



City of Cupertino California Environmental Quality Act (CEQA) Greenhouse Gas (GHG) Emissions Thresholds and Guidance

Final

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1 Introduction

1.1 GHG Emissions Analyses Under CEQA

The California Environmental Quality Act (CEQA) requires discretionary plans and projects to undergo an environmental review process, which includes an evaluation of plan- or project-related greenhouse gas (GHG) emissions.¹ Section 15183.5 of the CEQA Guidelines establishes a framework for developing a *qualified*² Climate Action Plan (CAP) to cumulatively reduce GHG emissions and allow lead agencies to analyze and mitigate the effects of plan- and project-level GHG emissions. This GHG Thresholds and Guidance Document is intended to provide methodological guidance and quantitative thresholds of significance for use by City planners, applicants, consultants, agencies, and members of the public in the preparation of GHG emissions analyses under CEQA for plans and projects located within the City of Cupertino.

The City of Cupertino (City) prepared a CEQA Guidelines Section 15183.5-consistent Draft CAP Update dated April 20, 2022 with the goal of achieving 45 percent below total (or mass) 1990 GHG emissions levels by 2030 and carbon neutrality by 2040.³ While the City Council, City staff, and community will continue to develop an approach to the longer-term goal of carbon neutrality, the CAP Update includes specific actions to achieve the shorter-term communitywide emissions reduction target of 45 percent below 1990 emissions (or 3.39 metric tons of carbon dioxide equivalents [MT of CO₂e]⁴ per person) by 2030, which is consistent with and exceeds California's goal of reducing GHG emissions to 40 percent below 1990 levels by 2030 (per Senate Bill [SB] 32). The City has also adopted a goal to achieve carbon neutrality by 2040, ahead of the State's goal of carbon neutrality by 2045 (per Executive Order [EO] B-55-18). See Figure 1 for a representation and comparison of the Cupertino and State GHG emissions reduction targets. Therefore, implementation of the Cupertino CAP Update actions would result in GHG emissions reductions in both total and per capita emissions in a manner that exceeds the State 2030 goal.

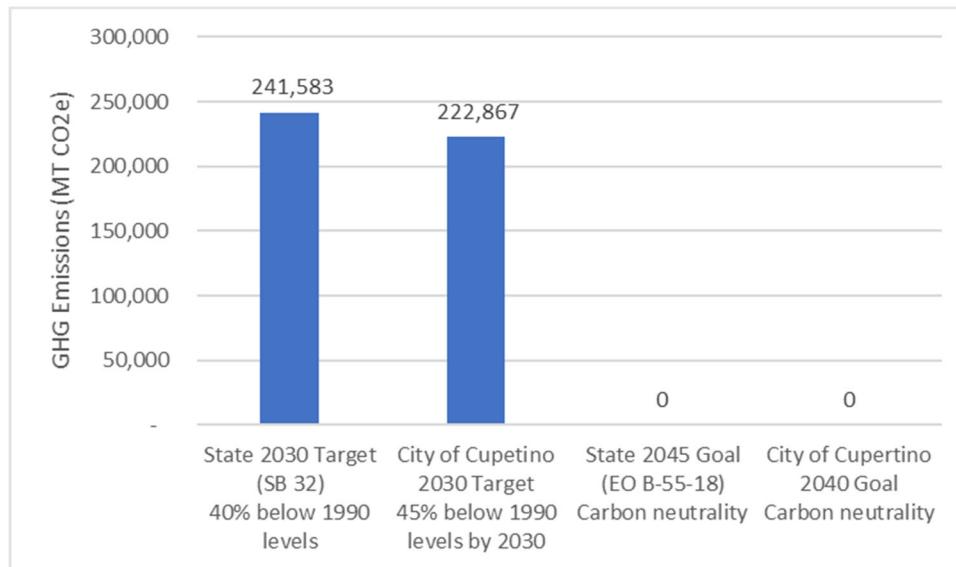
¹ Refer to Appendix A for an overview of GHG emissions and climate change.

² To be a qualified CAP, a CAP must meet the requirements of CEQA Guidelines Section 15183.5, as further discussed in Section 1.2.

³ Carbon neutrality is defined as net zero carbon emissions, which is achieved either by balancing carbon emissions with carbon removal or by completely eliminating carbon emissions.

⁴ Different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas, CO₂, is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as carbon dioxide equivalent (CO₂e), and is the amount of a GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a GWP of 25, meaning its global warming effect is 25 times greater than CO₂ on a molecule per molecule basis (Intergovernmental Panel on Climate Change 2007).

Figure 1 City of Cupertino GHG Emissions Reduction Targets



The City’s 2030 target was developed to provide substantial progress towards the City’s longer-term carbon neutrality target and contribute substantial progress toward meeting the State’s GHG reduction goals identified in SB 32 and EO B-55-18. Consistent with this process, the Cupertino CAP Update includes procedures to evaluate Cupertino’s emissions in light of the trajectory of the CAP Update’s targets to assess its “substantial progress” toward achieving long-term reduction targets identified in the CAP Update and State legislation and EOs. The CAP Update also includes commitments and mechanisms to adopt additional policies to achieve further GHG emissions reductions necessary to avoid interference with, and make substantial progress toward, long-term City and State goals. This approach is important, because these targets have been set at levels that achieve California’s fair share of international emissions reduction targets that will stabilize global climate change effects and avoid the adverse environmental consequences of climate change.

To support progress toward the City’s longer-term carbon neutrality goal, plans and projects within the City that undergo CEQA review will need to demonstrate consistency with targets in the CAP Update, which is a Qualified GHG Emissions Reduction Plan (consistent with CEQA Guidelines Section 15183.5) upon adoption of its CEQA review document, specifically the CAP Update Initial Study-Negative Declaration (IS-ND), and approval of the CAP Update by City Council. Chapter 2, *Climate Action Plan Summary*, provides an overview of the CAP Update and the associated GHG emissions inventories, reduction measures, and forecasts included therein. In addition, Chapter 3, *Regulatory and Legal Setting*, offers an overview of relevant regulations and case law pertaining to the analysis of GHG emissions consistent with CEQA and the CEQA Guidelines.

Plans and projects that are consistent with the CAP Update’s demographic (i.e., residents and employees) projections and land use assumptions, which are based on the Land Use/Community Character Element of the 2015-2040 City General Plan, will be able to tier from the adopted CAP Update IS-ND pursuant to CEQA Guidelines Section 15183.5. To streamline this CEQA GHG emissions analysis process, the City has prepared a CEQA GHG Emissions Analysis Compliance Checklist that can be utilized in plan- and project-level CEQA review documents to ensure that such proposed plans and projects are consistent with the CAP Update GHG emissions reduction strategy. Chapter 4,

Determining Consistency with , includes guidance on how to navigate this consistency determination process.

For plans or projects that are not consistent with the CAP Update’s demographic projections and land use assumptions, a different methodology and assessment utilizing quantitative thresholds of significance would be necessary to evaluate GHG emissions impacts. Chapter 5, *Utilizing Quantitative CEQA GHG Thresholds*, includes guidance on how to utilize the quantitative thresholds that were developed for purposes of evaluating the level of significance of GHG emissions impacts.⁵ Furthermore, Chapter 6, *Quantifying GHG Emissions*, provides direction regarding how to quantify a plan or project’s GHG emissions for comparison to the applicable threshold of significance.

The CAP Update acknowledges that additional actions beyond those identified in the plan will be required to achieve its long-term goal of carbon neutrality by 2040. As a result, the plan provides a mechanism for updating and adopting a new CAP every five to seven years (i.e., in conjunction with the 2022-2029, 2030-2034, and 2035-2040 cycles) in order to incorporate new measures and technologies that will further move the City toward meeting its longer-term carbon neutrality target. Chapter 7, *Moving into the Future*, offers further explanation of how CEQA review of plans and projects could be affected by future updates and/or iterations of the Cupertino CAP.

1.2 Qualified GHG Emissions Reduction Plan

According to CEQA Guidelines Section 15183.5, project-specific environmental documents can tier from, or incorporate by reference, the existing programmatic review in a qualified GHG emissions reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project’s consistency with the GHG emissions reduction strategy included in the qualified GHG emissions reduction plan. To meet the requirements of CEQA Guidelines Section 15183.5, a qualified GHG emissions reduction plan must include the following:

1. Quantify existing and projected GHG emissions within the plan area;
2. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
3. Identify and analyze sector specific GHG emissions within the plan’s geographic area;
4. Specify measures or a group of measures, including performance standards, that if implemented, would collectively achieve the specified emissions level;
5. Establish a tool or mechanism to monitor progress and to require amendment if the plan is not achieving specified levels; and
6. Be adopted in a public process following environmental review.

Development projects can demonstrate consistency with a qualified GHG emissions reduction plan if they are consistent with the plan’s assumptions regarding future growth projections and consistent with the plan’s GHG emissions reduction measures.⁶ Projects consistent with the qualified GHG reduction plan, including conformance with performance measures applicable to the project, would not require additional GHG emissions analysis or mitigation under CEQA Guidelines Sections 15064(h) and 1513.5(b)(2). The City of Cupertino has developed the CEQA GHG Emissions Analysis Compliance Checklist to assist with determining project consistency with the CAP Update. The

⁵ In compliance with CEQA Guidelines Section 15064.7(b), this guidance document and the quantitative thresholds contained herein will be presented to the City Council for formal adoption via resolution, which includes a public input opportunity.

⁶ CAPs typically utilize growth projections from the local jurisdiction’s General Plan or applicable Metropolitan Planning Organization’s regional demographic forecast.

checklist is intended to provide individual projects the opportunity to demonstrate that they are minimizing GHG emissions while ensuring new development achieves its proportion of emissions reductions consistent with the assumptions of the CAP Update. Project consistency with a GHG emissions reduction plan can also be demonstrated through a quantitative analysis that demonstrates the project will not impede (or will facilitate) the City’s ability to meet its GHG emissions reduction targets.

Table 1 summarizes the consistency of the CAP Update with these requirements for year 2030 (the next State milestone target year for GHG emission reductions). As shown in Table 1, upon adoption of the IS-ND and approval of the plan by City Council, the Cupertino CAP Update will meet the requirements of a qualified GHG emission reduction plan per CEQA Guidelines Section 15183.5(b)(1) for projects with buildout years through 2030.

