

Regional Greenhouse Gas Emissions Requirements and Considerations in the RTP

Excerpt Page 120 - November 23, 2009 Working Draft:

6.22 Greenhouse Gas Emissions and Targets Background

Current law requires that no later than September 30, 2010, the California Air Resources Board (ARB) shall provide each MPO with the region's greenhouse gas emission (GHG) targets for automobile and light trucks for 2020 and 2035. These targets are established with consideration given to methodology recommendations from an appointed Regional Targets Advisory Committee (RTAC). The RTAC released its Recommendation Report entitled: *Recommendations of the Regional Targets Advisory Committee (RTAC) Pursuant to SB 375* on September 29, 2009 which is available at the following link:

<http://www.arb.ca.gov/cc/sb375/rtac/report/092909/finalreport.pdf>

Comments – GHG Emissions & Targets Paragraph:

TRANSDEF:

Current law requires that no later than September 30, 2010, the California Air Resources Board (ARB) shall provide each MPO with the region's greenhouse gas **emissions reduction** (GHG) targets for automobile and light trucks for 2020 and 2035.

Excerpt Page 120 - November 23, 2009 Working Draft:

6.23 Contents of the Sustainable Communities Strategy (SCS):

SCS Overview/Background

Integrating transportation, land use, and housing, in the planning process is vital to reducing regional greenhouse gas (GHG) emissions from cars and light trucks. The Sustainable Communities Strategy or SCS, was added as a new component of the RTP following the passage of SB 375 in September 2008, pursuant to Government Code section 65080(b)(2). The SCS is designed to encourage regional agencies and local government to adopt policies and make investments that will reduce regional greenhouse gas emissions, to the extent that each is feasible. The SCS is part of the RTP and policies within the SCS shall be consistent with the other elements of the RTP. The development of the RTP is the primary long-range regional planning process through which MPOs and local government target transportation investments, collaborate on land use patterns and consider feasible growth strategies that strive toward reducing regional GHGs.

Comments to SCS Overview/Background Paragraph 1:

OCTA:

The following language seems to imply that the purpose of the RTP is to reduce GHG, and could be omitted without disrupting the purpose of the paragraph:

"The development of the RTP is the primary long-range regional planning process through which MPOs and local government target transportation investments, collaborate on land use patterns and consider feasible growth strategies that strive toward reducing regional GHGs."

NRDC:

Integrating transportation, land use, and housing, in the planning process is vital to reducing regional greenhouse gas (GHG) emissions from cars and light trucks. The Sustainable Communities Strategy or SCS, was added as a new component of the RTP following the passage of SB 375 in September 2008, pursuant to Government Code section 65080(b)(2). The SCS requires regional agencies to adopt policies and make investments that will reduce regional greenhouse gas emissions, to the greatest extent feasible. The SCS is part of the RTP and the SCS shall be consistent with the other elements of the RTP. The development of the RTP is the primary long-range regional planning process through which MPOs and local government target transportation investments, collaborate on land use patterns and consider feasible growth strategies that strive toward reducing regional GHGs.

TRANSDEF:

Integrating transportation, land use, and housing in the planning process is vital to reducing regional greenhouse gas (GHG) emissions from cars and light trucks. The Sustainable Communities Strategy or SCS, was added as a new component of the RTP following the passage of SB 375 in September 2008, pursuant to Government Code section 65080(b)(2). The SCS is designed to encourage regional agencies and local government to adopt policies and make investments that will reduce regional greenhouse gas emissions, to the extent feasible. The SCS is part of the RTP and policies within the SCS shall be consistent with the other elements of the RTP. The development of the RTP is the primary long-range regional planning process through which MPOs and local government target transportation investments, collaborate on land use patterns and consider feasible growth strategies that strive toward reducing regional GHGs.

Comment [1]:

There is no reason for this word to be here. The very act of 'considering' implies a measured and thoughtful process, within which "feasibility" is redundant.

Excerpt Page 120 - November 23, 2009 Working Draft:

For over 30 years, the primary purpose of the RTP has been to identify the transportation projects, programs and services needed to address both current conditions and future regional growth and to specify the major transportation projects to be programmed given the financial resources available. The SCS will require MPOs to continue to work with local land use authorities to determine reasonable land use assumptions, ensure the regional housing needs allocation is consistent with the forecasted development pattern and develop transportation measures and policies needed to achieve the regional GHG reduction target set by the California Air Resources Board. If the RTP, including the SCS, does not achieve the regional GHG reduction

target, the MPO can elect to either revise the SCS or prepare an Alternative Planning Strategy (APS) that is separate from the RTP.

Comments to SCS Overview/Background Paragraph 2:

Housing CA:

For over 30 years, the primary purpose of the RTP has been to identify the transportation projects, programs and services needed to address both current conditions and future regional growth and to specify the major transportation projects to be programmed given the financial resources available. The SCS will require MPOs to continue to work with local land use authorities to determine reasonable land use assumptions, ensure the regional housing needs allocation is consistent with the forecasted development pattern and develop transportation measures and policies needed to achieve the regional GHG reduction target set by the California Air Resources Board. If the RTP, including the SCS, does not achieve the regional GHG reduction target, the MPO can elect to either revise the SCS or prepare an Alternative Planning Strategy (APS) that is separate from the RTP.

Comment [js2]: This term is not defined in the relevant statute or in the guidelines. It should be defined in the guidelines, to allow elected officials, state agencies, and interested parties to determine if the requirement has been met.

NRDC:

Whether or not a region is able to actually hit their target with the SCS, the legislative intent of SB 375 is clear: an SCS must reduce greenhouse gas emissions to the greatest extent feasible. When working with the regions to set the GHG targets, (see Step 3, p. 10 of RTAC report), ARB will look to see whether or not the SCS contains the most ambitious achievable level of effort. This means that if a region cannot meet its target within the SCS, but instead have to create an APS, the SCS should still be a substantial improvement over business as usual land use and transportation planning, and their regions and member cities would see substantial co-benefits as a result of implementing the SCS. In addition, if a region must prepare an APS, that alternative scenario must still represent “the most practicable choices for achievement of the greenhouse gas emission reduction targets.” Cal. Govt. Code § 65080 (b)(2)(H)(iii).

SB 375 calls for the SCS to achieve the target “if there is a feasible way to do so.” “Feasible” means capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” In adopting the Scoping Plan Resolution, the Air Resources Board stated its intent that the SB 375 greenhouse gas emission reduction targets it will set will be the most ambitious achievable. Because of the MPO’s involvement in the target-setting process, it is reasonable to expect that an SCS will be able to achieve its target if its policies and programs are sufficiently ambitious.

TRANSDEF:

For over 30 years, the primary purpose of the RTP has been to identify the transportation projects, programs and services needed to address both current conditions and future regional growth and to specify the major transportation projects to be programmed, given the financial resources available. The SCS will require MPOs to work with local land use authorities to determine reasonable land use assumptions, ensure the regional housing needs allocation is consistent with the forecasted development pattern and develop transportation measures and policies needed to achieve the regional GHG emissions reduction target set by the California Air Resources Board. If the SCS does not achieve the regional GHG reduction target, the MPO can

elect to either revise the SCS or prepare an Alternative Planning Strategy (APS), which is separate from the RTP.

Whether or not a region is able to actually hit their target with the SCS, the legislative intent of SB 375 is clear: an SCS must reduce greenhouse gas emissions to the greatest extent feasible.) ARB will look to see whether or not the SCS contains the most ambitious achievable level of effort. This means that if a region cannot meet its target within the SCS, but instead has to create an APS, the SCS should still be a substantial improvement over business as usual land use and transportation planning, and their regions and member cities would see substantial co-benefits as a result of implementing the SCS. In addition, if a region must prepare an APS, that alternative scenario must still represent “the most practicable choices for achievement of the greenhouse gas emission reduction targets.” Cal. Govt. Code § 65080 (b)(2)(H)(iii).

SB 375 calls for the SCS to achieve the target “if there is a feasible way to do so.” “Feasible” means capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” In adopting the Scoping Plan Resolution, the Air Resources Board stated its intent that the SB 375 greenhouse gas emission reduction targets it will set will be the most ambitious achievable. Because of the MPO’s involvement in the target-setting process, it is reasonable to expect that an SCS will be able to achieve its target if its policies and programs are sufficiently ambitious.

