

Understanding AB 32 and SB 375

A Legal Analysis for Local Government Officials

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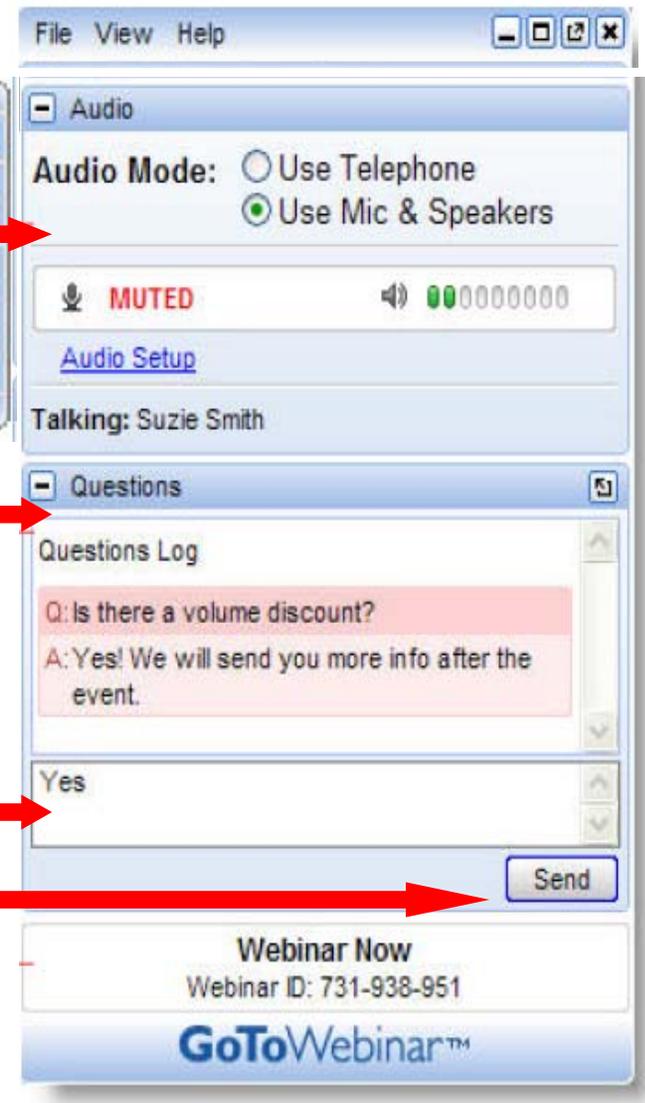
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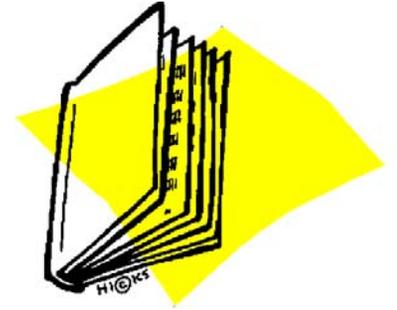
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Agenda

- Welcome and Overview
- AB 32 Presentation and Questions
- SB 375 Presentation and Questions
- Questions and Discussion

Companion Resources



- **Understanding AB 32's Impacts on Local Government: A Local Official's Guide**
 - www.ca-ilg.org/AB32LegalAnalysis
- **Understanding California's Sustainable Communities and Climate Protection Act of 2008 (SB 375): A Local Official's Guide**
 - www.ca-ilg.org/SB375LegalAnalysis
- **Download this presentation**
 - www.ca-ilg.org/AB32-SB375LegalAnalysis