Table 1 CAP Update Consistency with CEQA Guidelines Section 15183.5(b)(1) for 2030

CEQA Guidelines Section 15183.5(b)(1) Requirement ¹	Climate Action Plan Consistency
Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area.	Consistent. The Update includes communitywide GHG emissions inventories for years 2010 and 2018 and forecasts GHG emissions for years 2030 and 2040.
Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable.	Consistent. A key aspect of a qualified GHG emissions reduction plan is substantial evidence that the identified GHG emissions reduction target establishes a threshold where GHG emissions are not cumulatively considerable. The AEP (2016) Beyond Newhall and 2020 white paper identifies this threshold as being a local target that aligns with the State legislative targets. The CAP Update establishes a long-term aspirational goal of carbon neutrality by 2040, and as discussed in Section 2.3, <i>GHG Emissions Forecast</i> , implementation of the plan will achieve a 45 percent reduction in 1990 emissions levels by 2030. Therefore, this local target is more stringent than the State targets of a 40 percent emission reduction in 1990 levels by 2030.
Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area.	Consistent. The CAP Update breaks down its inventories and forecasts into five sectors (transportation, residential energy, non-residential energy, wastewater, solid waste, and carbon sequestration).
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.	Consistent. The CAP Update specifies measures and actions that the City will enact and implement between 2022 and 2030 to meet its 2030 GHG emissions target. As discussed in Section 2.3, <i>GHG Emissions Forecast</i> , implementation of the plan will achieve a 45 percent reduction in 1990 emissions levels by 2030, which is more stringent than the State target of a 40 percent emission reduction in 1990 levels by 2030 and demonstrates substantial progress by 2030 toward achieving the City’s longer-term goal of carbon neutrality by 2040.
Establish a mechanism to monitor the plan’s progress toward achieving the level and to require amendment if the plan is not achieving specified levels.	Consistent. Chapter 13, Implementation, includes a process to complete community GHG emissions inventories every five to seven years, with the first inventory to be completed for calendar year 2026. The inventories will allow the City to measure progress towards meeting the CAP Update goals. If an inventory indicates that the City is not on track to meet the CAP Update GHG emissions goals, additional CAP updates may be required at that time to increase emissions reductions measures and maintain the CAP Update’s status as a CEQA qualified GHG emissions reduction plan.
Be adopted in a public process following environmental review.	Consistent. The City prepared an IS-ND for the CAP Update that was circulated for public review and comment and adopted prior to approval of the CAP Update and CEQA GHG Emissions Thresholds and Guidance by City Council.
Source: Compiled by Rincon in 2022.	

2 Climate Action Plan Summary

The following sections provide an overview of the Cupertino CAP Update, including the 2010 and 2018 communitywide GHG emissions inventories, and the communitywide GHG emissions forecast for years 2030 and 2040, and the proposed GHG emission reduction strategy.

2.1 Communitywide GHG Emissions Inventories

The City has completed communitywide GHG emissions inventories for years 2010 and 2018, which are summarized in Table 2. Table 2 also provides estimated 1990 emissions levels for informational purposes. As shown therein, communitywide GHG emissions declined by approximately 15 percent between 2010 and 2018, meeting or exceeding the City's target of reducing emissions by approximately 15 percent below baseline 2010 levels by 2020 (equivalent to the State's target of reducing emissions to 1990 levels under Assembly Bill 32).⁷ The most notable changes occurred in the energy and wastewater sectors due to increasing decarbonization of the Statewide electricity grid, investments in energy efficiency, and a decrease in the amount of solid waste generated.⁸

Table 2 City of Cupertino 1990, 2010, and 2018 Communitywide GHG Emissions Levels

Sector	1990 ¹ (MT of CO ₂ e)	2010 (MT of CO ₂ e)	2018 (MT of CO ₂ e)	Percent Change from 2010 to 2018
Transportation	N/A	198,111	220,625	11%
Non-residential Energy	N/A	95,246	45,733	-52%
Residential Energy	N/A	77,042	45,296	-41%
Wastewater	N/A	22,591	19,635	-13%
Solid Waste	N/A	15,185	15,709	3%
Total	402,639	408,176	346,998	-15%

MT = metric tons; CO₂e = carbon dioxide equivalents

Note: Numbers are rounded to the nearest ten.

¹ 1990 GHG emissions were estimated by back-casting Cupertino's total 2018 GHG emissions based on the change in the State's GHG emissions between 2018 and 1990. 1990 GHG emissions were not estimated at the individual sector level.

Source: Cupertino, City of. 2022. Cupertino 2019 Community GHG Inventory.

2.2 GHG Emission Reduction Strategy

To achieve the City's long-term aspirational goal of carbon neutrality by 2040, the Cupertino CAP Update includes a series of measures and actions that are intended to reduce communitywide GHG emissions by approximately 45 percent below 1990 levels by 2030 (a 66 percent reduction in per-capita 1990 emissions levels), which provides substantial progress toward meeting the City's longer-term carbon neutrality goal while also exceeding the State's 2030 target. The CAP Update acknowledges that additional actions beyond those identified in the plan will be necessary to achieve the long-term aspirational goal of carbon neutrality and therefore provides a mechanism for updating and adopting a new climate action plan every five to seven years in order to incorporate

⁷ California Air Resources Board. 2008. Climate Change Scoping Plan.

⁸ Cupertino, City of. 2022. Cupertino 2018 Community Greenhouse Gas Emissions Inventory.

new measures and technologies that will further the City toward meeting its long-term aspirational goal of carbon neutrality.

As part of the CAP Update process, the City of Cupertino has developed a comprehensive set of measures reducing communitywide GHG emissions in all sectors to achieve the City's climate action targets. Each measure is supported by a set of actions that provide a measurable GHG emissions reduction that is supported by substantial evidence. The City has also developed a set of measures and actions for offsetting GHG emissions through carbon sequestration, established under a new sector called "Carbon Sequestration." Measures and actions are organized according to the following hierarchy:

1. **Sectors:** Sectors define the GHG emissions category in which the GHG reductions will take place and include Building Energy, Transportation, Waste, Water and Wastewater, and Carbon Sequestration.⁹
2. **Measures:** Measures identify specific goals (i.e., activity data targets by 2030 and 2040) to address GHG emissions in each sector. A single measure generally addresses a subsector; for example, three measures may be established under the Transportation sector to address active transportation, shared/public transportation, and single-passenger vehicles.
3. **Actions:** Actions identify the programs, policies, funding pathways, and other specific commitments that the City will implement. Each measure contains a suite of actions, which together have been designed to accomplish the measure goal.
4. **Key Pillars:** The actions supporting each measure have been designed around a set of key pillars. Each pillar emphasizes specific criteria that have been demonstrated to play an essential role in the implementation of the measure. Because community-focused climate action often requires community-level behavioral changes and buy-in to be implementable and successful, the City must design a suite of actions that support these changes by emphasizing specific needs of the community. The key pillars included in the CAP Update are: Structural Change, Studies & Plans, Funding, Equity, Engagement, Partnerships, and Regional Collaboration. In general, the actions under a single measure should collectively address the key pillars.¹⁰ Identification of the pillars and such inclusion in the CAP Update helps plan for implementation. More information on the pillars can be found in the CAP Update.

Table 3 summarizes the GHG emissions reductions that are anticipated to be achieved by 2030 by the identified measures in the CAP Update, in addition to State laws and programs. As shown therein, implementation of State laws and programs as well as the CAP Update would reduce 2030 absolute communitywide emissions by approximately 45 percent below 1990 levels, to approximately 222,436 MT of CO₂e in 2030.

⁹ Note that the City's municipal measures as established in the CAP Update are not discussed in this document. While the municipal measures are important for reducing the GHG emissions of City operations and establishing the City's operations as demonstrations of climate action leadership, they represent a minor contribution to community-level GHG emissions reductions and are a subset of communitywide GHG emissions. For this reason, GHG emissions reductions expected from municipal measures were conservatively excluded from the analysis in this document and were not quantified as part of the CAP Update preparation process.

¹⁰ The exception is for measures and actions in the municipal sector because the City has much more leverage to enact changes at a municipal level and may not need to consider each pillar to ensure success during implementation.

Table 3 City of Cupertino GHG Emissions Reductions by 2030

Source	Annual Emissions (MT of CO ₂ e)
1990 Baseline Emissions ¹	402,639
Business-as-Usual 2030 Emissions ²	379,192
State Laws/Programs	(47,945)
Building Energy CAP Update Measures	(36,715)
Transportation CAP Update Measures	(57,277)
Waste CAP Update Measures	(13,288)
Water and Wastewater CAP Update Measures	0
Carbon Sequestration CAP Update Measures	(1,532)
Total Emissions Reductions	(156,756)
Remaining 2030 Emissions	222,436
Percent Reduction below 1990 Levels	45%

() denotes a negative number; numbers in table may not add to the total exactly due to rounding.

MT = metric tons; CO₂e = carbon dioxide equivalents

¹ See Table 2.

² See

Table 4.

Source: City of Cupertino *Draft Climate Action Plan Update* and *GHG Emissions Reductions Technical Evidence*

2.3 GHG Emissions Forecast

Figure 2 and

Table 4 summarize the communitywide GHG emissions forecast under three scenarios: 1) business-as-usual, 2) implementation of State laws and programs, and 3) implementation of State laws and programs and the CAP Update. As shown therein, under the business-as-usual scenario, communitywide GHG emissions are forecasted to increase by approximately 16 percent between 2018 and 2040 based on economic and population growth. However, with implementation of State laws and programs, communitywide GHG emissions would decline by approximately seven percent between 2018 and 2040. Furthermore, full implementation of the CAP Update alongside State laws and programs would reduce absolute communitywide GHG emissions by approximately 36 percent below 2018 levels by 2030 and by approximately 81 percent below 2018 levels by 2040.