Excerpt Pages 120 & 121 - November 23, 2009 Working Draft:

There is great variation among the 18 MPOs in the state and flexibility is an important component in preparing the SCS. The information in the section below is intended to identify the specific requirements of what constitutes an SCS and also what items would be beneficial to be included in an SCS.

SCS Contents

California Government Code Section 65080(b)(2) requires that all MPOs prepare an SCS as part of their RTP addressing the following areas :

Regional Land Uses:

Required: Identification of general land uses, residential densities, and building intensities within the region. The SCS shall set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the regional greenhouse gas emissions from automobiles and light trucks to achieve, if feasible, the regional greenhouse gas emissions reduction targets approved by the California Air Resources Board.

Comments to Regional Land Uses “Required” Section:

Housing CA:

Required: Identification of general land uses, residential densities, and building intensities within the region. The SCS shall set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the regional greenhouse gas emissions from automobiles and light trucks to achieve, if feasible, the regional greenhouse gas emissions reduction targets approved by the California Air Resources Board. The SCS shall include a map of current land uses, including residential densities and other building intensities, and a map or series of maps illustrating the forecasted development pattern for the region, highlighting changes from current land uses, changes in residential densities and building intensities.

NRDC:

Required: Identification of general land uses, residential densities, and building intensities within the region. The SCS shall set forth a forecasted development pattern for the region, which is reflected in a dataset and a series of maps. This information, when integrated with the transportation network, and other transportation measures and policies, will reduce the regional greenhouse gas emissions from automobiles and light trucks to achieve, if feasible, the regional greenhouse gas emissions reduction targets approved by the California Air Resources Board.

Excerpt Page 121 - November 23, 2009 Working Draft:

Suggested: A map of current land uses, including residential densities and other building intensities. A map or series of maps illustrating the forecasted development pattern for the region, highlighting changes from current land uses, changes in residential densities and building intensities. A narrative description of how the forecasted development pattern reduces GHG emissions from automobiles and light trucks to meet the regional target set by the ARB.

Comments to Regional Land Uses “Suggested” Section:

NRDC:

Identification of land uses will include a map of current land uses, including residential densities and other building intensities. A map or series of maps illustrating the forecasted development pattern for the region, highlighting changes from current land uses, changes in residential densities and building intensities. A narrative description of how the forecasted development pattern reduces GHG emissions from automobiles and light trucks to meet the regional target set by the ARB

TRANSDEF:

Recommended: A map of current land uses, including residential densities and other building intensities. A map or series of maps illustrating the forecasted development pattern for the region, highlighting changes from current land uses, changes in residential densities and building intensities. A narrative description of how the forecasted development pattern reduces GHG emissions from automobiles and light

trucks to meet the regional target set by the ARB. A list of regional policies and incentive programs for local governments that help accomplish the SCS's goals in this area.

Housing CA:

Suggested: A map of current land uses, including residential densities and other building intensities. A map or series of maps illustrating the forecasted development pattern for the region, highlighting changes from current land uses, changes in residential densities and building intensities. A narrative description of how the forecasted development pattern reduces GHG emissions from automobiles and light trucks to meet the regional target set by the ARB.

~~Or - **Suggested:** A map of current land uses, including residential densities and other building intensities. A map or series of maps illustrating the forecasted development pattern for the region, highlighting changes from current land uses, changes in residential densities and building intensities. A narrative description of how the forecasted development pattern reduces GHG emissions from automobiles and light trucks to meet the regional target set by the ARB~~

Comment [js3]: A map should be required to permit the public and elected officials to evaluate the SCS. Simply listing sites or describing in words the development pattern would make it virtually impossible for the public to participate effectively, which is a key requirement of SB 375.

Excerpt Page 121 - November 23, 2009 Working Draft:

Regional Housing Needs:

Required: The SCS shall identify areas within the region sufficient to house all of the current and projected population of the region, including all economic segments, over the course of the planning period of the Regional Transportation Plan. In projecting future housing needs, the MPO shall take into account net migration into the region, population growth, household formation, and employment growth. The SCS shall identify areas within the MPO boundary sufficient to house the projection of the Regional Housing Needs Allocation (RHNA) as established pursuant to Housing Element Law (Government Code 65584) and in consultation with the California Department of Housing and Community Development (HCD). The allocation of the region's housing needs shall be consistent with the development pattern contained within the SCS (Government Code Section 65584.01 (i) (1). State housing goals as specified in Government Code sections 65580 and 65581 must be considered in the SCS.

Comments to Regional Housing Needs "Required" Section:

Mark Stivers, Senate Transportation & Housing:

On page 121 (Section 6.23/SCS Contents/Regional Housing Needs) reword the first paragraph of 2. as follows:

Required: The SCS shall identify areas within the region sufficient to house all of the current and projected population of the region, including all economic segments, over the course of the planning period of the Regional Transportation Plan. In projecting future housing needs, the MPO shall take into account net migration into the region, population growth, household formation, and employment growth. The SCS shall identify areas within the MPO boundary sufficient to house the projection of the Regional

Housing Needs Allocation (RHNA) as established by the California Department of Housing and Community Development (HCD) pursuant to Housing Element Law (Government Code 65584 et seq). The allocation of the region's housing needs shall be consistent with the development pattern contained within the SCS (Government Code Section 65584.01 (i) (1). State housing goals as specified in Government Code sections 65580 and 65581 must be considered in the SCS.

Housing CA:

Required: The SCS shall identify areas within the region sufficient to house all of the current and projected population of the region, including all economic segments, over the course of the planning period of the Regional Transportation Plan. In projecting future housing needs, the MPO shall take into account net migration into the region, population growth, household formation, and employment growth. The SCS shall identify areas within the MPO boundary sufficient to house the projection of the Regional Housing Needs Allocation (RHNA) as established pursuant to Housing Element Law (Government Code 65584) and in consultation with the California Department of Housing and Community Development (HCD). The allocation of the region's housing needs shall be consistent with the development pattern contained within the SCS (Government Code Section 65584.01 (i) (1). State housing goals as specified in Government Code sections 65580 and 65581 must be considered in the SCS.

Comment [js4]: In order for the public and elected officials to determine if an SCS meets this requirement, a definition of this term should be included in the guidelines. Consistency between SCSs also will allow comparisons between regions that will allow MPOs and state agencies to identify best practices.

Comment [js5]: This term is not defined in the relevant statute or in the guidelines. It should be defined in the guidelines, to allow elected officials, state agencies, and interested parties to determine if the requirement has been met.

Excerpt Page 121 - November 23, 2009 Working Draft:

Suggested: A map of how the forecasted development pattern in the SCS accommodates the housing need for all economic segments of the population over the RHNA projection period. A narrative description could also be provided of how the forecasted development pattern will accommodate the housing need for the projected population of the region, including all economic segments, over the planning period of the RTP. "All economic segments" means the very low, low, moderate, and above moderate income categories, as those categories are defined and used for purposes of the region's Regional Housing Needs Assessment pursuant to Section 65584 of the Government Code. "Areas sufficient to house" could mean an aggregate number of acres designated at densities consistent with Section 65583.2(c)(3)(b) of the Government Code to accommodate the housing needs of very low and low income households.

Comments to Regional Housing Needs "Suggested" Section:

SANDAG:

Suggested: A map of how the forecasted development pattern in the SCS accommodates the housing need for all economic segments of the population over the RHNA projection period. A narrative description could also be provided of how the forecasted development pattern will accommodate the housing need for the projected population of the region, including all economic segments, over the planning period of the RTP. "All economic segments" means the very low, low, moderate, and above moderate income categories, as those categories are defined and used for purposes of the region's Regional Housing Needs Assessment pursuant to Section 65584 of the Government Code. "Areas sufficient to house" could mean an aggregate number of acres designated at densities consistent with Section 65583.2(c)(3)(b) of the

Government Code to accommodate the housing needs of very low and low income households.

Comment [ea6]: Recommend deleting this sentence. It only refers to housing needs of the very low and low income households, where the law refers to the needs of all economic segments of the population.