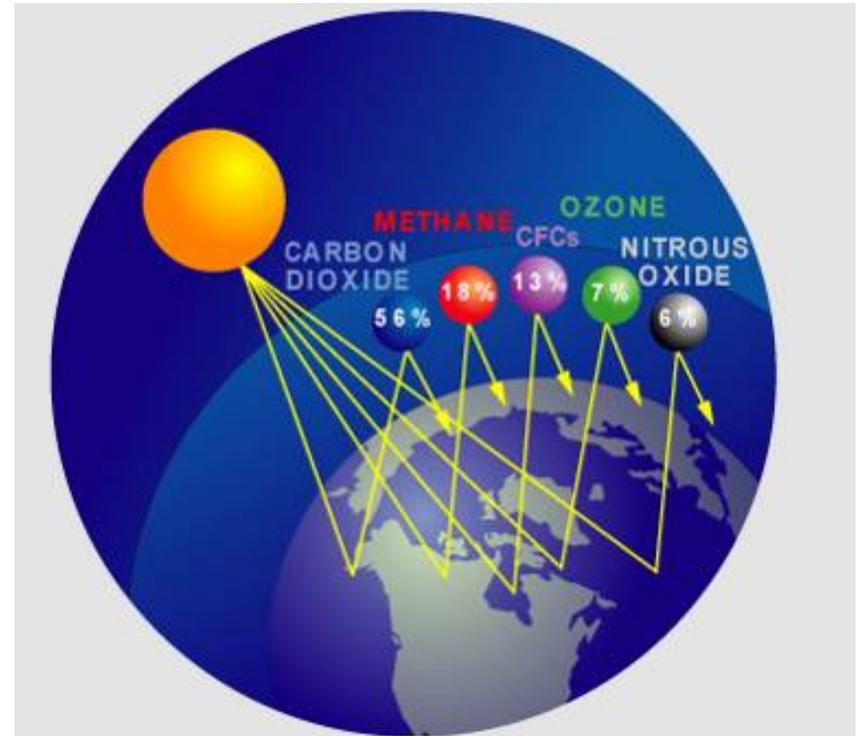
Today's Objectives

- Understand the legal framework of AB 32 and SB 375.
- Learn how AB 32 and SB 375 affect (and do not affect) cities and counties.
- Get answers to frequently asked questions about AB 32 and SB 375.

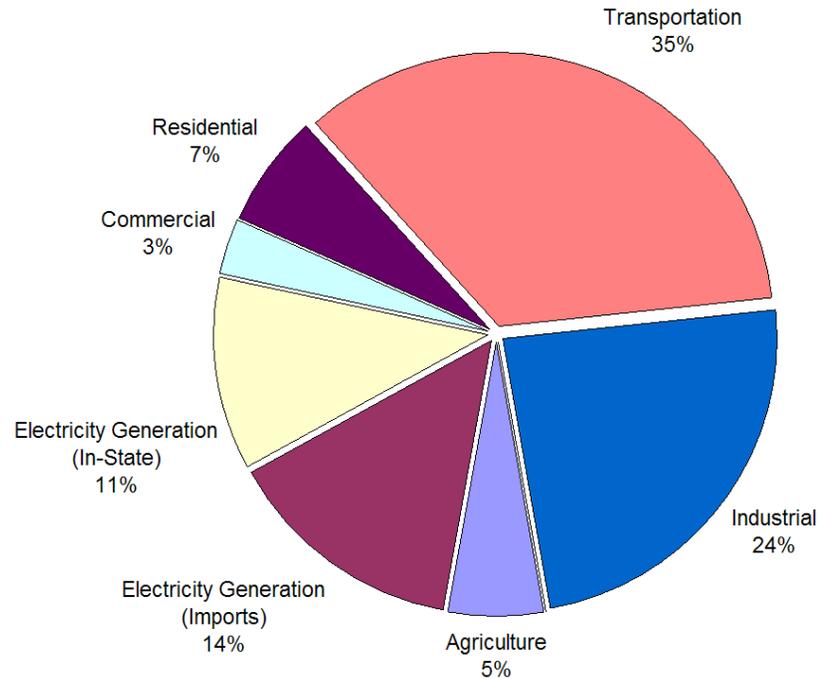
Understanding AB 32

The Purpose of AB 32

- To reduce greenhouse gas emissions in California to 1990 levels by the year 2020.



AB 32's 2020 Limit = 1990 Levels 427 MMTCO₂e



1990 Greenhouse Gas Emissions by Sector 427 MMTCO₂e Net Emissions

Source: Air Resources Board

California Air Resources Board



- Oversees AB 32 implementation
- Adopts rules and regulations
- Makes recommendations for voluntary actions
- Enforce rules and regulations

