy coverage target and including tree planting targets and a specific tree maintenance program as strategies to achieve that target.

This measure must also clarify the circumstances under which the city would allow streamlined review for new development projects that surpass the requirement for tree planting and exactly.

Chapter 4: Implementation

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 in the near-term to seek grants to help fund implementation of the CAP.

Recommend Creation of CAP Implementation Taskforce

A CAP implementation taskforce would support staff and the Mayor and Council in implementing CAP measures, conducting outreach, and building community support for climate action. There are many examples of successful use of this model across the region: the Solana Beach Climate Action Commission, the Encinitas and La Mesa Environmental Sustainability Commissions, the Del Mar Sustainability Advisory Board, and the Chula Vista Climate Change Working Group.

Renewable Energy Procurement Should Be a “Low Effort” Measure

Low effort measures are defined in this chapter as able to be implemented by existing staff, with costs that can be offset by available funding sources. Community Choice Energy would require

no additional city staff to run, as it would be operated by an external agency, and the track record of existing Community Choice programs shows that Oceanside could expect to recoup its startup costs within just a few years. The City of San Diego's Community Choice Business Plan shows a conservative estimate of \$1.5 billion of revenue over 15 years; rather than Community Choice "imposing direct, long-term recurring costs" on Oceanside, as high effort measures are defined, it would likely generate substantial revenue for the city.

Community Choice Program Development Should Be a Phase 1 Action

The Draft CAP identifies development of a Community Choice program as a Phase 3 action, set to occur between 2024 and 2030, within one year of a forecasted shortfall in renewable energy procurement. Oceanside has already conducted a Community Choice Feasibility Study. The clear next step is to enter JPA negotiations with the rest of the cities in the region that are exploring Community Choice and start providing more affordable energy to customers as soon as possible, not five years from now.

Project Review Checklist Must Not Allow Carbon Offset Credits as a Path to CAP Consistency

The Draft CAP Project Review Checklist Question 4 asks applicants for projects that are not consistent with the General Plan Land Use Designation, "Does the project propose to purchase carbon offset credits that would result in lesser GHG emissions than the existing General Plan Land Use Designation?" If the answer is yes, the project can be found to be consistent with the CAP. The need to purchase offsets to mitigate GHG emissions is an indication that a project is *not* consistent with the CAP. Projects that are not consistent with the General Plan or are not less GHG-intensive than the General Plan Land Use Designation should undergo environmental review to identify acceptable GHG mitigation measures.

GHG Inventory Updates Recommended Every Three Years

The Draft CAP plans for GHG inventory updates every five years; to adequately track progress toward its targets, we recommend updating the GHG inventory at least every three years.

Full CAP Update Recommended Every Five Years

Annual monitoring will reveal where where greater reductions are possible from particular strategies, and where other strategies may be falling short in delivering emissions reductions. The city needs to set a firm timeline for regular CAP updates to adjust the plan based on lessons learned in implementation, and likely to set more aggressive targets as new statewide targets for 2045 and beyond are set legislatively. We recommend an update schedule of every five years.

Appendix C: Oceanside Climate Action Plan Technical Methods

CEQA §151835.5 states that CAPs used for tiering and streamlining should “specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.” The Draft CAP fails to provide substantial evidence for each measure with quantified emissions reductions projections, that the strategies listed can reasonably be expected to yield the reductions projected. The final CAP must include a technical appendix that shows the assumptions and calculations used to calculate the reduction potential of each measure.

Conclusion

Thank you for considering our comments on this important plan. We look forward to continuing to partner with the city to successfully implement the CAP to reduce emissions and achieve multiple benefits for Oceanside residents.

Sincerely,

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Climate Action Campaign

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