Housing CA:

Suggested: A map of how the forecasted development pattern in the SCS accommodates the housing need for all economic segments of the population over the course of the planning period of the Regional Transportation Plan. A narrative description could also be provided of how the forecasted development pattern will accommodate the housing need for the projected population of the region, including all economic segments, over the planning period of the RTP. "All economic segments" means the extremely low, very low, low, moderate, and above moderate income categories, as those categories are defined and used for purposes of the region's Regional Housing Needs Assessment pursuant to Section 65584 of the Government Code. "Areas sufficient to house" could mean an aggregate number of acres designated at densities consistent with Section 65583.2(c)(3)(b) of the Government Code to accommodate the housing needs of very low and low income households. [This would be the appropriate place to insert the RTAC's recommendations on displacement and gentrification. We will suggest specific language.]

Comment [js7]: A map should be required to permit the public and elected officials to evaluate the SCS. Simply listing sites or describing in words the development pattern would make it virtually impossible for the public to participate effectively, which is a key requirement of SB 375.

Comment [js8]: This sentence belongs under "required."

Comment [js9]: Per comment #7, a definition should appear under "required" instead of "suggested."

~~**Suggested:** The SCS shall include a map of how the forecasted development pattern in the SCS accommodates the housing need for all economic segments of the population over the RHNA projection period. It also shall include a narrative description ~~could also be provided~~ of how the forecasted development pattern will accommodate the housing need for the projected population of the region, including all economic segments, over the planning period of the RTP. "All economic segments" means the extremely low, very low, low, moderate, and above moderate income categories, as those categories are defined and used for purposes of the region's Regional Housing Needs Assessment pursuant to Section 65584 of the Government Code. "Areas sufficient to house" could mean an aggregate number of acres designated at densities consistent with Section 65583.2(c)(3)(b) of the Government Code to accommodate the housing needs of very low and low income households.~~

~~In the SCS, the terms "sufficient to house" and "consistent" shall have the following meanings: [insert subcommittee's agreed-upon definitions].~~

~~**Suggested:** This would be the appropriate place to insert the RTAC's recommendations on displacement and gentrification. We will suggest specific language.~~

TRANSDEF:

Recommended: A map **and** narrative description of how the forecasted development pattern will accommodate the housing need for the projected population of the region, including all economic segments, over the planning period of the RTP. "All economic segments" means the very low, low, moderate, and above moderate income categories, as those categories are defined and used for purposes of the region's Regional Housing Needs Assessment pursuant to Section 65584 of the Government Code. "Areas sufficient to house" could mean an aggregate number of acres designated at densities consistent with Section 65583.2(c)(3)(b) of the Government Code to accommodate the housing needs of very low and low income households. **A list of regional policies and incentive programs for local governments that help accomplish the SCS's goals in this area.**

Resource Areas and Farmland:

Required: Gather and consider the best practically available scientific information regarding resource areas and farmland in the region, as defined in Government Code 65080.01 (a) and (b) including:

1. All publically owned parks and open space;
2. Open space or habitat areas protected by natural community conservation plans, habitat conservation plans and other adopted natural resource protection plans;
3. Habitat for species identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies or protected by the federal Endangered Species Act, the California Endangered Species Act or the Native Plant Protection Act;
4. Lands subject to conservation or agricultural easements for conservation or agricultural purposes by local governments, special districts, or non profit 501(c)(3) organizations;
5. Areas of the state designated by the State Mining and Geology Board as areas of statewide or regional significance pursuant to Section 2790 of the Public Resources Code, and lands under Williamson Act contracts;
6. Areas designated for open-space or agricultural use in adopted open space elements or agricultural elements of the local general plan or by local ordinance;
7. Areas containing biological resources as described in Appendix G of the California Environmental Quality Act (CEQA) guidelines that may be significantly affected by the sustainable communities strategy or alternative planning strategy and;
8. Areas subject to flooding where a development project would not, at the time of development in the judgment of the agency, meet the requirements of the National Flood Insurance Program or where the area is subject to more protective provisions of state law or local ordinance.

Suggested: As a best practice and to assist MPOs in addressing resource areas and farmland in their development of an SCS, maps of farmland and resource areas, developed in consultation with the appropriate resources agencies, identifying regional priority areas for conservation and mitigation efforts could be prepared. These areas could include but certainly are not limited to:

- Areas important for the maintenance of endemic, rare, or imperiled plant and animal species and communities,
- Areas that provide connectivity between natural habitats, especially in areas with high rates of land use conversion including riparian areas and areas with low levels of fragmentation from human land uses and infrastructure,
- Natural areas adjacent to existing public or privately protected areas that serve to buffer and improve habitat values,
- Existing farm and ranch land,

- Natural areas important for carbon storage and sequestration including forest land as well as.
- Areas that can serve to buffer developed areas from natural disturbance such as floodplains or natural fire breaks.

In addition to the development of maps, the SCS could also contain a narrative description of how the forecasted development pattern: incorporates and considers the best practically available scientific information regarding resource areas and farmland, was developed in consultation with appropriate resource agencies, and determines priority areas for conservation and mitigation efforts. Please refer to Sections 5.3 and 5.5 of the Guidelines for more information regarding best management practices for the consideration of environmental resource areas and farmland in RTP development.

Comments to Resource Areas & Farmland Section

TRANSDEF:

Recommended: Maps of farmland and resource areas, developed in consultation with the appropriate resources agencies, identifying regional priority areas for conservation and mitigation efforts, as a best practice and to assist the MPO in addressing resource areas and farmland in the development of an SCS. These areas could include but certainly are not limited to:

- Areas important for the maintenance of endemic, rare, or imperiled plant and animal species and communities.
- Areas that provide connectivity between natural habitats, especially in areas with high rates of land use conversion including riparian areas and areas with low levels of fragmentation from human land uses and infrastructure,
- Natural areas adjacent to existing public or privately protected areas that serve to buffer and improve habitat values,
- Existing farm and ranch land.
- Natural areas important for carbon storage and sequestration including forest land as well as.
- Areas that can serve to buffer developed areas from natural disturbance such as floodplains or natural fire breaks.

Comment [10]:
Something is missing here.

In addition to the development of maps, the SCS could also contain a narrative description of how the forecasted development pattern: incorporates and considers the best practically available scientific information regarding resource areas and farmland, was developed in consultation with appropriate resource agencies, and determines priority areas for conservation and mitigation efforts. A list of regional policies and incentive programs for local governments that help accomplish the SCS's goals in this area would be helpful. Please refer to Sections 5.3 and 5.5 of the RTP Guidelines for more information regarding best management practices for the consideration of environmental resource areas and farmland in RTP development

2. Regional Transportation System

Required: The SCS shall identify a transportation network to service the transportation needs of the region.

Suggested: A map of the transportation network included in the RTP. A narrative description of how the forecasted development pattern and the forecasted transportation network are consistent with one another. The SCS may also identify transportation policies such as strategies for Transportation Demand Management (TDM) and Transportation System Management (TSM).

Comments to Regional Transportation System Section:

OCTA:

Under "4. Regional Transportation System" please consider revising the following language:

"Transportation investments should be consistent with or supportive of the forecasted development pattern in the SCS."

To:

"Transportation investments and forecasted development patterns contained in the SCS should be complimentary."

NRDC:

Required: The SCS shall identify a transportation network to service the transportation needs of the region. *The SCS has to be sufficiently detailed that it can be run through a model and yield a GHG reduction estimate for submittal to the California Air Resources Board.*

Suggested: A map of the transportation network included in the RTP. A narrative description of how the forecasted development pattern and the forecasted transportation network are consistent with one another. The SCS may also identify transportation policies such as strategies for Transportation Demand Management (TDM) and Transportation System Management (TSM). *The projects exempted in SB 375 should be included in the transportation network.*

TRANSDEF:

Recommended: A map of *the RTP's* transportation network. A narrative description of how the forecasted development pattern and the forecasted transportation network are consistent with one another. *A list of regional policies and incentive programs for local governments that help accomplish the SCS's goals in this area.* The SCS may also identify transportation policies such as strategies for Transportation Demand Management (TDM) and Transportation System Management (TSM). *(See Section 6.25 of the RTP Guidelines.)*

Excerpt Page 123 - November 23, 2009 Working Draft:

The SCS shall be “internally consistent” with the other sections of the RTP. This means that the contents of the Policy, Action and Financial elements, and Sustainable Communities Strategy shall be consistent with one another. Transportation investments should be consistent with or supportive of the forecasted development pattern contained in the SCS.

