SB 375

(from 30,000 feet)
Legal and Historical Context

• The Global Warming Solutions Act of 2006 ("AB 32")
  – GHG
  – Back to the Future: 1990 in 2020
  – Power to ARB
AB 32 and SB 375

• “It will be necessary to achieve significant additional GHG reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of SB 32.”
The Regional Transportation Plan

• Metropolitan Planning Organizations
• The RTP
  – “To encourage and promote the safe and efficient development, management and operation of surface transportation systems.”
Sustainable Communities Strategy

- The bedrock of SB 375
- Combining housing and transportation strategies
- Reaching the GHG emission target
SCS: GHG Target and ARB

- GHG target adopted by ARB
- Regional Targets Advisory Committee
- Get involved!
SCS: Public Input

- Informational meetings
- Public Participation Plan
SCS: Review and the APS

• ARB Review of the SCS
• The Alternative Planning Strategy
Regional Housing Issues

• Significant changes to current law = significant impacts
• Potentially significant penalties
CEQA

- Relief is limited
- Transit Priority Projects
- Sustainable Communities Projects
LAFCO?

• Adequacy of public services
• SB 375 influences population distribution and thus, levels of service
• Consistency considerations
• Regulating land use
SB 375

65080(b)(2)(F)

In preparing a sustainable communities strategy, the metropolitan planning organization shall consider spheres of influence that have been adopted by the local agency formation commission within its region.

24 words that will change LAFCO/MPOs/COGs
65080(b)(2)(D)

This section requires the MPO, in our area SCAG, to conduct meetings with the County and Cities to “solicit and consider their input and recommendation” on the Sustainable Communities Strategy or Alternative Planning Strategy, if any.

No such identification of information request or participation is made for LAFCOs or Special Districts.
Are LAFCOs important to this process?

- We have the background data that defines the service capabilities for cities and special districts.

- LAFCO defines the probable service area through its sphere of influence determinations.
Apple Valley Community Water Districts
SB 375—A Builder/Developer Perspective
Background

- Although the smallest percentage contribution to emissions, land use was the first sector to be targeted by regulators and politicians for regulation after adoption of AB 32
- The easiest political/regulatory target
- It was not a question of if the industry would be regulated, but rather when and which agency would be the primary regulator
Background

“The most sweeping revision of land use policies since Governor Ronald Reagan signed the California Environmental Quality Act (CEQA) nearly four decades ago…”

Governor Schwarzenegger
Background

Accomplished by amending and integrating together existing Green House Gas (GHG) Reduction, Transportation, Land Use and Environmental planning processes:

- CARB GHG Reduction Targets
- CEQA Revisions to Address GHG Analysis
- Regional Transportation Planning (RTP)
- Regional Housing Needs Assessment (RHNA) and Allocation Process
- General Plan Housing Element Updates
- Zoning Changes
Background

- CARB sets Land Use Sector GHG Emissions Reduction Targets (AB 32) using available technical information and modeling
  - 5 million metric tons CO2E
  - 01/09
- CARB/OPR/Resources Agency Adopt new CEQA Rules for analysis of GHG emissions
  - CARB recommends thresholds 02/09
  - OPR proposed CEQA guidelines to provide framework for GHG 2/09
  - OPR must adopt CEQA guidelines to provide framework and thresholds by 07/09
Background

- SCAG develops Sustainable Communities Strategy (SCS) Element of RTP as integrated land use, transportation strategy, and housing needs strategy to meet Regional GHG Targets
- OCCOG and OCTA may prepare subregional component of SCS and provide to SCAG
- SCAG (if top down) or OCOG/OCTA (if bottom up) conducts modeling to establish that SCS achieves Regional GHG Emissions Reduction Target
Background

- CARB develops methodology to determine, and sets Regional GHG Emissions Reduction Targets for each Region required to meet Sector Reduction Target with input of Regional Technical Advisory Committee (RTAC)
  - Appoint RTAC 01/09
  - RTAC Recommendations Report 09/09
  - CARB Regional Reduction Target 09/09
Background

- SCAG develops SCS to meet GHG Reduction Target
- If GHG Emissions Reduction Target is not met, SCAG develops Alternative Planning Strategy (APS)
- SCAG adopts SCS, RTP, and APS(?) no later than May 2012 (planned deadline April 2012)
- CARB approves or disapproves within 60 days—No later than July 2012
Background

- Local Agencies submit updated Housing Elements incorporating updated RHNA allocations consistent with SCS no more than 18 months after SCAG adopts RTP (and CARB approves SCS?) = October to December 2013 instead of June 2014