Figure 2 City of Cupertino GHG Emissions Forecast, 2018 to 2045

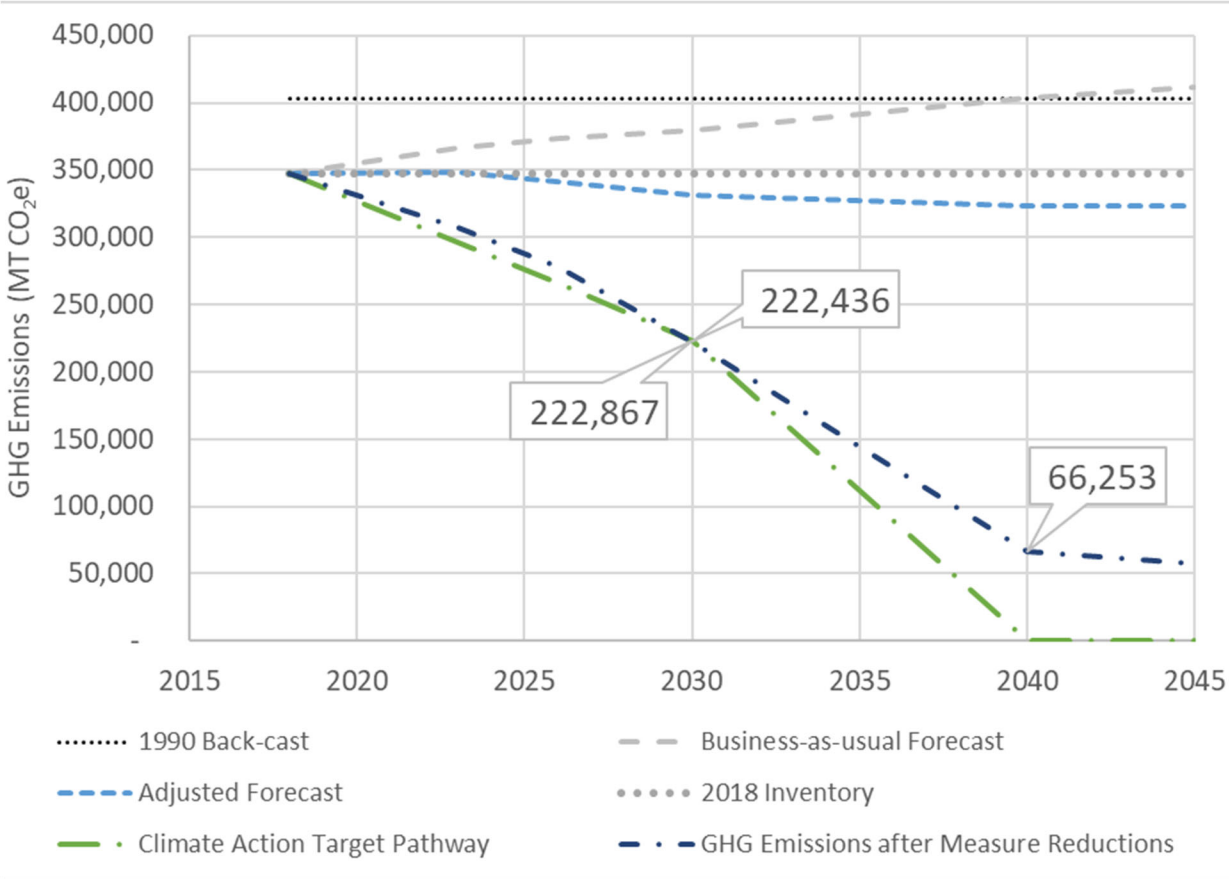


Table 4 City of Cupertino GHG Emissions Forecast Through 2040

Sector	2018 (MT of CO ₂ e/person)	2018 (MT of CO ₂ e)	2030 (MT of CO ₂ e/person)	2030 (MT of CO ₂ e)	2040 (MT of CO ₂ e/person)	2040 (MT of CO ₂ e)
Business-as-Usual GHG Emissions						
Transportation	3.49	220,625	3.66	240,232	3.70	252,825
Non-residential Energy	0.72	45,733	0.83	54,538	0.80	54,753
Residential Energy	0.72	45,296	0.70	45,869	0.83	56,462
Wastewater	0.31	19,635	0.33	21,417	0.32	21,989
Solid Waste	0.25	15,709	0.26	17,136	0.26	17,593
Total	5.49	346,998	5.77	379,192	5.91	403,622
GHG Emissions After Implementation of State Laws/Programs¹						
Transportation	3.49	220,625	2.96	194,328	2.60	177,328
Non-residential Energy	0.72	45,733	0.80	52,609	0.74	50,858
Residential Energy	0.72	45,296	0.70	45,757	0.82	55,975
Wastewater	0.31	19,635	0.33	21,417	0.32	21,989
Solid Waste	0.25	15,709	0.26	17,136	0.26	17,593
Total	5.49	346,998	5.04	331,247	4.74	323,743
GHG Emissions After Implementation of State Laws/Programs and Cupertino CAP Update						
Transportation ²	3.49	220,625	2.09	137,052	0.21	14,127
Non-residential Energy	0.72	45,733	0.40	26,127	0.09	6,331
Residential Energy	0.72	45,296	0.54	35,524	0.31	21,466
Wastewater	0.31	19,635	0.33	21,417	0.32	21,989
Solid Waste	0.25	15,709	0.06	3,848	0.06	3,916
Carbon Sequestration	0	0	(0.02)	(1,532)	(0.02)	(1,577)
Total	5.49	346,998	3.39	222,436	0.97	66,253

() denotes a negative number

MT = metric tons; CO₂e = carbon dioxide equivalents

State laws and programs include State vehicle fuel efficiency standards, the Renewable Portfolio Standard, and triennial updates of Title 24.

Source: Cupertino, City of. 2022. Cupertino Through 2040 GHG Forecasts.

At this time, the State has codified a target of reducing emissions to 40 percent below 1990 emissions levels by 2030 (SB 32) and has developed the 2017 Climate Change Scoping Plan to demonstrate how the State will achieve the 2030 target and make substantial progress toward the 2050 goal of an 80 percent reduction in 1990 GHG emission levels set by EO S-3-05. The recently signed EO B-55-18 identifies a new goal of carbon neutrality by 2045 and supersedes the goal established by EO S-3-05. The State is also working on the 2022 Climate Change Scoping Plan, which will lay out a path to achieve carbon neutrality by no later than 2045.

While State and regional regulations related to energy and transportation systems, along with the State's Cap and Trade program, are designed to be set at limits to achieve most of the GHG emissions reductions needed to achieve the State's long-term targets, local governments can do their fair share toward meeting the State's targets by siting and approving projects that accommodate planned population growth and projects that are GHG-efficient. The Association of Environmental Professional (AEP) Climate Change Committee recommends that CEQA GHG analyses evaluate project emissions in light of the trajectory of State climate change legislation and assess their "substantial progress" toward achieving long-term reduction targets identified in available plans, legislation, or EOs.

The City has adopted a longer-term goal of achieving carbon neutrality by 2040 and has proposed the CAP Update as a pathway to make progress toward this goal. Implementation of the CAP Update would achieve an approximately 45 percent reduction in communitywide GHG emissions below 1990 levels by 2030¹¹ and an approximately 84 percent reduction in communitywide GHG emissions below 1990 levels by 2040.¹² Therefore, the City's longer-term target of carbon neutrality and the associated CAP Update establish a trajectory that provides GHG emissions reductions greater than those required by SB 32 for 2030. Because SB 32 is considered an interim target toward meeting the State long-term goals, implementation of the Cupertino CAP Update would make substantial progress toward meeting the State's long-term goal. Avoiding interference with, and making substantial progress toward, these long-term State targets is important because these targets have been set at levels that achieve California's fair share of international emissions reduction targets that will stabilize global climate change effects and avoid the adverse environmental consequences described in Appendix A (EO B-55-18).

¹¹ $(402,639 \text{ MT of CO}_2\text{e} - 222,436 \text{ MT of CO}_2\text{e}) / 402,639 \text{ MT of CO}_2\text{e} = 45 \text{ percent reduction}$

¹² $(402,639 \text{ MT of CO}_2\text{e} - 66,253 \text{ MT of CO}_2\text{e}) / 402,639 \text{ MT of CO}_2\text{e} = 83 \text{ percent reduction}$

3 Regulatory and Legal Setting

The following regulations, executive orders, and case law pertain to the analysis of GHG emissions consistent with CEQA and the CEQA Guidelines.

3.1 Relevant CEQA Guidelines Sections

Pursuant to the requirements of SB 97, the California Natural Resources Agency has adopted amendments to the CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted CEQA Guidelines, which were last updated in December 2018, provide general regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHG emissions and climate change impacts.

Based on Appendix G of the CEQA Guidelines, impacts related to GHG emissions generated by a proposed plan/project would be significant if the plan/project would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

The vast majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a plan/project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a plan/project are limited. As discussed in Appendix A, the adverse environmental impacts of cumulative GHG emissions, including sea level rise, increased average temperatures, more drought years, and more large forest fires, are already occurring. As a result, cumulative impacts related to GHG emissions and climate change are significant. Therefore, per CEQA Guidelines Section 15064.4(b), the analysis of GHG emissions under CEQA typically involves an analysis of whether a plan or project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines Section 15064[h][1]).

The following sections of the CEQA Guidelines (last updated on December 28, 2018) pertain to the creation of significance thresholds and the analysis of a plan/project's GHG emissions.

CEQA Guidelines Section 15064(b)

- (1) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.
- (2) Thresholds of significance, as defined in Section 15064.7(a), may assist lead agencies in determining whether a project may cause a significant impact. When using a threshold, the

lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant.¹³

CEQA Guidelines Section 15064.4

- (a) The determination of the significance of GHG emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of GHG emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to
 - (1) Quantify GHG emissions resulting from a project; and/or
 - (2) Rely on a qualitative analysis or performance-based standards.
- (b) In determining the significance of a project's GHG emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to Statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and State regulatory schemes. A lead agency should consider the following factors, among others, when determining the significance of impacts from GHG emissions on the environment:
 - (1) The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
 - (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
 - (3) The extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions (see, e.g., section 15183.5[b]). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.
- (c) A lead agency may use a model or methodology to estimate GHG emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a

¹³ 2022 CEQA Guidelines.

model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.¹⁴

CEQA Guidelines Section 15064.7

- (a) A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.
- (b) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2).
- (c) When adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.
- (d) Using environmental standards as thresholds of significance promotes consistency in significance determinations and integrates environmental review with other environmental program planning and regulation. Any public agency may adopt or use an environmental standard as a threshold of significance. In adopting or using an environmental standard as a threshold of significance, a public agency shall explain how the particular requirements of that environmental standard reduce project impacts, including cumulative impacts, to a level that is less than significant, and why the environmental standard is relevant to the analysis of the project under consideration. For the purposes of this subdivision, an "environmental standard" is a rule of general application that is adopted by a public agency through a public review process and that is all the following:
 - (1) a quantitative, qualitative or performance requirement found in an ordinance, resolution, rule, regulation, order, plan or other environmental requirement;
 - (2) adopted for the purpose of environmental protection;
 - (3) addresses the environmental effect caused by the project; and,
 - (4) applies to the project under review.¹⁵

CEQA Guidelines Section 15183.5

- (a) Lead agencies may analyze and mitigate the significant effects of GHG emissions at a programmatic level, such as in a general plan, a long-range development plan, or a separate plan to reduce GHG emissions. Later project-specific environmental documents may tier from and/or incorporate by reference that existing programmatic review. Project-specific environmental documents may rely on an EIR containing a programmatic analysis of GHG emissions as provided in section 15152 (tiering), 15167 (staged EIRs) 15168 (program EIRs),

¹⁴ Ibid.