Comments to Internally Consistent Paragraph:

SANDAG:

The SCS shall be “internally consistent” with the other sections of the RTP. This means that the contents of the Policy, Action and Financial elements, and Sustainable Communities Strategy shall be consistent with one another. Transportation investments should be consistent with or supportive of the forecasted development pattern contained in the SCS.

Comment [gmo11]: Recommend revising text to: The RTP shall be internally consistent with other sections including the SCS.

TRANSDEF:

The SCS shall be “internally consistent” with the other sections of the RTP. This means that the contents of the Policy, Action, ~~and~~ Financial elements, and Sustainable Communities Strategy shall be consistent with one another. Transportation investments should be consistent with or supportive of the forecasted development pattern contained in the SCS.

Excerpt Page 123 - November 23, 2009 Working Draft:

Specific SCS Development Requirements for MPOs in Multi-County Regions

There are five Multi-County MPO's within California:

- Association of Monterey Bay Area Governments (AMBAG): covers a three county region.
- Metropolitan Transportation Commission (MTC): covers a nine county region in the San Francisco Bay Area.
- Southern California Association of Governments (SCAG): covers a six county region.
- Sacramento Area Council of Governments (SACOG): covers a six county region.
- Tahoe Metropolitan Planning Organization (TMPO): covers a portion of Placer and El Dorado Counties.

Government Code Section 65080(b)(2)(C), (D) and (N) assigns certain responsibilities and collaboration requirements or options for the development of an SCS in multi-county MPO regions and in the San Joaquin Valley. The AMBAG and SACOG multi-county MPO regions are not specifically addressed in 65080(b)(2)(C), (D) or (N) however, these regions are still required to fully comply with the SCS requirements outlined in 65080(b)(2)(B).

San Francisco Bay Area – Pursuant to Government Code Section 65080(b)(2)(C)(i), within the nine county San Francisco Bay Area region, the Association of Bay Area Governments (ABAG) is responsible for the land use and housing related issues in the SCS. The Metropolitan Transportation Commission is responsible for identifying the regional transportation needs. ABAG and MTC are jointly responsible for setting forth a forecasted development pattern for the region that, when integrated with the transportation network, measures and policies, will reduce GHG emissions from passenger vehicles and if, feasible, achieve GHG reduction targets set by the ARB.

Southern California Association of Governments (SCAG) – Within the SCAG region, there are six county level councils of governments (COGs) and fourteen sub-regional COGs. Government Code Section 65080(b)(2)(C) allows each of these COGs to prepare the SCS and APS (if needed). SCAG has developed a document titled: "Framework and Guidelines by the Southern California Association of Governments for the Development of a Sub-Regional SCS/APS". This document is intended to provide guidance for each of the fourteen SCAG sub-regions and should be consulted prior to any SCS/APS related work. SCAG shall include this sub-regional work within their overall SCS contained in SCAG's RTP, to the extent that the sub-regional work is consistent with the provisions of Government Code 65080 and federal law. Please see Government Code 65080 (b)(2)(C) for specific requirements.

San Joaquin Valley - The following eight counties constitute the MPOs located in the San Joaquin Valley: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare. These eight counties are located in one air quality basin and the MPOs have a long history of collaborating on the preparation of their respective RTPs particularly as it relates to the federal air quality conformity determination. Government Code section 65080 (N) stipulates that two or more of these MPOs may work together on the development of a joint SCS or APS, should they choose to do so.

Tahoe Metropolitan Planning Organization (TMPO) – Pursuant to Government Code Section 65080(b)(2)(C)(ii), within the jurisdiction of the Tahoe Regional Planning Agency, as defined in Sections 66800 and 66801, TMPO shall use the Regional Plan for the Lake Tahoe Region as the sustainable community strategy, provided it complies with Government Code Section 65080(b)(2)(B)(vii) and (viii).

Comments to Above Paragraphs:

AMBAG:

Government Code Section 65080(b)(2)(C), (D) and (N) assigns certain responsibilities and collaboration requirements or options for the development of an SCS in multi-county MPO regions and in the San Joaquin Valley. The AMBAG and SACOG multi-county MPO regions are not specifically addressed in 65080(b)(2)(C), (D) or (N) however, these regions RTPAs should work closely with the MPOs when developing their RTPs for inclusion in the MPO's MTP and required to fully comply with the SCS requirements as outlined in 65080(b)(2)(B).

OCTA:

Please consider revising the paragraph regarding the SCAG region to read: "Within the SCAG region, there are six County Transportation Commissions (CTCs) and

fourteen subregional Councils of Government (COGs). Government Code Section 65080(b)(2)(C) allows a COG and CTC to jointly develop a SCS and APS, if needed. SCAG has developed a document titled: "Framework and Guidelines by the Southern California Association of Governments for the Development of a Sub-Regional SCS/APS." This document is intended to provide guidance for the development of a subregional SCS and APS, and should be consulted prior to any SCS/APS related work. SCAG shall include the subregional work within their overall SCS contained in SCAG's RTP, to the extent that the subregional work is consistent with the provisions of Government Code 65080 and federal law. Please see Government Code 65080 (b)(2)(C) for specific requirements."

Excerpt Page 124 - November 23, 2009 Working Draft:

The following 2 proposals have been submitted for inclusion in this section, it is requested that subcommittee members provide comments as to which proposal is preferred. MTC has also submitted a Proposal #3 for consideration by the Land Use and Housing Workgroup.

Comment to Above Paragraph

Housing CA:

Page 124 (Proposals 1 and 2): What are the Housing and Land Use Subcommittee's agreed-upon "shalls" and "shoulds" around which the language is crafted? It would be helpful to have these outlined in writing so the subcommittee can determine which draft more accurately captures them. If there are no agreements yet, it is too soon to be looking at specific language.

The following 2 proposals have been submitted for inclusion in this section, it is requested that subcommittee members provide comments as to which proposal is preferred.

Mark Stivers, Senate Transportation & Housing

With respect to the two alternative proposals presented on pages 124-129, I prefer alternative #1.

TRANSDEF:

Deleted Proposal 1

Comment [js12]: 1. What are the committee's agreed-upon "shalls" and "shoulds" around which the language is crafted? It would be helpful to have these outlined in writing so we can determine which draft more accurately captures them. If there are no agreements yet, it's too soon to be looking at specific language.

Excerpt Page 124 - November 23, 2009 Working Draft:

Proposal #1 – The following language is proposed:

Role of Existing General Plans and Spheres of Influence

In developing an SCS, an MPO shall consult with cities and counties about their existing general plans and foreseeable changes to their general plans over the period covered by the RTP. An MPO shall also consult with relevant Local Agency Formation Commissions

(LAFCOs) about current spheres of influence and municipal service review boundaries as well as foreseeable changes to those boundaries over the period covered by the RTP.

To the extent they are reasonable and consistent with federal requirements, an MPO may base an SCS on planning assumptions that differ from and/or go beyond existing plans and boundaries. In the event MPOs include assumptions that differ from and/or go beyond existing plans and boundaries, federal, state, and local agencies should be consulted on whether the land use assumptions are reasonable, best available, and consistent with the transportation system planned.

Comments to Role of Existing General Plans & Spheres of Influence:

SANDAG:

In developing an SCS, an MPO shall consult with cities and counties about their existing general plans and foreseeable changes to their general plans over the period covered by the RTP. An MPO should also consult with relevant Local Agency Formation Commissions (LAFCOs) about current spheres of influence and municipal service review boundaries as well as foreseeable changes to those boundaries over the period covered by the RTP.

Comment [ea13]: Statutory reference for shall?

NRDC:

To the extent they are reasonable and consistent with federal requirements, an MPO may base an SCS on planning assumptions that differ from and/or go beyond existing plans and boundaries. The MPO should base its assumptions on the most realistic forecasts taking into account changing population demographics and market demand over the life of the RTP.

In the event MPOs include assumptions that differ from and/or go beyond existing plans and boundaries, federal, state, and local agencies should be consulted on whether the land use assumptions are reasonable, best available, and consistent with the transportation system planned.

Excerpt Page 125 - November 23, 2009 Working Draft:

Addressing Housing Needs in the SCS

This sub-section is pending further input from the RTAC Coordination and Land Use and Housing Workgroups.

