

# memo

## Sustainability Division

To: Andre Duurvoort  
From: Gilee Corral  
CC: Katy Nomura  
Date: 5/4/21  
Re: **Establishing the legal necessity of updating the 2015 Climate Action Plan**

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### Background:

In 2015, City Council adopted the city's first Climate Action Plan (CAP). The CAP was designed to integrate with the Cupertino General Plan, adopted by Council in 2014. The Sustainability Division is responsible for reporting on progress of the CAP's implementation and monitoring changes in state guidance and legislation that affect the CAP.

Since 2015, the state has [updated its goals](#) for achieving carbon neutrality, and the California Air Resources Board (CARB) and Bay Area Air Quality Management District (BAAQMD) updated guidance on scoping greenhouse gas emissions and reduction strategies.

### Discussion:

Since we are bound by the General Plan to update the CAP with enough rigor to meet BAAQMD's guidance, and considering the significant changes in this guidance, the Sustainability Manager determined a CAP update is now necessary. Below are planning document sections and guidance used to determine the necessity of updating our CAP:

#### Cupertino General Plan, Environmental and Sustainability Element

- a. Measure ES-1.1.1: Climate Action Plan (CAP). Adopt, implement and maintain a Climate Action Plan to attain greenhouse gas emission targets consistent with state law and regional requirements. This qualified greenhouse gas emissions reduction plan, by BAAQMD's definition, will allow for future project CEQA streamlining...
- b. Measure ES-1.1.3: Conduct a climate vulnerability assessment and set preparedness goals and strategies to safeguard human health and community assets susceptible to the impacts of a changing climate...
- c. Measure ES-1.2.1: Local Plan Consistency with Regional Plans. Update and maintain local plans and strategies so they are consistent with the One Bay Area Plan to qualify for State transportation and project CEQA streamlining.

#### Bay Area Air Quality Management District

- a. 4.3. GREENHOUSE GAS REDUCTION STRATEGIES The Air District encourages local governments to adopt a qualified GHG Reduction Strategy that is consistent with AB 32 goals. If a project is consistent with an adopted qualified GHG Reduction Strategy that meets the standards

laid out below, it can be presumed that the project will not have significant GHG emission impacts. This approach is consistent with the State CEQA Guidelines, Section 15183.5

- b. Example letters from BAAQMD addressing CEQA compliance for [Millbrae 2020](#) and [San Jose 2020](#) CAPs. They stress more quantitative rigor.

California Air Resources Board: 2017 Scoping Plan

- a. "CARB recommends that local governments evaluate and adopt robust and quantitative locally-appropriate goals that align with the statewide per capita targets and the State's sustainable development objectives and develop plans to achieve the local goals." (pg. 99)

Climate Action Plan and California Environmental Quality Act (CEQA) Compliance

- a. "To meet the standards of a qualified GHG reduction plan, Cupertino's CAP must achieve the following criteria (which parallel and elaborate upon criteria established in state CEQA Guidelines Section 15183.5[b][1]):
  - a. Complete a baseline emissions inventory and project future emissions
  - b. Identify a community-wide reduction target
  - c. Prepare a CAP to identify strategies and measures to meet the reduction target
  - d. Monitor effectiveness of reduction measures and adapt the plan to changing conditions
  - e. Adopt the CAP in a public process following environmental review." (pg. ES-7, PDF pg. 12)
- b. "Since GHG emissions are a crosscutting issue addressed by many General Plan elements, the CAP as a whole is generally considered and defined as an implementation strategy for the General Plan. This structure allows the City to update the CAP on an ongoing, as-needed basis to ensure that its climate protection efforts reflect both current legislation and emerging best practices, without triggering a General Plan Amendment." (pg. 29, PDF pg. 61)
- c. "At the macro-level, the City can align major CAP updates / revisions cycles with updates to the General Plan and its underlying transportation model. As noted in Chapter 7 of the CAP, direct comparisons of inventory updates from one year to the next can be problematic, especially if the underlying transportation model used to generate the transportation emissions assumptions are different." (pg. C-14, PDF pg. 376)

Reference:

[Cupertino General Plan, Environmental Resources and Sustainability Element](#)

[CARB California's 2017 Climate Change Scoping Plan](#)

[Cupertino Climate Action Plan](#)

[Governor's Executive Order B-55-18 to Achieve Carbon Neutrality](#)

[List of Laws, Policies, and Executive Orders related to CAP update \(Wiki page\)](#)