RESOLUTION APPROVING THE CLIMATE ACTION PLAN

The Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32) established a statewide reduction goal to reduce greenhouse gas (GHG) emissions levels back to 1990 levels by the year 2020; and

Consistent with the objectives outlined in AB 32, the City of Stockton adopted policy HS-4.20 in its 2035 General Plan to reduce GHG emissions generated by the community; and

HS-4.20 called for the adoption of new policies, in the form of an ordinance, resolution, or other type of policy document that would require new development to reduce its GHG emissions to the extent feasible, in a manner consistent with AB 32; and

Following the City's adoption of the 2035 General Plan, the Sierra Club sued the City alleging that the City had violated the California Environmental Quality Act (CEQA) [Public Resources Code section 21000, et seq.] in its approval of the 2035 General Plan; and

The Attorney General also raised concerns about the adequacy of the Environmental Impact Report (EIR) under CEQA, including but not limited to the EIR's failure to incorporate enforceable measures to mitigate the GHG emission impacts that would result from the General Plan adoption; and

In 2008, in an effort to avoid further litigation, the City entered into a Settlement Agreement with the Sierra Club and the Attorney General which obligated the City to ensure that the General Plan and implementing actions related to the General Plan addressed GHG reduction in a meaningful and constructive manner; and

The has now formulated a Climate Action Plan to reduce GHG emissions consistent with the requirements of AB 32, the 2035 General Plan, and the 2008 Settlement Agreement; and

On August 14, 2014, following a public hearing and based on the recommendation of staff and the Climate Action Plan Advisory Committee (CAPAC), the Planning Commission voted to recommend that the City Council approve the Climate Action Plan; and
On December 2, 2014, following a duly noticed public hearing, the City Council voted to approve the Climate Action Plan, consistent with the recommendation of staff, the CAPAC, and the Planning Commission; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

2. The proposed Climate Action Plan will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

3. The proposed Climate Action Plan establishes an appropriate GHG emissions reduction inventory, GHG reduction target, and GHG reduction measures consistent with the 2035 General Plan, AB 32, the 2008 Settlement Agreement, and other state and regional efforts including the: 2040 San Joaquin County Sustainable Communities Strategy (SCS)/Regional Transportation Plan (RTP) and the Regional Housing Needs Assessment (RHNA) prepared by the San Joaquin Council of Governments (SJCOG) as required by the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375).

4. On June 10, 2014, the City Council initiated a comprehensive General Plan amendment to fulfill state, regional, and local requirements including: Senate Bill 5 (Central Valley Flood Protection Act) and other flood-related legislation: Senate Bill 17, Assembly Bills 5, 70, 156, and 162; RHNA, the changed land use and transportation policy framework created by the SJCOG adopted SCS/RTP, and the Economic Development Strategy being prepared by the City Economic Development Department. The Climate Action Plan will be used as a policy driver for revisions to the 2035 General Plan, Development Code, Capital Improvement Program (CIP), and development fee schedule. These revisions will be preceded by a detailed scope of work (SOW) inclusive of program phasing and related grant application/budget request.

5. The City Council has reviewed and considered the Final Subsequent Environmental Impact Report for the Climate Action Plan (SCH #2012042065) and has recommended certification of the Final Subsequent Environmental Impact Report as being adequate under CEQA for the proposed Climate Action Plan and Related Actions.

6. The mitigation measures, findings, and statement of overriding considerations as set forth in detail in the Findings of Fact and Statement of Overriding Considerations for the Climate Action Plan and Related Actions, and the “Mitigation Monitoring and Reporting Program for the Climate Action Plan and Related Actions” (which are on file in the City’s Community Development Department, the Office of the City Clerk, and at http://www.stocktongov.com/government/boardcom/clim.html) have been adopted in relation to the proposed Climate Action Plan.
7. The statements, findings of fact, and mitigation monitoring provisions are based on the above-referenced Final Subsequent Environmental Impact Report for the Climate Action Plan and other information available to the City Council and are adopted in compliance with Sections 15091 and 15093 of the State CEQA Guidelines.

8. The City Council hereby adopts the City of Stockton Climate Action Plan.

9. Each and every one of the recommendations in this Resolution is based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Climate Action Plan. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

PASSED, APPROVED AND ADOPTED  December 2, 2014

[Signature]

ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

[Signature]

BONNIE PAIGE
City Clerk of the City of Stockton