Coordination of SCS with the Regional Housing Need Allocation Process

The Regional Housing Need Allocation (RHNA) of State Housing Element Law is to be synchronized with the development of a Sustainable Communities Strategy (SCS). The RHNA establishes a minimum amount of housing development capacity for the housing element. Each city and county must demonstrate this capacity with adequate sites, and development standards and programs to accommodate the RHNA within the planning period of an updated housing element. The development pattern of the SCS and the

RHNA adopted by each council of governments¹ are to be consistent for corresponding time periods. With a minimum twenty year horizon, the Regional Transportation Plan (RTP) covers a much longer time period than the projection period of the RHNA.

State law requires that 24-26 months prior to the housing element due date, the RHNA process begins with determining the regional housing need following consultation between each council of governments and the California Department of Housing and Community Development (HCD). The RHNA development process includes an opportunity for a revision of draft allocations by the MPO, and is subject to final acceptance by HCD. As the interagency consultation for federal air quality conformity for the RTP is a separate process, consultation with HCD may or may not occur at the same time as the interagency consultation with transportation and air quality agencies. Any considerations during the conformity consultation process affecting the RHNA should be discussed by the MPO with HCD prior to HCD's regional housing need determination. For the RHNA/housing element and RTP statutory process timelines, see Appendix L..

When there is a RHNA update scheduled prior to an RTP update, the growth forecast for the portion of the SCS planning period which includes the (shorter) RHNA period should not be finalized prior to HCD's regional housing needs determination. In addition to other factors required by State housing law, the MPO provides key data assumptions during the consultation. This includes employment projections, ages, gender, and the labor force portion of the projected population. This is a primary basis for comparing population and employment projections.

The housing capacity distribution of the housing element planning period within the region is determined by the RHNA plan adopted by the MPO. The RHNA factors required to be considered for the RHNA methodology (GC 65584.04(d)) should be considered in the SCS development. The land use designations and zoning of specific sites is within the authority of the local governments. Consistency determinations of the SCS with the RHNA are applicable only at the boundaries of individual cities and counties, and not for individual sites within the city or an unincorporated county.

Comments to Coordination of SCS with RHNA:

SANDAG:

State law requires that 24-26 months prior to the housing element due date, the RHNA process begins with a determination of the regional housing need following consultation between each council of governments and the California Department of Housing and Community Development (HCD). The RHNA development process includes an opportunity for a revision of draft allocations by the MPO, and is subject to final acceptance by HCD. As the interagency consultation for federal air quality conformity for the RTP is a separate process, consultation with HCD may or may not occur at the same time as the interagency consultation with transportation and air quality agencies. Any considerations during the conformity consultation process affecting the RHNA should be discussed by the MPO with HCD prior to HCD's regional housing need

¹ For the SCS of the Metropolitan Transportation Commission's RTP, the RHNA Plan with the allocations for member cities and counties are adopted by the Association of Bay Area Governments (ABAG).

determination. For the RHNA/housing element and RTP statutory process timelines, see Appendix L.

When there is a RHNA update scheduled prior to an RTP update, the SCS should not be finalized prior to HCD's regional housing needs determination. In addition to other factors required by State housing law, the MPO provides key data assumptions during the consultation. This includes employment projections, ages, gender, and the labor force portion of the projected population. This is a primary basis for comparing population and employment projections.

Comment [ea14]: See recommended language re: SCS not being finalized prior to HCD's determination to ensure synchronization of housing needs and SCS.

The housing capacity **distribution** for the housing element planning period within the region is determined by the RHNA plan adopted by the MPO. The RHNA factors required to be considered for the RHNA methodology (GC 65584.04(d)) should be considered in the SCS development. The land use designations and zoning of specific sites is within the authority of the local governments. Consistency determinations of the SCS with the RHNA are applicable **only within** the boundaries of individual cities and counties, and not for individual sites within the city or an unincorporated county.

Excerpt Page 125 - November 23, 2009 Working Draft:

Reconciliation of SCS Land Use Assumptions

An SCS does not regulate the use of land, and does not supersede the land use authority of cities and counties within the region. City and county land use policies, including general plans, are not required to be consistent with the RTP, the SCS or the APS. However, federal regulations require assumptions regarding the distribution of employment and housing to be reasonable. Issues relating to State planning law requirements should be considered in the development of the land use assumptions of the SCS. MPOs should consult with local governments and Local Agency Formation Commissions (LAFCOs) when developing land use assumptions for the SCS.

The SCS is updated more often than local general plans or LAFCO plans, and considers other factors. The SCS planning period extends beyond the time period covered in many existing general plans. The SCS could include assumptions beyond what is included in existing general plans for this, and other reasons, related to other provisions of State law. For example, existing general plans may not yet include land use designations with zoning and development standards accommodating the existing RHNA for local governments which have not yet adopted a housing element for the current update cycle, or may not yet have completed a scheduled rezoning program of an adopted housing element. Further, existing general plans may not be able to accommodate the next RHNA with which the RTP is to be integrated without amendment of land use designations and rezoning. As reductions of the RHNA based on local measures limiting building permits are prohibited by State law, such assumptions shall not be incorporated into the SCS growth forecast for the corresponding RHNA period. The SCS, including the process for revision of the draft SCS, should consider the provisions potential for the revisions between the draft and final RHNA pursuant to Government Code Section 65584.05(g) to maintain a basis for determining consistency of the RHNA.

The RHNA allocates housing capacity categorized in four income categories, to be accommodated by each local government within the region. These categories are very low income, low income, moderate income, and above moderate income households. Each housing element must demonstrate that allowable densities and other development standards accommodating all income categories will be available during the housing element planning period. The SCS forecasted development pattern should accommodate all economic segments of the population throughout the life of the RTP in a manner compatible with the RHNA allocation plan. To accomplish this, the SCS should incorporate land use assumptions for a variety of housing types, including higher densities that could accommodate housing affordable to all economic segments of the population. This should include a development pattern that reflects multifamily uses, including higher densities, sufficient to accommodate the lower income portion of the RHNA over the RHNA projection period, for each local government. The default densities of Housing Element law, or an equivalent standard, should be considered in formulating the SCS development pattern relative to the consistency determination for accommodating the lower income portion of the RHNA.

The amount of housing forecast to be sufficient to house the region's population over the term of the SCS must bear a reasonable relationship to the amount of housing determined pursuant to the RHNA portion of the SCS planning period, including to DOF's population projections. For example, the 20-year projection might be double that of the shorter-term RHNA period.

Comments to Reconciliation of SCS Land Use Assumptions:

SANDAG

The amount of housing forecast to be sufficient to house the region's population over the term of the SCS must bear a reasonable relationship to the amount of housing determined pursuant to the RHNA portion of the SCS planning period, including to DOF's population projections. For example, the 20-year projection might be double that of the shorter-term RHNA period.

Comment [ea15]: Statutory reference?

Excerpt Page 126 - November 23, 2009 Working Draft:

Requirements (Shall):

Requirements (Shall):

Federal: none.

State: Government Code 65584.01 (c) & (d), Government Code 65583.2 (c), Government Code 65584.04 (d), (f) & (i), Government Code 65584.05 (g)

Recommendations (Should):

Federal: none.

State: none.

Relevant Links:

http://www.hcd.ca.gov/hpd/housingelement2/SIA_home.php

Appendix 1 of HCD Memorandum: Amendment of State Housing Element Law – AB 2348.

Listing of Default Densities by Jurisdiction:

<http://www.hcd.ca.gov/hpd/hrc/plan/he/ab2348stat04ch724.pdf>

END PROPOSAL #1

Excerpt Page 127 - November 23, 2009 Working Draft:

Proposal #2 –The following language is proposed for inclusion as an alternative to Proposal #1

Comments to Suggested Proposal #2:

SANDAG:

Proposal #2 –The following language is proposed for inclusion as an alternative to Proposal #1

Comment [ea16]: As currently written, Proposal 2 is SANDAG staff 's preferred option.

Excerpt Page 127 - November 23, 2009 Working Draft:

Current Planning Assumptions

The SCS includes a forecasted development pattern that is part of the fiscally constrained analysis. The forecast, however, does not regulate the use of land, and does not supersede the land use authority of cities and counties within the region. City and county land use policies, including general plans, are not required to be consistent with the RTP, the SCS or the APS. However, federal regulations require assumptions to be best available, and consistent with the transportation system planned to meet federal guidance on land use.

