



Linking Transportation and Land Use Planning: A Summary of Senate Bill 375

Overview

Senate Bill 375, by Senator Darrell Steinberg, built on California's 2006 climate change law (AB 32) and the "regional blueprint plan" developed in the Sacramento region. The new law's core provision is a requirement for regional transportation agencies to develop a "Sustainable Communities Strategy" in order to reduce greenhouse gas emissions from driving. The Sustainable Communities Strategy (SCS) is one component of the existing Regional Transportation Plan.

The SCS will outline the region's plan for combining transportation resources, such as roads and mass transit, with a realistic land use pattern, in order to meet a state target for reducing greenhouse gas emissions. The strategy must take into account the region's housing needs, transportation demands, and protection of resource and farm lands. The state will allocate \$17 billion a year to transportation projects that are consistent with an SCS.

Additionally, SB 375 modified Housing Element Law to achieve consistency between the land use pattern outlined in the SCS and Regional Housing Needs Assessment allocation. The legislation also substantially improved cities' and counties' accountability for carrying out their housing element plans.

Lastly, SB 375 amended the California Environmental Quality Act to ease the environmental review of developments that help reduce the growth of greenhouse gas (GHG) emissions.

The State's Role

SB 375 charged the Air Resources Board (ARB) with determining the level of GHG reduction that can be achieved through each region's SCS. September 30, 2010, is the deadline for completion of this task.

Between 2011 and 2015, the ARB will review each SCS and decide whether it reaches the region's target. SB 375 specifies ARB must certify an SCS if evidence demonstrates the plan will achieve the target reductions. ARB cannot require changes to the means by which the region proposes to reach the target.

Beginning in 2014, the ARB can modify a region's target every four years based on the latest scientific research and practical experience in the regions.

Development of the SCS

Responsibility for developing the SCS falls on the Metropolitan Planning Organization, which currently prepares the Regional Transportation Plan (RTP). The SCS is one of four elements in the RTP, a comprehensive document updated every 4 or 5 years depending on the region's air

quality. Like other elements of the RTP, the SCS must reflect the region's reasonably-projected financial resources for transportation systems and realistic land use patterns.

If the Metropolitan Planning Organization (MPO) calculates that it cannot achieve its target through the SCS, it must develop an Alternative Planning Strategy. The Alternative Planning Strategy (APS) differs from the SCS in that it describes additional resources, land use changes, or other modifications that would be necessary to achieve the GHG reduction target.

Impact on Housing Elements

During or soon after submitting its SCS to ARB, the MPO will allocate the Regional Housing Needs Assessment numbers to localities, based on the development pattern shown in the SCS and the existing allocation factors in housing element law.

SB 375 extended the duration of housing elements from 5 years to 8 years in order to align them with RTP deadlines. One housing element will be completed for every two RTPs. (This applies to most MPOs.) The bill also set the housing element due date at 18 months after the MPO estimates it will adopt the SCS.

Additionally, SB 375 contained a number of improvements designed to hold local governments accountable for doing their part to reduce GHG emissions through well-placed and affordable residential development:

- 1) Consequence for failure to adopt a housing element: A jurisdiction that does not adopt an element within four months of the statutory deadline will shift into four-year cycles. Subsequent Steinberg legislation, SB 575, allows the jurisdiction to return to an eight-year cycle after adopting two subsequent elements on time.
- 2) Making land available for development: The jurisdiction is required to complete rezoning of the sites it identified for residential development within three years of the element's adoption. The jurisdiction can have a one-year extension if it has rezoned sites to accommodate 75% of its low and very low income need and it meets specified criteria.
- 3) Implementing other programs: For all other programs, the housing element must contain a deadline for implementation that is soon enough to ensure the program will have beneficial impacts during the planning period.
- 4) Accountability: Every year, the jurisdiction must report its progress toward rezoning and program implementation to HCD and hold a local hearing to review and discuss the report.
- 5) Enforcement: SB 375 contained two remedies if a jurisdiction fails to rezone or implement programs by the deadlines:
 - a. "Builder's Remedy:" A developer can build on any site that is identified in an element for residential development, as long as the development is within the densities and development standards specified in the element. The local government must allow the development to proceed unless it makes finding that the development will have a "specific, adverse impact upon the public health or safety."

If the jurisdiction illegally denies a development, a court can order it to comply with the law. The local government will have the burden of proving its action was legal.

- b. “Citywide Remedy.” Any interested party can sue to compel the jurisdiction to complete the rezonings or other programs. The local government will have the burden of proving its action was legal, and the court can impose sanctions for violations of the law.

Changes to the California Environmental Quality Act (CEQA)

SB 375 made two changes to ease the environmental review of developments that help reduce the growth of greenhouse gas emissions:

- 1) If a residential or mixed use development is consistent with the SCS/APS and incorporates any mitigation measures required by a prior EIR, then the environmental review does not have to consider any of the following:
 - a. Growth inducing impacts
 - b. Specific or cumulative impacts from cars on global warming or the regional transportation network, and
 - c. Substituting a lower-density development for the proposed development.
- 2) A narrowly-defined group of “transit priority projects” will be exempt from CEQA review, while a broader group of them will have reduced CEQA analysis requirements.

For additional information, see the following resources:

- Assembly Local Government Committee Analysis: www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_cfa_20080818_153416_asm_comm.html
- CA League of Conservation Voters and Natural Resources Defense Council: <http://www.ecovote.org/pdf/sb375.pdf>
- League of California Cities’ *Technical Overview of SB 375*: [http://www.cacities.org/resource_files/27666.SB%20375 %20 Implementation %20Final%2001-09%20\(2.0\).doc](http://www.cacities.org/resource_files/27666.SB%20375%20Implementation%20Final%2001-09%20(2.0).doc)
- 2010 California Transportation Commission’s Regional Transportation Plan Guidelines: [http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/index_files/2010 RTP Guidelines 4-27-10.pdf](http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/index_files/2010_RTP_Guidelines_4-27-10.pdf)
- California Air Resources Board, *Recommendations of the Regional Target Advisory Committee (RTAC) Pursuant to Senate Bill 375*: <http://www.arb.ca.gov/cc/sb375/rtac/report/092909/finalreport.pdf>