

Basic questions

Why was SB 375 passed?

The bill was passed in order to help each region of the state reach its greenhouse gas reduction targets set by the Air Resources Board. Underlying this aim is the bill's intention to reduce emissions in state's largest emissions sector, transportation, and specifically, emissions from automobiles and light trucks.

What does SB 375 do?

In short, the bill revises and coordinates the state's regional transportation, housing, and land-use planning process in order to help each region achieve its greenhouse gas reduction targets. The bill also provides CEQA incentives and exemptions for certain development projects that are consistent with a region's so called "Sustainable Communities Strategy." By reforming and streamlining the regional planning process, the bill hopes to shape future development, orienting it to be more sustainable (See Appendix A for a list of relevant acronyms related to the bill)

Who will implement SB 375?

Various state environmental agencies, regional planning commissions, and local governmental bodies are working together to implement the SB 375. For the Bay Area, the Metropolitan Transportation Committee's Joint Policy Committee will draft the SCS. (See Appendix B for a diagram of the regional planning process under the bill).

When will SB 375 be implemented?

Certain provisions are already being implemented. Currently, the ARB is setting regional emissions targets, and Metropolitan Planning Organizations like the MTC are drafting their SCS's. (See Appendix B for a detailed timeline of the bill's implementation).

Specific Questions

What is the Sustainable Communities Strategy?

A SCS basically lays out a long-range vision of how a region's housing and transportation plans will meet its GHG emissions reductions target. Among other things, a SCS must identify a transportation network to service the region's needs and forecast a development pattern, which if integrated with the transportation network, will reduce GHG emissions to the regional target. Most importantly for the EJ community, a SCS must incorporate the RHNA requirement to provide housing to accommodate *all income* groups.

How will the SCS be drafted?

MPO's will draft the SCS and incorporate it into their Regional Transportation Plans. Moreover, SB 375 stipulates that regional planning agencies must adopt a public participation plan for the drafting of the SCS. The Joint Policy Committee of the MTC for instance has already outlined a local participation plan that engages interested stakeholders throughout the drafting process.

What is an Alternative Planning Strategy?

A MPO must draft an APS when its SCS fails to meet ARB emissions reduction targets. The APS identifies the major impediments to reaching the targets within the SCS and outlines an alternative strategy for meeting those targets.

What projects qualify for a CEQA streamlining incentive?

Two types of projects qualify for CEQA "breaks." The first type includes residential or mixed-use housing projects that are consistent with the SCS or APS. The second type includes so called "transit priority projects." To fall under this category, a project must meet three requirements: (1) contain at least 50% residential use; (2) have a minimum net density of 20 units per acre; (3) be located within one-half mile of a major transit stop or high quality transit corridor included in a RTP.

What are the CEQA streamlining incentives?

Residential or mixed-use projects consistent with the SCS or APS are not required to analyze the cumulative impacts vehicle emissions on climate change; growth reducing impacts; or a reduced density alternative in their Environmental Impact Report. Transit priority projects qualify for a truncated, short form review called the Sustainable Communities Environmental Assessment. The SCEA is similar to a "negative declaration." In other words, the SCEA must contain measures that avoid or reduce to insignificance all potentially significant or significant effects of the project. Unlike a negative declaration however, a SCEA is reviewed under the "substantial evidence" standard rather than the "fair argument" standard, which is a more stringent standard.

What projects are exempt from CEQA under the bill?

Transit priority projects qualify for a CEQA exemption if they are no larger than 8 acres or 200 units; if they will not have a significant effect on historical sites; if their buildings exceed energy efficiency standards; and if they meet a number of other conditions.

Environmental Justice Concerns

How does SB 375 affect the EJ community?

The bill's direct impact on low-income communities and communities of color is uncertain. The bill presents both threats and opportunities to EJ activists. While the bill is not, in principle, incompatible with the EJ vision, its real world effects, be they negative or positive, depend on how the EJ community responds to these opportunities and threats.

What opportunities does SB 375 provide to the EJ community?

The principles that guide the SCS drafting process and shape the language of the SCS itself provide the EJ community opportunities to participate in the bill's implementation process and to influence the SCS's so as to reflect the principles of social equality and healthy work/play spaces. The bill for instance mandates that the SCS must incorporate the RHNA requirement to provide housing to accommodate *all income* groups. Moreover, the RTAC in its report to CARB recommends that "social equity factors" be incorporated to the GHG target setting and that adverse social consequences of changing land use patterns be avoided or mitigated in the SCS. In addition, the JPC has an extensive public participation plan for the drafting of the SCS. The committee also notes that the SCS vision must be consistent and ideally contribute to the realization of the three sustainability E's of "economy, environment, and equity."