Regulating Sources of GHG



Landfills



Electricity Generation



Transportation

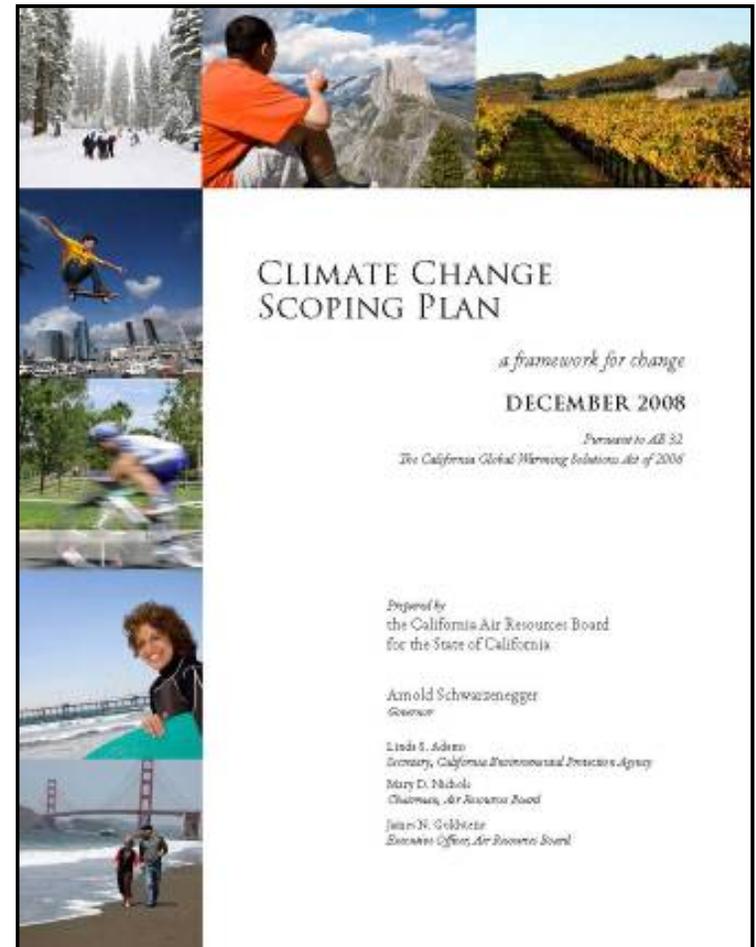
How to Achieve the Greenhouse Gas Reductions?

- Early action items
- Mandatory measures
- Voluntary measures



The Scoping Plan

- **Early actions**
 - 2008
- **Mandatory measures**
 - Ongoing
- **Voluntary measures**
 - Ongoing



How Does AB 32 Directly Impact Cities and Counties?



- Landfills Owners



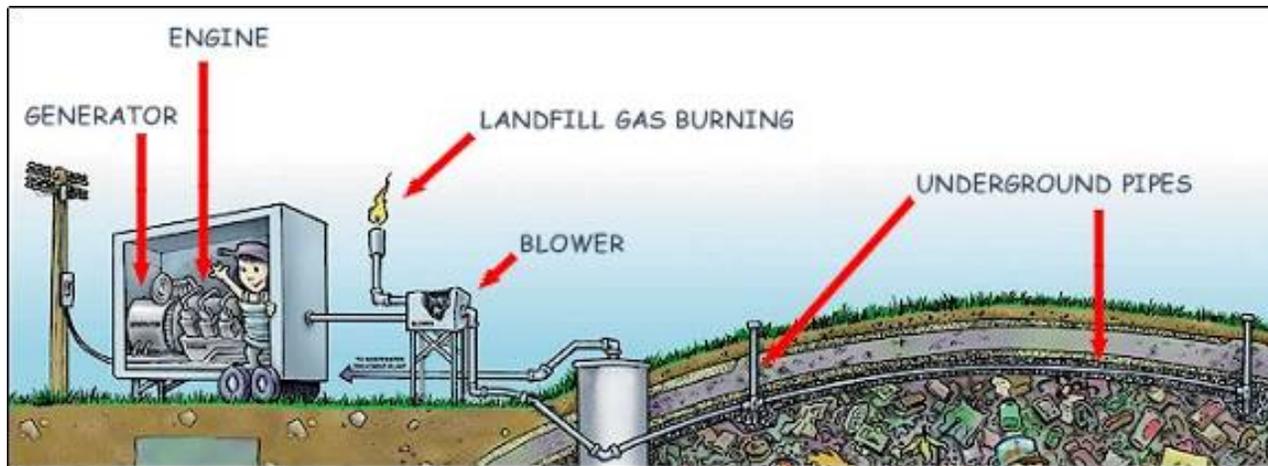
- Municipal Electric Utilities



- Commercial Recycling

Landfill Methane Gas Strategy

- **Adopted regulation**
 - Requires gas collection & control systems
 - Exploring energy recovery