Comments to Current Planning Assumptions (Paragraph 1):

SANDAG:

The SCS includes a forecasted development pattern that is part of the fiscally constrained analysis. The forecast, however, does not regulate the use of land, and does not supersede the land use authority of cities and counties within the region. City and county land use policies, including general plans, are not required to be consistent with the RTP, the SCS or the APS. However, federal regulations require assumptions to be the best available, and consistent with the transportation system planned to meet federal guidance on land use.

Mark Stivers:

In the first sentence of the first paragraph strike “that is part of the fiscally constrained analysis”; [The transportation projects need to be fiscally constrained. The development pattern does not.]

TRANSDEF:

While the SCS includes a forecasted development pattern, that forecast, however, does not regulate the use of land, and does not supersede the land use authority of cities and counties within the region. City and county land use policies, including general plans, are not required to be consistent with the RTP, the SCS or the APS. However, federal regulations require assumptions regarding the distribution of employment and housing to be reasonable.

The SCS is updated more often than local general plans or LAFCO plans, and considers other factors. The SCS planning period extends beyond the time period covered in many existing general plans. The SCS may include assumptions beyond what is included in existing general plans for this, and other reasons.

Excerpt Page 127 - November 23, 2009 Working Draft:

The issues upon which assumptions may be made varies widely, but often includes housing, employment distribution, growth, availability of revenues, and other market, regulatory, or environmental trends. The MPO shall consult with cities and counties about their existing general plans and foreseeable changes to their general plans over the period covered by the RTP. A MPO shall consult with relevant Local Agency Formation Commissions (LAFCOs) about current spheres of influence. Further, MPOs should consult LAFCOs regarding municipal service review boundaries as well as foreseeable changes to those boundaries and service capacities over the period covered by the RTP.

Comments to Current Planning Assumptions (Paragraph 2):

SANDAG:

The issues upon which assumptions may be made varies widely, but often includes housing, employment distribution, growth, availability of revenues, and other market, regulatory, or environmental trends. The MPO shall consult with cities and counties about their existing general plans and foreseeable changes to their general plans over the period covered by the RTP. An MPO should consult with relevant Local Agency Formation Commissions (LAFCOs) about current spheres of influence. Further, MPOs should consult LAFCOs regarding municipal service review boundaries as well as foreseeable changes to those boundaries and service capacities over the period covered by the RTP.

Comment [ea17]: Statutory reference for shall?

TRANSDEF:

To the extent they are reasonable and consistent with federal requirements, an MPO may base an SCS on planning assumptions that differ from and/or go beyond existing plans and boundaries. In the event MPOs include assumptions that differ from and/or go beyond existing plans and boundaries, federal, state, and local agencies should be

consulted on whether the land use assumptions are reasonable, best available, and consistent with the transportation system planned.

Comment [18]:
Because of the importance of this sentence, we suggested it be in bold type, to make it stand out.

Excerpt Page 127 - November 23, 2009 Working Draft:

The following is a non-exclusive list of when making an assumption may be appropriate:

1. Account for new market, regulatory, or environmental trends that are likely to influence development choices, particularly in circumstances when it has been several years since a general plan has been updated.
2. The MPO likely increases or decreases in state, federal, or local funding of programs that influence whether or not particular programs are implemented.
3. Issues relating to State planning law requirements, including Article 10.6 (the housing element law). For example, assumptions would be appropriate when a local agency's zoning and development standards have not been amended to accommodate the RHNA for the current or past update cycle, or to assure that there is adequate opportunity within the jurisdiction to develop multi-family housing at densities consistent with the housing needs of all economic segments of the population.

Comments to Current Planning Assumptions (Paragraph 3):

Mark Stivers:

At the beginning of the third paragraph (beginning "The following is a non-exclusive list...") insert "To the extent they are reasonable and consistent with federal requirements, an MPO may base an SCS on planning assumptions that differ from existing plans and boundaries."

strike #2 from the numbered list and add the following additional numbered items:

- 1) *Existing or foreseeable plans and boundaries will not allow and MPO to meet its GHG target.*
- 2) *Existing or foreseeable plans and boundaries may not accommodate short-term or long-term housing needs.*
- 3) *Existing plans reflect ordinances, policies, voter-approved measures, or other standards that directly or indirectly limit the number of residential building permits.*

TRANSDEF:

Delete the non exclusive list 1-3.

Excerpt Page 127 & 128 - November 23, 2009 Working Draft:

Because it is part of federal air quality conformity requirements, the ultimate determination of whether or not an assumption is reasonable is left to the federal Environmental Protection Agency. Thus, MPOs should refer to Part 450 of Title 23, and Part 93 of Title 40 of the Code of Federal Regulations, as well as the EPA document *Guidance for the Use of Latest Planning Assumption in Transportation Conformity Determinations (Revision to January 18, 2001 Guidance Memorandum).*

Where the assumptions in the forecast are different than historical trends, federal, state and local agencies should be consulted to reach agreement that the assumptions are reasonable, best available, and consistent with the transportation system planned to meet federal guidance on land use. Where the assumptions are significantly different from historical trends, the consultation process should be used to determine why these assumptions are appropriate. The RTP should explain why the assumptions are appropriate. In subsequent conformity determinations, land use assumptions should be reevaluated through the consultation process.

Comments to Current Planning Assumptions (Paragraphs 4 &5):

Mark Stivers:

In the fifth paragraph (beginning with “Where the assumptions...”) replace “to reach agreement that” with “on whether”;

In the fifth paragraph, combine the last two sentences by striking “, the consultation process should be used to determine why these assumptions are appropriate”;

clear statement on differing from existing plans;

TRANSDEF:

Because it is part of federal air quality conformity requirements, the ultimate determination of whether or not an assumption is reasonable is left to the federal Environmental Protection Agency.

Where the assumptions are significantly different from historical trends, the consultation process should be used to determine whether these assumptions are appropriate. The RTP should explain why the assumptions are appropriate. In subsequent conformity determinations, land use assumptions should be reevaluated through the consultation process.

The amount of housing forecast to be sufficient to house the region’s population over the term of the SCS must bear a reasonable relationship to the amount of housing determined pursuant to the RHNA portion of the SCS planning period, including to DOF’s population projections. For example, the 20-year projection might be double that of the shorter-term RHNA period.

Excerpt Page 128 - November 23, 2009 Working Draft:

Addressing Housing Needs in the SCS

This sub-section is pending further input from the RTAC Coordination and Land Use and Housing Workgroups.

Coordination of SCS with the Regional Housing Need Allocation Process

To coordinate and integrate housing planning with the regional transportation plan the regional needs allocation plan shall allocate housing units within the region consistent

with the development pattern included in the sustainable communities strategy. The final housing need allocation plan shall demonstrate that the plan is consistent with the methodologies described in housing element process (Government Code Sections 65584.04(d)(1) through (10) as well as the sustainable communities strategy in the regional transportation plan. (Government Code Sections 65584.04 (i) (1) and (3).

The Regional Housing Need Allocation (RHNA) of State Housing Element Law synchronizes with the development of a Sustainable Communities Strategy (SCS). The RHNA establishes the region's fair share housing responsibility as determined by the state. Each city and county must demonstrate that it can meet its assigned need with adequate sites, and development standards, and programs within the planning period of an updated housing element. The development pattern of the SCS and the RHNA are to be consistent to the extent that the RTP planning period (a minimum of 20 years) includes the RHNA planning period (8 years).

Comments to Coordination of SCS with RHNA:

TRANSDEF:

The Regional Housing Need Allocation (RHNA) of State Housing Element Law is to be synchronized with the development of a Sustainable Communities Strategy (SCS).

Excerpt Page 128 - November 23, 2009 Working Draft:

According to the timeline in the Government Code (24-28 months prior to the housing element due date), the RHNA process begins with determining the regional housing need as a result of consultation between each Metropolitan Planning Organization (MPO) and the California Department of Housing and Community Development (HCD). The RHNA development process includes an opportunity for a revision of draft allocations by the MPO, and is subject to final acceptance by HCD. As the interagency consultation for federal air quality conformity for the RTP is a separate process, consultation with HCD may or may not occur at the same time as the interagency consultation with transportation and air quality agencies. Any considerations during the conformity consultation process affecting the RHNA should be discussed by the MPO with HCD prior to HCD's regional housing need determination. For the RHNA/housing element and RTP statutory process timelines, see Appendix L for the RHNA/Housing Element and RTP Statutory Process Timeline.