¹⁵ Ibid.

15175–15179.5 (Master EIRs), 15182 (EIRs Prepared for Specific Plans), and 15183 (EIRs Prepared for General Plans, Community Plans, or Zoning).

- (b) Plans for the Reduction of GHG Emissions. Public agencies may choose to analyze and mitigate significant GHG emissions in a plan for the reduction of GHG emissions or similar document. A plan to reduce GHG emissions may be used in a cumulative impacts analysis as set forth below. Pursuant to sections 15064(h)(3) and 15130(d), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances.
 - (1) Plan Elements. A plan for the reduction of GHG emissions should:
 - (A) Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
 - (B) Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
 - (C) Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
 - (D) 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;
 - (E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;
 - (F) Be adopted in a public process following environmental review.
 - (2) Use with Later Activities. A plan for the reduction of GHG emissions, once adopted following certification of an EIR or adoption of an environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a GHG reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable, notwithstanding the project's compliance with the specified requirements in the plan for the reduction of GHG emissions, an EIR must be prepared for the project.
- (c) Special Situations. As provided in Public Resources Code sections 21155.2 and 21159.28, environmental documents for certain residential and mixed use projects, and transit priority projects, as defined in section 21155, that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in an applicable sustainable communities strategy or alternative planning strategy need not analyze global warming impacts resulting from cars and light duty trucks. A lead agency should consider whether such projects may result in GHG emissions resulting from other sources, however, consistent with these Guidelines.¹⁶

¹⁶ Ibid.

CEQA Guidelines Section 15126.4(c)

Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of GHG emissions. Measures to mitigate the significant effects of GHG emissions may include, among others:

- (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;
- (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;
- (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;
- (4) Measures that sequester GHGs;
- (5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of GHG emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.¹⁷

3.2 Relevant State and Regional GHG Reduction Targets

Executive Order S-03-05

On June 1, 2005, the governor issued EO S-03-05, which established a statewide goal of reducing GHG emissions to 1990 levels by 2020 and created the Climate Action Team. The 2020 GHG reduction target contained in EO S-03-05 was later codified by Assembly Bill (AB) 32.

Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," which was signed into law in 2006. AB 32 codifies the State's goal of reducing Statewide GHG emissions to 1990 levels by 2020 and requires the California Air Resources Board (CARB) to prepare a Scoping Plan that outlines the main State strategies for reducing GHG emissions to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of Statewide GHG emissions. Based on this guidance, CARB approved a 1990 Statewide GHG level and 2020 limit of 427 million metric tons (MMT) of CO₂e. The Scoping Plan was approved by CARB on December 11, 2008 and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.¹⁸

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defined CARB's climate change priorities for the next five years and set the groundwork to reach post-2020 Statewide goals. The update highlighted California's progress toward meeting the

¹⁷ Ibid.

¹⁸ CARB. 2008. *Climate Change Scoping Plan*. December 2008.
https://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

“near-term” 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the State’s longer-term GHG reduction strategies with other State policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use.¹⁹

Executive Order B-30-15

On April 29, 2015, the governor issued EO B-30-15, which established Statewide GHG emission reduction targets of 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2030 GHG emissions reduction target contained in EO B-30-15 was later codified by SB 32.

Senate Bill 32

On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the Statewide reduction of GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted programs and policies, such as SB 350 and SB 1383. The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with Statewide per capita goals of six MT of CO₂e by 2030 and two MT of CO₂e by 2050. As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the State.²⁰

Senate Bill 375

SB 375, signed in August 2008, enhances the state’s ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and affordable housing allocations. Metropolitan Planning Organizations (MPOs) are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the MPO’s Regional Transportation Plan (RTP). Qualified projects consistent with an approved SCS or Alternative Planning Strategy categorized as “transit priority projects” would receive incentives to streamline CEQA processing

On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Association of Bay Area Governments (ABAG) was assigned targets of a 7 percent reduction in GHGs from transportation sources by 2020 and a 15 percent reduction in GHGs from transportation sources by 2035. ABAG adopted the 2050 RTP (Plan Bay Area 2050) in October 2021, which includes the region’s SCS and meets the requirements of SB 375.²¹

¹⁹ CARB. 2014. *First Update to the Climate Change Scoping Plan*. May 15, 2014. https://ww3.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf.

²⁰ CARB. 2017. 2017 Climate Change Scoping Plan. https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

²¹ Association of Bay Area Governments. October 2021. Plan Bay Area 2050.

Executive Order B-55-18

On September 10, 2018, the governor issued EO B-55-18, which established a new Statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing Statewide GHG emission reduction targets established by SB 375, SB 32, SB 1383, and SB 100. EO B-55-18 also tasks CARB with including a pathway toward the EO B-55-18 carbon neutrality goal in the next Scoping Plan update.

3.3 Relevant GHG Emissions Analysis Case Law

Friends of Oroville v. City of Oroville (Case No. 070448)

The Third District Court of Appeal decision in the *Friends of Oroville v. City of Oroville* case was published on August 19, 2013. This decision evaluated the methodology used to analyze GHG emissions in an Environmental Impact Report (EIR) prepared for a Wal-Mart Supercenter development project that included replacing an existing Wal-Mart store with a Wal-Mart Supercenter in Oroville in Butte County. The EIR used consistency with the AB 32 emissions reduction target as its significance threshold for evaluating the project's GHG emissions and compared the magnitude of the proposed project's emissions to statewide 2004 emission levels as part of the analysis. The Court found that EIR applied "a meaningless, relative number to determine insignificant impact" rather than evaluating the project's emissions in light of the AB 32 emissions reduction target. The Court also found that the EIR "misapplied the [AB] 32 threshold-of-significance standard by [1] failing to calculate the GHG emissions for the existing Wal-Mart and [2] failing to quantitatively or qualitatively ascertain or estimate the effect of the Project's mitigation measures on GHG emissions." The Court determined that the EIR could and should have performed these quantifications to adequately evaluate the project's GHG emissions using the AB 32 emissions reduction target.

Sierra Club v. County of San Diego (Case No. 37-2018-00043084-CU-TT-CTL)

The Fourth District Court of Appeal decision in the *Sierra Club v. County of San Diego* case was published on October 29, 2014. This decision evaluated the adequacy of the CAP prepared by the County of San Diego to satisfy Mitigation Measure CC-1.2 of the program EIR prepared for its 2011 General Plan. To reduce GHG emissions impacts of the 2011 General Plan to a less-than-significant level, Mitigation Measure CC-1.2 required the preparation of a CAP that would include "more detailed GHG emissions reduction targets and deadlines" and that would "achieve comprehensive and enforceable GHG emissions reduction of 17 percent (totaling 23,572 MT of CO₂e) from County operations from 2006 by 2020 and 9 percent reduction (totaling 479,717 MT of CO₂e) in community emissions from 2006 by 2020." The Court found the CAP did not include enforceable and feasible GHG emission reduction measures that would achieve the necessary emissions reductions; therefore, the CAP did not meet the requirements of Mitigation Measure CC-1.2 and would not ensure that the mitigation measure would reduce GHG emissions to a less-than-significant impact. In addition, the Court found that the County failed to evaluate the environmental impacts of the CAP and its associated thresholds of significance under CEQA.

Center for Biological Diversity v. California Department of Fish and Wildlife (Case No. 217763)

The California Supreme Court's decision in the *Center for Biological Diversity v. California Department of Fish and Wildlife* case was published on November 30, 2015. This decision evaluated the methodology used to analyze GHG emissions in an EIR prepared for the Newhall Ranch development project that included approximately 20,885 dwelling units with 58,000 residents on 12,000 acres of undeveloped land in Los Angeles County. The EIR used a business-as-usual approach to evaluate whether the project would be consistent with the AB 32 Scoping Plan. The Court found there was insufficient evidence in the record of that project to explain how a project that reduces its GHG emissions by the same percentage as the business-as-usual reduction identified for the State to meet its Statewide targets supported a conclusion that project-level impacts were below the level of significance.

The California Supreme Court suggested regulatory consistency as a pathway to compliance by stating that a lead agency might assess consistency with the State's GHG reduction goals by evaluating for compliance with regulations designed to reduce GHG emissions. This approach is consistent with CEQA Guidelines Section 15064.4(b), which provides that a determination of an impact is not cumulatively considerable to the extent to which the project complies with regulations or requirements implementing a Statewide, regional, or local plan to reduce or mitigate GHG emissions. The Court also found that a lead agency may rely on numerical and efficiency-based thresholds of significance for GHG emissions, if supported by substantial evidence.