Energy Generation and Efficiency

- **Renewable Portfolio Standard (RPS)**
 - 33% by 2020
- **Increases in energy efficiency and conservation**



Mandatory Commercial Recycling

By July 1, 2012

- Businesses that generate 4 cubic yards or more per week must recycle
- Cities and counties must have commercial recycling program



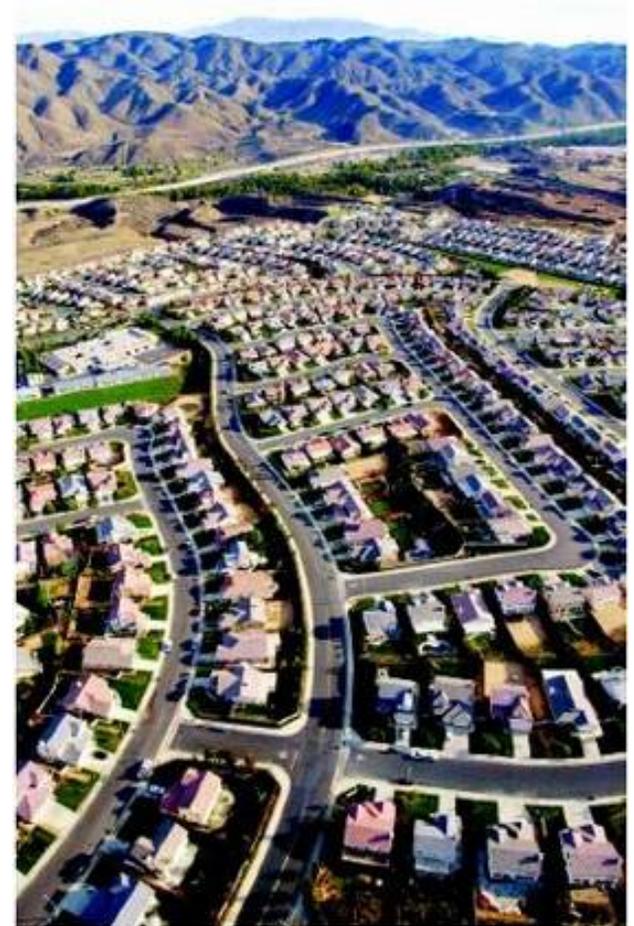
Mandatory Commercial Recycling

- “Good faith” effort required
- More stringent programs can be adopted
- Department of Resources, Recycling & Recovery charged with compliance review
- Must be implemented regardless of AB 939 compliance



Transportation & Land Use

- **Strategies for this regulated sector:**
 - More efficient vehicles
 - Lower-carbon fuels; and
 - Reduction in vehicle use or vehicle miles traveled.
- **SB 375 is implementing mechanism for reduced VMT**
 - “Integration of “sustainable communities strategy” and local general plans will be “key to the achievement of these goals.”



What the Scoping Plan Says About Local Agencies

- **‘Essential partners’ in achieving GHG reduction goals**
 - Scoping plan encourages *voluntary* 15% reduction by 2020 for agency facilities
- **How?**
 - Inventory GHG emissions from operations
 - Adopt emissions reductions measures and strategies
 - Establish emission reduction goals; and
 - Develop an emissions reporting mechanism to track progress

Proposition 23

- Suspends AB 32
- Prohibits state agencies from proposing, adopting, or enforcing regulations “implementing” AB 32

Until...

- California unemployment rate is 5.5% or less for 4 consecutive quarters





AB 32 and CEQA

- Goal of AB 32: Reduce GHG emissions to 1990 levels by 2020
- Goal of CEQA: Mitigate to a “less than significant” level the impact of GHG emissions on global warming and climate change

For more information...

- www.arb.ca.gov/cc/cc.htm
- www.arb.ca.gov/cc/localgovernment/localgovernment.htm

Questions?



