

How it all fits together: CAPs, SCSs and CEQA Options



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The BIG picture – the why?



- What is the big picture?
 - Successful planning...
 - Permit streamlining...
 - Faster permit and construction timelines...
 - More effective monitoring...
 - Lower costs and staff time...
 - Better development...
 - Greater communities...
 - A more efficient and sustainable society!
- CAPs, SCSs and CEQA Streamlining...
- How does it all fit together to make this possible?

The State's Efforts to Create Part of the "How"



- **AB 32**
 - Statewide GHG Reduction Goal: 1990 by 2020
 - Local Govt Support Through CAPs/GPs Primarily
 - ARB Rules Regulate Largely Industrial Uses
- **SB375**
 - Links Transportation and Land Use Planning
 - Augments Other Local Govt and State Actions
 - MPOs Develop SCS in RTP
- **CEQA**
 - Applies to All Public Agencies
 - Requires Analysis and Mitigation of GHG
 - Provides Streamlining Opportunities

Local Climate Action Plans



- If not Required, What Benefits Come from a CAP?
 - Local control
 - Quantified benefits of agency actions
 - Saves money
 - Development certainty
 - CEQA Streamlining
 - Leverage for funding tied to climate goals
 - Fills gaps in SB375 and the SCS
- OPR CAP Technical Advisory
 - Additional considerations include adaptation, SB375 etc.

CAP Streamlining



- New § 15183.5(b)(2) – Use with Later Activities
- Demonstrate Project is consistent with the CAP at project application
 - Application checklist (a la General Plan consistency analysis)
 - Identify those requirements specified in the plan that apply to the project
- During CEQA Review
 - If not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project
- Fair Argument

We did a CAP, who cares about the SCS?



- Must my General Plan be updated to be consistent with an SCS/APS?
 - No (Gov. Code § 65080(b)(2)(J)), except
 - Housing Element must reflect updated RHNA
- Must individual projects be consistent with an SCS/APS?
 - No, SCS / APS does not regulate land use
 - Inconsistency with an APS is not an “environmental effect” under CEQA (Gov. Code § 65080(b)(2)(I)(v))
- Ideally, the SCS works together with a CAP or GP policies...more on this later.

Using the SCS to Support Local Goals/Policies



- Transportation Funding
- CEQA Benefits
 - TPP may be exempt from CEQA
 - TPP may be able to use a SCEA
 - A residential or mixed use project may not have to analyze growth inducing impacts, impacts on the regional transportation network or impacts on global warming from cars and light duty trucks
- MPOs “shall consider” incentives for transportation investments to protect “farm to market” (Gov. Code § 65080(b)(4)(C))
- MPOs shall consider incentives to counties that encourage growth to occur within cities (*Ibid.*)

Challenges of Specificity: TPP Definition



- Transit Priority Projects
 - at least 50% residential, and, if more than 26% nonresidential, a FAR not less than 0.75;
 - minimum net density of at least 20 du/acre; and
 - within 1/2 mile of a major transit stop or high-quality transit corridor

(Pub. Resources Code, § 21155(b).)

TPP Exemption Criteria



- Adequately served by utilities
 - No sensitive habitat
 - Not on a 65962.5 list
 - Done a preliminary endangerment assessment
 - No significant effect on historic resources
 - Not subject to any risks
 - Wildfire, explosion from nearby properties, public health exposure, floods, earthquakes, etc.
 - Not on developed open space
 - Very energy- and water-efficient design
- (Pub. Resources Code, § 21155.1(a).)*

TPP Exemption Criteria (cont.)



- Site is less than 8 acres
- Project is less than 200 units
- No net loss of affordable units
- No single-level building of more than 75,000 sf
- All mitigation from prior EIRs incorporated
- No conflict with industrial uses
- w/in 1/2 mile of rail/ferry, or 1/4 mile of transit, included in the RTP, AND...
- Provides affordable housing or park/open space

(Pub. Resources Code, § 21155.1(b)-(c).)

Challenge in Scope: SB375 and CEQA



- Environmental document need not analyze:
 - Growth inducing impacts
 - Impacts on the regional transportation system
 - Global warming impacts from cars and light duty trucks
- If the Project is residential or mixed use project (including TPPs) and
- the Project is consistent with the SCS/APS

(Pub. Resources Code, § 21159.28)

Plans and Cumulative Impacts



- Section 15064(h)(3)
 - Plan Mitigates a Cumulative Problem
 - Project is Consistent with the Plan
 - Lead Agency can presume that the incremental contribution to the impact is not cumulatively considerable
 - Presumption is rebuttable

