



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: February 9, 2010

SUBJECT: SB 375 and South Bay Cities

APPLICANT: City of Carson

REQUEST: An Informative Presentation by the South Bay Cities
Council of Governments Representative

PROPERTIES INVOLVED: Citywide

COMMISSION ACTION

_____ Concurred with staff

_____ Did not concur with staff

_____ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairperson Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

I. Introduction

The purpose of this workshop is to provide an introduction to the “sustainable communities strategy” (SCS) and to Assembly Bill (AB) 32 and Senate Bill (SB) 375. The workshop will discuss how this legislation affects the south bay community and identifies the roles and responsibilities of the Southern California Association of Governments (SCAG), South Bay Cities Council of Governments (SBCCOG), and the city of Carson in implementing these bills.

In 2006, AB 32 – California Global Warming Solutions Act established a comprehensive program of regulatory and market mechanisms to achieve reductions in greenhouse gas (GHG) emissions statewide. It also required the Air Resources Board (ARB) to be the responsible agency for monitoring and reducing GHG emissions within the state. With the passing of AB 32, ARB is required to monitor and reduce the state’s GHG emissions to 1990 levels by 2020.

In 2008, SB 375 was passed by the state legislature in order to achieve the targets set in AB 32 and to specifically address the transportation and land use components of GHG emissions. SB 375, also known as California’s Sustainable Communities Strategy and Climate Protection Act became effective January 1, 2009.

SB 375 requires the California Air Resources Board (CARB) to develop regional reduction targets for automobiles and light trucks GHG emissions. The main focus of SB 375 is to reduce the total vehicle miles traveled (VMT) in the state of California. Metropolitan Planning Organizations (MPOs) are also required to create a “sustainable communities strategy” (SCS) which combine transportation and land-use elements to achieve the emissions reduction targets set by the state. SCAG has been identified to be the MPO and has been working with local governments to create a feasible SCS that will be implemented by local and county governments. Under SB 375, SCAG must develop a substantial public participation process involving all stakeholders for the preparation of the SCS. The development of the SCS is subject to an extensive public review process which will require the active participation of Carson stakeholders.

The SCS has been defined by SB 375 to be a newly required element of the 2012 Regional Transportation Plan (RTP), which is prepared by SCAG every four (4) years. The SCS will identify the South Bay’s land uses, residential densities, building intensities, housing goals, population growth, employment growth, and a transportation network to service the needs of the region. The SCS will set forth a forecasted development pattern/long-term plan for the region which is anticipated to reduce the greenhouse gas emissions from automobiles and light trucks to achieve the GHG reduction targets approved by CARB. The SCS must also be in alignment with the Regional Housing Needs Allocation (RHNA) and local housing elements.

SCAG is responsible in assisting CARB with generating base targets and emission reduction targets. Therefore, in preparation of the SCS, SCAG has been coordinating with SBCCOG and cities to gather information including land use data, employment projections, housing needs, etc. Early and active coordination with SCAG and SBCCOG is vital since it



is unknown if the SCS will be a local requirement or a state mandated standard. The city's role and responsibility during the preparation of the SCS is to ensure the interests and concerns of Carson are met and the city's priorities, plans, and projects are adequately represented in discussions and the final SCS. Staff is currently participating in discussions with SBCCOG and SCAG in the preparation of the SCS.

Attached to the staff report is some background information about these topics that the Planning Commission could find useful. At the Workshop, the SBCCOG representative (Wally Siembab) will make a presentation to the Planning Commission regarding this topic. This workshop is intended to be an informative session with ample time for questions and answers.

II. Recommendation

That the Planning Commission:


- CONSIDER and DISCUSS the information provided for in this workshop;
- DIRECT staff to provide additional information regarding the topic during future workshops; and
- RECEIVE and FILE.

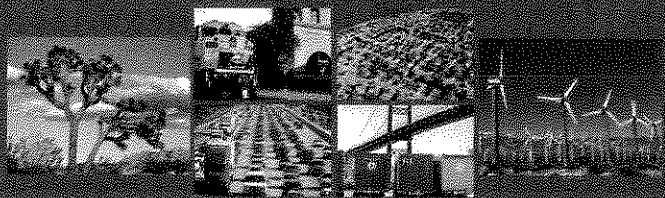
III. Exhibits

1. SCAG Factsheets
2. SCAG Framework and Guidelines for SCS
3. California Planning and Development Report on SB 375

Prepared by: Saied Naaseh, Senior Planner and Sharon Song, Associate Planner

Approved by:


Sheri Repp Loadsman, Planning Officer

*SCAG's Mission:*

Under the guidance of the Regional Council and in collaboration with our partners, our mission is to facilitate a forum to develop and foster the realization of regional plans that improve the quality of life for Southern Californians.

SENATE BILL 375 FACTSHEET

WHAT IS SB 375?

SB 375 (Steinberg) is California state legislation that became law effective January 1, 2009. It prompts California regions to work together to reduce greenhouse gas (GHG) emissions from cars and light trucks. This new law would achieve this objective by requiring integration of planning processes for transportation, land-use and housing. The plans emerging from this process will lead to more efficient communities that provide residents with alternatives to using single occupant vehicles. SB 375 requires the California Air Resources Board (CARB) to develop regional reduction targets for automobiles and light trucks GHG emissions. The regions, in turn, are tasked with creating "sustainable communities strategy," (SCS) which combine transportation and land-use elements in order to achieve the emissions reduction target, if feasible. SB 375 also offers local governments regulatory and other incentives to encourage more compact new development and transportation alternatives.

Background

In order to achieve the greenhouse gas reduction goals set out in California Assembly Bill 32: *The Global Warming Solutions Act of 2006* (AB 32), SB 375 focuses on reducing vehicle miles traveled (VMT) and urban sprawl. AB 32 was the nation's first law to limit greenhouse gas emissions and SB 375 was enacted thereafter to more specifically address the transportation and land use components of greenhouse gas emissions. Through the implementation of regional SCS plans by 2020, the goal of SB 375 is to see a significant decrease in greenhouse gas emissions for the environment and an increase in quality of life for residents.

How does SB 375 Relate to SCAG?

SB 375 requires SCAG to direct the development of the Sustainable Communities Strategy (SCS) for the region. Alternatively, if the GHG emissions reduction targets cannot be met through the SCS, an Alternative Planning Strategy (APS) may be developed showing how those targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. Additionally, unique to the SCAG region, is the option for subregions to create their own SCS or APS.

There are two mutually important facets to the SB 375 legislation: reducing VMT and encouraging more compact, complete, and efficient communities for the future.

What is required in a Sustainable Communities Strategy (SCS)?

The SCS, as defined in SB 375, is a newly required element of the Regional Transportation Plan (RTP). After receiving regional targets in 2010, SCAG will begin to develop the SCS and create a plan for meeting the emissions reduction targets by 2020 and 2035 respectively.

The new SCS will integrate planning elements of transportation, land use, and housing with greenhouse gas reduction targets. This process will require meaningful collaboration and negotiation with local governments and other stakeholders in the region, to ensure a well-balanced SCS is developed and that all aspects of transportation alternatives have been considered and properly vetted.

Development of the SCS is subject to an extensive public review process. Outreach and public participation will play a major part in the creation of the final SCS document; input and suggestions will be considered.

Next Steps

To date, SCAG has hosted workshops and conducted focused stakeholder discussions around the region to discuss SB 375 and its impact to the RTP process. Additionally, SCAG participates on the Regional Targets Advisory Committee (RTAC), which is responsible for recommending factors and methodology to be considered by CARB in setting the regional emissions reduction targets.

In the near term, SCAG will gather input from members and stakeholders regarding proposed approaches and methodologies for recommending the 2020 regional reduction targets. In addition, SCAG will continue to conduct outreach to encourage the active participation of a broad range of stakeholder groups in the planning process.

For more information please visit the SCAG Web site at: www.scag.ca.gov/sb375 or contact Matt Horton at (213) 236-1800.



