

Comments by Subject Area

CEQA

- CEQA should be revised to support greenhouse gas efficient growth;
- Local governments whose general plans are consistent with a regional blueprint that produces GHG reductions beyond “business as usual” should not have to evaluate greenhouse gas in their general plan CEQA documents
- Projects that are consistent with general plans that are consistent with regional blueprints that achieve GHG reductions should not have to evaluate greenhouse gas impacts in their CEQA documents;
- The report fails to adequately explain its comments regarding **CEQA**; worst of these is on page 38, “The inappropriate use of the CEQA process thwarts more than facilitates residential infill development.” Impugns CEQA rather than suggesting measures to overcome obstacles. Greenbelt Alliance paper provides a specific measure for addressing infill issues, “However, CEQA exists for a good reason—to help protect the environment—and if used well does not need to impede infill development projects. One way cities can help defuse the risk of CEQA lawsuits is to prepare “tiered EIRs” on Specific Area Plans. Such an EIR anticipates the problems that would result from certain types and intensities of development, lifts the burden of environmental review from individual projects, and helps address the cumulative effects of multiple projects in geographic proximity.”
- Page 61 recommends streamlining permit processes for reducing discretionary approvals for multifamily, infill, and affordable housing developments. Taken on its face, this statement suggests that existing provisions of various laws are not sufficient but no analysis or justification is provided. If this pertains to CEQA, the report should so stipulate.
- Agencies need a uniform methodology to perform GHG analyses under CEQA; many entities (e.g., CAPCOA) have offered suggestions but report should be clear that the guidelines released by OPR will be the definitive method of analyzing GHG emissions in environmental analysis documents
- Rather than focusing on CEQA “thresholds”, the report should recommend that CARB and other agencies fulfill their legal mandate under **CEQA** as Lead and Responsible Agencies to ensure that greenhouse gas emissions are analyzed and avoided or mitigated where feasible
- Require policies to remove barriers to, and allows development in appropriate infill locations. The report acknowledges that CEQA challenges are a major impediment to approving the infill housing in many communities and regions that would help to address GHG emissions.
- Pg. 60, **OPR/CEQA** discussion should include: specific thresholds (defined by State) for projects that would not have to evaluate impacts to climate change (due to project type, size and/or location). Small projects consistent with land use plans should not have to evaluate impacts to climate change; The State should provide methodologies for determining GHG emissions from projects to establish evaluation consistency throughout the state; Guidance should be provided in CEQA for alternative mitigation strategies that encourage contributions to transit instead of road widening and auto-oriented mitigation measures.
- Additional **GHGs** should be considered a significant impact. Add the following to the Air Quality section of the Checklist: “Result in greenhouse gas emissions that delay the attainment of AB 32 targets?”
- ARB will need to create an extensive **CEQA Mitigation Bank**, which will enable small projects to pay a mitigation fee to be able to receive a Mitigated Negative Declaration.
- **CEQA** standards/thresholds of significance favor auto-based standards and not multi-modal (e.g., peds, bicyclists, transit)
- Section 2.2.1 (**CEQA**), clarify what LUSCAT has in mind for CEQA. Suggests one way to increase efficiency of CEQA process would be to educate judicial system on local governments land use decisions and practices
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Blueprint Planning

- Build on regional **Blueprints**; notes that the most successful ones have been bottom-up driven
- Blueprints, RTP, and RHNA should be integrated into one planning process, which would reduce confusion and produce more focused plans

Blueprint Planning:

- Targets should not be tied to any specific transportation planning document, since would create liabilities
- Regional differences in how Blueprints operate must be acknowledged
- Avoid one-size fits all and consider the established role of county transportation commissions

- CTC guidelines were recently for addressing GHG emissions within the RTP; emission reductions from implementing these guidelines should be reflected in future LUSCAT/CARB documents
- Pg. 55, California regional **blueprint plans** do not include “land use designations,” but rather include land-use policy recommendations that are recommendations to local governments/other land use regulatory authorities.
- **Regional Blueprints** (vs. Regional Transportation Plans) are the most suitable planning tool for developing regional climate change policy
- Supports LUSCAT’s recommendation for expanding role of **Regional Blueprint Planning**. Agrees that funding, guidance and training (guidelines, modeling tools) are needed.

