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Cities Search for Role in SB375 Implementation

A year into the planning process and it is still unclear how local government fits in

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To get from point A to point B with Senate Bill 375 would require the simple addition of more density, public transportation and regional planning.

But the implementation process spelled out under the law leaves out the most important players - the local cities - making it unclear what they ought to do to get in compliance.

"It's true there is a lot of hubbub and discussion about how to reach the goal and some [cities] are starting to plan," said Jonathan Redding, an environmental law partner in the Oakland office of **Wendel Rosen Black & Dean LLP**. "Some places have the ability to achieve greater reductions than others. But the bottom line is nobody knows. It's a big, black box."

More than a year after the bill's passage, it is difficult to measure how far the state has come when it is unclear to cities where they fit into the lengthy process to determine regional greenhouse gas emissions reduction targets.

"Missing in everything you will see is where does local government fit in," Redding said.

SB375 directs the California Air Resources Board to create the targets. On Nov. 19, the board received the recommendations on those targets from a 21-member committee assembled to propose such recommendations.

Once CARB approves those targets in September 2010, metropolitan planning organizations, such as the Southern California Association of Governments and the Association of Bay Area Governments, must create strategies on meeting those targets.

The desired outcome will be denser development and fewer vehicle miles traveled. The incentive is a streamlined California Environmental Quality Act process.

In some cases, cities such as Irvine are conducting climate action plans and greenhouse gas inventories. However, not every city is doing that because they do not have the resources needed.

"It's an accounting process and it's pretty complex with the bigger cities and counties, but then again they're in a better position to do it with the funding," said Arthur Coon, a shareholder and head of **Miller Starr Regalia's** sustainable development practice group in the Walnut Creek office. "But with the rural [communities], they're probably not going to have to do it or not be able to do it well."

Coon said each city's approach to SB375 will differ depending on its size and sophistication.

"I can't imagine those little cities are going to be expected to spend a lot of money with expensive modeling

and determining with precision what their inventory was as of 2005," he said.

Ambitious and Achievable

The 21-member committee assembled to make recommendations to CARB was responsible for recommending a process that would achieve "ambitious achievable targets."

The [Regional Targets Advisory Committee] put a lot of thought into this [achievable mandate]," said Amanda Eaken, a committee member and land-use policy analyst for the Natural Resources Defense Council. "It will involve hard work, creativity and collaboration. The targets should not be set low just so regions can meet the target."

As ambiguous as the charge was, the advisory committee concluded that ambitious and achievable somehow must mean an end to business-as-usual practices.

In its September report to CARB, the committee decided the targets should be based on per capita reductions from the 2005 base year. This would allow regions to receive credit for steps taken to reduce greenhouse gas emissions in the period after that base year.

"It's very appropriate to think about this on a per capita level," said Michael Woo, a committee member and Los Angeles planning commissioner. "The California Legislature not only addressed the roles of the regions but the roles of the Southern California regions by giving subregions the opportunity to come up with their own responses to SB375."

Because Southern California is so large, subregional planning organizations such as the Western Riverside Council of Governments or the San Diego Association of Governments can create their own emissions strategies.

"It's important to note there were 21 of us," said Barry Wallerstein, another committee member and executive officer of the South Coast Air Quality Management District. "Where we really had consensus was in asking local governments to stretch. Those already doing that do more. Those just beginning do what they can."

Wallerstein went on to say during a SCAG-hosted panel on Nov. 18 featuring seven of the Regional Targets Advisory Committee members that consideration of the economy is important in order to support the kinds of incentives necessary to move development along.

But even with all of the external forces factored into the target-setting process, one of the major debates right now is the measurement of greenhouse gas emissions.

The modeling methods used by regional planning organizations to project future travel demand vary. There is no single, consistent tool recognized throughout the state to measure emissions - a dilemma given that the goal is to reduce emissions.

In its report to CARB, the committee recognized the need for improvements to be made on the models in the longer term. But in the short term, planning organizations must review their models' efficacy in estimating emissions. The committee suggested a list of best management practice tools that could be used to supplement the estimates.