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Resolving Regional Challenges

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SB 375 QUICK FACTS

HIGHLIGHTS

- ▶ Creation of regional targets for greenhouse gas emissions reduction tied to land use
- ▶ A requirement that regional transportation planning agencies create a plan to meet targets
- ▶ A requirement that regional transportation funding decisions be consistent with the new plan
- ▶ Tying together regional housing and transportation planning efforts
- ▶ New CEQA exemptions and streamlining for projects that conform to the new regional plans

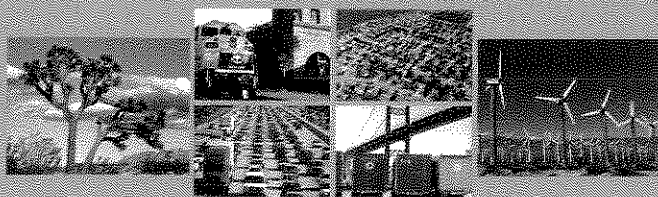
MAJOR MILESTONES

- ▶ Jan. '09 - SB 375 becomes law
- ▶ Jan. '09 - RTAC established
- ▶ Sep. '09 - RTAC recommends regional targets and methodologies
- ▶ Sep. '10 - CARB issues final regional targets
- ▶ Nov. '11 - Release draft RTP/SCS for public review
- ▶ Apr. '12 - Regional Council adopts RTP/SCS

SCAG REGION REQUIREMENTS/GOALS

- ▶ Prepare framework guidelines for subregional SCS/APS development.
- ▶ Develop, adopt and implement a public participation process involving outreach to stakeholders, consultation with congestion management agencies, transportation agencies, and transportation commissions; and public workshops and hearings.
- ▶ Conduct informational meetings in each county within the region for local elected officials (members of the board of supervisors and city councils), to present the draft SCS or APS, and solicit and consider input and recommendations.
- ▶ Prepare, circulate for review, and adopt an SCS as part of RTP (meeting the GHG reduction target if feasible to do so).
- ▶ If unable to meet target with SCS, prepare, circulate for review, and adopt an APS that is separate from the RTP.
- ▶ Integrate planning processes, in particular assuring that the RHNA is consistent with SCS.

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS



SCAG's Mission:

Leadership, Vision and Progress, which promote economic growth, personal well-being and livable communities for all Southern Californians.

SCAG'S APPROACH TO IMPLEMENTING CALIFORNIA'S SUSTAINABLE COMMUNITIES AND CLIMATE PROTECTION ACT (SB 375)

Overview

The SCAG region will develop and finalize a Sustainable Communities Strategy (SCS) as part of the 2012 Regional Transportation Plan. This strategy will emerge through extensive dialogue and collaboration involving SCAG, its 14 subregions, member jurisdictions, County Transportation Commissions (CTCs), and a variety of other stakeholders and participants including the general public. Through this process, SCAG is striving to build partnerships and collaboration so that the completed regional SCS embodies the region's collective vision for its future.

SCAG has established several goals for this process.

1. Establish and meet a regional GHG emission reduction target for cars and light trucks through the SCS.
2. Integrate SCAG's planning processes for transportation, growth, land use/housing, and the environment.
3. Provide an interactive and participatory outreach process for all stakeholders.
4. Develop strategies through the SCS that incorporate and are respectful of local and sub-regional priorities, plans, and projects.
5. Comply with the provisions of SB 375.

Sustainable Communities Strategy Development

The regional SCS will be composed of a combination of regional and subregional strategies. In order to accomplish this, SCAG will pursue enhancements to existing processes, data and methodologies used for growth forecasting and Regional Transportation Plan development. These improvements include new modeling tools, updated data sets particularly for general plans, additional options for public input based around interactive workshops and newly established subregional strategy development procedures.

Outreach Process

The purpose of the outreach program is to engage the public in the SCS planning process in order to secure broad support for the actions necessary to reduce GHG emissions from land use and transportation. Outreach and public education programs are necessary to promote not only regional action but individual behaviors that will help reduce GHG emissions and protect quality of life for the future. SCAG will coordinate public engagement processes throughout the region, supporting public outreach efforts as integral elements in local, county and subregional SCS planning efforts.

The outreach process outlined here will fulfill the legal requirements of SB 375, and is intended to inform and educate all interested stakeholders about the benefits of integrated planning, to lower Vehicle Miles Traveled (VMT) and reduce GHG emissions.

Technical Outreach

At the outset of the process to develop GHG and VMT reduction targets, SCAG will engage the Counties, Cities, COGs and CTCs in a series of workshops, briefings and one-on-one interviews designed to update the baseline 2008 growth projections as well as vet the regional and subregional target recommendations of the Regional Targets Advisory Committee (RTAC).

Scenario Planning (Oct '09 – Jan '10)

SCAG will convene workshops that integrate broad stakeholder interests to define SCS elements, and gauge interest and commitment from the region. The workshops will focus on developing a regional target recommendation based on achievable land use, policy and cost effective strategies

Strategy Development and Policy Consensus (June '10 to Dec '11)

The public will be provided with a clear understanding of the SCS issues and policy choices at workshops and other sessions designed to seek commitment on specific strategy elements to be included in the Draft 2012 RTP/SCS. There will be three workshops per county where urban simulation modeling will be used to create a visual representation of SCS.

Tools & Methodologies

SCAG will utilize a variety of interactive tools to assist in encouraging and facilitating stakeholder participation. Tools available for use throughout the process include:

- ♦ Web site -- a dynamic interactive web portal for stakeholders to engage in the process and receive current information on project materials and meeting schedules.
- ♦ Turning Point Software -- real time electronic voting tools to engage stakeholders in preference surveys that can be used in consideration of land use, building types and policy initiatives.

Major Milestones

- Jan 2009 - SB 375 becomes law
- Jan 2009 - RTAC established
- Sept 2009 - RTAC recommends regional targets and methodologies to CARB
- Sept 2010 - CARB issues final regional targets
- Nov 2011 - SCAG Releases draft RTP/SCS for public review
- April 2012 - Regional Council adopts RTP/SCS

For more information, please visit the SCAG Web site at: www.scag.ca.gov/sb375 or contact Public Affairs Officer Matt Horton at (213) 236-1980.

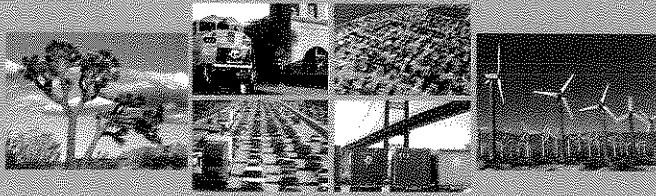


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FAQS ON GENERAL PLAN CONSISTENCY, RHNA AND CEQA

CALIFORNIA'S SUSTAINABLE COMMUNITIES AND CLIMATE PROTECTION ACT (SB 375)

California's Sustainable Communities and Climate Protection Act aligns three major programs that address growth patterns in California: regional transportation plans, regional housing allocations, and the California Environmental Quality Act (CEQA). With a Sustainable Communities Strategy in place, local governments will be able to utilize a new CEQA exemption for "Transit Priority Projects" and take advantage of additional CEQA streamlining provisions. Additionally, local agencies must amend their housing elements to be consistent with these new strategies. The following questions and answers address portions of the new law that are relatively clear. The information in this briefing paper is not intended to be legal advice. It is based on Frequently Asked Questions about SB 375 prepared by Terry Rivasplata, Technical Director at ICF Jones & Stokes. Terry can be contacted at (916) 737-3000 or Arivasplata@icfi.com.

General Plan Consistency

Does SB 375 require our city or county to amend its general plan to conform to the SCS or APS?

The California State Association of Counties and the League of California Cities supported SB375 with the understanding that it favors giving strong consideration to existing local plans. This is evidenced by language in the law that states "[an SCS is] subject to the requirements of Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, including the requirement to utilize the most recent planning assumptions considering local general plans and other factors." It may be difficult, however, for an SCS to meet greenhouse gas targets while reflecting only the existing General Plans because many General Plans call for extensive amounts of relatively low density development or extensive underutilized commercial strips.