Regional Transportation Impact Analysis (TIA) – Doing TIAs at a regional level gives developers incentive to build urban infill because models will show a reduction in regional VMT and not focus just on the increase of vehicles to the roadway system adjacent to the project. While existing models are not perfect, there are many efforts underway to better quantify regional VMT reduction from compact development. There is a problem with this though, and that is in order to accurately assess regional VMT reduction from a project, you have to know that the land use from the model is true – unfortunately, unless the land use/transportation patterns in General Plans can get matched with regional plans/models then the results could be false (again, land use projects are local decision). This would have to be paired with an aggressive plan to get General Plans aligned with Regional Plans through strong incentives and disincentives

- Section 2.3.3 (Transportation/Blueprint Planning)
 - *Change* Blueprint process by hiring local consultants who understand the local government’s issues and conduct more frequent meetings to ensure all local needs are met
 - “Any additional Blueprint funding resources should be tied to demonstration of progress in implementation across all blueprint goals, including housing, transportation, and resource protection.” WRCOG: State needs to shepherd this process from Blueprint process concept to implementation stages if State wants to connect funding resources to the process

Targets

- **GHG reduction targets** should be based on an equitable distribution of reductions needed from all emission sectors; be technically and economically feasible to achieve; factor the level and location of different types of residential, commercial and industrial development expected to occur over the next several decades into the equation used to establish specific targets for each region; local governments should incorporate climate action plans into their general plan updates that are consistent with the regional targets; and through the budget process, the State should develop mechanisms to incentivize compliance with regional GHG targets and establish criteria for rewarding enhanced progress toward achieving the targets
- League supports **regional “goals”** (vs. targets), the calculation of which should first take into account reduction in GHGs that will be gained from a more fuel efficient fleet and using lower carbon fuels.

GHG reduction targets:

- Any 2020 targets should be based on time projections needed to implement the land use and transportation policies and actions that jurisdictions will rely on; t
- Targets should be created only after all measures implementing AB 32 are adopted and only after a broad, inclusive stakeholder process;
- Targets should be advisory, with flexibility granted to local agencies to achieve such goals;
- Avoid language that would directly tie project funding or create liability for local agencies if targets are not achieved;
- Use incentive-based compliance measures rather than punitive policies;
- To allow for regional/local alignment, both RTP and local general plans should be subject to similar requirements to ensure adopted policies can be implemented

SACOG supports **regional targets** in the transportation sector that are supported by technical and financial assistance to help the regions succeed.

- Provides well-documented examples of why **GHG reduction targets** should be set at regional level (by regional transportation agencies) and NOT local level (paper by Dan Sperling accompanying Haagen-Smit action document proposes local targets). Setting GHG per household reduction targets would work against the success of Blueprint plans. Blueprint processes are in place; creating a new, parallel system for VMT would, at best, be cumbersome and confusing.
- Pg. 53, first sentence: “providing **GHG reduction targets** for the transportation and land use sector” is not clear; would these targets pertain only to emissions from autos and light trucks, or would they also pertain to other emissions that may be

affected by land use policies, such as energy and water?; If setting regional GHG emission targets, consider setting targets that include all sectors that are affected by land use (water and energy)

- **Regional targets for GHG emissions** reduction from the land use sector; mandatory for each region; per capita reduction target for existing residents, and a separate one (lower given LUSCAT future strategies) for future residents
- **Regional targets** may not promote local flexibility; suggests “ARB will oversee a Local Carbon Budget program where Metropolitan Planning Organizations/ Regional Transportation Planning Agencies and Air District are to be the point of regulation; further, in recognizing the importance of local land-use planning and the need for local-level flexibility to achieve a greenhouse gas per capita budget, the emission reduction responsibility will be placed on cities and counties”; a market-based policy approach allowing inter-jurisdictional trading, would increase flexibility; consider EJ and affordable housing
- Section 3.1 (**Defining Target**), “Targets in all sectors should be analyzed for cost per ton of reduction. ARB should base its targets and recommendations on where the greatest reductions can be achieved for the lowest cost.” WRCOG; this statement leads reader to believe that the State is only interested in “low hanging fruit.” All sectors should be considered equal and not equitable when defining targets to ensure State is going to meet AB32 goal
- That the ARB should base its **targets** and recommendations on where the greatest reductions can be achieved for the lowest cost.

Barriers

- Supports LUSCAT recommendation in Section 3.4 on “**Reducing Barriers** to Efficient Land-Use Development.” Include the priorities identified in H-S “Section 6: Create Opportunities for GHG Efficient Land Use Development:
- The Scoping Plan should establish a process to **identify and remove barriers** to GHG-efficient and use development, while avoiding the potential to negatively impact public health (e.g. – allowing the siting of a toxic emission source near residential development or other sensitive receptors).