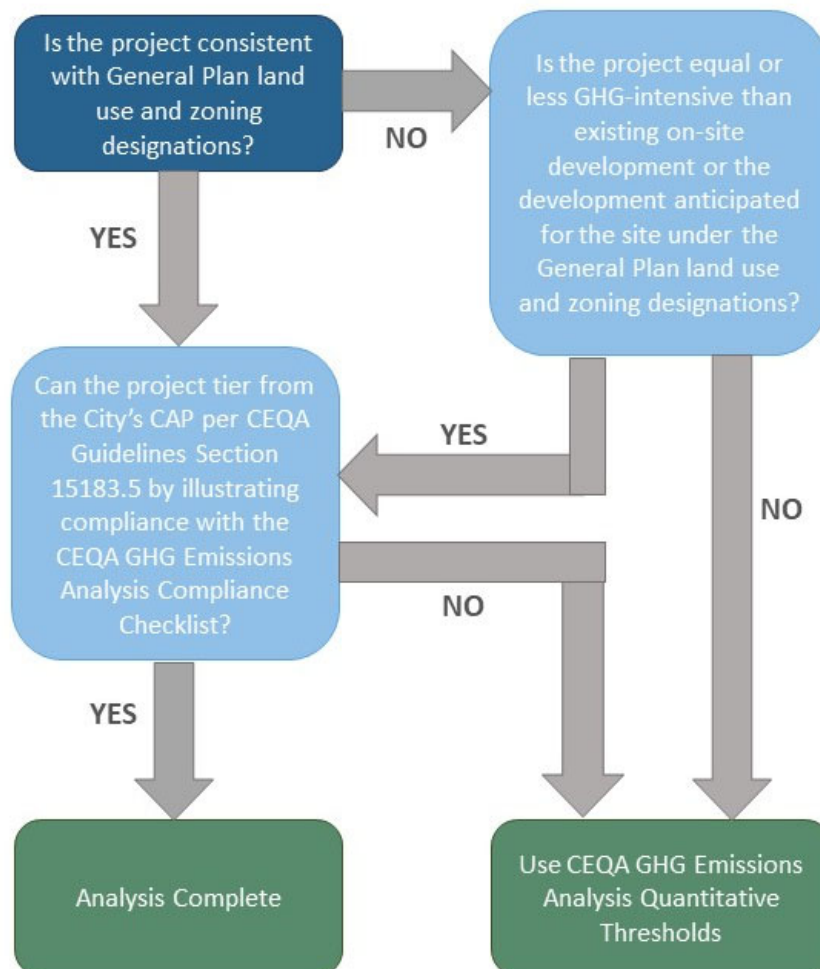
Golden Door Properties, LLC v. County of San Diego/Sierra Club, LLC v. County of San Diego (Case No. 072406)

The Fourth District Court of Appeal decision in the *Golden Door Properties, LLC v. County of San Diego* case (published on September 28, 2018) evaluated the County of San Diego's 2016 Guidance Document's GHG efficiency metric, which establishes a generally applicable threshold of significance for proposed projects. The Court held that the County of San Diego is barred from using its 2016 Guidance Document's threshold of significance of 4.9 MT of CO₂e per service person per year for GHG analysis. The Court stated that the document violated CEQA because it was not adopted formally by ordinance, rule, resolution, or regulation through a public review process per CEQA Guidelines Section 15064.7(b). The Court also found that the threshold was not supported by substantial evidence that adequately explained how a service population threshold derived from Statewide data could constitute an appropriate GHG metric to be used for all projects in unincorporated San Diego County. Nevertheless, lead agencies may make plan- or project-specific GHG emissions threshold determinations.

4 Determining Consistency with the CAP

As discussed in Chapter 2, *Climate Action Plan Summary*, upon public adoption of the CAP Update IS-ND and approval of the CAP Update by City Council, the Cupertino CAP Update will be a qualified GHG emission reduction plan per the requirements of CEQA Guidelines Section 15183.5 for year 2030 and can, therefore, be utilized to streamline the GHG emissions analysis for plans and projects with buildout years through 2030. Projects that are consistent with the demographic forecasts and land use assumptions in the CAP Update can utilize the City's CEQA GHG Checklist to demonstrate consistency with the CAP Update's GHG emissions reduction strategy, and if consistent, can tier from the environmental review contained in the CAP Update IS-ND. In doing so, these projects would result in less-than-significant GHG emissions and not result in a cumulatively considerable GHG emissions impact. The following process (see Figure 3) shows how to demonstrate a plan/project's consistency with the CAP Update's GHG emissions reduction strategy and, thereby, tier from the IS-ND for the CAP Update. This approach is consistent with the recommendations of the AEP Climate Change Committee for tiering from qualified GHG reduction plans that demonstrate substantial progress toward meeting the next milestone Statewide planning reduction target (i.e., a 40 percent reduction below 1990 levels by 2030 as set forth by SB 32).

Figure 3 Determining Consistency with the Cupertino CAP



Step 1: Consistency with Demographic Forecasts and Land Use Assumptions

The demographic forecasts of the CAP Update are based on both 2050 Plan Bay Area and the 2015-2040 Cupertino General Plan. If a plan/project is consistent with the existing (2015-2040) General Plan land use and zoning designation(s) of the plan area/project site as identified in the City's General Plan Land Use/Community Character Element adopted in 2014, then the plan/project is consistent with the demographic forecasts and land use assumptions of the CAP Update and can move on to Step 2. In this case, the plan/project's associated GHG emissions were accounted for in the GHG emissions forecasts included in the CAP Update and are within the scope of this plan's analysis of communitywide GHG emissions. Accordingly, the analysis of the plan/project's GHG emissions in its CEQA document should include a reference to the plan/project's consistency with the existing (2015-2040) General Plan land use and zoning designation(s) of the plan area/project site and should explain the aforementioned connection between the existing (2015-2040) General Plan land use and zoning designation(s) and the GHG emissions forecasts in the CAP Update. Then, proceed to Step 2.

If a plan/project is not consistent with the existing (2015-2040) General Plan land use and zoning designation(s) of the plan area/project site but would result in equivalent or fewer GHG emissions as compared to existing on-site development or the development anticipated for the site under the City's existing (2015-2040) General Plan, then the plan/project would still be within the demographic forecasts and land use assumptions of the CAP Update and can move on to Step 2. To provide substantial evidence for this determination, GHG emissions generated under existing conditions/existing (2015-2040) General Plan buildout and the proposed project need to be quantified and included in the CEQA analysis. See Chapter 6, *Quantifying GHG Emissions*, for guidance on quantifying GHG emissions for existing conditions/existing (2015-2040) General Plan buildout and the proposed plan/project. In this case, the analysis of the plan's/project's GHG emissions in its CEQA document should include a quantitative comparison of the proposed plan's/project's GHG emissions and GHG emissions generated by existing on-site development or the development anticipated for the site under the City's existing (2015-2040) General Plan. The analysis should clearly explain how the plan/project's emissions are equivalent or less than those generated by existing on-site development or the development anticipated for the site under the City's existing (2015-2040) General Plan. Then, proceed to Step 2.

If a plan/project is not consistent with the existing (2014) General Plan land use and zoning designation(s) of the plan area/project site and would result in either new development of undeveloped land or redevelopment with higher GHG emissions than existing on-site development or than the development anticipated for the site under the City's existing (2015-2040) General Plan, the plan/project cannot use the CEQA GHG Emissions Analysis Compliance Checklist to tier from the adopted IS-ND for the CAP Update. Instead, the plan/project's GHG emissions can be evaluated using the quantitative GHG thresholds described in Chapter 5, *Utilizing Quantitative CEQA GHG Thresholds*, to evaluate the significance of the plan/project's GHG emissions. This method can also be utilized for projects with a post-2030 buildout year.

Step 2: Consistency with CEQA GHG Emissions Analysis Compliance Checklist

The City has prepared the CEQA GHG Emissions Analysis Compliance Checklist for plans and projects to ensure they are consistent with the measures of the CAP. A project applicant can utilize the checklist to show that the plan/project includes all applicable measures of the CAP Update. Projects that use the CEQA GHG Emissions Analysis Compliance Checklist are not required to quantify reductions from the measures included on the checklist, because the reductions from applicable measures have already been quantified at a programmatic level in the CAP Update.

If a plan/project is consistent with the applicable measures on the CEQA GHG Emissions Analysis Compliance Checklist, then the plan/project can tier from the programmatic GHG emissions environmental review included in the adopted IS-ND for the CAP Update pursuant to CEQA Guidelines Section 15183.5(b)(1).

A plan/project that is consistent with all applicable measures of the CEQA GHG Emissions Analysis Compliance Checklist would result in less-than-significant GHG emissions and would not result in a cumulatively considerable impact related to GHG emissions and climate change. In this case, the analysis of a plan or project's GHG emissions in its respective CEQA review document should include a summary of the plan/project's consistency with applicable measures of the CEQA GHG Emissions Analysis Compliance Checklist and an explanation with substantial evidence of why any measures in the checklist are not applicable to the plan/project.

5 Utilizing Quantitative CEQA GHG Thresholds

As discussed in Chapter 4, *Determining Consistency with*, if a plan/project is not consistent with the existing (2014) General Plan land use and zoning designation(s) of the plan area/project site or has a post-2030 buildout year, then the plan/project cannot use the CEQA GHG Emissions Analysis Compliance Checklist to tier from the adopted IS-ND for the CAP Update. Instead, the significance of the plan/project's GHG emissions can be evaluated using quantitative GHG thresholds derived from the assumptions of the CAP Update. If the plan's/project's emissions are at or below the applicable threshold, the plan/project can tier from the existing programmatic environmental review contained in the adopted programmatic IS-ND for the CAP Update if it has a pre-2030 buildout year. In doing so, these plans/projects would result in less-than-significant GHG emissions and would not result in a cumulatively considerable impact related to GHG emissions and climate change. For plans/projects with post-2030 buildout years, emissions at or below the thresholds for 2040, which equate to net zero MT of CO₂e per year, would be considered less-than-significant, and the plans/projects would not result in a cumulatively considerable GHG emissions impact. The following sections provide an explanation of the methodology used to calculate the thresholds, guidance on how to utilize the thresholds, and justification for use of these thresholds.

5.1 Threshold Calculation Methodology

CEQA Guidelines Section 15064.4 does not establish a specific quantitative threshold of significance for evaluating GHG emissions associated with a proposed plan or project. Lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and in establishing those thresholds, a lead agency may appropriately look to thresholds developed by other public agencies, or suggested by other experts, as long as the threshold chosen is supported by substantial evidence (CEQA Guidelines Section 15064.7[c]). The following methodology is consistent with guidance provided by the AEP Climate Change Committee in 2016 for establishing GHG emissions efficiency thresholds using the local jurisdictional GHG inventory and demographic forecasts.²²

An efficiency threshold is a threshold expressed as a per-person metric (e.g., per resident, per employee, or per service person). Efficiency thresholds are calculated by dividing the allowable GHG emissions inventory in a selected calendar year by the resident, employee, or service population in that year. The efficiency threshold identifies the quantity of GHG emissions that can be generated on a per-person basis without significantly impacting the environment.