Regional Housing Needs

Does the SCS have to be consistent with the existing general plans of cities and counties within the region?

SB375 does not require any general plan amendments. However, the law connects, for the first time, the RTP with the Regional Housing Needs Allocation (RHNA) that guides preparation of the city or county housing element. If the SCS integrates a housing component that identifies the general locations of housing opportunity sites, then the housing element would arguably be required to reflect those sites. This could require amendments to a General Plan. In addition, any changes to a plan's housing element may necessitate changes to other elements since all elements of a General Plan must be internally consistent.

CEQA

Can we begin using the statutory exemption and environmental assessment approaches described in SB375 (Public Resources Code [PRC] Section 21155 et seq.)?

No. Those provisions require a determination that the proposed transit priority project is consistent with the SCS as part of the adopted RTP or the separately adopted APS. The first of the RTPs subject to SB 375 requirements are not expected to be adopted until sometime in 2011.

Must a proposed transit priority project be consistent with the general plan and zoning of its city or county in order to qualify for a statutory CEQA exemption under PRC Section 21155.1?

The CEQA provisions are based on a project's consistency with the adopted SCS or APS, not on its consistency with the adopted city general plan or zoning. So a project that is inconsistent with zoning and the relevant GP could still qualify for the exemption. However, as a practical matter, such projects would have to seek amendments to the city/county general plan and zoning requirements. In the absence of those amendments, the city would be obligated to deny a project that is inconsistent with its general plan and zoning.

Who gets to determine whether a site is eligible for the statutory infill exemption under PRC Section 21155.1?

The exemption is a statutory exemption, so if the project qualifies, then the city or county MUST apply the exemption. However, the city or county alone is empowered to determine whether the proposal meets all of the requirements for exemption set out in PRC Sections 21155 and 21155.1, including the project's consistency with the SCS or APS. It could not use general plan or zoning inconsistency to disqualify a project from the exemption, unless the inconsistency relates to wildland fire hazard, seismic risk, or landslide and flooding provisions that act to mitigate project risks.

When does a city or county use a Sustainable Communities Environmental Assessment (SCEA) or an Environmental Impact Report (EIR), or rely on the general plan's EIR?

A city or county can choose which of these three makes the most sense in a given situation based on the project's circumstances. If the project will require a GPA and/or rezoning (and is consistent with the SCS/APS), then it may be that the SCEA/EIR is the best route since the general plan EIR would not apply in that situation.

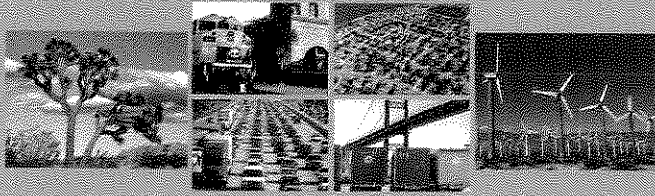
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Active July 2 Fact Sheets

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CASE STUDY

DEVELOPING A SUBREGIONAL VISION: THE SOUTH BAY STRATEGY

The South Bay Cities Council of Governments (SBCCOG) is engaged in developing a sustainable transportation-land use strategy for the sub-region. The project was undertaken as part of SCAG's Overall Work Program between 2004 and 2008 with supplemental funds recently provided by Metro. The first phase of the project involved empirical research into factors that lead to improving transportation performance. One of the most significant findings was that many non-work trips taken by South Bay residents are under 3 miles and most, including even short walking-distance trips, are regularly driven. Phase 2 is a demonstration of neighborhood electric vehicles (NEVs) which has been funded by the SCAQMD. The SBCCOG will rotate 5 or 6 vehicles through various applications in two South Bay neighborhoods. The applications will include senior housing, business to home delivery service, and journey to work. About 525,000 motor vehicles were owned by South Bay residents in 2000. This is 1.6 vehicles per household, or about 195,000 second and third vehicles. Secondary vehicles are the primary targets for replacement with NEVs.

Developing a Shared Vision for a Sustainable South Bay will help prepare South Bay Cities to comply with SB 375, reduce GHG emissions, lessen congestion, and get ready for anticipated gas price escalation. The primary components of the strategy are:

Promote Sustainability for Future Generations

Promoting neighborhoods and reducing the need for travel on the regional system and major arterials is key to a sustainable South Bay. Land use and transportation policies that support and implement a 'local use vehicle strategy' coupled with 'multi-modal mixed use streets' not only address the law but takes advantage of the opportunity to implement strategies that are customized to local communities.

Improve Mobility for all Residents

The South Bay's mobility strategy focuses on improved pedestrian access to commercial clusters and complete (i.e., mixed mode) streets. Land use policies will incentivize new development to concentrate commercial activity in a number of targeted centers designed to accommodate more walking than currently occurs. New development will also add functionality that helps foster a match between houses, jobs and services within a target distance of 3 to 4 miles (consistent with widespread deployment of local use vehicles such as golf carts and bicycles).

Foster Livability in all Communities

The goal of the land use component of the draft Strategy is to improve non-automotive mobility, livability, walkability and prosperity. The objective of the Strategy is to promote accessibility between residences, jobs and services within a short distance. Housing will be built on the arterial edges where obsolete commercial has been removed at a variety of densities.

Since the South Bay is built out, all new development will occur within or adjacent to existing developed areas. In other words, every new residential project in the South Bay would replace a building at a lower density with one at a higher density. The strategy will gradually replace obsolete and underutilized commercial structures with residential while migrating the commercial to a new set of compact centers.

Enable Prosperity for All

The South Bay is home to an aging population and the mobility component of the sustainable communities' strategy is particularly aimed at ensuring mobility for seniors.

Workshops

Three workshops in different parts of the sub-region will be conducted for presenting the land use and mobility concepts in the draft Sustainable South Bay Strategy. Participants could include council members, planning commissioners, planning staff, public works staff, other related staff and leaders from invited neighborhood organizations.

The workshops will introduce for discussion a draft strategy for sustainability based on the specific conditions of the South Bay. One of the expected outcomes is the start of a longer discussion about a new development pattern and the feasibility of land use policies consistent with commercial concentration and residential infill. The action elements will focus on helping individual cities understand and evaluate 'complete streets' policies and positioning those interested to take steps to adopt and develop 'complete streets' plans.

Each workshop will cover:

- ♦ The environmental and policy imperatives for reducing reliance on fossil-fueled automobiles, including AB 32, SB 375, congestion, and longer term issues around gasoline price escalation and peak oil.
- ♦ The South Bay's draft integrated land use-transportation strategy which will be used as the basis for their subregional SCS, in compliance with SB 375.
- ♦ An outline of a 'complete street' policy including integration of neighborhood electric vehicles (NEVs) illustrated with appropriate visualization techniques to demonstrate what 'complete streets' in the South Bay might look like.
- ♦ A Complete Streets concept for the South Bay incorporating slow speed modes wherever possible
- ♦ How land uses in the South Bay can support the acceptance of local use vehicles for short trips, and how the growing deployment of local use vehicles can affect land use

For more information, please visit the SCAG Web Site at: www.scag.ca.gov/ SB 375 or contact Public Affairs Officer Matt Horton at (213) 236-1980.



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Archon John Z. Ford Shapers

Southern California Association of Governments

DRAFT

(December 15, 2009)

FRAMEWORK AND GUIDELINES

for

SUBREGIONAL SUSTAINABLE COMMUNITIES STRATEGY

I. INTRODUCTION

SB 375 (Steinberg), also known as California's Sustainable Communities Strategy and Climate Protection Act, is a new state law which became effective January 1, 2009. SB 375 calls for the integration of transportation, land use, and housing planning, and also establishes the reduction of greenhouse gas (GHG) emissions as one of the main goals for regional planning. SCAG, working with the individual County Transportation Commissions (CTCs) and the subregional organizations within the SCAG region, is responsible for implementing SB 375 in the Southern California region. Success in this endeavor is dependent on collaboration with a range of public and private partners throughout the region.