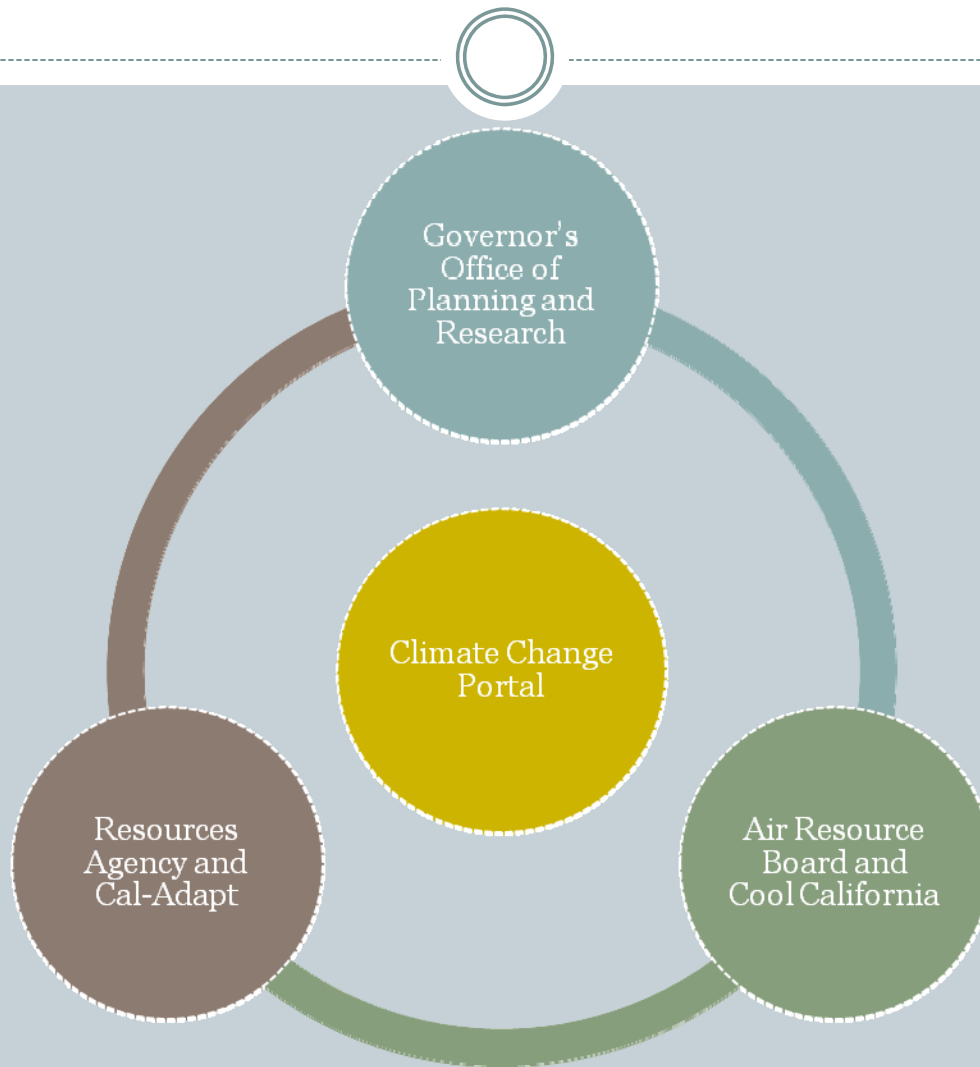
How should it all work together?



- Sustainable Communities Strategies
- Local Efforts Through CAPs or GP Policies
- Working with CEQA Streamlining Provisions
- Together → Effective CEQA Streamlining to create better communities...

Speaking of Working Together

Web Based State Resources (Update Completion in January 2012)



Resources



- **Financial**
 - Cool California Funding Wizard: <http://www.coolcalifornia.org/funding-wizard-home>
 - Strategic Growth Council: <http://sgc.ca.gov/>
- **Local Assistance**
 - Governor's Office of Planning and Research: <http://opr.ca.gov>
 - Climate Change Portal: <http://climatechange.ca.gov>
 - Cool California: <http://www.coolcalifornia.org>
 - Energy Aware Planning Guide: http://www.energy.ca.gov/energy_aware_guide/index.html
 - CalAdapt: <http://climatechange.ca.gov/adaptation/cal-adapt.html>
- **Technical**
 - CAPCOA, "Model Policies for Greenhouse Gases in General Plans": <http://www.capcoa.org/>
 - AEP Community GHG Emissions Protocol White Paper: http://califaep.org/index.php?option=com_content&view=article&id=101&Itemid=255
 - CTC RTP Guidelines http://www.catc.ca.gov/programs/rtp/2010_RTP_Guidelines.pdf
- **Legal**
 - CEQA Guidelines Section 15183.5(b)
 - Attorney General Resources: <http://ag.ca.gov/globalwarming/ceqa/resources.php>
 - CEQA Guidelines Statement of Reasons: http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf

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