

Summary SB375, Steinberg, SBCAG Staff Analysis¹

Requires Metropolitan Planning Organizations like SBCAG to develop a "Sustainable Communities Strategy" that meets targeted reductions in greenhouse gas emissions set by the Air Resources Board requires extensive public, stakeholder and local agency participation and is integrated into an update to our Regional Transportation Plan

Extends Housing Element and RHNA cycle to 8 years and integrates RHNA allocation into Sustainable Communities Strategy; provides judicial relief if agencies do not complete housing element rezoning in a timely manner; provides CEQA relief for transit priority projects. The bill also provides a process to update regional travel model guidelines.

- I. Objective of Sustainable Communities Strategy: Achieve targeted reductions in greenhouse gas emissions from automobiles and light trucks
 - a. Greenhouse Gas emission targets for 2020 and 2035 set for each region by Air Resources Board by June 30 2010, draft, and September 30, 2010, final
 - i. Requires ARB to appoint Regional Targets Advisory Committee composed of MPO's, Air Districts, League, CSAC, and various advocacy organizations
 - ii. Committee recommends methodologies used in setting greenhouse gas emission reduction targets for the affected regions accounting for specified factors, e.g., demographic and economic trends, benefits of land use and transportation strategies, jobs-housing balance impacts on interregional travel, monitoring mechanisms etc.
 - iii. ARB may revise targets every 4 years and update targets every 8 years in a consultative process which is also tied to RTP Updates
 - iv. MPO may recommend a target
 - b. Strategy developed and adopted as part of Regional Transportation Plan update
 - c. Requires certain planning and programming activities to be consistent with Sustainable Communities Strategy

Exception: Projects programmed by Dec. 21, 2011 not subject to strategy, i.e. local option sales tax projects like Measure A.
 - d. Requires ARB review of MPO Sustainable Communities Strategy (SCS) to examine if regional emission methodology is appropriate and if targets are achieved. MPO is encouraged to work with ARB until ARB concludes that the methodology

¹ Analysis is specific to potential impacts on SBCAG, does not address issues with multicounty MPO's. Analysis based on August 18, 2008 version of the bill. Analysis prepared by Michael Powers, Deputy Director, SBCAG

operates accurately. If ARB determines SCS adopted by MPO does not achieve greenhouse gas emission targets the MPO shall revise its Sustainable Communities Strategy

- e. Adopted Sustainable Communities Strategy do not regulate the use of land and are not subject to state approval and city or county land use policies are not required to be consistent with the RTP nor does the Strategy impact prior vested rights.
- f. No specified funding for MPOs to develop Sustainable Communities Strategy
- g. Provides for Alternative Planning Strategy if greenhouse gas reductions targets are not met (which are not likely to be an issue in our case I assume)
- h. MPO shall consider financial incentives for local agencies that have resource areas or farmlands for purposes of transportation investments for preservation and safety of road system and farm to market transportation needs and for implementing policies for growth to occur within cities
- i. Schedule: Estimated Plan initiation no later than 4 1/2 years before due date of next housing element update. Due next of next cycle is June, 2014; therefore estimated initiation of update of SBCAG RTP and development of Sustainable Communities Strategy is January, 2010. SBCAG notifies local agencies and HCD of our initiation and presumably HCD allocates our RHNA countywide total housing need

II. Mandatory Components of Sustainable Communities Strategy

- a. Most recent planning assumptions considering local general plans and other factors
- b. General location of uses, residential densities, and building intensities
- c. Areas sufficient to house all population of the region over the course of the planning period of the RTP taking into account factors considered in recent RGF update by SBCAG
- d. House an 8 year RHNA cycle
- e. Gather and consider best practically available scientific information on resource areas, to include parks, open space, habitat areas, conservation areas, biological resources, areas subject to flooding, and farmlands that are outside city Spheres of Influence and classified as unique, of statewide importance, classified in local General Plan
- f. Account for LAFCO adopted Spheres of Influence
- g. Set forth a forecast development pattern when integrated with the transportation network and other transportation policies will reduce greenhouse gas emissions and meet the target set by ARB