What threats does SB 375 pose to the EJ community?

The threats posed by the bill are less clear than the opportunities. One possible threat is the CEQA exemption and streamlining provision. Projects that qualify would therefore be more difficult to litigate. Nonetheless, the exemption requirements are numerous and difficult to meet. Additionally, there are fears that the bill might increase gentrification pressures. While the bill promotes higher-density development around major transit stops, this does not necessarily translate to more affordable housing options. In fact, the increased development around transit areas could drive up land values, displacing affordable housing options near major, public transportation stops.

How does SB 375 affect the Lake Merritt Station Area Plan?

Because the LMSAP exceeds an area of 8 acres, it is therefore not exempt from CEQA. However, the LMSAP could be considered a transit priority project—it already meets one of the three criteria since it is located within a half-mile of a major transit stop. If it meets the other two requirements of a TPP, then the plan would qualify for a short form environmental assessment, the SCEA. As a result, last-resort litigation strategies can potentially be more difficult because the SCEA's standard of proof is less stringent than the "fair argument" standard.

How can the EJ community get involved in implementing SB 375?

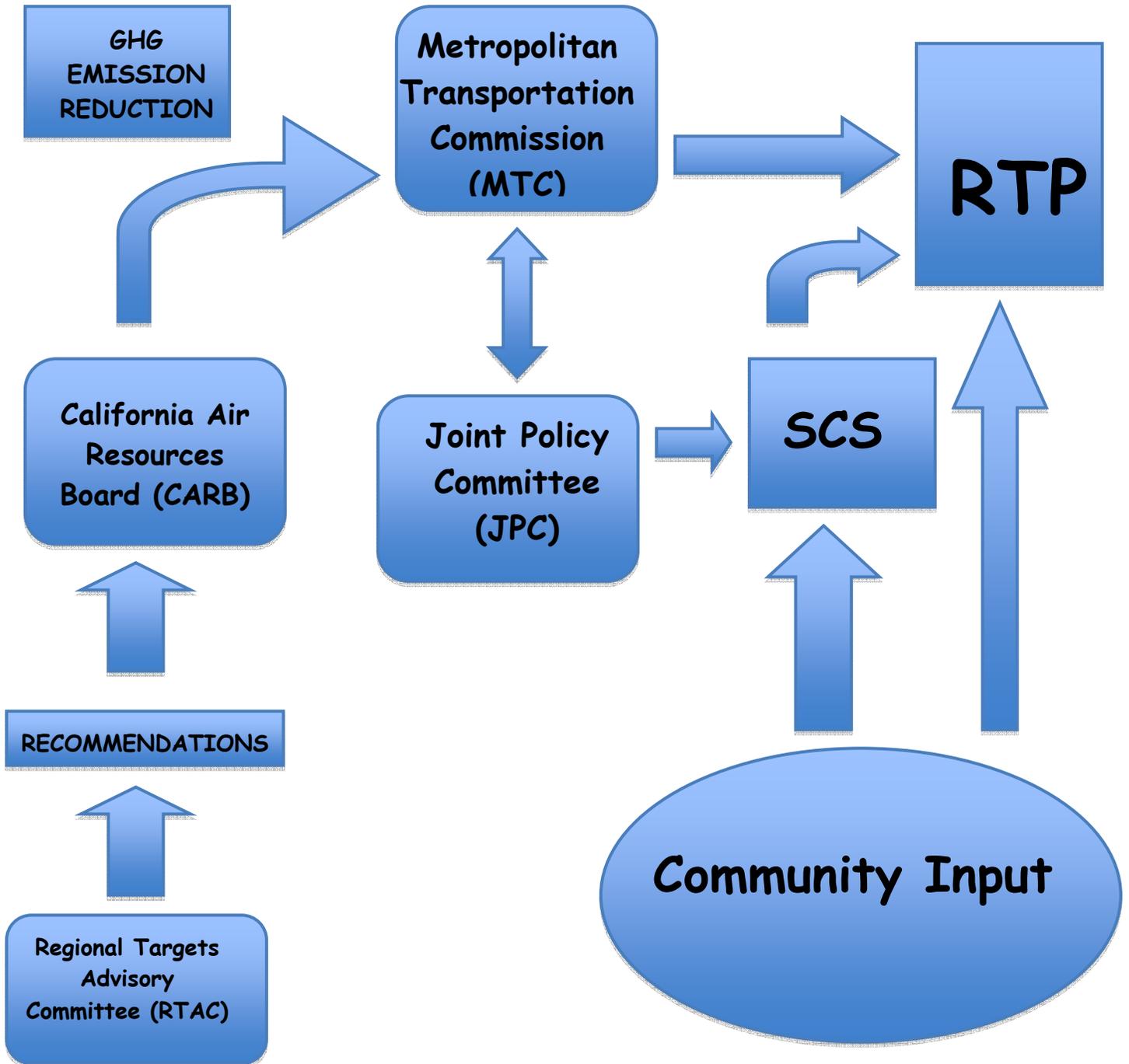
One of the best ways for the EJ community to get involved in implementing the bill's measures is to participate in the regional planning process. The JPC is currently making an effort to educate the community about SB 375 through public workshops. It is also attempting to solicit feedback and advice from interested stakeholders.