Understanding SB 375

Five Important Things to Know

1. SB 375 is one of the tools to reach AB 32 goal



Five Important Things to Know

2. GHG emissions from light trucks and cars account for 30% of all emissions in California



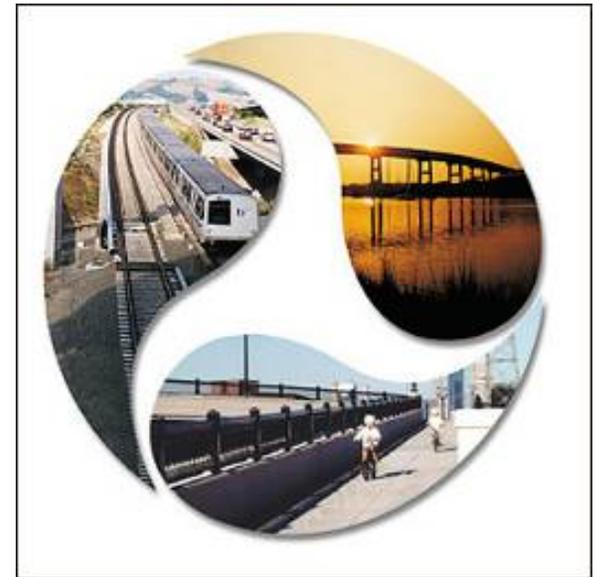
Five Important Things to Know

3. ARB will set GHG reduction targets by region



Five Important Things to Know

5. Transportation funding and CEQA streamlining are SB 375's incentives



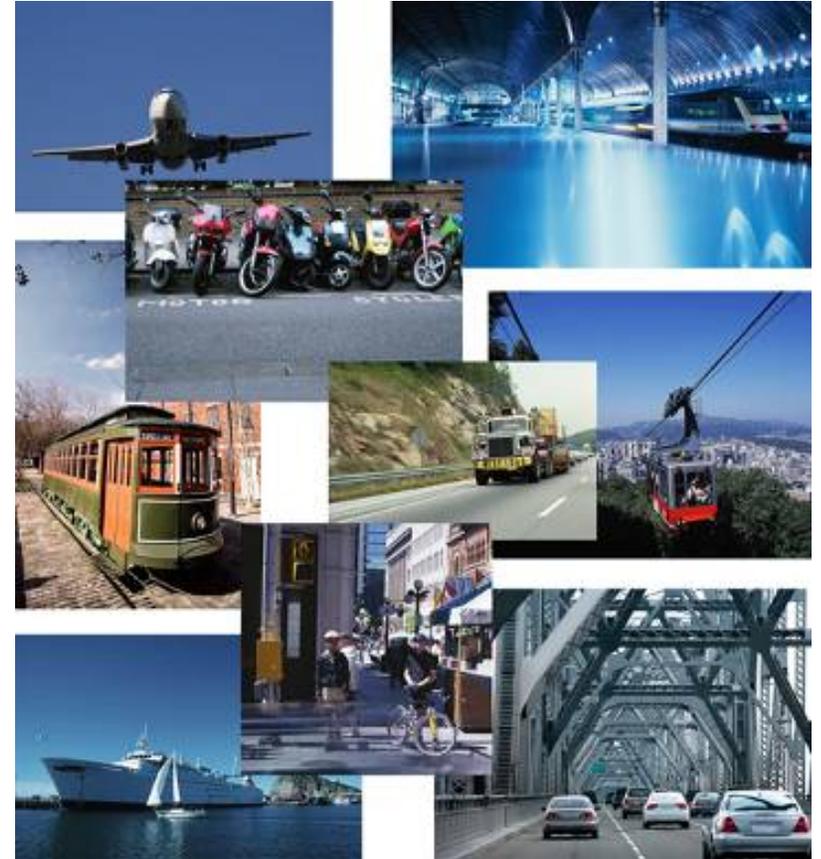
AB 32 and the “Transportation Sector” 30% of All Emissions

- New vehicle technology & lower carbon fuel help
- But **not** enough for 2020 emissions limit



