



SB 375



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Genesis of SB 375 = AB 32 (Global Warming Solutions Act)

- AB 32 directs California Air Resources Board to:
 - Develop a comprehensive GHG emissions reduction plan (Scoping Plan) to reduce the State’s GHG emissions to 1990 levels by 2020
 - Develop and implement GHG reduction regulations
 - SB 375 is the transportation and land use “piece of the puzzle” to reduce GHG emissions under AB 32

Governor's Press Release on SB 375 (9/08):

- “SB 375 will help us reach our AB 32 goals by directing ARB to develop regional greenhouse gas emission reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035.”
- ARB will work with California's 18 metropolitan planning organizations to align their regional transportation, housing and land-use plans and prepare a "sustainable communities strategy" to reduce the amount of vehicle miles traveled.

Fewer and shorter vehicle trips

“Spending less time on the road is the single-most powerful way for California to reduce its carbon footprint.”

Office of the Governor,
9/30/08



SB 375: Four Main Elements to reduce GHGs through Transportation and Land Use Policies

- A. CARB to set regional targets for reducing GHG emissions from passenger vehicles and light duty trucks
- B. Regions to establish frameworks for reducing GHG emissions through a *Sustainable Communities Strategy*
 - a “blueprint” for regional transportation infrastructure and development
- C. CEQA streamlining for residential and mixed-use residential projects consistent with the SCS and transit priority projects
- D. Align the Regional Housing Needs Assessment (RHNA) and Housing Element Law with SCS

A.

CARB To Set Regional GHG Targets

- Emissions reductions targets to be set by CARB by September 30, 2010
- 8 year horizon
- Regional Targets Advisory Committees (RTAC) to provide CARB with strategies to reduce GHGs, methods to describe targets and monitor performance
- Each region may recommend its own target
- Reductions must factor out reductions from increased fuel efficiency standards

B.

SCS: Regional Land Use Plan to Achieve GHG Targets

Sustainable Communities Strategy (SCS)

- Developed by Metropolitan Planning Organizations (MPO) as part of regional transportation plan (RTP)
- Must include a development pattern that would achieve GHG targets “if feasible to do so.”
- CARB to determine sufficiency to reach target for GHG reductions
- To be included as part of RTP—internal consistency required
- Funding of transportation projects must be consistent with SCS

Alternative Planning Scenario

If SCS not sufficient:

Alternative Planning Scenario (APS)

- A statement of “ambition”
- Not a land use plan
- Not part of the RTP



Elements of SCS

- Based on current planning assumptions: uses existing GPs as the starting point
- Identify areas sufficient to house all income groups over period of RTP (20 years)
- Identify densities and building intensities within region sufficient to accommodate 8 yr. RHNA
- Identify general location of all land uses
- Identify a transportation network sufficient to service the region
- Gather and consider information on resource land and farmland
- Requires RTP/SCS to include a development pattern that achieves the regional GHG targets ...*if feasible to do so...*
- Local GPs and zoning not required to be consistent with SCS

What A SCS is NOT

- The SCS is not a land-use plan; SB 375 does not confer land-use authority on the MPOs
- General Plans don't have to conform to the SCS
- A SCS can contain only “feasible” measures to reduce greenhouse gas emissions.
- If SCS 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.

What is an Alternative Planning Scenario

- A statement or demonstration by the region of how it could achieve its GHG goals where CARB has determined the SCS to be inadequate
- APS is not a land use plan
- Is not part of the RTP
- Local GPs and zoning need not be consistent with the APS (or SPS)
- Not a consideration as to whether a project may have environmental effect

C. Regulatory Incentives: CEQA streamlining

Applicable in regions with CARB-approved SCS/APS and the specific projects:

IF PROJECT IS:

- residential/mixed use residential
- consistent with designation, density, intensity and policies specified for project area.
- incorporates applicable mitigation measures in prior plan-level EIR to reduce GHGs

CEQA

The California Environmental Quality Act

CEQA Streamlining, cont'd

THEN: project-level environmental analysis need not analyze:

- GHG emissions resulting from autos and light duty trucks
- growth-inducing impacts
- cumulative impacts from passenger vehicles attributable to the project on global warming or on the regional transportation network
- discuss a reduced residential density alternative to address the effects of passenger vehicles generated by the project.

CEQA Streamlining Transit Priority Projects

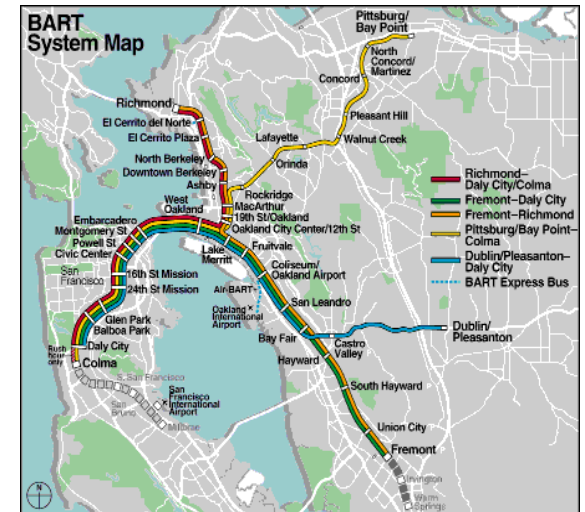
- Transit Priority Project (TPP):
 - consistent with the SCS/APS
 - at least 50 percent residential
 - 20 du/acre
 - .5 mile of a transit corridor with a 15-minute service interval at peak times.



Transit Priority Projects

CEQA Exempt if:

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



Transit Priority Projects, cont'd

- Project-specific environmental assessment (aka “**Short Form EIR**”): Non-exempt transit priority projects qualify for initial study project specific analysis, shorter comment period and exemption from the cumulative or growth inducing analysis consistent with the SCS/APS

D. Housing Element Law and RHNA Aligned with RTP and SCS

- Regional Housing Needs Allocation (RHNA) must be consistent with SCS and RTP must fully accommodate RHNA needs
- 8 year RHNA mandated for “non-attainment” regions
- For all regions in 8 year cycle, MPO allocates RHNA when RTP adopted. Jurisdiction has 18 months to revise Housing Element and submit to HCD



Conclusions, Observations and Questions

Will SB 375 have teeth? Various views:

“SB 375 will **quickly engender action** at the local level and by environmental organizations to move toward this **new denser, transit-focused infrastructure and development pattern**. This will most likely be true particularly in the state’s existing metropolitan regions, such as the Bay Area, Sacramento, Los Angeles, and San Diego. ”

-Environmental Newsletter of an unnamed San Francisco law firm, October, 2008

Other views

“SB 375 . . . 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. . . . **Despite the headlines, the law doesn’t ‘tie state transportation funding to land use;’ it merely charges regional planning agencies . . . with making sure their own funding decisions are consistent with the new regional plans.** Local governments don’t have to comply with the plans.”

-California Planning and Development Report,
September, 2008

SB 375: Change Over Time

- At least 3 years to take effect
- Implementation will be key
- Likely boon for infill development
- While plan consistency not required, consistency with SCS could show up as CEQA measures on individual development projects