Appendix A - SB 375 Cheat Sheet: Making Sense of the Alphabet Soup

APS	<u>Alternative Planning Strategy</u> An alternative plan developed if the Sustainable Communities Strategy fails to meet GHG emission reductions targets.
ABAG	<u>Association of Bay Area Governments</u> The official planning agency for the Bay Area. It is also part of the Joint Policy Committee and the Metropolitan Transportation Commission.
BAAQMD	<u>Bay Area Air Quality Management District</u> The air pollution control agency for the Bay Area. It is also part of the JPC and MTC.
BCDC	<u>Bay Conservation and Development Commission</u> A state commission tasked with the conservation and enhancement of the San Francisco Bay. It is also part of the JPC and MTC.
CARB	<u>California Air Resources Board</u> A state agency in charge of maintaining healthy air quality, protecting residents from toxic air exposures, and conducting research about the causes and ways of reducing air pollution. Under SB 375, the agency sets regional GHG emissions reduction targets.
CEQA	<u>California Environmental Quality Act</u> A statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible
EIR	<u>Environmental Impact Report</u> An assessment of a project's impact on the surrounding environment. It is defined under CEQA.
GHG	<u>Greenhouse Gas</u> Gases such as CO2 that trap heat in the atmosphere.
JPC	<u>Joint Policy Committee</u> Subcommittee of the MTC tasked with implementing SB 375 in the Bay Area.
MPO	<u>Metropolitan Planning Organizations</u> Federally funded and mandated transportation planning agencies that are made up of representatives from local governments and inter-governmental associations.
MT	<u>Metropolitan Transportation Commission</u> The transportation planning, coordinating and financing agency for the Bay Area.

RHNA	<p><u>Regional Housing Needs Assessment</u> An assessment process that quantifies the need for housing in each income group within each jurisdiction during specific planning periods.</p>
RTAC	<p><u>Regional Targets Advisory Committee</u> An advisory committee of the ARB. The committee ultimately recommends a method that would evaluate the full potential for reducing greenhouse gas emissions in each major region of the state.</p>
RTP	<p><u>Regional Transportation Plan</u> A long-term blue print for a region's transportation development plans.</p>
SCEA	<p><u>Sustainable Communities Environmental Assessment</u> A truncated environmental assessment similar to a Negative Impact Report. Only Transit Priority Projects qualify for this assessment.</p>
SCS	<p><u>Sustainable Communities Strategy</u> A 25-year vision developed by an MPO that outlines the ways in which housing and transportation plans will help the region reach its GHG emissions reductions targets.</p>
TOD	<p><u>Transit Oriented Development</u> Development that is located within a major transit stop and generally within a mix of residential, employment, and shopping opportunities designed for pedestrians. A project considered to be TOD is not necessarily a TPP.</p>
TPP	<p><u>Transit Priority Project</u> A type of project defined under SB 375. Among other requirements, a TPP must be located within a half-mile of a major transit stop. A TPP is generally considered TOD.</p>

Appendix B – Decision-Making Process



Appendix D - *Suggested Readings*

Government Documents

Text of SB 375

Final Recommendations of the Regional Targets Advisory Committee (RTAC)

Policies for the Bay Area's Implementation of SB 375 (Joint Policy Committee)

Local Government Engagement in the Sustainable Communities Strategy (JPC)

Climate Progress Report and 2010 Strategy Discussion (JPC)

Articles

CA Planning and Development Report – “SB 375 is Now Law—But What Will it Do?”

CA Planning and Development Report – “SB 375 Resources Page”

CA State Association of Counties – “Analysis of SB 375”

Institute for Local Government – “Basics of SB 375”

Institute for Local Government – “Guide to SB 375 Public Participate Requirements”

Marten Law – “California Promises to Streamline Environmental Review for Residential and Mixed Use Projects that Reduce Greenhouse Gas Emissions”

Urban Habitat – “SB 375 Panel”

Urban Habitat – “Sustainable Planning Under SB 375”