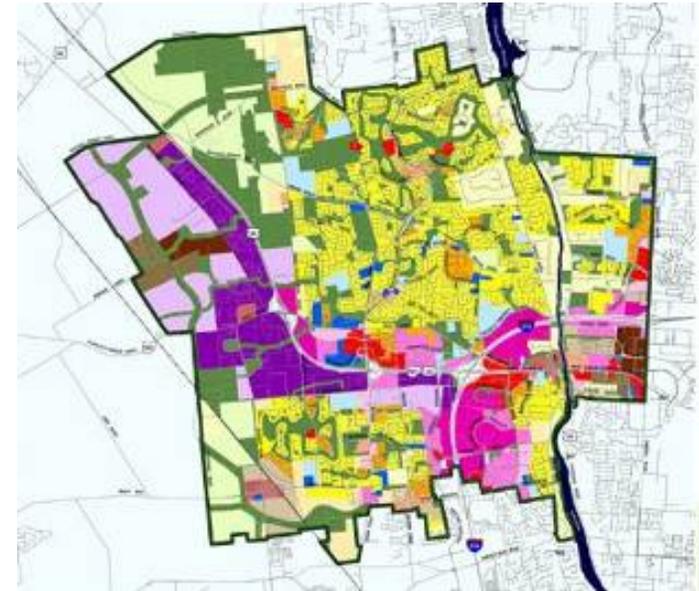
AB 32 and SB 375

- AB 32 scoping plan relies on regional planning required by SB 375 to help achieve necessary reductions from transportation sector



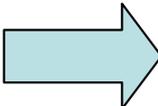
Metropolitan Planning Organizations and Regional Planning

- California's 18 MPOs prepare regional transportation plans (RTPs)
- The RTP includes...
 - land use map based on “current planning assumptions”
 - transportation improvement program
 - financial element



What is the aim of SB 375?

- **18 regional plans that will reduce VMT through:**
 - ✓ a transportation plan
 - ✓ a regional development pattern with fewer and shorter vehicle trips

Reduced VMT  **reduced GHG**

Three Key Planning Components of SB 375

1. ARB adopts GHG reduction targets for each region



Three Key Planning Components of SB 375

2. MPOs prepare a sustainable communities strategy (SCS)



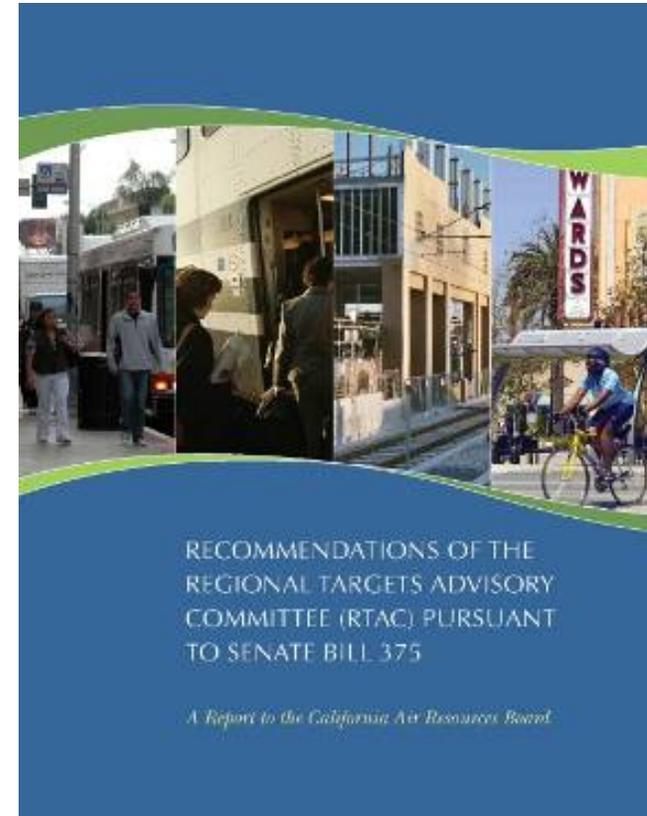
Three Key Planning Components of SB 375

3. MPOs prepare an alternative planning strategy (APS)



Regional Greenhouse Gas Targets Timeline

- Draft targets
 - Adopted August 9, 2010
- Final adoption
 - September 30, 2010



Four Components of the Sustainable Communities Strategy

1. Map

- Identifies the general location of uses, residential densities and building intensities within the region



Four Components of the Sustainable Communities Strategy

2. Housing for all

- Identify areas within the region sufficient to house all the population including housing demand caused by employment growth
- Identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region

Four Components of the Sustainable Communities Strategy

3. Natural resources and farmland

- Gather and consider the best practically available scientific information regarding resource areas and farmland in the region



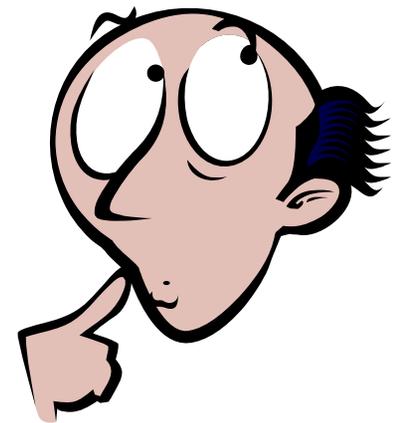
Four Components of the Sustainable Communities Strategy

4. Greenhouse gas reduction development pattern

- Will reduce GHG emissions from automobiles and light trucks to achieve regional target when integrated with the transportation network and other transportation measures and policies
 - If feasible...