Locally appropriate, plan- and project-specific GHG emissions efficiency thresholds were derived from the GHG emissions forecasts calculated for the CAP Update. These thresholds were created to comply with CEQA and the CEQA Guidelines and interpretive GHG emissions analysis case law, which are summarized in Chapter 3, *Regulatory and Legal Setting*. The City of Cupertino GHG emissions efficiency thresholds were calculated using the emissions forecasts with all emissions sectors included, because plans and projects would generate vehicle trips, consume energy and water, and produce wastewater and solid waste, thereby generating emissions in all categories. Efficiency thresholds were calculated for year 2030 to provide GHG emissions thresholds for new development in line with the State's next milestone target for year 2030.

²² AEP. 2016. Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf.

GHG emissions efficiency thresholds would be used during the CEQA review process for new residential, non-residential, and mixed-use plans and projects. Therefore, forecasted GHG emissions in the CAP Update were disaggregated into existing development and new development for each threshold year. Furthermore, forecasted GHG emissions for new development were further disaggregated into residential and non-residential development for each threshold year for the purpose of calculating thresholds specific to new residential, non-residential, and mixed-use projects. The results of the disaggregation of the GHG emissions forecast are presented in Figure 4 and Table 5, which summarizes the total amount of GHG emissions expected to be generated by existing, new residential, and new non-residential development for threshold year 2030.

Figure 4 Allowable GHG Emissions from Existing and New Development in 2030

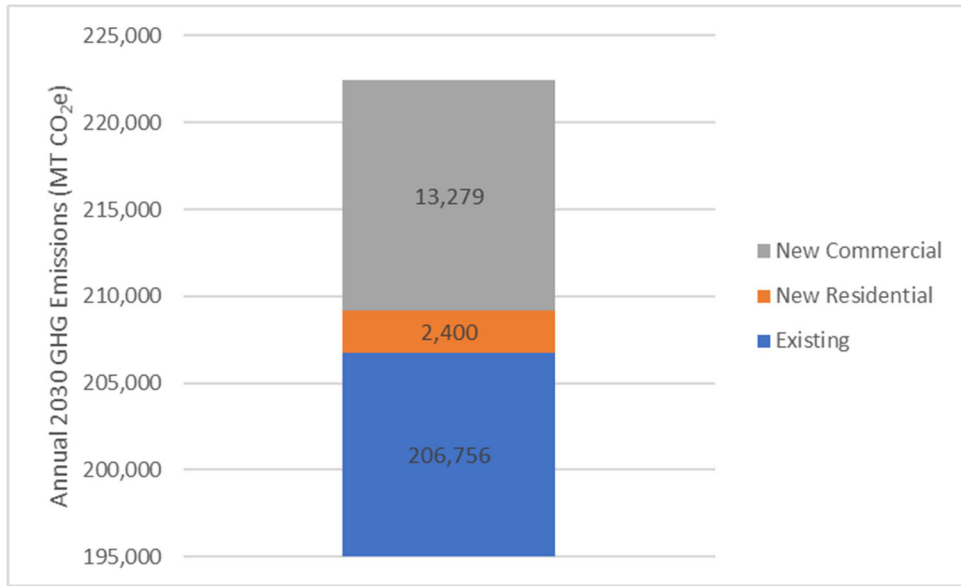


Table 5 GHG Emissions Forecast for 2030 by Type of Development (MT of CO₂e)

Source	2030		
	Existing Development	New Development	
		Residential	Non-Residential
Baseline GHG Emissions	346,998	5,174	27,020
State Laws/Programs	42,491	707	4,746
CAP Update Building Energy Measures	32,178	562	3,974
CAP Update Transportation Measures	51,893	1,178	4,206
CAP Update Waste Measures	12,182	316	790
CAP Update Carbon Sequestration Measures	1,497	10	25
Remaining Total GHG Emissions	206,756	2,400	13,279
See Appendix B for calculations.			

Table 6 summarizes the demographic projections for the City of Cupertino that were used in calculating GHG efficiency thresholds for year 2030. As shown in Table 6, the numbers of residents, employees, and service persons are all anticipated to increase between 2018 and 2030.

Table 6 City of Cupertino Demographic Projections

Metric	2018 Estimate	2030 Forecast	Net Increase from New Development (2018-2030)
Residents	63,228	65,690	2,462
Employees	31,677	37,830	6,153
Service Population ¹	94,905	103,520	8,615

¹ Per the method used by the City Sustainability Department, the service population is equal to the residential population plus the number of employees.

Source: Cupertino, City of. 2022. *Community Greenhouse Gas Emissions Inventory and Forecast*.

5.2 GHG Thresholds and Use

The GHG efficiency thresholds for residential, non-residential, and mixed-use projects built prior to December 31, 2030 are presented in Figure 5 and Table 7. If a plan's or project's emissions do not exceed the applicable threshold, then it is considered consistent with the Cupertino CAP Update and its GHG emissions impacts (both project- and cumulative-level) would not result in a cumulatively considerable impact related to GHG emissions and climate change and would, therefore, be less than significant. If a plan's or project's emissions exceed the applicable threshold, then mitigation measures must be identified and respective GHG emissions reduction calculations included within the respective CEQA review document in order to reduce plan or project GHG emissions to at or below the applicable threshold level. These thresholds are applicable to the following plan and project types proposed in Cupertino:

- **Residential.** Single-family dwellings, multi-family dwellings, boarding house, caretaker quarters, fraternities and sororities, high-occupancy residential uses, continuing care communities, mobile-home parks, or any combination of these uses.
- **Non-residential.** All Commercial uses (including office and retail uses), all lodging uses, all public and quasi-public uses, elderly and long-term care, hospice in-patient facilities, family day cares, residential care facilities, supportive and/or transitional housing, sports and entertainment

assembly facilities, all industry, manufacturing & processing, and wholesaling uses that are not subject to BAAQMD stationary source permitting or the State cap-and-trade program, or any combination of these uses.

- **Mixed-use.** A combination of at least one residential and at least one non-residential land use specified above.

Figure 5 City of Cupertino GHG Efficiency Thresholds

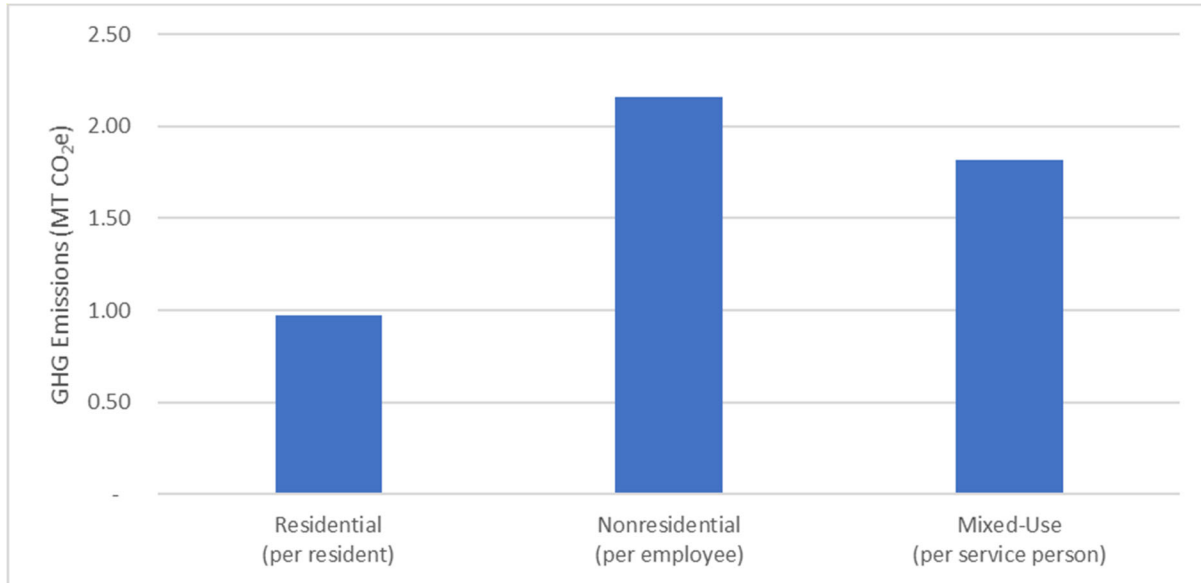


Table 7 Cupertino Locally Applicable Plan/Project CEQA GHG Emissions Thresholds

	2030 (New Development)		
	Residential	Non-Residential	Mixed-Use
GHG Emissions Forecast (MT of CO ₂ e per year) ¹	206,756	2,400	13,279
Demographic Metric ²	2,462 new residents	6,153 new employees	8,615 new service people
GHG Efficiency Threshold (MT of CO ₂ e per year)	0.97 per resident	2.16 per employee	1.82 per service person

MT = metric tons; CO₂e = carbon dioxide equivalents

¹ See Table 5.

² Demographic estimates are for new plans or projects only and were calculated using the forecasts in Table 6.

5.3 Justification for Thresholds

Per CEQA Guidelines Section 15064(b)(1), “the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.” In addition, CEQA Guidelines Section 15064(b)(2) states, “When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project’s impacts are less than significant.” Furthermore, CEQA Guidelines Section 15064.7(b) states “Thresholds of significance to be adopted for general use as part of the lead agency’s environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.” Therefore, the key considerations when developing thresholds of significance are 1) the thresholds’ basis on scientific and factual data; 2) demonstration of how compliance with the thresholds reduces project impacts to a less-than-significant level; 3) support of the thresholds by substantial evidence; and 4) adoption of the thresholds by ordinance, resolution, rule, or regulation, and developed through a public review process. The following subsections address these four key considerations.

Basis of Scientific and Factual Data

As discussed in Section 5.1, *Threshold Calculation Methodology*, the quantitative thresholds were developed using data from the City’s 2010 and 2018 communitywide GHG inventories and the GHG emissions forecasts for year 2030. These inventories and forecasts were developed by the City in compliance with all relevant protocols and guidance documents, including the U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions, Local Government Operations Protocol, the Global Protocol for Community Scale GHG Emissions, and the Intergovernmental Panel on Climate Change (IPCC) Guidelines for National GHG Inventories. Furthermore, the inventories and forecasts are based on locally appropriate data for Cupertino provided by Silicon Valley Clean Energy (SVCE), Pacific Gas & Electric (PG&E), Bay Area Air Quality Management District (BAAQMD), CARB, California Department of Resources Recycling and Recovery (CalRecycle), and the San Jose-Santa Clara Regional Wastewater Facility.²³ Therefore, the emission inventory and forecast data underlying the thresholds is both scientific and factual.