Briefly summarized here, SB 375 requires SCAG as the Metropolitan Planning Organization to:

- Prepare a Sustainable Communities Strategy (SCS) as part of the 2012 Regional Transportation Plan (RTP). The SCS will meet a State-determined regional GHG emission reduction target, if it is feasible to do so.
- Prepare an Alternative Planning Strategy (APS) that is not part of the RTP if the SCS is unable to meet the regional target.
- Integrate SCAG planning processes, in particular assuring that the Regional Housing Needs Assessment (RHNA) is consistent with the SCS, at the jurisdiction level.
- Specific to SCAG only, allow for subregional SCS/APS development.
- Develop a substantial public participation process involving all stakeholders.

Unique to the SCAG region, SB 375 provides that "a subregional council of governments and the county transportation commission may work together to propose the sustainable communities strategy and an alternative planning strategy . . . for that subregional area." Govt. Code §65080(b)(2)(C). In addition, SB 375 authorizes that SCAG "may adopt a framework for a subregional SCS or a subregional APS to address the intraregional land use, transportation, economic, air quality, and climate policy relationships." *Id.* Finally, SB 375 requires SCAG to "develop overall guidelines, create public participation plans, ensure coordination, resolve conflicts, make sure that the overall plan complies with applicable legal requirements, and adopt the plan for the region." *Id.*

The intent of this Framework and Guidelines for Subregional Sustainable Communities Strategy (also referred to herein as the "Framework and Guidelines" or the "Subregional Framework and Guidelines") is to offer the SCAG region's subregional agencies the highest degree of autonomy, flexibility and responsibility in developing a program and set of implementation strategies for their subregional areas. This will allow the subregional strategies to better reflect the issues, concerns, and

future vision of the region's collective jurisdictions with the input of the fullest range of stakeholders. In order to achieve these objectives, it is necessary for SCAG to develop measures that assure equity, consistency and coordination, such that SCAG can incorporate the subregional SCSs in its regional SCS which will be adopted as part of the 2012 RTP pursuant to SB 375. For that reason, this Framework and Guidelines establishes standards for the subregion's work in preparing and submitting subregional strategies, while also laying out SCAG's role in facilitating and supporting the subregional effort with data, tools, and other assistance.

While the Framework and Guidelines are intended to facilitate the specific subregional option to develop the SCS (and APS if necessary) as described in SB 375, SCAG encourages the fullest possible participation from all subregional organizations. As SCAG undertakes implementation of SB 375 for the first time, SCAG has also designed a "collaborative" process, in cooperation with the subregions, that allows for robust subregional participation for subregions that choose not to exercise their statutory option.

II. ELIGIBILITY AND PARTICIPATION

SB 375 allows for subregional councils of governments in the SCAG region to have the option to develop the SCS (and the APS if necessary) for their area. SCAG interprets this option as being available to any subregional organization recognized by SCAG, regardless of whether the organization is formally established as a "subregional council of governments."

County Transportation Commissions (CTCs), including the Imperial Valley Association of Governments (IVAG) play an important and necessary role in the development of a subregional SCS. Any subregion that chooses to develop a subregional strategy will need to work closely with the respective CTC in its subregional area in order to identify and integrate transportation projects and policies. Beyond working with CTCs/IVAG, SCAG encourages partnership efforts in the development of subregional strategies, including partnerships between and among subregions.

Subregional agencies must formally indicate to SCAG, in writing, by December 31, 2009 if they intend to exercise this option to develop their own SCS. Subregions that choose to develop a SCS for their area must do so in a manner consistent with this Framework and Guidelines. The subregion's intent to exercise its statutory option to prepare the strategy for their area must be decided and communicated through formal action of the subregional agency's governing board. Subsequent to receipt of any subregion's intent to develop and adopt an SCS, SCAG will convene discussions regarding a formal written agreement between SCAG and the subregion, which may be revised if necessary, as the SCS process is implemented.

III. FRAMEWORK

The Framework portion of this document covers regional objectives and policy considerations, and provides general direction to the subregions in preparing their own SCS, and APS if necessary.

A. SCAG's preliminary goals for implementing SB 375 are as follows:

- Achieve the regional GHG emission reduction target for cars and light trucks through a SCS.

- Fully integrate SCAG's planning processes for transportation, growth, intergovernmental review, land use, housing, and the environment.
- Seek areas of cooperation that go beyond the procedural statutory requirements, but that also result in regional plans and strategies that are mutually supportive of a range of goals.
- Build trust by providing an interactive, participatory and collaborative process for all stakeholders. Provide, in particular, for the robust participation of local jurisdictions, subregions and CTCs/IVAG in the development of the SCAG regional SCS and implementation of the subregional provisions of the law.
- Assure that the SCS adopted by SCAG and submitted to California Air Resources Board (ARB) is a reflection of the region's collective growth strategy and vision for the future.
- Develop strategies that incorporate and are respectful of local and subregional priorities, plans, and projects.

B. Flexibility

Subregions may develop any appropriate strategy to address the region's greenhouse gas reduction goals and the intent of SB 375. While subregions will be provided with SCAG data, and with a conceptual or preliminary scenario to use as a helpful starting point, they may employ any combination of land use policy change, transportation policy, and transportation investment, within the specific parameters described in the Guidelines.

C. Outreach Effort and Principles

Subregions are required to conduct an open and participatory process that includes the fullest possible range of stakeholders. As further discussed within the Guidelines, SCAG amended its existing Public Participation Plan (PPP) to describe SCAG's responsibilities in complying with the outreach requirements of SB 375 and other applicable laws and regulations. SCAG will fulfill its outreach requirements for the regional SCS/APS which will include outreach activities regarding the subregional SCS/APS. Subregions are also encouraged to design their own outreach process that meets each subregion's own needs and reinforces the spirit of openness and full participation. To the extent that subregions do establish their own outreach process, this process should be coordinated with SCAG's outreach process.

D. Communication and Coordination

Subregions developing their own SCS are strongly encouraged to maintain regular communication with SCAG staff, the respective CTC, their jurisdictions and other stakeholders, and other subregions if necessary, to review issues as they arise and to assure close coordination. Mechanisms for on-going communication should be established in the early phases of strategy development.

E. Planning Concepts

SCAG, its subregions, and member cities have established a successful track record on a range of land use and transportation planning approaches through the on-going SCAG Compass Blueprint Program, including approximately 60 local demonstration projects completed to date. Subregions are encouraged to capture, further develop and build off the concepts and approaches of the Compass Blueprint program. In brief, these include developing transit-oriented, mixed use, and walkable communities, and providing for a mix of housing and jobs.

IV. GUIDELINES

These Guidelines describe specific parameters for the subregional SCS/APS effort under SB 375, including process, deliverables, data, documentation, and timelines. As described above, the Guidelines are created to ensure that the region can successfully incorporate strategies developed by the subregions into the regional SCS, and that the region can comply with its own requirements under SB 375. Failure to proceed in a manner consistent with the Guidelines will result in SCAG not accepting a subregion's submitted strategy.

A. Subregional Process

(1) Subregional Sustainable Communities Strategy

Subregions that choose to exercise their optional role under SB 375 will develop and adopt a subregional Sustainable Communities Strategy. That strategy must contain all of the required elements, and follow all procedures, as described in SB 375. Subregions may choose to further develop an Alternative Planning Strategy (APS), according to the procedures and requirements described in SB 375. If subregions prepare an APS, they must prepare a Sustainable Communities Strategy first, in accordance with SB 375. A subregional APS is not "in lieu of" a subregional SCS, but in addition to the subregional SCS. In part, an APS must identify the principal impediments to achieving the targets within the SCS. The APS must show how the GHG emission targets would be achieved through alternative development patterns, infrastructure, and additional transportation measures or policies. SCAG encourages subregions to focus on feasible strategies that can be included in the SCS.