What else do you need to know about the SCS?

- **“Feasible” defined**
 - Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.



What else do you need to know about the SCS?

- Regional housing needs allocation (RHNA) must be consistent with SCS
- SCS must be included within RTP even if it doesn't meet the targets



What else do you need to know about the SCS?

- **SCS part of RTP**
 - Constrained by federal law
 - Therefore, MPO can't come up with an SCS that achieves the targets if it violates federal law
- **2 likely ways this could happen**
 - SCS relies on transportation improvements that are not funded
 - SCS relies on development pattern that is not based upon "current planning assumptions"

Alternative Planning Strategy (APS)

- Required if SCS doesn't achieve targeted reductions
- Not part of the RTP
- How can the region achieve its climate targets?



What is in the Alternative Planning Strategy?

- How the GHG target would be achieved
- Principal barriers to achieving the targets
- How the APS development patterns, measures and policies are the most “practicable” choices for achieving the targets



SCS & APS Review Process



1. MPO submits its technical methodology
2. MPO submits SCS and APS for review
3. ARB's authority limited to "acceptance or rejection"
4. MPO must revise SCS or adopt APS and re-submit until ARB accepts

Public Participation Opportunities – Developing the SCS and APS

- County workshops
- Informational meetings for elected officials
- Preparation and circulation of draft SCS and APS
- 3 public hearings on draft SCS and APS



SB 375's Two Incentives



1. Transportation Funding

- Projects that must be consistent with the regional transportation plan:
 - federally funded
 - projects of regional significance
- SCS is part of the regional transportation plan

SB 375's Two Incentives

2. CEQA Streamlining

- Transit Priority Project
 - New exemption from CEQA
 - Full exemption
 - » Meets sustainable communities project criteria
 - Partial exemption
 - » “Sustainable communities assessment”



Transit Priority Project (TPP) Criteria

- Consistent with SCS or APS
- At least 50% residential
- Net density= 20 units+ per acre
- Located within ½ mile of major transit stop or high quality transit corridor



TPP criteria for consideration of Sustainable Communities Project designation:

- Be adequately served by existing utilities
- Meet certain stringent energy efficiency and water conservation standards
- No impact on wetland, wildlife habitats or historic resources
- Include affordable housing or pays an in lieu fee; or provides public open space equal to or greater than 5 acres per 1,000 residents
- Not exceed eight acres or 200 residential units

**A Sustainable Communities Project is
Exempt from CEQA Review**

Transit Priority Project “Sustainable Communities Assessment”

Not eligible for full exemption?

- **Complete Sustainable Communities Assessment with:**
 - No analysis of growth-inducing impacts, cumulative or project-specific impacts from car and light-duty truck trips on GHG emissions or the regional transportation network;
 - No reduced residential density alternatives to address project impacts

Watch for...

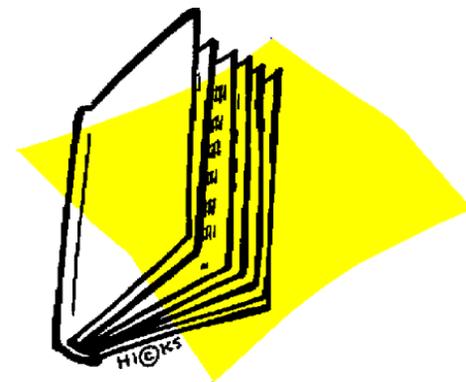
- Final targets for your region
- Informational meetings in your county
- Opportunities to participate in development of SCS
- Opportunities to participate in development of APS, if necessary



Questions?



Companion Resources



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Understanding California's Sustainable Communities and Climate Protection Act of 2008 (SB 375): A Local Official's Guide

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Thank You for Participating

Please:

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