Transportation Troubles

Time and time again it has been said that cities and transportation organizations will need more money if SB375 is to get off the ground.

"If we're really going to live up to per capita targets, regions will need additional funding," Woo said.

In order to get more transit-oriented development, the state's transportation infrastructure will need a sizeable injection of capital.

"All the academics are saying it's [SB375] a small step in the right direction if it allows you to turn the corner, [or] turn the page, and if we work at it, then something has been accomplished, but there is no money for mass transit," Redding said. "The bill doesn't mandate anything at the local level."

Although the California Transit Association successfully sued the state in an effort to recover \$1.19 billion taken from public transportation agencies for the 2007-08 budget, it may be years before agencies actually see that money returned.

Carolyn Cavecche, city of Orange mayor and Orange County Transportation Authority Board member, referred to the situation as the "desecration of transit funding" and said that ultimately there may be no way to return those lost transportation dollars.

"There will be no transit to deliver to these TODs," Cavecche said. "Transit's gone in California as we know it."

Many regional transportation agencies have cut services citing sales tax and state funding shortages.

San Diego's Metropolitan Transit System announced in November it would reduce expenses by \$7 million. On Nov. 23, the OCTA Board of Directors approved cuts in its bus services by 150,000 hours effective March 14.

"It was clearly the committee's belief that market and economic resources needed to be stated," said Greg Devereaux, a committee member and San Bernardino County Administrative Officer. "What is a reasonable target with this level of funding is different from what's reasonable when funding returns."

Even if funding returns, some cities may not see major transportation projects for decades. This just means that city planners need to be creative, Devereaux said.

"Transit's not going to be here [in Ontario] for 20 years," he said.

Middle Ground

Attend any SB375 workshop or meeting around the state and you will eventually hear the phrase "bottom-up approach" when it comes to the law's implementation. The phrase stresses the importance of local communities and regional planners in the process. However, the cities at the bottom cannot begin work unless clear targets are established by the state at the top.

"They're [cities] all waiting for the leadership of the local metropolitan planning organizations," Redding said. "It's not correct to call anything about this bottom up. It's a top-down, bottom-up, meet-in-the-middle approach."

Bill Fulton, another panelist during the November SCAG workshop of local and regional leaders and deputy mayor of Ventura, cited his own city as an example of the varying local issues.

Four years ago, the city adopted an all-infill general plan. Fulton pointed out that while SB375 is about transportation, some of the issues his city faces cannot be solved by transit solutions alone.

"We are jobs-rich," Fulton said. "People that retire tend to stay in their homes. Those who come to work don't have a lot of choices [for housing]."

From the transportation planning perspective, Larry Rubio, chief executive officer of the Riverside Transit Agency, pointed out that most commuters cannot catch a bus at the end of their street.

"It's hard to get service into where people live," Rubio said. "When we take someone from where they are to where they need to go and they still have half a mile to travel in the Inland Empire when it's 110 degrees outside, they're not going to want to do that."

From the business perspective, Lucy Dunn, chief executive officer and president of the Orange County Business Council, stressed the need for a better understanding of the economic impacts of the law.

"What is the economic impact of an SB375 to the business community?" she said. "It might help us to comply better if we know. We're nervous."

Despite the many questions and concerns expressed about implementing SB375, most agreed that the opportunity for greater planning consistency at the regional level is a win. It is just a matter of finding answers to the questions to move forward.

"I think we understand the market and social forces are difficult to change," said Ron Loveridge, Riverside mayor. "We're talking about incremental change. Air is much cleaner now; it's not accidental."

Regardless of their position on the law, most agree implementation will be a long process. As the regional planning organizations work on the bigger-picture emissions targets, local leaders are simply looking for the examples of what projects worked and what projects did not to determine the best fit for their communities.

"I don't think the problem is planning this stuff; it's building this stuff," Fulton said. "How the heck did you finance it? How the heck did you deal with the NIMBYs? As planners we need specifics on success stories. It's show-me-the-particular-components that got you through it."

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