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SB375 FAQ Sheet

1. **What is the basic intent of the bill?** It is an incentive bill. Its goal is to encourage smart growth practices, and thereby create greenhouse gas benefits, by providing easier CEQA compliance options that reward certain kinds of development projects that are consistent with a regional "sustainable communities strategy."
2. **What does the term "sustainable communities strategy" mean?** The sustainable communities strategy is similar to what is currently required of RTPs through federal regulations – specifically, a financially constrained list of transportation projects and a land use allocation of the development pattern most likely to occur for the horizon year of the RTP as well as any interim years required under the Federal Clean Air Act. If the RTP does not meet a GHG target that will be established by CARB then a supplement must be prepared to show what measures would be required to meet the target.
3. **What is a "supplement" to a sustainable communities strategy?** If the sustainable communities strategy (i.e. RTP, inclusive of its land use allocation) does not meet the GHG target provided by CARB then a supplement must be prepared to illustrate what measures would be required to implement to meet the target. Examples of these measures could be things like additional funding sources for transit operations or higher levels of transit oriented development. The bill does not limit the measures that might be included in the supplement or require the region to implement any of these measures, simply to identify ways to reach the GHG targets.
4. **What impact does the bill have on transportation funding compared to current practice?** Today only projects that are included in RTPs and RTIPs can qualify for state or federal funds. The bill does not change this. There is no requirement that the sustainable communities strategy (without the "supplement") meet the CARB GHG target in order to qualify transportation projects for funding. The only added requirement is that, if needed, a supplement must be prepared that shows how the GHG could be met through additional actions. The regions are not required to take any of those actions to qualify for funds.
5. **Could the bill result in a cut-off of transportation funds to a region?** No. There is no provision in the bill for any kind of funding cut-off. Additionally, the bill exempts

projects programmed or funded by December 31, 2011, in the recent transportation bond approved by the voters, and projects approved by local transportation sales tax measures prior to 12/31/06.

6. **Does the bill erode local land use authority?** No. The sustainable communities strategy specifically is described as a strategy that does not impact local land use authorities. The current federal requirements that the land use allocation for RTPs must reflect development patterns most likely to occur are, of course, unchanged. The specific language in the bill is as follows: *A sustainable communities strategy does not regulate the use of land, nor shall it be subject to any state review or approval. Nothing in a sustainable communities strategy shall be interpreted as superseding or interfering with the exercise of the land use authority of cities and counties within the region.*
7. **What about the bills provisions related to natural resource lands and farmland?** The bill provides that "significant natural resource lands" not be included in the sustainable communities strategy unless growth in infill and redevelopment areas or other contiguous lands is not feasible. SB 375 clearly contemplates that regional growth will occur, at least in part, on currently undeveloped lands. The bill also contemplates that growth elsewhere than on high value agricultural and habitat lands is preferable.
8. **Do the bills requirements to calculate GHG emissions limit the authorities of the regional planning agencies?** No. Most regional planning agencies are already committed (or resigned) to calculating GHG impacts of their RTPs. The CTC currently is developing guidelines to stipulate how RTPs must address GHG impacts. The Attorney General, under the auspices of adopted state law and Executive Order, is actively "signaling" regional planning agencies that they would be advised to address GHG issues in their RTPs. If anything, statutory language such as this might add some clarity and stability that would have beneficial impacts for regional planning agencies with these other processes.
9. **Why are the modeling provisions included in the bill?** Currently every regional planning agency must use a travel model and an air emissions model to estimate the transportation and air quality impacts of its RTP. The modeling provisions in the bill simply provide that the travel model techniques that are used are specific enough to accurately account for the possible transportation and air quality benefits of smart growth practices and transportation benefits that will produce GHG and other benefits. Any agency that amends its current model to include these features will most likely find it easier rather than harder to demonstrate that the smart growth elements in its RTP produce GHG benefits.
10. **What development projects would qualify for CEQA relief?** In general, any project that: 1) is consistent with a sustainable communities strategy; and 2) is in a city or county with a General Plan that is consistent with the sustainable communities strategy; and 3) is primarily residential. These projects would not be subject to any further CEQA review. Also see #12.

11. **What about development projects that don't meet these requirements?** They would continue to be reviewed through CEQA as they are today. There is no penalty for these projects, they just don't qualify for the new CEQA relief.
12. **Is the CEQA relief language in the bill final?** In the latest amendments, the bill also provides that specified projects that "tier" off an adopted EIR need only mitigate its project specific impacts and will be evaluated under a substantial evidence test, and not the fair argument standard. It is hoped that local governments, infill developers, and others will consider this a major incentive. In summary, there are 3 CEQA incentives in the bill: The sustainable communities strategy, and tiered projects that (1) need only mitigate their project specific impacts and (3) that are subject to a higher standard of review.
13. **How does the bill affect the Regional Housing Needs Allocation (RHNA) process?** The bill requires coordination of the RHNA process with the sustainable communities strategy and a feasible balance between jobs and housing in the region using regional employment projections in the RTP. The bill also requires that the COG find that zoning has been enacted within the region for a five-year supply of the housing needed in the sustainable communities strategy or explain how the sustainable communities strategy is the development pattern most likely to occur.