  - June 2012: SCAG/HCD determine Regional Housing Need
  - June 2013: SCAG adopts RHNA allocations
Background

- March 2017: Last day for local agencies to adopt zoning consistent with updated Housing Elements, RHNA allocations. Penalties for failure to do so.
Builder/Developer Concerns

The following represent implementation issues and concerns

Addressing these in proceeding with implementation will require an unprecedented level of cooperation between Builders/Developers, municipalities, OCOG, OCTA, and SCAG

All must be addressed and resolved in 3.5 years.
Builder/Developer Concerns

Science, Technical Work and Modeling

1. No scientific basis for floor of 5 million metric tons for Sector GHG Emissions Reductions
2. No requirement for CARB to take RTAC input
3. Representatives to RTAC?
4. Modeling tools available to evaluate SCS achieve emissions reductions almost exclusively by vmt reductions
Builder/Developer Concerns

- Bad science leads to unachievable emissions reductions; high cost and low benefit; vmt reduction-driven land use scenarios
- Result: precludes greenfield development that even Compass Plan recognized is required to accommodate demographic growth
Builder/Developer Concerns

Costs of Planning Process/Implementation

- Peter Detweiler: “SB 375 planning funds available under AB 732, if they materialize in this budget crisis, are a fig leaf”
- Legislative Office of Accounting Report “implementation costs are vastly understated
- Per DU costs will rise
- Adverse impacts to affordable housing primarily built in greenfield
Every Businessman’s Concern
Builder/Developer Concerns

Who’s on first? Create a new integrated planning process & regulations, complete science and modeling, prepare a plan that integrates 3 complex planning processes and results in an adopted SCS and RTP in 3.5 years.
SB 375 does not mandate General Plan and Zoning consistency with Sustainable Community Strategy (GHG Reduction Land Use Plan)

But SB 375 does mandate transportation projects must be consistent with RTP/SCS to get funding

And SB 375 does mandate zoning consistent with a RHNA allocation that must be consistent with RTP/SCS
Builder/Developer Concerns

- *Does not* mandate action inconsistent with “vested” project entitlements
- *Does not prohibit* action inconsistent with “vested” entitlements and *may require* action inconsistent with existing entitlements to achieve GHG emissions reductions target
- Basis for SCS will be Envision
- Only Protections: Clean Air Act requirement for RTPs to be based on realistic land use plans/ RHNA numbers
Builder/Developer Concerns

- Is Strawman/Envision Plan reasonable and feasible development pattern?
- Significant Potential for regional land use planning
- Builders/developers favor subregional COGs/CTCs prepare SCS.

'I don't think there's much we can do about it— he's on the planning committee.'
Building/Developer Concerns

- Very limited CEQA streamlining
- Limited protection from NIMBY suits against up-zoning
- Increasing CEQA requirements from OPR and CARB NOW--before any ability to conduct planning to achieve reductions
Background

Trailer Bill Planned??:

- Exempt Prop 1B Transportation Projects
- Expand CEQA Streamlining to other projects consistent with Sustainable Communities Strategy (SCS)
- Eliminate Schedule conflicts with Housing Element and Regional Transportation Plan (RTP) Updates
- Mitigate for Impacts to State Highway System
Unprecedented Cooperation

- Keep the Regional Target Reasonable
- Strategically Move Beyond VMT—Models and Policy
- Deep Analysis of *Envision*—*Earlier not Later*
- Protect the Subregional and Local Roles
- Strategically Define our Baseline *and our Reduction Goals*
- Re-channel Counterproductive Defensive Measures
SB 375 Building Industry Perspective

Please see handout.
Issues best spotted through review of implementation timelines.

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SCAG’s implementation plan for SB 375 and how LAFCOs will be involved

Huasha Liu, Director
Planning Methods, Assessment & Compliance
Southern California Association of Governments

March 12, 2009
Purpose of SB 375

- Achieve specified GHG emission reduction targets in 2020 and 2035
  - from autos and light duty trucks
  - through land use and related policies
- Integrate RTP with other regional plans and processes
  - Sustainable Communities Strategy (SCS)
  - Regional Housing Needs Assessment (RHNA)
Requirements of SB 375

- Mandate SCAG to adopt Sustainable Communities Strategy (SCS) to meet GHG target (if feasible)
- Prepare Alternative Planning Strategy (APS) if target not met with SCS
- Consider Spheres of Influence (SOI) that have been adopted by the LAFCOs for the region
- Integrate land use, transportation, RHNA plans
- Ensure plan consistency
- Allow CEQA streamlining/exemption – Transit Priority Project declared as SCS project
- Adopt and conduct public participation plan
What We’ve Been Doing