The subregional SCS must include all components of a regional SCS as described in SB 375, and outlined below:

- (i) identify the general location of uses, residential densities, and building intensities within the subregion;
- (ii) identify areas within the subregion sufficient to house all the population of the subregion, including all economic segments of the population, over the course of the planning period of the RTP taking into account net migration into the region, population growth, household formation and employment growth;
- (iii) identify areas within the subregion sufficient to house an eight-year projection of the regional housing need for the subregion pursuant to Section 65584;
- (iv) identify a transportation network to service the transportation needs of the subregion;
- (v) gather and consider the best practically available scientific information regarding resource areas and farmland in the subregion as defined in subdivisions (a) and (b) of Section 65080.01;
- (vi) consider the state housing goals specified in Sections 65580 and 65581;
- (vii) set forth a forecasted development pattern for the subregion, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the ARB; and
- (viii) allow the RTP to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506). *See*, Government Code §65080(b)(2)(B).

In preparing the subregional SCS, the subregion will consider feasible strategies, including local land use policies, transportation infrastructure investment (e.g., transportation projects), and other transportation policies such as Transportation Demand Management (TDM) strategies (which includes pricing), and Transportation System Management (TSM) strategies. Technological measures may be included if they exceed measures captured in other state and federal requirements (e.g., AB32).

As discussed further below (under "Documentation"), subregions need not constrain land use strategies considered for the SCS to current General Plans. In other words, the adopted strategy need not be fully consistent with local General Plans currently in place. However, should the adopted subregional strategy deviate from General Plans, subregions will need to demonstrate the feasibility of the strategy by documenting any affected jurisdictions' willingness to adopt the necessary General Plan changes.

The regional SCS shall be part of the 2012 RTP. Therefore, for transportation investments included in a subregional SCS to be valid, they must also be included in the 2012 RTP. Further, such projects need to be scheduled in the RTIP for construction completion by the target years (2020 and 2035) in order to demonstrate any benefits as part of the SCS. As such, subregions will need to collaborate with the respective CTC in their area to coordinate the subregional SCS with future transportation investments. It should also be noted that the California Transportation Commission has started the process to update the RTP Guidelines. This topic is likely to be part of further discussion through the SCS process as well.

SCAG will accept and incorporate the subregional SCS, unless (a) it does not comply with SB 375, (b) it does not comply with federal law, or (c) it does not comply with SCAG's Subregional Framework and Guidelines. In the event that a compiled regional SCS, including subregional submissions, does not achieve the regional target, SCAG will initiate a process to develop and consider additional GHG emission reduction measures region-wide. The adopted Subregional Framework and Guidelines will specify a timeframe for this iterative process to occur. Furthermore, SCAG will compile and disseminate performance information on the preliminary regional SCS and its components in order to facilitate regional dialogue. The development of a subregional SCS does not exempt any subregion from further GHG emission reduction measures being included in the regional SCS. Further, all regional measures needed to meet the regional target will be subject to adoption by the Regional Council, and any additional subregional measures beyond the SCS submittal from subregions accepting delegation needed to meet the regional target must also be adopted by the subregional governing body.

(2) Subregional Alternative Planning Strategy (APS)

Subregions are encouraged to focus their efforts on feasible measures that can be included in a SCS. In the event that a subregion chooses to prepare an APS, the content of a subregional APS should be consistent with what is required by SB 375 (*see*, Government Code §65080(b)(2)(H)), as follows:

- (i) Shall identify the principal impediments to achieving the subregional SCS.
- (ii) May include an alternative development pattern for the subregion pursuant to subparagraphs (B) to (F), inclusive.
- (iii) Shall describe how the the alternative planning strategy would contribute to the regional greenhouse gas emission reduction target, and why the development pattern, measures, and policies in the alternative planning strategy are the most practicable choices for the subregion.

(iv) An alternative development pattern set forth in the alternative planning strategy shall comply with Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, except to the extent that compliance will prevent achievement of the regional greenhouse gas emission reduction targets approved by the ARB.

(v) For purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), an alternative planning strategy shall not constitute a land use plan, policy, or regulation, and the inconsistency of a project with an alternative planning strategy shall not be a consideration in determining whether a project may have an environmental effect.

Any precise timing or submission requirements for a subregional APS will be determined based on further discussions with subregional partners. As previously noted, a subregional APS is in addition to a subregional SCS.

(3) Outreach and Process

SCAG will fulfill all of its outreach requirements under SB 375 for the regional SCS/APS, which will include outreach regarding any subregional SCS/APS. SCAG staff has revised its Public Participation Plan to incorporate the outreach requirements of SB 375, and integrate the SB 375 process with the 2012 RTP development as part of SCAG's Public Participation Plan Amendment No. 2, adopted by SCAG's Regional Council on December 3, 2009. Subsequent to the adoption of the PPP Amendment No. 2, SCAG will continue to discuss with subregions and stakeholders the Subregional Framework & Guidelines, which further describe the Public Participation elements of SB 375.

Subregions that elect to prepare their own SCS or APS are encouraged to present their subregional SCS or APS, in coordination with SCAG, at all meetings, workshops and hearings held by SCAG in their respective counties. Additionally, the subregions would be asked to either provide SCAG with their mailing lists so that public notices and outreach materials may also be posted and sent out by SCAG, or SCAG will provide notices and outreach materials to the subregions for their distribution to stakeholders. The SCAG PPP Amendment No. 2 provides that additional outreach may be performed by subregions. Subregions are strongly encouraged to design and adopt their own outreach processes that mimic the specific requirements imposed on the region under SB 375. Subregional outreach processes should reinforce the regional goal of full and open participation, and engagement of the broadest possible range of stakeholders.

(4) Subregional SCS Adoption

It is recommended that the governing board of the subregional agency adopt the subregional SCS prior to submission to SCAG. While the exact format is still subject to further discussion, SCAG recommends that there be a resolution from the governing board of the subregion with a finding that the land use strategies included in the subregional SCS are feasible and based upon consultation with the local jurisdictions in the respective subregion. Subregion should consult with their legal counsel as to compliance with the California Environmental Quality Act (CEQA). In SCAG's view, the subregional SCS is not a "project" for the purposes of CEQA; rather, the 2012 RTP which will include the regional SCS is the actual "project" which will be reviewed for environmental impacts pursuant to CEQA. As such, the regional SCS, which will include the subregional SCSs, will be thoroughly undergo CEQA review. Nevertheless, subregions adopting subregional SCSs should consider issuing a notice of exemption under CEQA to notify the public of their "no project"

determination and/or to invoke the “common sense” exemption pursuant to CEQA Guidelines § 15061(b)(3).

Finally, in accordance with SB 375, subregions are strongly encouraged to work in partnership with the CTC in their area. SCAG can facilitate these arrangements if needed.

(5) Data Standards

SCAG is currently assessing the precise data standards anticipated for the regional and subregional SCS. In particular, SCAG is reviewing the potential use of parcel data and development types currently used for regional planning. At present, the following describes the anticipated data requirements for a subregional SCS.

1. Types of Variables

Variables are categorized into socio-economic variables and land use variables. The socio-economic variables include population, households, housing units, and employment. The land use variables include land uses, residential densities, building intensities, etc, as described in SB 375.

2. Geographical Levels

SCAG is considering the collection and adoption of the data at the 5.5 acre grid cell level as optional for local agencies in order to make accessible the CEQA streamlining provisions under SB 375. The housing unit, employment, and the land use variables can be collected at the 5.5-acre grid cell level for those areas which under SB 375 qualify as containing a “transit priority project” (i.e. within half-mile of a major transit stop or high-quality transit corridor) for purposes of allowing jurisdictions to take advantage of the CEQA streamlining incentives in SB 375.

For all other areas in the region, SCAG staff will collect the population, household, employment, and land use variables at the Census tract or Traffic Analysis Zone (TAZ) level.

3. Base Year and Forecast Years

The socio-economic and land use variables will be required for the base year of 2008, and the target years of 2020 and 2035.