The housing capacity distribution of the housing element planning period within the region is determined by the RHNA plan adopted by the MPO. The land use designations and zoning of specific sites is within the authority of the local governments. Consistency determinations of the SCS with the RHNA are applicable only at the boundaries of individual cities and counties, and not for individual sites within the city or an unincorporated county.

Comments:

TRANSDEF:

The housing capacity distribution of the 8-year housing element planning period within the region is determined by the RHNA plan adopted by the MPO.

As reductions of the RHNA based on local measures limiting building permits are prohibited by State law, such assumptions shall not be incorporated into the SCS growth forecast for the corresponding RHNA period. Pursuant to Government Code Section 65584.05(g), the SCS should maintain a basis for determining consistency of the RHNA between the draft and final RHNA.

Comment [19]:

I wasn't entirely sure what the original sentence was trying to say. This is an attempt to nonetheless say it better.

The SCS forecasted development pattern should accommodate all economic segments of the population throughout the life of the RTP in a manner compatible with the RHNA allocation plan. To accomplish this, the SCS should incorporate land use assumptions for a variety of housing types, including higher densities that could accommodate housing affordable to all economic segments of the population. This should include a development pattern that reflects multifamily uses, including higher densities, sufficient to accommodate the lower income portion of the RHNA over the RHNA projection period, for each local government. The default densities of Housing Element law, or an equivalent standard, should be considered in formulating the SCS development pattern relative to the consistency determination for accommodating the lower income portion of the RHNA.

Requirements (Shall):

Federal: Part 450 of Title 23, and Part 93 of Title 40 of the Code of Federal Regulations, as well as the EPA document Guidance for the Use of Latest Planning Assumption in Transportation Conformity Determinations (Revision to January 18, 2001 Guidance Memorandum).

State: Government Code 65584.01 (c) & (d), Government Code 65583.2 (c), Government Code 65584.04 (d), (f) & (i), Government Code 65584.05 (g)

Excerpt Page 129 - November 23, 2009 Working Draft:

Requirements (Shall):

Federal: none.

State: Government Code 65584.01 (c) & (d), Government Code 65583.2 (c), Government Code 65584.04 (d), (f) & (i), Government Code 65584.05 (g)

Recommendations (Should):

Federal: none.

State: none.

Relevant Links:

http://www.hcd.ca.gov/hpd/housingelement2/SIA_home.php

Appendix 1 of HCD Memorandum: Amendment of State Housing Element Law – AB 2348.

Listing of Default Densities by Jurisdiction:

<http://www.hcd.ca.gov/hpd/hrc/plan/he/ab2348stat04ch724.pdf>

END PROPOSAL #2

Comments to Add New Proposal:

PROPOSAL #3

The following language is proposed by MTC for inclusion as an alternative to Proposals #1 and #2

We [MTC] suggest the following language to replace Proposals 1 and 2. This language removes unnecessary references to the requirements of Housing Elements (already clearly spelled out in the Housing Element Law and associated guidance documents). It also removes repetitive language included in multiple subsections. We welcome additional input on this language from other subcommittee members.

Coordination of SCS with the Regional Housing Need Allocation Process

SB 375 links the Regional Housing Need Allocation (RHNA) process required by the State Housing Element Law to the RTP development and adoption process. The RHNA process occurs every 8 years, while the RTP update process occurs every 4 years for nonattainment areas, and every 5 years for attainment areas.

RHNA Overview

While the RHNA process includes many steps with statutorily required deadlines, the key steps are as follows:

1. HCD allocates a share of the statewide housing need to each region's Council of Government (COG).
2. The COG develops a Draft Regional Housing Need Allocation Plan allocating the region's share of the statewide need to cities and counties within the region – this plan is developed concurrently with development of the RTP, including the SCS.
3. The COG adopts a Final Regional Housing Need Allocation Plan
4. Each jurisdiction's Housing Element must specify potential housing sites and identify policies and programs that will meet the specified allocation. Housing elements must be updated 18 months after the RHNA is finalized.
5. If a jurisdiction's existing zoning cannot accommodate their allocation, the jurisdiction must rezone sites and adopt minimum density and development standards within 3 years after adopting a new Housing Element.

Complete RHNA Statutory requirements are identified in the State Housing Element law.

RHNA RTP Linkages

SB 375 added two direct linkages between the RTP and RHNA processes.

1. The SCS must include an identification of areas within the region sufficient to house an eight-year projection of the regional housing need for the region. Step 1, HCD's allocation of statewide housing need to the COG, needs to occur at least 2 years in advance of RTP adoption. This 2-year timeframe will provide the MPO/COG enough time to complete Step 2, developing an allocation plan concurrently with development of the SCS for inclusion in the RTP, as well as to complete the modeling/forecasts that must be complete before a Draft RTP is released for review. This means that HCD will need to provide the housing need allocation to each region much earlier than what is currently specified in the State Housing Element Law, which states that the housing need allocation is provided a minimum of at least 24-26 months in advance of the Housing Element updates. This translates to only to 6-8 months in advance of RTP adoption. SB 375 necessitates that this housing need allocation is instead provided to the COG well in advance of Housing Element updates so that the housing needs can be accounted for during the development of the SCS. The housing needs allocation by HCD therefore would need to occur at least 2 years in advance of RTP adoption.
2. Because the RHNA process will be completed at the same time the RTP is adopted, the time of RTP adoption will indicate the start of the 18 month period a jurisdiction will have to update their Housing Element.

The component of the SCS that accommodates regional housing need should:

- Accommodate all economic segments of the population through the RTP horizon year, taking into account net migration into the region, population growth, household formation and employment growth.
- Assume a variety of housing types and densities. The default densities of Housing Element law, or an equivalent standard, should be considered in formulating the SCS development pattern.
- Assume a reasonable relationship between the amount of housing determined pursuant to the RHNA portion of the SCS planning period and the amount forecast for the entire plan horizon. For example, the 20-year projection might be double that of the shorter-term RHNA period.

SCS Land Use Assumptions

Neither an SCS nor APS regulates the use of land nor is either subject to State approval (aside from ARB's acceptance or rejection of whether the SCS meets the specified GHG reduction target). The SCS does not supersede the land use authority of cities and counties within the region. City and county land use policies and regulations, including general plans, are not required to be consistent with the RTP or the APS. In developing an SCS, an MPO shall consult with cities and counties about their existing general plans and foreseeable changes to their general plans over the period covered by the RTP. An MPO shall also consult with relevant Local Agency Formation Commissions (LAFCOs) about current spheres of influence and municipal service review boundaries as well as foreseeable changes to those boundaries over the period covered by the RTP.

When assumptions are made that are different than historical trends, federal, state and local agencies should be consulted as to whether the assumptions are reasonable, best available, and consistent with the transportation system planned.

Assumptions different than those in a general plan may be made by the MPO/COG when:

- A general plan does not yet include land use designations with zoning and development standards accommodating the existing RHNA.
- Local governments have not yet completed a scheduled rezoning program of an adopted housing element.
- Existing general plans cannot accommodate the next RHNA without amendment of land use designations and rezoning.
- The general plan includes measures that limit building permits (which is prohibited by State law).
- The assumption accounts for new market, regulatory, or environmental trends that are likely to influence development choices.
- Other reasons discussed when consulting with federal, state and local agencies.

Requirements (Shall):

Federal: none.

State: Government Code 65584.01 (c) & (d), Government Code 65583.2 (c), Government Code 65584.04 (d), (f) & (i), Government Code 65584.05 (g)

Recommendations (Should):

Federal: none.

State: none.

Relevant Links:

http://www.hcd.ca.gov/hpd/housingelement2/SIA_home.php

Appendix 1 of HCD Memorandum: Amendment of State Housing Element Law – AB 2348, Listing of Default Densities by Jurisdiction:

<http://www.hcd.ca.gov/hpd/hrc/plan/he/ab2348stat04ch724.pdf>

END PROPOSAL #3

Excerpt Page 129 - November 23, 2009 Working Draft:

Identifying Land Uses in the SCS

MPOs and local jurisdictions should jointly develop a forecasted development plan for the region that, when integrated with the regional transportation network and other transportation measures and policies, will reduce regional greenhouse gas emissions from cars and light trucks to meet regional targets set by ARB. In preparing the forecasted development plan, empirical relationships between land use, transportation and the resulting GHG emissions should be considered. Such factors may include but are not limited to:

- Destination-proximity, or the accessibility of an area to other activities.