Require policies to **remove barriers** to, and allows development in appropriate infill locations. The report acknowledges that CEQA challenges are a major impediment to approving the infill housing in many communities and regions that would help to address GHG emissions.

Funding

- Providing sufficient **funding** is critical to emissions reductions from transportation sector. Recommends that transit would be an eligible recipient of **Cap and Trade** auction allocations, as in current Lieberman-Warner bill (S2191); supporters of transit and more compact development are advocating that the share be revised and expanded to include a 10 percent share for metropolitan accessibility (6 percent for transit, and 4 percent as incentives for supporting land use strategies). Increased land values in highly accessible locations (such as urban core, inner suburbs or regional transit nodes) could negatively impact low income residents. The State should consider strategies to address this impact.
- The State could also consider stronger policy links to existing **fund sources**; policies should promote appropriate land use decisions by local jurisdictions; reference BART’s system extension policy, or MTC’s Transit Oriented Development Policy for transit extensions.
- Supports an increase in funding for the preservation of the **existing transportation system**, especially local streets and roads; future funding options (congestion pricing, gas taxes, mitigation fees, etc.) must consider the current systems that are severely under-funded and dependent upon some of these revenue streams for critical preservation and safety needs.
- LUSCAT report assumes that costs of implementing sector strategies would have a net zero cost through 2020 and that existing funding for land-use/transportation activities could be shifted to meet state’s GHG goals. This is conjecture and inconsistent with statements (e.g., Principle 10) that state that new funding mechanisms are needed given current lack of funding
- There will be costs of implementing LUSCAT strategies; new, innovative forms of funding are needed (e.g., Cap and Trade, public-private partnerships)
- Need stable state transportation funding
- To identify **financial disincentives** to GHG related local and regional planning and alternatively recommend incentives, including consideration of tax reform efforts.
- Pg. 60, if State requires **regional** blueprint plans to include specific content pertaining to climate change policies and strategies, there should be **funding** provided to meet these requirements
- The State should assess opportunities to align existing state resources (including education funds) more systematically to achieve key state goals, such as reducing GHG emissions and moderating VMT growth.

Congestion Pricing/Pay as you Go

Congestion Pricing; start pricing highways to provide appropriate economic incentives to discourage single-occupant driving, and to encourage carpooling, walking, biking and using transit

- **Pay as You Drive** Insurance Premiums
- Strategies to reduce employee commute trips; revisit Legislature's rescission (SB 437) of authority of APCDs to impose

Employee Trip Reduction Ordinances.

- Include following strategies for further consideration
 - Funding for urban and infill schools
 - Market-priced parking
 - LAFCOs need to restrict annex of vacant lands, thus pushing infill

Congestion pricing:

- 91 Express Lane is good example of congestion pricing policy; rates vary depending on number of vehicles per hour; 3+ carpools can use toll road free at most times
- Section 4.3 (**Pay as you Drive**), WRCOG: this is a regressive tax on those who may not be able to afford it. Although intent is to mobilize people close to work centers, there are areas of the state where residents can't afford to move closer

Clear Guidance/Tools

- **Adequate guidance and effective tools**, such as GHG quantification protocols and best practices for GHG reductions, are essential for helping regions to achieve GHG reduction targets. Guidance on projects subject to CEQA is critical for developers and local government to understand the role and requirements for new development in meeting regional GHG targets. Local implementation of a statewide threshold should be closely linked to achieving regional GHG reduction targets
- The state should provide resources to **develop models and flexible methodologies** as well as encourage best practices
- The draft report fails to **provide clear recommendations** on the policy mechanisms necessary to ensure that significant quantifiable emission reductions occur through better land use and transportation activities in California; revise report to **characterize enforcement as its core strategy** and outline specific measures that CARB should adopt to ensure success
- to develop **clear guidance and expectations** for regional and local government in the form of guidelines, information, methodologies and technical resources, and consider developing a package of programs and resources targeted at rural community assistance.
- Provide **clear guidance** to developers and jurisdictions to help them avoid lawsuits. *Voluntary* GHG strategies for a State mandate to reduce GHG emissions is inconsistent as it opens door for entities (including AG) to sue localities

EJ

- **EJ** should be a **fundamental** element of the land use strategies advanced under AB 32; look for opportunities to dedicate funds to mitigating impacts on these communities
- Report should propose specific methods to avoid disproportionately impacting **low-income communities** in the implementation of its proposed land use and transportation policy reforms

Transit

CTA recommends that the **promotion of public transit** as a significant way to reduce VMT be a prominent component in the LUSCAT report.