(6) Documentation

Subregions are expected to maintain full and complete records related to the development of the subregional SCS, including utilizing the most recent planning assumptions considering local general plans and other factors. In particular, subregions must document the feasibility of the subregional strategy by demonstrating the willingness of local agencies to consider and adopt land use changes necessitated by the SCS. The format for this documentation will be determined by SCAG in consultation with subregions and stakeholders, and may include adopted resolutions from local jurisdictions and/or the subregion’s governing board.

(7) Timing

An overview schedule of the major milestones of the subregional process and its relationship to the regional SCS/RTP is included below. Subregions must submit the subregional SCS to SCAG by the date prescribed. Further, SCAG will need a preliminary SCS from subregions for the purpose of preparing a project description for the 2012 RTP Program Environmental Impact Report. The precise

content of this preliminary submission will be determined based on further discussions. The anticipated timing of this preliminary product is approximately February 2011.

(8) Relationship to Regional Housing Needs Assessment (RHNA) and Housing Element

Although SB 375 calls for an integrated process, subregions are not automatically required to take on RHNA delegation as described in State law if they prepare a SCS/APS. However, SCAG encourages subregions to undertake both processes due to their inherent connections.

SB 375 requires that the RHNA allocated housing units be consistent with the development pattern included in the SCS. *See*, Government Code §65584.04(i). Population and housing demand must also be proportional to employment growth. At the same time, in addition to the requirement that the RHNA be consistent with the development pattern in the SCS, the SCS must also identify areas that are sufficient to house the regional population by income group through the RTP planning period, and must identify areas to accommodate the region's housing need for the next local Housing Element eight year planning period update. The requirements of the statute are being further interpreted through the RTP guidelines process. Staff intends to monitor and participate in the guideline process, inform stakeholders regarding various material on these issues, and modify these Framework and Guidelines as necessary.

SCAG will be adopting the RHNA and applying it to local jurisdictions at the jurisdiction boundary level. SCAG staff believes that consistency between the RHNA and the SCS may still be accomplished by aggregating the housing units contained in the smaller geographic levels noted in the SCS and including such as part of the total jurisdictional number for RHNA purpose. SCAG staff has concluded that there is no consistency requirement for RHNA purposes at sub-jurisdictional level, even though the SCS is adopted at the smaller geographic level for the opportunity areas.

The option to develop a subregional SCS is separate from the option for subregions to adopt a RHNA distribution, and subject to separate statutory requirements. Nevertheless, subregions that develop and adopt a subregional SCS should be aware that the SCS will form the basis for the allocation of housing need as part of the RHNA process. Further, SCS development requires integration of elements of the RHNA process, including assuring that areas are identified to accommodate the 8 year need for housing, and that housing not be constrained by certain types of local growth controls as described in State law.

SCAG will provide further guidance for subregions and a separate process description for the RHNA.

B. COUNTY TRANSPORTATION COMMISSIONS' ROLES AND RESPONSIBILITIES

Subregions that develop a subregional SCS will need to work closely with the CTCs/IVAG in their area in order to coordinate and integrate transportation projects and policies as part of the subregional SCS. As discussed above (under "Subregional Sustainable Communities Strategy"), any transportation projects identified in the subregional SCS must also be included in the 2012 RTP in order to be considered as a feasible strategy. SCAG can help to facilitate communication between subregions and CTCs/IVAG.

C. SCAG ROLES AND RESPONSIBILITIES

SCAG's roles in supporting the subregional SCS development process are in the following areas:

(1) Preparing and adopting the Framework and Guidelines

SCAG will adopt these Framework and Guidelines in order to assure regional consistency and the region's compliance with law.

(2) Public Participation Plan

SCAG will assist the subregions by developing, adopting and implementing a Public Participation Plan and outreach process with stakeholders. This process includes consultation with congestion management agencies, transportation agencies, and transportation commissions; and SCAG will hold public workshops and hearings. SCAG will also conduct informational meetings in each county within the region for local elected officials (members of the board of supervisors and city councils), to present the draft SCS, and APS if necessary, and solicit and consider input and recommendations.

(3) Methodology

As required by SB 375, SCAG will adopt a methodology for measuring greenhouse gas emission reductions associated with the strategy.

(4) Incorporation/Modification

SCAG will accept and incorporate the subregional SCS unless it does not comply with SB 375, federal law, or the Subregional Framework and Guidelines. As SCAG intends the entire SCS development process to be iterative, SCAG will not amend a locally-submitted SCS. SCAG may provide additional guidance to subregions so that subregions may make amendments to its subregional SCS as part of the iterative process, or request a subregion to prepare an APS if necessary. Further, SCAG can propose additional regional strategies if feasible and necessary to achieve the regional emission reduction target with the regional SCS. SCAG will provide a process and timeline whereby subregions would submit a draft subregional SCS for review and comments to SCAG, so that any inconsistencies may be identified and resolved early in the process. This process and timeline will be outlined in the written agreement between SCAG and the subregional organization.

(5) Modeling

SCAG currently uses a Trip-Based Regional Transportation Demand Model and ARB's EMFAC model for emissions purposes. In addition to regional modeling, SCAG is developing tools to evaluate the effects of strategies that are not fully accounted for in the regional model. SCAG is also developing two additional tools – a Land Use Model and an Activity Based Model – to assist in strategy development and measurement of outcomes under SB 375.

In addition to modeling tools which are used to measure results of completed scenarios, SCAG is developing a scenario planning tool for use in workshop settings as scenarios are being created with jurisdictions and stakeholders. The tool will be made available to subregions and local governments for their use in subregional strategy development.

(6) Adoption/Submission to State

After the incorporation of subregional strategies, SCAG will finalize and adopt the regional SCS as part of the 2012 RTP. SCAG will submit the SCS to ARB for review as required in SB 375.

(7) Conflict Resolution

While SB 375 requires SCAG to develop a process for resolving conflicts, it is unclear at this time the nature or purpose of a conflict resolution process as SCAG does not intend to amend a locally-submitted SCS. As noted above, SCAG will accept the subregional SCS unless it is inconsistent with SB 375, federal law, or the Subregional Framework and Guidelines. SCAG will also request that a subregion prepare an APS if necessary. It is SCAG's intent that the process be iterative and that there be coordination among SCAG, subregions and their respective jurisdictions and CTCs. SCAG is open to further discussion on issues which may generate a need to establish a conflict resolution process.

(8) Funding

Funding for subregional activities is not available at this time, and any specific parameters for future funding are speculative. Should funding become available, SCAG anticipates providing a share of available resources to subregions. While there are no requirements associated with potential future funding at this time, it is advisable for subregions to track and record their expenses and activities associated with these efforts.

(9) Preliminary Scenario Planning

SCAG will work with each subregion to collect information and prompt dialogue with each local jurisdiction prior to the start of formal SCS development. This phase of the process is identified as "preliminary scenario planning" in the schedule below. The purpose of this process is to create a base of information to inform SCAG's recommendation of a regional target to ARB prior to June 2010. All subregions are encouraged to assist SCAG in facilitating this process.

(10) Data

SCAG is currently developing, and will provide each subregion with datasets for the following:

- (1) 2008 Base year;
- (2) General Plan/Growth projection & distribution;
- (3) Trend Baseline; and
- (4) Policy Forecast/SCS.

While the Trend Baseline is a technical projection that provides a best estimate of future growth based on past trends and assumes no general plan land use policy changes, the Policy Forecast/ SCS is derived using local input through a bottom-up process, reflecting regional policies including transportation investments. Local input is collected from counties, subregions, and local jurisdictions.

Data/GIS maps will be provided to subregions and local jurisdiction for their review. This data and maps include the 2008 base year socioeconomic estimates and 2020 and 2035 socioeconomic forecast. Other GIS maps including the existing land use, the general plan land use, the resource areas, and other important areas identified in SB 375. It should be noted that none of the data/ maps provided were endorsed or adopted by SCAG's Community, Economic and Human Development Committee (CEHD). All data/maps provided are for the purpose of collecting input and comments

from subregions and local jurisdictions. This is to initiate dialogue among stakeholders to address the requirements of SB 375 and its implementation.

