

3.40 Sustainable Communities Strategy (SCS): Definition, Process and Contents

Senate Bill (SB) 375 requires an Metropolitan Planning Organization (MPO) to develop and incorporate a Sustainable Communities Strategy (SCS) as the land use allocation in the Regional Transportation Plan (RTP), and, if feasible, to reduce the greenhouse gas (GHG) emissions from automobiles and light trucks to the target levels as approved by the Air Resources Board (ARB).

The SCS shall:

1. Identify the location of uses, residential densities, and building intensities.
2. Identify areas to house all populations, including all economic segments. Consider net migration, population growth, household formation and employment growth.
3. Identify areas to house an eight-year projection of the housing need (Government Code Section 65584).
4. Identify a transportation network for transportation needs.
5. Gather and consider the best practically available scientific information on resource areas and farmland (Government Code Section 65080.01 subdivisions (a) and (b)).
6. Consider the state housing goals (Government Code Section 65580 and 65581).
7. Set a forecasted development pattern when integrated with the transportation network, and other transportation measures and policies, to reduce the greenhouse gas emissions from automobiles and light trucks. And, if feasible, achieve the greenhouse gas (GHG) emission reduction targets approved by the ARB.
8. Comply with the federal Clean Air Act Section 176 (42 USC Section 7506).

The SCS is also subject to Code of Federal Regulations, Part 450 of Title 23, and Code of Federal Regulations, Part 93 of Title 40, and requires using the most recent planning assumptions considering local general plans and other factors.

Requirements (Shall)

Federal: Code of Federal Regulations, Part 450 of Title 23, and Code of Federal Regulations, Part 93 of Title 40, Clean Air Act Section 176 (42 USC Section 7506).

State: Government Code Section 65584, Government Code Section 65080.01 subdivisions (a) and (b), Government Code Section 65580 and 65581.

Recommendations (Should)

Federal: None

State: None

Roles for Specific Jurisdictions and Sub-regions:

For Association for Bay Area Governments Within the Metropolitan Transportation Commission (Government Code 66502):

Prior to the public participation process (Government Code 65080), the MPO provides ARB with the technical methodology estimating the greenhouse gas (GHG) emissions from its SCS, and if appropriate, the Alternative Planning Strategy (APS). The ARB and the MPO work together until ARB concludes the technical methodology operates accurately.

Within Multicounty Subregions:

A subregional council of governments, and a county transportation commission in a multicounty transportation planning agency region may work together on a SCS and an APS. The MPO may adopt a SCS and APS framework regarding intraregional land use, transportation, economic, air quality and climate policy relationships. The MPO includes the subregional SCS consistent with state and federal law. The MPO develops overall guidelines, creates public participation plans, coordinates, resolves conflict, ensures the overall plan complies with requirements, and adopts the region's plan.

Requirements (Shall)

Federal: None

State: Government Code 65080, Government Code 66502, Public Utilities Code Section 130004

Recommendations (Should)

Federal: None

State: None

MPO Consults with Local Elected Officials:

The MPO conducts at least two informational meetings in each county for members of the board of supervisors and city councils on the SCS and APS, if any. Only one informational meeting is needed if it is attended by representatives of the county board of supervisors, and the city council members, representing a majority of the cities for a majority of the population in a county's incorporated areas. Meeting notices are sent to each board of supervisor clerk and city clerk. A draft of the SCS shall be presented to the board of supervisors and the city council in that county, to solicit and consider their recommendations.

Requirements (Shall)

Federal: None

State: Government Code 65080

Recommendations (Should)

Federal: None

State: None

SCS Public Participation Plan and Public Input

The MPO adopts a public participation plan for developing the SCS and APS, if any, to include:

1. Outreach efforts encouraging the active participation of a broad range of stakeholders in the planning process, consistent with MPO's adopted Federal Public Participation Plan. This includes, but is not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations.
2. Consultation with congestion management agencies, transportation agencies, and transportation commissions.
3. Regional, public workshops with information and tools providing a clear understanding of policy choices and the issues. At least one workshop in each county. At least three workshops for counties with a population greater than 500,000. As practicable, each

workshop shall include urban simulation computer modeling to create visual representations of the SCS and APS.

4. Preparation and circulation of a draft SCS and APS, if any, not less than 55 days before adoption of a final RTP.
5. At least three public hearings on the draft SCS in the RTP and APS, if any. For a single county MPO, at least two public hearings shall be held. To the maximum extent feasible, hearings are in different parts of the region maximizing the public's participation opportunity.
6. A process enabling the public to provide a single request to receive notices, information and updates.

Requirements (Shall)

Federal: Code of Federal Regulations, Part 450 (450.316) of Title 23

State: Government Code 65080

Recommendations (Should)

Federal: None

State: None

SCS and Spheres of Influence

The MPO shall prepare a SCS considering spheres of influence already adopted by the local agency formation commissions.

Requirements (Shall)

Federal: None

State: Government Code 65080

Recommendations (Should)

Federal: None

State: None

Comparing SCS Reductions to ARB Targets

Prior to adopting an SCS, the MPO shall quantify the reduction in greenhouse gas emissions projected to be achieved by the SCS, and show the difference, if any, between the amount of reduction and the target established by ARB.

Requirements (Shall)

Federal: None

State: Government Code 65080

Recommendations (Should)

Federal: None

State: None

MPOs Technical Methodology for Estimating the Regional GHG Emissions

Prior to starting the public participation process, the MPO provides ARB with the technical methodology description estimating the greenhouse gas emissions from its SCS, and if

appropriate, its APS. The ARB and the MPO work together until ARB concludes the technical methodology operates accurately.

Requirements (Shall)

Federal: None

State: Government Code 65080

Recommendations (Should)

Federal: None

State: None

ARB Review of the SCS or APS

After adoption of an SCS or APS, the MPO provides ARB with the SCS or APS, the quantification of the greenhouse gas emission reductions to be achieved, and the technical methodology description. The ARB limits its review to accepting or rejecting the MPO's determination that the strategy would achieve the greenhouse gas emission reduction targets established. The ARB completes its review within 60 days.

If the ARB determines the MPO's strategy would not achieve the greenhouse gas emission reduction targets, the MPO shall revise its strategy or adopt an APS. This adopted APS would then be submitted for review to the ARB. At a minimum, the MPO must obtain ARB acceptance that an APS would, if implemented, achieve the greenhouse gas emission reduction targets established by ARB (see Appendix XXX for more APS guidance)

Requirements (Shall)

Federal: None

State: Government Code 65080

Recommendations (Should)

Federal: None

State: None

Local Land Use Authority

- Neither an SCS nor an APS regulates land use.
- Except for the ARB review of the SCS and APS technical methodology, neither are subject to state approval.
- Nothing in an SCS supersedes cities' and counties' land use authority.
- A city's or county's land use policies, regulations, or general plan, do not need to be consistent with an APS or an RTP.
- An MPO is not required to approve a SCS that is not consistent with Part 450 of Title 23, or Part 93 of Title 40, Code of Federal Regulations, and any administrative guidance.

Requirements (Shall)

Federal: None

State: Government Code 65080

Recommendations (Should)

Federal: None

State: None