Transportation funding:

- LUSCAT/CARB should ensure that county sales tax measures (e.g., OC's M2) are protected; State transportation funding should allow for implementation of currently programmed projects
- Consider **transit investments** and implementation of compact land use strategies for eligibility as an offset provider under Cap and Trade.

Preservation of Ag Land/sustainable food production

- The production, distribution and access to food within a community must be integrated in to land use planning and be included when developing land use recommendations to reduce GHG emissions.
- Support investment in regionally oriented **food systems infrastructure** (packing, processing, distribution and retail) that increases consumer and institutional access to healthy locally grown food (with numerous suggestions)
- **Land use practices for agricultural production and food transportation** play a key part in California's climate impact. Provides following suggestions (similar to CA Food and Justice Coalition); Reduce food miles by tracking and localizing food distribution
- Develop metrics for local governments to build low-carbon and healthy food programs; Integrate food system planning into local general plans, regional blue prints and similar regional land use, climate change response and planning tools.
- The state should investigate mechanisms for the public to capture a portion of this increase in land value that may arise, as it is the policy change which may lead to land value increase in certain strategic locations
- Emphasize the significant **impacts of land conversion**; natural and working landscapes absorb and store CO₂ from the atmosphere and act as "carbon reserves," as well as provide critical ecosystem services such as water quality, wildlife habitat, recreation and local products
- Integrate **conservation** into regional and local models, plans and GHG targets

School Construction

- Section 2.10 (**School Construction**). State needs to recognize that local governments have no authority on how a school district sites its schools, and when developing strategies for school siting, the State needs to be very clear and not hold local governments accountable for school activities.
- Pg. 52, "**School Siting** Guidelines", discuss possibility of requiring proposed school sites to be subject to local government review in relation to land use-related impacts and mitigation measures related to GHG emissions

Zoning

- Encourage local jurisdictions to consider access (e.g., height, setbacks from the property line, exterior aesthetic design restrictions, yard projections, lot orientation, and lot coverage requirements) to renewable energy such as solar energy, daylight, and wind as they restructure their **zoning and building code laws** to address climate change.
- Ensure that land use strategies related to **building codes and standards** are adequately addressed and promoted. Acknowledge the close relationship between building- and transportation-related land use impacts (including measures in water and energy reports; concerned that the role of local governments in regulating building code-related land use could be falling through the cracks of the state climate change planning process

General Plans

- Local governments need to update their **general plans** so that they look beyond 2020 and are consistent with the timeline of regional blueprints and RTPs.
- Level of Service (**LOS**) **Policy** in General Plans determine kind of roadways connecting sustainable developments; maintaining a higher LOS may be an inefficient use of public funds; LOS disincent builders in urban areas, since roads are already congested; higher LOS thresholds negatively impact pedestrians and bicyclists (roads get widened); higher LOS Policy = more VMT; Fehr & Peers is currently conducting research with Cal Poly, SLO focusing on the relationship between speed, LOS, VMT, and criteria/GHG emissions
- **General Plans**. Aligning the land use and transportation plan for a region is a must if AB 32 goals are to be met. One way to do this might be:
 - Caltrans withholds transportation funding for regions without Blueprints (and ARB provides funding for Blueprints and other sustainable development projects)
 - Metropolitan Planning Organizations withhold transportation funding for jurisdictions who do not align their land use/transport plans with the Regional Blueprint and Regional Transportation Plan; they would also distribute funding for sustainable land use and transportation planning and require that those funds be used for additional good planning efforts

Need more examples of specific measures to **encourage and facilitate infill**;

Alternate transportation

Promote programs that reduce driving and congestion while promoting healthy physical activity and connecting interested residents with information and incentives to add more walking, bicycle riding, public transit (including BART), and carpooling

- Report should address **Transportation Demand Management (TDM) strategies** such as ridesharing and telecommuting; Transportation modeling is mistakenly described as TDM on page 32Pg. 11, 'Promote State Leadership', include facilities that are exempted from local land use regulation by the State, such as public school facilities
- Consider innovation **TCM measures** such as adoption of mitigations for increases in trip generation and GHG emissions as part of the conditions of local project approval. These should include best management practices in parking, including parking pricing, parking cash-out, ecopasses, car sharing, unbundling of parking from leases and real estate purchases, and shuttles. Changing status quo will be VERY difficult;