The list of data/GIS maps include:

1. Existing land use
2. Zoning
3. General plan land use
4. Resource areas include:
 - (a) all publicly owned parks and open space;
 - (b) open space or habitat areas protected by natural community conservation plans, habitat conservation plans, and other adopted natural resource protection plans;
 - (c) habitat for species identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies or protected by the federal Endangered Species Act (1973), the California Endangered Species Act, or Native Plant Protection Act;
 - (d) lands subject to conservation or agricultural easements for conservation or agricultural purposes by local governments, special districts, or nonprofit 501(c)(3) organizations, areas of the state designated by the State Mining and Geology Board as areas of statewide or regional significance pursuant to Section 2790 of the Public Resources Code, and lands under Williamson Act contracts;
 - (e) areas designated for open-space or agricultural uses in adopted open-space elements or agricultural elements of the local general plan or by local ordinance;
 - (f) areas containing biological resources as described in Appendix G of the CEQA Guidelines that may be significantly affected by the sustainable communities strategy or the alternative planning strategy; and
 - (g) an area subject to flooding where a development project would not, at the time of development in the judgment of the agency, meet the requirements of the National Flood Insurance Program or where the area is subject to more protective provisions of state law or local ordinance.
5. Farmland
6. Sphere of influence
7. Transit priority areas
8. City/Census tract boundary with ID
9. City/TAZ boundary with ID

(11) Tools

SCAG is developing a Local Sustainability Planning Model (LSPM) for subregions/local jurisdictions to analyze land use impact. The LSPM is a web-based tool that can be used to analyze, visualize and calculate the impact of land use changes on auto ownership, mode use, vehicle miles of travel (VMT), and greenhouse gas emissions in real time. Users will be able to estimate transportation and emissions impacts by modifying land use on 5.5 acres grid cell system, which was built from SCAG's current scenario development tool (Envision Tomorrow).

Other tools currently maintained by SCAG may be useful to the subregional SCS development effort, including the web-based CaLOTS application. SCAG will consider providing guidance and training on additional tools based on further discussions with subregional partners.

(12) Resources and technical assistance

SCAG will assist the subregions by making available technical tools for scenario development as described above. Further, SCAG will assign a staff liaison to each subregion, regardless of whether the subregion exercises its statutory option to prepare a SCS. SCAG staff can participate in subregional workshops, meetings, and other processes at the request of the subregion, and pending funding and availability. SCAG's legal staff will be available to assist with questions related to SB 375 or SCAG's implementation of SB 375. Further, SCAG will prepare materials for its own process in developing the regional SCS, and will make these materials available to subregions. Further assistance that can be provided by SCAG can be considered and discussed as these Framework and Guidelines are finalized.

D. MILESTONES/SCHEDULE

- SCAG compiles Growth Forecast (Baseline & Trend Workshops) – Summer 2009
- RTAC recommends Regional Targets methodology – September 2009
- SCAG finalizes draft baseline growth forecast – Fall 2009
- Deadline for Subregional SCS commitment – December 2009
- SCAG provides growth forecast data to subregions – January 2010
- SCAG provides preliminary regional emission reduction target to ARB – March 2010
- SCAG provides “Envision Tomorrow” tool to subregions – March 2010
- SCAG and subregions conduct preliminary scenario planning to inform regional target setting – January to March 2010
- CARB issues Final Regional Targets – September 2010
- SCS development (preliminary/draft etc) – through early 2011
- Subregions submit preliminary subregional SCS – February 2011
- Subregions submit final subregional SCS – June 2011
- Release Draft RTP/regional SCS for public review – November 2011
- Regional Council adopts RTP/SCS – April 2012

SUBREGIONAL ROLES COMPARISON MATRIX (Revised)

ATTACHMENT A

CATEGORY	DELEGATION	COLLABORATIVE PROCESS	NOTES
REVIEW DATA	✓	✓	
PROPOSE STRATEGIES	✓	✓	
CONVENE WORKSHOPS	✓	✓	
DEVELOP OUTREACH STRATEGIES	✓	✓	F&G strongly encourages subregions to develop own public participation plan following the requirements of statute
ADOPTION PROCESS	✓		
LEADING/FACILITATION ROLE	✓		In delegation, subregions will take lead role in developing SCS.
MODELING/ANALYSES			SCAG will perform technical modeling
USE OF SCENARIO PLANNING TOOL	✓	✓	SCAG will train employees of local cities to use SCAG's new off-model GHG tool, regardless of delegation
COST	✓	✓	Substantially greater cost for delegation, mostly associated with outreach
LIABILITY	✓		SCAG encourages subregions to consult their own legal advisor regarding liability considerations
CEQA			SCAG encourages subregions to consult their own legal advisor on CEQA matters; however, SCAG does not believe a subregional SCS would require an EIR
RHNA	✓		Subregional SCS would be the basis next RHNA
SUBREGIONAL TARGET			No subregional target per CEHD (10.01.09)
METRIC PER CAPITA	✓	✓	State target serves as reference point
PREPARING DOCUMENT	✓	✓	
ITERATIVE PROCESS	✓	✓	

Note: This matrix outlines the subregional roles, with the following assumptions: (1) All subregional roles in the Collaborative Process are **optional**; (2) Roles not taken by the subregions will be performed by SCAG; (3) This matrix is an illustrative summary of the more detailed discussion of roles and responsibilities found in the text of the Collaborative Process and the Subregional Framework and Guidelines.



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SB 375 Is Now Law -- But What Will It Do?

Submitted by Bill Fulton on 1 October 2008 - 8:32am

For more details on developments since the Fall of 2008, check out CP&DR's [SB 375 Resources Page](#).

SB 375, the anti-sprawl bill signed by Gov. Arnold Schwarzenegger last night, is both more and less powerful than it's advertised to be, and whether it leads to sweeping change depends on how aggressively California's regional planning agencies implement it.

It's more powerful than advertised because it contains potentially revolutionary changes in California's arcane processes of regional planning for transportation and housing – largely by mandating the creation of “sustainable” regional growth plans. And those changes could become more important on Friday, when the California Air Resources Board is expected to double the greenhouse gas emissions reduction targets that local governments must meet through land-use planning.

It also has the potential to significantly rearrange the Regional Housing Needs Assessment process, and provides significant breaks under the California Environmental Quality Act for certain types of transit-oriented projects.

But it's less than revolutionary on the land-use front, largely because it's incentive-based.

Despite the headlines, the law doesn't “tie state transportation funding to land use;” it merely charges regional planning agencies, which are run by local elected officials, with making sure their own funding decisions are consistent with the new regional plans. Local governments don't have to comply with the plans.

And no on-the-ground change is likely to be seen for at least three years – until the regional planning agencies actually adopt the “sustainable communities” growth scenarios called for in the law.

The bottom line is that the law won't be sweeping unless the state and the regional planning agencies take it seriously. After all, California has adopted potentially sweeping land-use reform before – for example, AB 857, which contains clear and broad-ranging anti-sprawl language – but that reform has simply not been implemented. And there is clearly enough wiggle room for the regional planning agencies not to take the law seriously if they choose.

Schwarzenegger said Tuesday, “This legislation constitutes the most sweeping revision of land-use policies since Gov. Ronald Reagan signed the California Environmental Quality Act.”

Senate leader Darrell Steinberg (D-Sacramento) said the bill “will be used as the national framework for fighting sprawl and transforming inevitable growth to smart growth. This is a historic day for California.”

Schwarzenegger signed the bill only hours before the deadline on Tuesday – and with more suspense than anybody expected. At the Commonwealth Club in San Francisco last Friday, the governor was equivocal about whether he would sign the bill. Unconfirmed reports suggest that California's transportation lobby attempted behind the scenes to persuade the administration to veto the bill at the last minute – but those efforts failed. In the end, Schwarzenegger simply had to sign the bill, since it implements his much vaunted AB 32 and was endorsed by local governments, homebuilders, and environmentalists.