As discussed in Section 2.3, *GHG Emissions Forecast*, implementation of the Cupertino CAP Update will achieve a 45 percent reduction in 1990 emissions levels by 2030. Therefore, this local target is more stringent than the State’s target of a 40 percent emission reduction in 1990 levels by 2030 and makes substantial progress toward achieving the State’s long-term goal of carbon neutrality by 2045. The quantitative thresholds are tied directly to the level of GHG emissions anticipated for new development in the CAP Update for year 2030. As a result, because the CAP Update is consistent with the State’s 2030 GHG emission target, the quantitative thresholds are also consistent with the next State milestone GHG emission reduction target for 2030 and the State’s long-term goal of carbon neutrality by 2045. The State’s GHG emission reduction targets for 2030 and 2045 are set at the levels scientists say are necessary to meet the Paris Agreement goals to reduce GHG emissions and limit global temperature rise below two degrees Celsius by 2100 in order to avoid dangerous climate change (CARB 2017; EO B-55-18). Therefore, the City’s emission reduction targets that inform the CAP Update and the associated quantitative thresholds are based on scientific and

²³ Cupertino, City of. 2022. Community Greenhouse Gas Emissions Inventory and Forecast.

factual data on the level of emissions reductions necessary to ensure the City does not have a cumulatively considerable contribution to the cumulative impact of climate change.

Reduction of Plan or Project Impacts to a Less-than-Significant Level

As shown in Table 5 in Section 5.1, *Threshold Calculation Methodology*, implementation of the Cupertino CAP Update would reduce communitywide emissions by 45 percent by 2030. The quantitative thresholds are tied directly to the level of GHG emissions anticipated for new development in the CAP Update for year 2030. Therefore, the thresholds are consistent with the City's local emission reduction target, which is consistent with the State's GHG emission reduction targets. As mentioned in the preceding subsection, the State's GHG emission reduction targets for 2030 and 2045 are set at the levels scientists say are necessary to meet the Paris Agreement goals to reduce GHG emissions and limit global temperature rise below two degrees Celsius by 2100 in order to avoid dangerous climate change (CARB 2017; EO B-55-18). Therefore, the quantitative thresholds are set at the level necessary to ensure the City does not have a cumulatively considerable contribution to the cumulative impact of climate change. As a result, plans and projects with GHG emissions at or below the quantitative thresholds would also not have a cumulatively considerable contribution to the cumulative impacts of climate change, and plan/project impacts would be less than significant.

Support of Substantial Evidence

Substantial evidence regarding the calculation of the quantitative GHG emissions thresholds is provided in Section 5.1, *Threshold Calculation Methodology*. The following subsections provide additional evidence of how the GHG emissions thresholds are locally appropriate and plan- or project-specific and how the thresholds distinguish between existing and new development.

Use of Local Data

The quantitative thresholds were developed using the City's communitywide GHG emissions forecast for year 2030 and are therefore specific to the City of Cupertino. The thresholds are directly tied to the population and employment growth anticipated by the City's 2015-2040 General Plan Land Use/Community Character Element as well as to the City-specific GHG emission reduction measures that the City has proposed to reduce communitywide and per capita emissions. In addition, the magnitude of local GHG emission reductions achieved by State legislation/policies (i.e., vehicle fuel efficiency standards, the Renewable Portfolio Standard [RPS], and Title 24) was estimated based on City-specific growth and vehicle miles travelled (VMT) forecasts. As a result, these locally appropriate thresholds directly address the concerns raised in the *Golden Door Properties, LLC v. County of San Diego/Sierra Club, LLC v. County of San Diego* (2018) case, because they are based on local GHG emissions data rather than Statewide GHG emissions data.

Disaggregation of Existing versus New Development

The quantitative thresholds were developed by disaggregating the City's business-as-usual GHG emissions forecasts for year 2030 into emissions forecasts for existing and new development, which are shown in Table 5 in Section 5.1, *Threshold Calculation Methodology*. The emissions reductions specific to new development achieved by State legislation/policies and the CAP Update were then subtracted from the business-as-usual forecast to determine GHG emissions "caps" for new residential and new non-residential development for year 2030. These "caps" were then divided by the numbers of residents, employees, and service persons forecasts for new development to

determine efficiency thresholds for residential, non-residential, and mixed-use development, respectively. Therefore, these thresholds directly address the concerns raised in the *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) case regarding the different rates of GHG emissions reductions anticipated for new development as compared to existing development in order to meet the specified GHG reduction target.

Selection of Sector-Specific Thresholds

The quantitative thresholds are separated into three categories – residential, non-residential, and mixed-use – which are intended to apply to the three main types of development projects in Cupertino. These thresholds were calculated by disaggregating the City’s business-as-usual GHG emissions forecasts for new development in year 2030 into emissions forecasts for new residential and new non-residential development, which are shown in Table 5 in Section 5.1, *Threshold Calculation Methodology*. The emissions reductions specific to new residential and new non-residential development achieved by State legislation/policies and the CAP Update were then subtracted from the business-as-usual forecast to determine “caps” of emissions for new residential and new non-residential development for year 2030. These emissions “caps” were then divided by the numbers of residents and employees forecast for new development in year 2030 to determine efficiency thresholds for residential and non-residential projects, respectively. For mixed-use development, the residential and non-residential emissions “caps” were summed, then divided by the service population forecast for new development in year 2030 to determine an efficiency threshold for mixed-use projects. As a result, these project-specific thresholds directly address the concerns raised in the *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) case, because they are specific to each development project type.

Adoption via Public Review Process

In compliance with CEQA Guidelines Section 15064.7(b), this guidance document and the quantitative thresholds contained herein will be presented to the City Council for formal adoption via resolution through a public review process, which will include an opportunity for public input. The public review process for these City of Cupertino CEQA GHG Thresholds and Guidance will specifically occur via public review of and comment on a joint CAP Update and CEQA GHG Thresholds and Guidance Draft IS-ND. The opportunity for public comment will also be available at a public hearing (i.e., City Council meeting) considering adoption of the CAP Update and CEQA GHG Thresholds and Guidance. This process directly addresses the concerns raised in the *Golden Door Properties, LLC v. County of San Diego/Sierra Club, LLC v. County of San Diego* (2018) case regarding formal adoption of new CEQA thresholds and how lead agencies should afford the opportunity for public review and input prior to adoption and use.

6 Quantifying GHG Emissions

There are a variety of analytical tools available to estimate project-level GHG emissions, including the California Emissions Estimator Model (CalEEMod),²⁴ which is a free, publicly available computer model developed for the California Air Pollution Control Officers Association (CAPCOA) in collaboration with various air quality districts throughout the State. Alternative tools may be used to quantify emissions if they can be substantiated. In general, the most current version of CalEEMod should be used to calculate total emissions for discretionary development projects. The analysis should focus on carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) because these are the GHGs that most development projects would generate in the largest quantities. Fluorinated gases, such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluorides, should also be considered for the analysis. Emissions of all GHGs should be converted into their equivalent global warming potential in terms of CO₂ (CO₂e). Calculations should be based on the current methodologies recommended by the CAPCOA and the BAAQMD.^{25, 26}

6.1 Construction GHG Emissions

Construction activities emit GHGs primarily through combustion of fuels (mostly diesel) in the engines of off-road construction equipment and in on-road construction vehicles and in the commute vehicles of the construction workers. Smaller amounts of GHGs are emitted indirectly through the energy required for water used for fugitive dust control and lighting for the construction activity. Every phase of the construction process, including demolition, grading, paving, and building, emits GHG emissions in volumes proportional to the quantity and type of construction equipment used. Heavier equipment typically emits more GHGs per hour of than lighter equipment because of its engine design and greater fuel consumption.

BAAQMD recommends quantifying and disclosing construction-related GHG emissions and making an impact level determination. CalEEMod generates a default construction schedule and equipment list based on the plan-/project-specific information, including land use, project size, location, and construction timeline.²⁷ In general, if specific applicant-provided information is unknown, the default construction equipment list and phase lengths are the most appropriate inputs. However, if more detailed site-specific equipment and phase information (i.e., data from the project applicant) is available, the model's default values can (and should) be overridden.²⁸

²⁴ The most current available version of CalEEMod should be used. As of February 2022, CalEEMod version 2020.4.0 is the most current version and should be used to quantify project-level emissions.

²⁵ California Air Pollution Control Officers Association. 2008. *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA)*. January 2008.

²⁶ BAAQMD. 2022. "CEQA Thresholds and Guidelines Update." <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>.

²⁷ CAPCOA. 2020. California Emissions Estimator Model User Guide: Version 2020.4.0. Prepared by BREEZE Software, A Division of Trinity Consultants in collaboration with South Coast Air Quality Management District and the California Air Districts. <http://www.aqmd.gov/caleemod/user's-guide>.

²⁸ Ibid.

6.2 Operational GHG Emissions

CalEEMod estimates operational emissions of CO₂, N₂O, and CH₄ generated by area sources, energy use, vehicle trips (i.e., mobile sources), waste generation, and water use and conveyance. Operational emissions should be calculated for year 2030, rather than the plan/project buildout year, in order to provide an appropriate comparison of project emissions to the year 2030 threshold.

Area Source Emissions

Area sources include GHG emissions that would occur from the use of landscaping equipment, hearths, and woodstoves, which emit GHGs associated with the equipment's fuel combustion. The landscaping equipment emission values in CalEEMod are derived from the 2011 Off-Road Equipment Inventory Model.²⁹ Emission rates for combustion of wood and natural gas for wood stoves and fireplaces are based on those published by the U.S. EPA in Chapter 1.9 of AP-42. Typically, no adjustments to landscaping equipment inputs are necessary. The number of hearths and woodstoves should be adjusted to reflect the project design.

Energy Use Emissions

GHGs are emitted on-site during the combustion of natural gas for cooking, space and water heating, and decorative uses and off-site during the generation of electricity from fossil fuels in power plants. CalEEMod estimates GHG emissions from energy use by multiplying average rates of residential and non-residential energy consumption by the quantities of residential units and non-residential square footage entered in the land use module to obtain total projected energy use. This value is then multiplied by electricity and natural gas GHG emission factors applicable to the plan/project location and utility provider. Building energy use is typically divided into energy consumed by the built environment and energy consumed by uses that are independent of the building, such as plug-in appliances. Non-building energy use, or "plug-in energy use," can be further subdivided by specific end-use (refrigeration, cooking, office equipment, etc.). In California, Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting.

