SB 375 Steinberg: Transportation Planning: Travel Demand Models: Sustainable Communities Strategy: Environmental Review

"Aligns transportation and housing planning to reduce greenhouse gas emissions"

Status: Enrolled; sent to Governor 8/30/08

Brief: This bill requires metropolitan planning organizations to include sustainable communities strategies in their regional transportation plans for the purpose of reducing greenhouse gas emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

Specifically, this bill

1) Requires the Air Resources Board to provide each region with greenhouse gas emission reduction targets for the automobile and light truck sector;
2) Requires a regional transportation plan (RTP) to include a Sustainable Communities Strategy designed to achieve the targets for greenhouse gas emission reduction;
3) Requires the California Transportation Commission to maintain guidelines for travel demand models;
4) Requires cities and counties, in general, to revise their housing elements every eight years in conjunction with the regional transportation plan and complete any necessary rezonings within a specific time period; and
5) Relaxes CEQA requirements for housing developments that are consistent with a Sustainable Communities Strategy.

Bill Provisions (highlights):

1. Makes findings and declarations concerning the need to make significant changes in land use and transportation policy in order to meet the greenhouse gas reduction goals established by AB 32 (Nunez and Pavley), Chapter 488, Statutes of 2006.

2. Requires Air Resources Board (ARB), no later than January 31, 2009, to appoint a Regional Targets Advisory Committee (Committee) including local transportation agencies as members and to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the affected regions. Requires the Committee to transmit a report with its recommendations to ARB no later than December 31, 2009, and requires ARB to consider the report prior to setting targets. Relevant issues to be considered include: data needs, modeling techniques, growth forecasts, the impacts of regional jobs-housing balance on interregional travel and greenhouse gas emissions, economic and demographic trends, the magnitude of greenhouse gas reduction benefits from a variety of land use and transportation strategies, and appropriate methods to describe regional targets and to monitor performance in attaining those targets.

3. Requires that, prior to setting the targets for a region, ARB exchange technical information with Caltrans, the MPO, and the affected air district, which may include a recommendation for a target for the region. Requires ARB to update the regional greenhouse gas emission reduction targets every eight years, as consistent with each

MPO's timeframe for updating its RTP under federal law, until 2050. Requires ARB to exchange technical information with the MPOs, local governments, and affected air districts and engage in a consultative process with public and private stakeholders prior to updating these targets.

Sustainable Communities Strategy

4. Requires metropolitan planning organizations (MPOs) to develop a Sustainable Communities Strategy (SCS) – a new element of the regional transportation plan (RTP) – to reach the ARB targets. The SCS will include: (1) a land use component that identifies how the region could house the entire population of the region over the next eight years and next 20 years; (2) a discussion of resource and farmland areas to be protected; (3) a transportation network; and (4) a demonstration of how the development pattern and the transportation network can work together to reduce greenhouse gas emissions to achieve the ARB targets.

5. The bill specifically outlines how the Metropolitan Transportation Commission and the Association of Bay Area Governments will collaborate in the Bay Area preparation of the Sustainable Communities Strategy, which contains eight elements:

As part of MTC/ABAG collaboration, ABAG is responsible for the following five elements:

"(i) Identify the general location of uses, residential densities, and building intensities within the region

(ii) Identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth

(iii) Identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584

(v) Gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Section 65080.01

(vi) Consider the state housing goals specified in Sections 65580 and 65581"

MTC is responsible for the following two elements:

"(iv) Identify a transportation network to service the transportation needs of the region;

(viii) Allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506)."

ABAG and MTC are jointly responsible for the outcome element:

"(vii) Set forth a forecasted development pattern for the region, 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 state board."

(Other sections specify how the sub-regional councils of governments within the Southern California Association of Governments will be involved in the preparation of an SCS and how San Diego Association of Governments proceeds.)

6. **If the SCS falls short of meeting the ARB targets, the MPO must adopt an "alternative planning strategy" (APS) to achieve them.** Unlike the SCS, which is a part of the RTP and subject to federal planning requirements, the APS stands outside of the RTP and may include bolder ideas that might be necessary to reach the targets, but that require additional funds or changes in law.

7. Requires that the SCS and APS (if any) be submitted to the ARB for approval. Does not authorize the ARB to modify either the SCS or APS, but does require the MPO to revise the documents until ARB agrees that at least the APS, if implemented, would reach the targets.

8. Requires the MPO to conduct extensive outreach with local government officials and adopt a public participation plan for the SCS that includes a minimum number of workshops in each county of the region as well as three public hearings on the draft SCS and APS prior to adoption of a final regional transportation plan.

RHNA

9. Changes the regional housing needs allocation (RHNA) cycle from five years to eight years and synchronizes the RHNA process with the RTP and SCS. Requires that rezoning of sites needed to meet RHNA requirements, including adoption of minimum density and development standards, occurs within three years of adoption. The final allocation plan must ensure that the total regional housing need, by income category, is maintained, and that each jurisdiction in the region receives an allocation of units for low- and very low-income households. To achieve this goal, the allocation plan must allocate housing units within the region consistent with the development pattern included in the SCS. The resolution approving the final housing need allocation plan must also demonstrate that the plan is consistent with the SCS in the RTP.

10. Allows the deadline for completing required rezoning to be extended by one year if the local government has completed rezoning at densities sufficient to accommodate at least 75 percent of the sites for each income group and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, makes specified findings. Sets up stipulations for approving/disproving projects, if rezonings are not completed by the deadline and that in any actions brought against a local government for failing to complete rezoning, the burden of proof shall be borne by the local government.

11. Requires that, prior to and after the adoption of specified forms, the housing element portion of the annual progress report of a planning agency on implementation of its general plans must include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element.

> ***Defines "housing development project"*** as a project to construct residential units if the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of

the housing units for very low-, low-, and moderate-income households at monthly housing costs with an affordable housing cost or affordable rent. Specifies that rental units shall be affordable for at least 55 years, and that ownership units shall be subject to resale restrictions or equity sharing requirements for at least 30 years.

Defines a "residential or mixed-use residential project" as a project where at least 75 percent of the total building square footage of the project consists of residential use or a project that is a transit priority project.

CEQA

12. Specifies that the *Implementation of the Sustainable Communities Strategy chapter of CEQA* applies only to a transit priority project/ residential or mixed-use residential project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either an SCS or an APS, accepted by ARB that would, if implemented, achieve the greenhouse gas emission reduction targets.

13. Provides that no additional review is required pursuant to CEQA for a transit priority project if the legislative body of a local jurisdiction finds, after conducting a public hearing, that the project meets specified criteria and is declared to be a sustainable community's project. Requires that in the initial study for a sustainable communities environmental assessment or EIR for a transit priority project that has met specified criteria, the lead agency shall determine whether cumulative impacts have been both adequately addressed and adequately mitigated in prior certified EIRs.

14. Requires a transit priority project to (a) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75, (b) provide a minimum net density of at least 20 dwelling units per acre, and (c) be within one-half mile of an existing or planned major transit stop, as defined, or high-quality transit corridor, as defined, as set forth in the applicable RTP.

15. Specifies that, for purposes of defining a transit priority project, all parcels within the project have no more than 25 percent of their area farther than one-half mile from a transit stop or corridor and that no more than 10 percent or 100 residential units, whichever is less, are less than one-half mile from a transit stop or corridor.

16. Authorizes the legislative body of a local jurisdiction to adopt traffic mitigation measures for future residential projects that meet specified criteria, and exempts such a residential project seeking a land use approval from compliance with additional measures for traffic impacts, if the local jurisdiction has adopted those traffic mitigation measures.