The bill contains five important aspects that California planners should understand:

1. Creation of regional targets for greenhouse gas emissions reduction tied to land use.
2. A requirement that regional planning agencies create a plan to meet those targets, even if that plan is in

conflict with local plans.

3. A requirement that regional transportation funding decisions be consistent with this new plan.
4. Tethering together regional transportation planning and housing efforts for the first time.
5. New CEQA exemptions and streamlining for projects that conform to the new regional plans, even if they conflict with local plans.

1. Regional Targets

Under the law, the California Air Resources Board has two years – until September 30, 2010 – to give each of California’s metropolitan planning organizations a greenhouse-gas emissions reduction target for cars and light trucks – but only through changes in the development pattern.

As many commentators have observed, reducing emissions from cars and light trucks is a “three-legged stool.” One leg involves greater fuel efficiency from new vehicles – a requirement called for under former Assemblymember Fran Pavley’s AB 1493, which is currently in dispute between the state and federal governments. The second leg involves reducing the carbon content of fuels – a requirement called for under Schwarzenegger’s low-carbon emissions standards.

The third leg of the stool is changes in the growth pattern that reduce overall driving. The regional targets will cover only this third leg of the stool.

Under the CARB’s “Scoping Plan,” required under AB 32, about 20% of overall emissions reduction must come from cars and light trucks. But 1.2% must come from local governments – and that figure is likely to double with the release of a revised Scoping Plan.

The process by which CARB sets the targets is technical, but the agency will be required to set up a “Regional Targets Advisory Committee” that includes all stakeholders, including local governments, builders, and planners. MPOs can propose their own target. The target will be revised every 8 years to conform to the new, unified housing and transportation planning schedule set up by the bill.

2. The Sustainable Communities Plan Requirement

Once the MPOs have received the regional targets in late 2010, they will be required to create a “Sustainable Communities Strategy” that lays out how the emissions reduction will be met. Technically, this strategy becomes part of the Regional Transportation Plan – an important point, because it tethers the sustainable strategy to federal transportation planning law.

The Sustainable Communities Strategy was the subject of major debate in the Legislature – and as these strategies are shaped by the MPOs (whether in 2011 or before) they are likely to serve as a lightning rod for discussion about the future growth patterns in every region. But the way SB 375 came out of the Legislature, the Sustainable Communities Strategy isn’t quite as bulletproof as you might think.

It does incorporate the RHNA requirement to provide housing to accommodate all income groups – for the simple reason that, if housing targets weren’t incorporated, the emissions reduction target could be met simply by cutting growth. But provisions requiring incorporation of resource and open space land considerations were watered down.

And because it’s part of the RTP, the Sustainable Communities Strategy is subject to certain provisions of federal transportation law that could undercut the anti-sprawl efforts – especially a provision stating that the RTP must be based on “current planning assumptions” in the region that take general plans into account. “If a certain type of development pattern is unlikely to emerge from local decision-making,” League of California Cities lobbyist Bill Higgins noted recently, “it will be difficult for the regional agency to say that it reflects current planning assumptions.”

In addition, Higgins and other local government lobbyists succeeded in inserting language saying that the Sustainable Communities Strategy is not a land-use plan and SB 375 does not confer land-use authority on the MPOs. As Higgins said last week at the CCAPA conference in Hollywood, this means that local governments’ own General Plans don’t have to conform to this Sustainable Communities Strategy.

As is typically the case in planning, the Sustainable Communities Strategy can contain only “feasible” measures to reduce greenhouse gas emissions. If the end result doesn’t hit the CARB target, the MPO must develop a second plan – the “Alternative Planning Strategy,” which is technically separate from the RTP but nevertheless must lay out an alternative plan to meet the target. The alternative strategy becomes important in the CEQA exemptions below.

3. Transportation Funding Consistency

Here is where the rubber meets the road – sort of. From the beginning, SB 375 has been advertised as the law where, at last, state transportation funding decisions are tied to land use. This is technically true – but only technically. Under 375, there are no state bureaucrats in Sacramento doling out transportation money to cities and counties based on whether the local anti-sprawl efforts are sufficient. Instead, the bill uses the existing system – which gives most of the power to make transportation funding decisions to the regional MPOs.

So the only thing SB 375 says is that the Regional Transportation Plan has to be internally consistent – meaning the action items and financing decisions called for in the RTP must be consistent with the Sustainable Communities Strategy. This means SB 375 is subject to the same major structural issue as the RTP itself: Ultimately, the decisions at the regional level are made by MPO board members, who are local elected officials. And, as we all know, it’s unlikely that elected officials sitting as regional planning board members will pull the trigger on each other.

In other words, SB 375 talks tough about tying state and federal transportation dollars to land use decisions, but the bill does not alter the current regional planning structure, which delegates decision-making authority to local officials sitting as MPO board members.

4. Connection to Regional Housing Needs Assessment

SB 375 also changes the state Housing Element law in important ways – and, for the first time, links regional planning efforts for transportation and housing. Under the bill, all transportation and housing planning processes are put on the same eight-year schedule – that is, the plans must be updated once every eight years. (There’s a penalty for jurisdictions that don’t meet the Housing Element schedule: They must prepare Housing Elements every four years instead.)

The law also strengthens the language on required rezonings: If a local jurisdiction must rezone property as a result of the Housing Element, it must do so within three years and it must include minimum density and development standards for the site.

Most important, however, is the fact that the RHNA allocation numbers must conform to the Sustainable Communities Strategy. This has important consequences for the RHNA process and Housing Element implementation. The regional planning agencies are required to provide local governments with a housing allocation representing their “fair share” of regional growth. But the Sustainable Communities Strategy is likely to concentrate future development around transit stops. The end result of the RHNA process in the future is likely to look something like what the Association of Bay Area Governments has recently done in this arena – cutting a deal among the local governments to allow more housing in transit-rich areas, and rearranging the RHNA numbers to accommodate that goal.

5. CEQA Exemptions and Streamlining

In terms of planning practice, the most powerful provisions of SB 375 have to do with CEQA Exemptions and Streamlining. Under the new law, certain types of development projects are exempt from CEQA – or qualify for streamlined review – if they conform to the Sustainable Communities Strategy. And these projects qualify for streamlined review even if they conflict with local plans. Of course, such projects can’t qualify for an exemption or streamlined review until a Sustainable Communities Strategy is adopted, which is likely about three years from now.

But the list of caveats is long, meaning the eventual impact of the CEQA provisions may not be as significant as you might think.

Two types of projects qualify for CEQA breaks under SB 375 – residential or mixed-use projects, and “transit priority projects”.

Under the law, a residential or mixed-use project that conforms to the Sustainable Community Strategy qualifies for CEQA streamlining. Specifically, the CEQA review does not have to cover growth-inducing impacts; and it does not have to cover either project-specific or cumulative impacts dealing with climate change.

More significant is the "transit priority projects." These projects can qualify for either a full CEQA exemption or a streamlined environmental assessment if they meet certain criteria.

"Transit priority projects" are projects that meet the following criteria:

1. Contain at least 50% residential use
2. Have a minimum net density of 20 units per acre
3. Have a floor-area ratio for the commercial portion of the project at 0.75
4. Be located within ½ mile of either a rail stop, a ferry terminal, or a bus line with 15-minute headways.

Under the law, projects can qualify for a full CEQA exemption if:

- They are no bigger than 8 acres or 200 units
- They can be served by existing utilities
- They will not have a significant effect on historic resources
- Their buildings exceed energy efficiency standards
- They provide ANY of the following:
 - 5 acres of open space
 - 20% moderate income housing
 - 10% low income housing
 - 5% very low income housing.

Under the law, "transit priority projects" that don't meet these criteria still qualify for a truncated environmental assessment similar to the truncated environmental assessment permitted for residential and mixed-use projects specified above.

– Bill Fulton

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