III. Outreach in Developing Sustainable Communities Strategy

- a. Public Participation Plan required
 - i. Stakeholder groups identified including affordable housing advocates, transportation advocates, environmental advocates, neighborhood and community groups advocates, home builder reps., broad-based business groups, landowners, commercial property interests, and homeowner associations
 - ii. Workshops (at least one) to provide public with information and tools to provide clear understanding of issues and policy choices
 - iii. Urban simulation computer modeling to create visual representations of sustainable communities strategy
 - iv. Draft plan available 55 days before adoption of final plan
 - v. Minimum of two public hearings to be held in different parts of the region
 - vi. Single point of contact for notices, information, updates
- b. Informational workshops for county board and city councils (Notices sent to Clerk of Board and City Council Clerks)
- c. Draft strategy presented to solicit comment from County Board, City Councils, public, including representatives of transportation and transit agencies

IV. Regional Housing Needs Allocation changes

- a. Extends RHNA cycle from 4 to 8 years and ties with the development of RTP update
- b. Relationship between jobs and housing given additional emphasis
- c. RHNA shall allocate housing units consistent with the development pattern in the Sustainable Communities Strategy
- d. Approval resolution shall demonstrate the RHNA Plan is consistent with the Sustainable Communities Strategy in the RTP

V. Local Impacts

- a. Establishes Sustainable Communities Strategy as a state-mandated local program
- b. Housing Element Changes
 - i. Extends Housing Element Review to 8 years, except in certain cases when review is 4 years
 - ii. Extends implementation timeline of Housing Element from 5 to 8 years
 - iii. Requires annual report to include status of implementation actions on prescribed deadlines and report is subject to public input
 - iv. Adequate sites requires rezoning shall include minimum density and development standards for rezone sites to be completed within 3 years of Housing Element adoption, with one year extension under conditions
 - v. Failure to implement rezoning results in local government being unable to disapprove an affordable housing project under certain conditions
 - vi. Judicial review language seems to compel local rezoning
- c. Based on extensive findings, CEQA relief for "transit priority project" which is also classified as a Sustainable Communities Project
- d. "Sustainable Communities' Environmental Assessment." Substituted for traditional CEQA review. Cumulative impacts excluded from examination if considered in prior reviews by other prior applicable certified environmental reports
- e. Transit priority project contains at least 50% residential (based on building sq. feet), is a minimum net density of 20 dwelling units per acre, and is ½ mile of existing or planned major transit stop or high-quality transit corridor identified in RTP; be no more than 8 acres and 200 units; no net loss in affordable units, or any single building >75,000 sq. ft.; provides 5 ac. Open space per 1,000 residents
- f. High quality transit corridor has 15-minute service (or better) in peak hour
- g. CEQA relaxation (certain information regarding growth inducing impacts or impacts from certain vehicle trips) for mixed use and some residential projects meeting specified and extensive criteria
- h. Authorizes the legislative body of a local jurisdiction to adopt traffic mitigation measures for transit priority projects. The bill would exempt a transit priority project seeking a

land use approval from compliance with additional measures for traffic impacts, if the local jurisdiction has adopted those traffic mitigation measures.

VI. Travel Modeling

- a. California Transportation Commission publishes and updates with input from MPO's and other guidelines for travel models
- b. Guidelines must address a variety of details including: relationship of land use, vehicle ownership and trips; impact of better transit on vehicle ownership and trips; mode split among trios including pedestrian and bicycle; and the impact of speed frequency and availability of transit service
- c. MPO must publish information on travel model in useful and understandable format
- d. Local agencies encouraged to use the travel model guidelines

Senate Bill No. 375

Passed the Senate August 30, 2008

Secretary of the Senate

Passed the Assembly August 25, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock _____ M.

Private Secretary of the Governor