- Density and clustering of land uses, typically measured by the number of dwelling units, shops, and/or employees per acre or square mile, according floor area ration (FAR), and other similar measurements.
- Diversity or mixture of land uses, including residential, commercial, and business land uses within buildings and/or in proximity to one another.
- Distance to transit, including rail, bus, and/or ferry.
- Design and layout of an area’s transportation facilities to accommodate multiple modes of transportation.

In developing the forecasted development plan for the SCS, local context should also be considered. MPOs, local jurisdictions, and other stakeholders should strive to create a supportive consensus on an SCS, so that the SCS may guide local jurisdictions in future general plan updates.

Comments to Identifying Land Uses in the SCS:

Comment - Housing CA to Change Title of this Section: *Developing a forecasted development plan*

Comment - TRANSDEF to Change Title of this Section: *Designing the SCS*

OCTA:

Please conclude the first sentence under "Identifying Land Uses in the SCS" with: "...to meet regional targets set by ARB, if feasible."

SANDAG:

MPOs and local jurisdictions should jointly develop a forecasted development plan for the region that, when integrated with the regional transportation network and other transportation measures and policies, will meet regional targets set by ARB for cars and light duty trucks. In preparing the forecasted development plan, empirical relationships between land use, transportation and the resulting GHG emissions should be considered. Such factors may include but are not limited to:

- Destination-proximity, or the accessibility of an area to other activities.
- Density and clustering of land uses, typically measured by the number of dwelling units, shops, and/or employees per acre or square mile, according floor area ration (FAR), and other similar measurements.
- Diversity or mixture of land uses, including residential, commercial, and business land uses within buildings and/or in proximity to one another.
- Distance to transit, including rail, bus, and/or ferry.
- Design and layout of an area’s transportation facilities to accommodate multiple modes of transportation.

Comment [CDAN20]: Per capita GHG emissions will go down, but overall regional GHG will not.

Comment [CDAN21]: This is the 4-D analysis, and it may better fit within the modeling section.

In developing the forecasted development plan for the SCS, local context should also be considered. MPOs, local jurisdictions, and other stakeholders should strive to create a supportive consensus on an SCS, so that the SCS may guide local jurisdictions in future general plan updates.

TRANSDEF:

Designing the SCS

MPOs and local jurisdictions should jointly develop a forecasted development plan for the region that, when integrated with the regional transportation network and other transportation measures and policies, will reduce regional greenhouse gas emissions from cars and light trucks to meet regional targets set by ARB. In preparing the forecasted development plan, empirical relationships between land use, transportation and the resulting GHG emissions should guide the development of a strategy. Such factors may include but are not limited to:

Comment [22]:

Isn't this a shall? The only difference from the statute is "if feasible." What's the point of restating this, anyway? I suggest deleting this first sentence.

- Destination-proximity, or the accessibility of an area to other activities.
- Density and clustering of land uses, typically measured by the number of dwelling units, shops, and/or employees per acre or square mile, according floor area ratio (FAR), and other similar measurements.
- Diversity or mixture of land uses, including residential, commercial, and business land uses within buildings and/or in proximity to one another.
- Distance to transit, including rail, bus, and/or ferry.
- Design and layout of an area's transportation facilities to accommodate multiple modes of transportation.
- Minimum and/or maximum parking requirements

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Addressing Regional Transportation Needs in the SCS

The SCS requirements for an RTP do not change the process used to establish transportation needs for the region. Government Code Section 65080 (2) (B) (iv) states that an SCS shall identify a transportation system to service the transportation needs of the region. It is up to each region to decide how to meet transportation needs and help to achieve regional greenhouse gas emissions targets as well as achieve other regional goals including but not limited to: accessibility, economic benefit, equity, environmental protection and air quality conformity. Decisions to expand or modify the transportation system should be made in recognition of the following relationships between land use and transportation:

- Transit investments need supporting levels of land use density and intensity.
- Placing land uses closer together and minimizing unnecessary barriers to circulation increases travel choices such that transit, walking, and bicycling become viable while also reducing transportation sector energy use and GHG emissions.

Comments to Addressing Regional Transportation Needs in the SCS:

NRDC:

The SCS requirements for an RTP give the region a new organizing principle for establishing transportation priorities for their region: the reduction of greenhouse gas emissions consistent with a CARB assigned target. Government Code Section 65080 (2) (B) (iv) states that an SCS shall identify a transportation system to service the transportation needs of the region. It is up to each region to decide how to meet transportation needs and help to achieve regional greenhouse gas emissions targets as well as achieve other regional goals including but not limited to: accessibility, economic benefit, equity, environmental protection and air quality conformity. Decisions to expand or modify the transportation system should be made in recognition of the following relationships between land use and transportation:

- *Induced demand is the phenomenon whereby decreasing the cost of vehicle trips in a particular corridor -- usually by decreasing congestion through a roadway improvement -- induces new vehicle trips in that corridor. Recent evidence points to a new dimension to the relationship between transportation investments and land development: the building of roadways encourages land development as well as new trips from existing land uses. This is "induced demand".*
- *Induced demand may consume much of a roadway's added capacity within a few years. Induced demand is added to the system in both the short-term (new trips induced immediately by the reduced congestion, otherwise known as latent demand) and the long-term (trips added from new development that was itself encouraged by the added roadway capacity).*
- *The impacts on land development patterns will be different for the expansion of a highway network as compared to the expansion of a transit network.*
- *The speed of the network and the cost of travel will directly influence the location choices of new development. Reducing GHG emissions may require increasing the cost of travel to dispersed land uses.*

Comment [AE23]: The MPO should base its assumptions on the most realistic forecasts taking into account changing population demographics and market demand over the life of the RTP.

TRANSDEF:

The SCS requirements for an RTP give the region another organizing principle for establishing transportation priorities for their region: the reduction of greenhouse gas emissions consistent with a CARB assigned target. Government Code Section 65080(2)(B)(iv) states that an SCS shall identify a transportation system to service the transportation needs of the region. It is up to each region to decide how to meet transportation needs and help to achieve regional greenhouse gas emissions targets as well as achieve other regional goals including but not limited to: accessibility, economic benefit, equity, environmental protection and air quality conformity. Decisions to expand or modify the transportation system should be made in recognition of the following relationships between land use and transportation:

- *Transit investments need supporting levels of land use density and intensity.*
- *Placing an appropriate mix of land uses closer together and minimizing unnecessary barriers to circulation increases travel choices such that transit, walking, and bicycling become viable while also reducing transportation sector energy use and GHG emissions.*

- *Induced demand is the phenomenon whereby decreasing the cost of vehicle trips in a particular corridor -- usually by decreasing congestion through a roadway improvement — induces new and longer vehicle trips in that corridor. Bicycle and transit use may decline as well, through increased use of the private automobile.*
- *Induced demand may consume much of a roadway's added capacity within a few years. Induced demand is added to the system in both the short-term (new trips induced immediately by the reduced congestion and higher speeds, otherwise known as latent demand) and the long-term (trips added from new development that was itself encouraged by the added roadway capacity).*
- *Induced demand, properly modeled, can result in increased GHG emissions in the long-term.*
- *Both modeling studies and empirical investigations have shown that the effects of expanding highways are quite different from the effects of expanding rail transit systems. The expansion of radial freeways can bring about faster low-density development in the greenfield areas served, as long as local land use plans permit such development (Expanding Metro Highways, TRB, 1995; Cervero, JAPA, 2003). The building of passenger rail systems, or substantial increases in service on them, can help to bring about the more rapid development at medium or high densities around the rail stations, especially if little or no parking is provided at the stations (Rodier, in press; UCB BART studies; Knight and Trygg, 1977; Cervero, various dates).*
- *The speed of the network and the cost of travel will directly influence the location choices of new development.*

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MPOs may also consider other transportation strategies that reduce GHG emissions. These may include Transportation Demand Management (TDM) strategies, Transportation Systems Management (TSM) strategies, Transportation Investments, and Land Use Strategies. Additional information regarding these strategies is available in Section 6.25 and Appendix J.