Electricity emissions are calculated by multiplying the energy use by the carbon intensity of the utility district per kilowatt hour.³⁰ Projects would be served either by SVCE or by PG&E. The specific energy intensity factors (i.e., the amount of CO₂, CH₄, and N₂O per kilowatt-hour) for the applicable utility should be used in the calculations of GHG emissions.

As of publication of this guidance document, the current iteration of Title 24 included the 2019 Building Energy Efficiency Standards. In accordance with Section 150.1(b)14 of the 2019 Building Energy Efficiency Standards, all new residential uses three stories or less must install photovoltaic (PV) solar panels that generate an amount of electricity equal to expected electricity usage. The calculation method contained in Section 150.1(b)14 of the 2019 Building Energy Efficiency Standards should be utilized to estimate the number of kilowatts of PV solar panels that would be required for a residential project three stories or less. In addition, modeling should account for local regulations

²⁹Ibid.

³⁰Ibid.

pertaining to mandatory solar provisions.³¹ Online resources can be used to determine the amount of kilowatt-hours that would be generated per year by the required solar PV system.³² The energy reduction achieved by on-site PV solar panels should be included in CalEEMod. Future updates to Title 24 as they relate to the Building Energy Efficiency Standards should be incorporated into CalEEMod as applicable.

Mobile Source Emissions

CalEEMod quantifies mobile source emissions generated by vehicle trips associated with the proposed plan/project. If available, plan/project-specific trip generation rates or VMT data should be input in CalEEMod.

Water and Wastewater Emissions

The amount of water used, and the amount of wastewater generated by a plan/project generate indirect GHG emissions. These emissions are a result of the energy used to supply, convey, and treat water and wastewater. In addition to the indirect GHG emissions associated with energy use, the wastewater treatment process itself can directly emit both CH₄ and N₂O.

The indoor and outdoor water use consumption data for each land use subtype comes from the Pacific Institute's (2003) *Waste Not, Want Not: The Potential for Urban Water Conservation in California*.³³ Based on that report, a percentage of total water consumption is dedicated to landscape irrigation, which is used to determine outdoor water use. Wastewater generation is similarly based on a reported percentage of total indoor water use.

New development will be subject to CalGreen, which currently requires a 20 percent increase in indoor water use efficiency and the use of water-efficient irrigation systems. Thus, in order to account for compliance with CalGreen, a 20 percent reduction in indoor water use and the use of water-efficient irrigation systems should be included in the water consumption calculations for new residential, non-residential, and mixed-use development. Future updates to Title 24 as they relate to CALGreen water efficiency requirements should be incorporated into CalEEMod as applicable.

Solid Waste Emissions

The disposal of solid waste produces GHG emissions from the transportation of waste, anaerobic decomposition in landfills, and incineration. To calculate the GHG emissions generated by solid waste disposal, the total volume of solid waste is calculated using waste disposal rates identified by CalRecycle. The methods for quantifying GHG emissions from solid waste are based on the IPCC method, using the degradable organic content of waste. Users should contact the City's Sustainability Department to obtain the City's most recent solid rate diversion rate to be included in the calculation of solid waste GHG emissions.

³¹ In 2020, the City Council will consider adoption of the Clean Energy Choice Program for New Buildings, which may include solar requirements for other types of land uses.

³² Zientara, Ben. 2019. "How much electricity does a solar panel produce?" Last updated: November 6, 2019. <https://www.solarpowerrocks.com/solar-basics/how-much-electricity-does-a-solar-panel-produce/>.

³³ CAPCOA. 2017. California Emissions Estimator Model User Guide: Version 2016.3.2. Prepared by BREEZE Software, A Division of Trinity Consultants in collaboration with South Coast Air Quality Management District and the California Air Districts. <http://www.aqmd.gov/caleemod/user's-guide>.

Plan or Project Design Features

Users should use the “Mitigation” tabs to include project design features applicable to the plan/project.³⁴ These features often include increased density, improved destination accessibility, proximity to transit, integration of below market rate housing, unbundling of parking costs, provision of transit subsidies, implementation of alternative work schedules, use of energy- and/or water-efficient appliances, use of reclaimed and/or grey water, and installation of water-efficient irrigation system. Users should consider the applicability of these features to the plan/project and review the CAPCOA *Quantifying Greenhouse Gas Mitigation Measures* (2010) publication to ensure that the chosen features are relevant and feasible in light of the plan/project.³⁵

Residents, Employees, and Service Populations

The quantitative thresholds presented in Chapter 5, *Utilizing Quantitative CEQA GHG Thresholds*, are expressed in terms of per resident for residential projects, per employee for non-residential projects, and per service person for mixed-use projects. Estimates of the resident, employee, or service population for a plan/project should be based on substantial evidence. Data provided by the applicant as well as the following resources may be utilized in estimating resident and employee populations:

- **City of Cupertino Sustainability Department.** Users should refer to the California Department of Finance website (<https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>) for the most recent estimate of persons per household in Cupertino. This estimate can be multiplied by the number of proposed residential units to estimate a plan/project’s resident population.
- **Proposed Number of Beds.** For projects such as group homes, assisted living facilities, nursing homes, or similar uses, the number of beds can be used to determine the resident population.
- **United States Green Building Council.** The United States Green Building Council has published a summary of building area per employee by business type. These rates, which are expressed in terms of square feet per employee, can be utilized to estimate the number of employees a plan/project would require. This document is included as Appendix C.

³⁴ “Mitigation” is a term of art for the modeling input and is not equivalent to mitigation measures that may apply to the CEQA impact analysis.

³⁵ CAPCOA. 2010. *Quantifying Greenhouse Gas Mitigation Measures*. August 2010. <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

6.3 Modeling GHG Emissions from Existing Land Use

For a plan/project that would result in a change in the plan area/project's site General Plan land use designation, emissions anticipated for the existing (2015-2040) General Plan land use designation must be calculated in conjunction with emissions for the proposed plan/project to demonstrate whether the plan/project would be more or less GHG-intensive than development anticipated for the existing (2015-2040) General Plan land use designation for the site. In this case, GHG emissions should be reported for both the existing and proposed scenarios.

Emissions anticipated for the existing land use should be quantified using the methods described in Section 6.1, *Construction Emissions*, and Section 6.2, *Operational Emissions* with consistent assumptions between the two scenarios as applicable. Any emission reduction credits applied to the proposed plan/project scenario that are related to State legislation/policies (e.g., the RPS, vehicle standards, Title 24) or the plan area/project site location (e.g., proximity to transit, destination accessibility, etc.) should also be applied to the existing scenario.

Emission reduction credits that are specific to the proposed plan/project (e.g., use of recycled water, increased density, installation of energy and/or water-efficient appliances, integration of below market rate housing, etc.) should only be included for the proposed plan/project scenario. In addition, care should be taken to identify any emission reduction credits that might be unique to the existing land use designation that would not apply to the proposed plan/project. For example, if the existing land use designation allows for single-family residences and the proposed land use designation would allow for only commercial uses, then the existing scenario should include the emission reduction credit associated with the 2019 Building Energy Efficiency Standards requirements for PV solar panels on residential uses that are three stories or less whereas the proposed plan/project scenario should not include this credit unless PV solar panels are included as a plan/project design feature.

7 Moving into the Future

Full implementation of the Cupertino CAP Update will reduce communitywide GHG emissions by approximately 45 percent below 1990 levels by 2030 and 84 percent by 2040, which would leave a gap of approximately 66,253 MT of CO₂e per year in 2040 that will need to be addressed to achieve carbon neutrality. This gap represents emissions that could be addressed by laws, regulations, policies, programs, and ordinances set forth by the federal and State governments, regional agencies, and local partners. The gap also represents the uncertainty that the City faces in taking a leadership role in addressing a challenge that has not been previously solved.

Cupertino is committed to embracing that uncertainty, striving toward constant learning, engaging in systemic change using the tools and actions that local governments are uniquely suited to carry out, and positioning itself to take full advantage of future innovations, technologies, and policies and legislation that may be undertaken at the State and federal level. Technological innovation, clean-tech innovation, and changes to climate related policy and regulation occur rapidly. Several of the State's most successful environmental policy initiatives, including the RPS, also had a gap between what was known at the time of adoption and eventual successful implementation. By committing to the ambitious target of carbon neutrality by 2040, Cupertino intends to catalyze innovation, invite resources from funding sources and partners, and provide climate leadership.

The CAP Update acknowledges that additional actions beyond those identified in the plan will be necessary to achieve carbon neutrality and, therefore, provides a mechanism for updating and adopting a new climate action plan every five to seven years in order to incorporate new measures and innovative technologies that will further Cupertino toward meeting its goal of carbon neutrality. As the CAP is updated, the associated CEQA GHG Emissions Analysis Compliance Checklist will also be updated as needed to incorporate new pillars, measures, and/or foundational actions that discretionary development projects will need to incorporate, as applicable, to demonstrate consistency with the latest CAP. At the time at which the City identifies measures to achieve its carbon neutrality goal in totality, the City will adopt those measures in a public process following CEQA review, at which time that updated CAP will become a qualified GHG emission reduction plan for projects with post-2030 buildout years. However, the quantitative thresholds included in this guidance document will not need to be updated, because residential, non-residential, and mixed-use projects with post-2030 buildout years will still need to achieve GHG emissions equivalent to zero MT of CO₂e per year to demonstrate consistency with the Cupertino CAP.

Finally, if future amendments or updates of the Cupertino General Plan Land Use/Community Character Element occur, then these amendments or updates will be incorporated into future updates of the Cupertino CAP to ensure that project applicants can continue to utilize the streamlining process, which is partly dependent on a plan's/project's consistency with the demographic forecasts and land use assumptions based on the General Plan Land Use/Community Character Element to the greatest extent practicable.

Appendix A

Overview of GHG Emissions and Climate Change

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Appendix B

GHG Threshold Calculations

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Appendix C

United States Green Building Council Building Area per Employee by Business Type Rates³⁶

³⁶ United States Green Building Council. 2008. "Building Area per Employee by Business Type." May 13, 2008.

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