Influence of Climate Change Policy on California Planning and Environmental Practice

November 17, 2017
Enactment of AB 32 in 2006 began an unprecedented cascade of legislation, regulation, policy actions, and court decisions that altered the course of California planning and environmental practice more than any other influence.
• 38501. The Legislature finds and declares all of the following: (a) Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.
IT'S SANTA, SO IT MUST BE TRUE!
Executive Orders and Statutes,

- Key California Executive Orders
  - S-3-05, Established 2020 and 2050 GHG Goals
  - S-13-08, Called for California Adaptation Strategy
  - B-30-15, Establishes new 2030 target, affirms 2050 target
- Key California Statutes
  - SB 375 (2008) – Sustainable Communities Strategies
  - AB 1504 (2011) – Forest Resources and Carbon Sequestration
  - SB X1-2 (2011) – Renewable Electricity Portfolio (33% by 2020)
  - SB 743 (2013) – VMT-based CEQA threshold (grounded in GHG goals)
  - SB 379 (2015) – Climate Risks in Safety Elements
  - SB 32 (2016) – 2030 GHG target
A Few of the Court Decisions

• Selected Federal Court Decisions
  – Massachusetts v. EPA (2007)
  – Center for Biological Diversity v. NHTSA (2007)

• Selected State Court Decisions
  – Communities for a Better Environment v. Richmond (2010)
  – CREED v. Chula Vista (2011)
  – CBIA v. BAAQMD (SC; 2015)
  – CBD v. CDFW (SC; 2015)
  – CNFF v. SANDAG (SC; 2017)
Local Government Planning

Climate Action Plans

Greenhouse Gas Reduction Planning

General Plans
First Climate Action Plan

• City of Portland in 1993
• Six-element strategy – all focused on GHG reduction
• GHG goal: 20% below 1988
• No measures related to climate adaptation
• Almost 20 years ago...
CARB Scoping Plan Update

DRAFT
THE 2017 CLIMATE CHANGE SCOPING PLAN
THE STRATEGY FOR ACHIEVING CALIFORNIA’S 2030 GREENHOUSE GAS TARGET

October 27, 2017
California Air Resources Board
Hundreds of CAPs in California
Thousands of Planning Flowcharts

The ICLEI 5-Milestone Process

1. Leadership Commitment
2. Milestone 1: Inventory Emissions
3. Milestone 2: Establish Target
4. Milestone 3: Develop Climate Action Plan
5. Milestone 4: Implement Climate Action Plan
6. Milestone 5: Monitor/Evaluate Progress
Nexus of General Plans and Climate Change

- Integrating GHG reduction policies and actions into General Plans
- Use of CAPs to inform or implement General Plan Policy
- Adaptation influences on development in climate vulnerable areas
- Infrastructure planning and vulnerability
- Urban greening and natural systems
- Disaster preparedness
- Air quality
Environmental Planning

CEQA Analysis of GHG Emissions and Climate Risks
CEQA Guidelines Amendments

- 15064: determining significance
- 15064.4: determining significance**
- 15064.7: thresholds
- 15065: mandatory findings of significance*
- 15086: consultation*
- 15093: overriding considerations
- 15125: environmental setting
- 15126.2 consideration of significant effects*
- 15126.4 mitigation meas.
- 15130 cumulative impacts
- 15150 incorporation by reference
- 15183 projects consistent with plan/zoning
- 15183.5 GHG reduction plan, CEQA streamline**
- 15364.5 GHG definition
- Appendix F: energy conservation
- Appendix G: environmental checklist

* Minor technical change
** New section added to CEQA
Is Exposure to Climate Risk within the Purview of CEQA Impact Analysis?
Regional Governments and Collaborations

Sustainable Communities Strategies

Alliance of Regional Collaboratives for Climate Adaptation
SB 375
A Regional GHG Reduction Approach

- Reduce GHGs through VMT reduction tied to local land use planning
- Sustainable Communities Strategy
- Encourage general plans include climate action planning
- GHG reduction targets for 18 Metro Planning Organizations (MPOs)
- Several SCSs adopted, some starting next updates.
- SB 226 and SB 743 have continued support for GHG-efficient urban infill
Regional Adaptation Collaboratives

ARCCA
Alliance of Regional Collaboratives for Climate Adaptation

- Bay Area
- Capital Region
- Sierra
- Los Angeles
- San Diego
- Central Coast

- ARCCA Toolkit developed in 2014
- 13-Step approach to regional adaptation planning from “need” through “monitoring”
Climate Adaptation Planning

State Adaptation Guidance

Regional and Local Adaptation Planning
2009 California Climate Adaptation Strategy
A Report to the Governor of the State of California in Response to Executive Order S-13-2008

Safeguarding California: Reducing Climate Risk
An update to the 2009 California Climate Adaptation Strategy

DRAFT REPORT
Safeguarding California Plan: 2017 Update
California's Climate Adaptation Strategy

May 2017
2013 State Multi-Hazard Mitigation Plan

- Chapter 4.5 – Climate Change as Emerging Risk
- Substantial climate adaptation information
- Local Hazard Mitigation Plan training program includes climate module
- Good list of state climate documents with links, pp. 102-103
Sea Level Rise Policy and LCPs

- Integrates SLR into Local Coastal Plans
- New features: ports, MPAs, dredged sediment reuse, storm-water infrastructure
- Coastal Commission approved on 8/12/15
- Update in process
ENHANCED FEATURES ADDED TO CAL-ADAPT 2.0 UPGRADE
Cal Adapt: Statewide, Community-scale Data
Next Ten Years

Serious Economic Impacts

Serious Climate Adaptation
Economic Impacts of Climate Change

- Increasing attention to economic resilience
- Michael Bloomberg’s Risky Business Project
- California Report’s Risks:
  - Central Valley heat damage
  - Water supply risks
  - SLR loss of land, infrastructure
  - Shifting agriculture industry
  - Energy costs
  - Declined labor productivity
Getting Serious about Climate Adaptation
The Climate-Adapted Home

(Architect-designed for global warming)

- Awning to counter effects of ozone holes
- Boat for handy shopping trips
- Electric fence to deter environmental refugees
- Roof reservoir to insure against drought
- Anti-pollution filtration and air-conditioning units
- Tickets for interplanetary travel (in safe)
- Hydraulic rams to protect against rising sea levels
...there are creative solutions - a floating green city, perhaps?)?