- Performing bill analysis, Learning
- Holding workshops around the region
- Convening focused stakeholder discussions
- Pursuing clean-up legislation
- Participating in Regional Targets Advisory Committee (RTAC) process
- Beginning 2012 RTP development
Who We’ve Been Talking To

- Sub-regions / Local jurisdictions
- County Transportation Commissions
- Started talking to LAFCOs, getting SOI data
- Plans and Programs Technical Advisory Committee (P&P TAC)
- Legislature
- Air Resources Board (ARB)
- Other Metropolitan Planning Organizations (MPOs)
- Private Sector
- Other Stakeholders
What We’ve Learned / How to Make This Work

- Clear goals
- Open and transparent process
- Participation / Collaboration / Outreach
  - Blueprint “Champion Cities” representatives
  - SCAG Regional Council members
  - Sub-regions/local jurisdictions representatives
  - LAFCOs representatives
  - Resource/service agencies
  - Staff and consultant
  - CTCs representatives
  - Building industry representatives
  - Ports representatives
- Conceptual Land Use Scenario to initiate discussion
Implementation Goals

- Achieve GHG emissions reduction target through SCS
- Integrate regional planning for transportation, land use, and housing
- Full and open participation
- Incorporate local and sub-regional plans and priorities
- Comply with the law
Components of SCS

Eight components described in law, but major elements are:

- Land use / growth distribution
- Transportation infrastructure
- Transportation policies (e.g. demand management / pricing)
Sample Area: Fullerton Metrolink Station
One-half Mile Buffer
1. Identify Existing Land Use Information

Location of Uses

Residential Density

Building Intensities
4. Identify Transportation Needs and Planned Network

Source: SCAG 2008 RTP
5. Consider Resources Areas and Farmland Information

Source: SCAG 2008 RTP EIR
2, 3 & 6. Identify Short- and Long-Term Housing Development Areas and Consider State Housing Goals

- Identify areas sufficient to house all the population of the region, including all economic segments over the RTP planning timeframe

- Identify areas sufficient to house an 8-year projection of the regional housing need

- Ensure consistency with state housing goals
7. Create a Forecasted Development Pattern Integrated with the Transportation Network that Reduces GHG Emissions (2020)

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Source: SCAG 2008 Draft RTP
8. Ensure the RTP to comply with federal transportation conformity requirements*

* Clean Air Act Sec 176
City Boundaries in Los Angeles County
Spheres of Influence in Los Angeles County
Spheres of Influence and Cities in Los Angeles County
Spheres of Influence, Cities And Existing Transit Hubs

Transit Hubs
- Orange Line
- Blue Line
- Green Line
- Red Line
- Gold Line
- Metrolink
- RTIP (Baseline) - Commuter Rail
- RTIP (Baseline) - Light Rail
Cities of Lancaster and Palmdale in Los Angeles County
Spheres of Influence and the Two Cities in Los Angeles County
Spheres of Influence, the Two Cities
And Existing Transit Hubs

Transit Hubs
- Orange Line
- Blue Line
- Green Line
- Red Line
- Gold Line
- Metrolink
- RTIP (Baseline) - Commuter Rail
- RTIP (Baseline) - Light Rail
How SCAG Could Collaborate with LAFCOs in Implementing SB375

- LAFCOs could play a key role in developing SCS, particularly for the Spheres of Influence areas
  - Provide Spheres of Influence (SOI) information and potential future trend
  - Participate in the SCAG region integrated planning and forecasting process
  - Participate in SCAG/Sub-region outreach teams
  - Participate in SCAG’s Plan & Policy Technical Advisory Committee

- Ensure local jurisdiction boundary changes consistent with SCS
  - Ensure boundary and services changes consistent with Transit Priority Projects
  - Ensure boundary changes consistent with sustainable communities projects

- Establish close collaboration between LAFCOs, SCAG, and its stakeholders
  - On-going dialogues at both executive and staff levels
How SCAG could Collaborate with LAFCOs in Implementing SB375 (Continued)

- Incorporate 2012 RTP and SCS into LAFCOs’ policies and factors regarding land use, transportation, and housing planning in the Spheres of Influence areas.

- Coordinate with the city and county on RHNA allocations as result of annexations.
The End

☐ Questions?

☐ Comments?

☐ Discussion