

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



November 3, 2011

M E M O

TO: Legislation and Government Organization Committee

FROM: Ezra Rapport *er*
Executive Director

SUBJECT: Proposed Legislation Authorizing Pilot Project Providing Funding for Regional EIR and Local Specific Plans

The attached draft fact sheet describes proposed legislation that we are working with our legislative advocate to market in Sacramento during the next legislative session. We have received a preliminary indication of willingness to carry this legislation by Senator Joe Simitian (San Mateo County). We will be scheduling a meeting with him and members of the ABAG leadership early in the next legislative session. Sup. Jacobs Gibson has laid the initial ground work for this meeting to take place.

You will note from the fact sheet this measure authorizes funding for the Association of Bay Area Governments (ABAG) as a pilot program to support regional environmental review and allocate grants to local governments for the purpose of implementing growth in Priority Development Areas that have been adopted by ABAG. It is the intent of this measure to encourage new infill development in those areas identified as appropriate for increased density in the regional Sustainable Communities Strategies as a pilot program to support the implementation of Senate Bill 375 (Steinberg, 2008). Local governments will retain full control over the environmental review process for both Priority Development Areas and projects within them.

One of the purposes of Priority Development Areas is to resolve planning conflicts within, among, and between local and regional agencies which require the preparation of environmental impact reports for specific projects and developments, including infill projects. Infill projects in Priority Development Areas are necessary to meet objectives for sustainable growth defined in SB 375. The current lack of comprehensive planning requires inefficient and duplicative analysis to be produced on a project-by-project basis, making infill development impractical by shifting these costs and risks to project sponsors. Examples of such analyses include: GHG emissions; vehicular and stationary air emissions; regional and local street congestion; storm water management; flooding and sea level rise; environmental justice; other resource management or resiliency measures.

While state resources are limited, we know that the Governor is a proponent of streamlined environmental reviews and supports the sustainable communities strategy process. If we are successful in getting this legislation on the floor, passed by the



legislature, and signed by the Governor in the next session, it will provide much needed funding for ABAG and local governments and assist us in advancing the planning goals of the Sustainable Communities Strategy and could serve as a model to be implemented statewide.

I look forward to discussing this proposed legislation and strategy with you at the L&GO Committee Meeting on November 17th.

DRAFT -- PROPOSED LEGISLATION

AUTHORIZATION OF FUNDS FOR REGIONAL EIR AND LOCAL SPECIFIC PLANS

Section 1. It is the intent of the Legislature to enact a measure which will test strategies which promote infill development in those areas identified as appropriate for increased density in the regional Sustainable Communities Strategies. This measure is a pilot program to facilitate the implementation of Senate Bill 375 (Steinberg, 2008) by allocating existing funds to Association of Bay Area Governments (ABAG) to support local governments for the purpose of implementing growth in Priority Development Areas that have been adopted by ABAG.

Section 2. Section XXX is added to the XXX code to read:

XXX.(a) In recognition of the mandate contained in SB 375 to prepare and adopt a Sustainable Communities Strategy (SCS), the Association of Bay Area Governments (ABAG) has focused the SCS on those areas adopted by ABAG as Priority Development Areas.

(b) "Priority Development Areas" means areas adopted by the ABAG Executive Board that meet ABAG's definition of sustainable development consistent with the Sustainable Communities Strategy.

(c) The Legislature finds that one goal of the Priority Development Areas is to reduce entitlement risks for entities seeking to develop infill projects consistent with the SCS.

(d) As a pilot measure to support the objectives of this section, the resources which would otherwise be expended in the San Francisco Bay region by the Environmental Justice and Community-Based Transportation Planning Grants awarded by the California Department of Transportation's Office of Community Planning pursuant to Section XX of the XX Code shall be allocated directly to ABAG for implementation of Sustainable Communities Strategies through granting of funds to local governments for the development and adoption of comprehensive specific plans and entitlement streamlining within Priority Development Areas, as identified in the SCS, and by performing regional analysis that will support entitlement streamlining. Such grants may include an allocation to ABAG to support local governments in such endeavors through analysis of regional impacts, consistency with the SCS or the EIR for the SCS/RTP and related activities.

(e) The San Francisco Bay Area's 2010 total population of 7.15 million people is approximately 19% of the State of California's total population of 37.25 million. Thus, approximately 19% of the total annual State Highway Account funds granted through the Office of Community Planning grant program should be allocated directly to the

Association of Bay Area Governments to be used exclusively for the purposes outlined in this section.

(f) In implementing this Section of law, the Association of Bay Area Governments shall keep the Strategic Growth Council created pursuant to Section 75121 of the Public Resources Code apprised so that the Strategic Growth Council may ultimately make recommendations to the Legislature as to whether this program should be extended to other regional agencies mandated to accomplish the regional planning required by Government Code Section 65080.

SB XXX Fact Sheet

Rationale: SB XXX Provides Funding to Implement SB375

1. SB XXX is a pilot funding bill related to implementing the policies adopted by the Bay Area in accordance with SB 375 (Steinberg, 2008). SB 375 mandated that regions plan for “Sustainable Community Strategies (SCS)” without providing funds to address obstacles to the implementation of regional sustainability plans.
2. A number of obstacles at the local level make impractical the type and scale of development required to implement sustainability plans. Funding under SB XXX facilitates SCS implementation through the following methods:
 - grants funds to local jurisdictions to assist them with entitlement streamlining in Priority Development Areas identified in the SCS;
 - grants funds to local jurisdictions to prepare and adopt environmental impact reports for specific plans in Priority Development Areas;
 - allocates funds to ABAG for activities supportive of the above, such as analysis regional impacts of projects within PDAs, consistency with the SCS or the EIR for the SCS/RTP, and the like.

Method of Funding: Re-allocate Caltrans Transportation Planning Grants to SB 375 Implementation

1. Under SB XXX the portion of the California Department of Transportation’s Environmental Justice and Community-Based Transportation Planning Grants funded through the State Highway Account that would otherwise be spent in the region covered by the Association of Bay Area Governments (ABAG) – or Caltrans’ District 4 – is allocated directly to ABAG for granting of funds to local governments for assistance in developing comprehensive specific plans, program-level environmental review, or work associated with entitlement streamlining.
2. The portion of funding available to ABAG is calculated as a percentage of total funds that matches the region’s percentage of the total population of the State of California (for example in 2010 the San Francisco Bay Area’s population was about 19% of the total State population, thus in 2010, 19% of the total State Highway Account funds distributed through the Caltrans Environmental Justice and Community Based Transportation Planning Grants would be directed to ABAG).
3. This bill is a pilot measure to support the objectives of SB 375. In implementing SB XXX, ABAG shall keep the Strategic Growth Council apprised so that the Council may ultimately make recommendations to the Legislature as to whether this program should be extended to other regional agencies mandated to accomplish the purposes of SB 375.

Beneficiaries of SB XXX Funding

1. The Association of Bay Area Governments (ABAG) will be the direct beneficiary of the funding allocated to it under SB XXX. The revenues retained by ABAG will be used exclusively for supporting local governments in the endeavors described in 2 by providing analysis of regional impacts of projects within Priority Development Areas consistency with the SCS or the EIR for the SCS/RTP, and the like.
2. Local jurisdictions (cities, cities and counties, and counties) will be beneficiaries of SB XXX funding awarded to them based on a competitive grant process for the purposes of developing entitlement streamlining in Priority Development Areas (PDAs). Entitlement streamlining will attract private investment and jobs to PDAs.