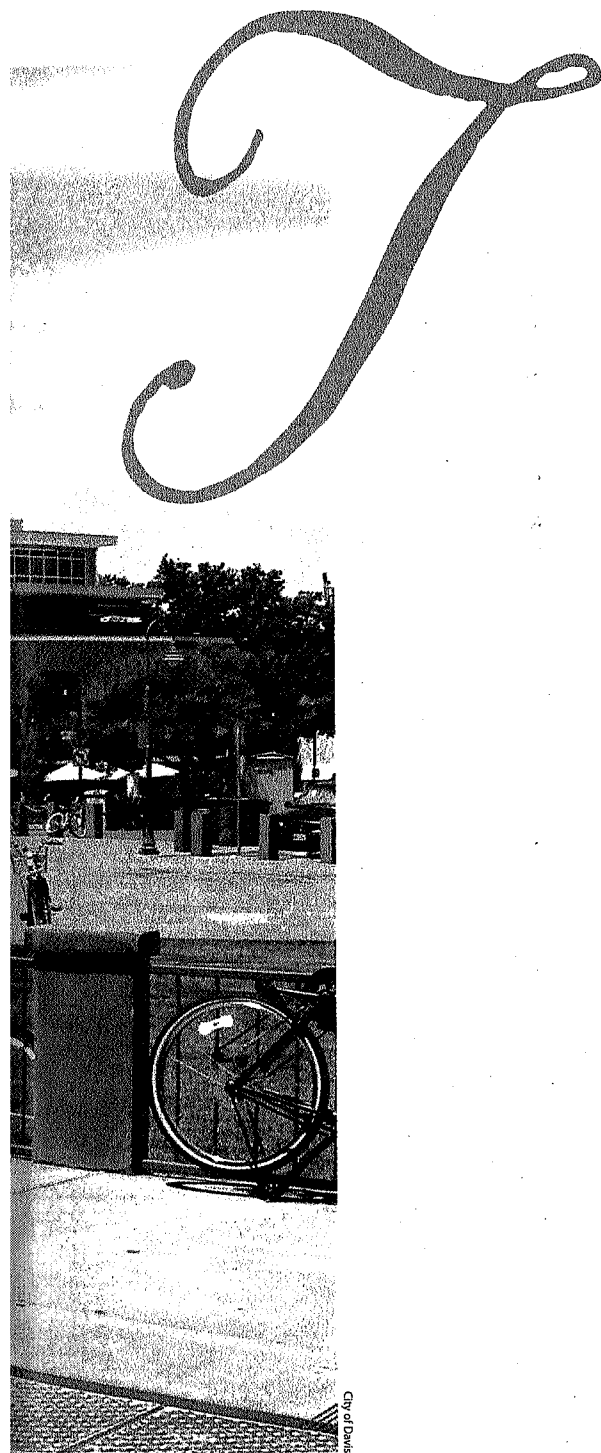


Aerial Combat

Climate change.

By Paul Shigley



The first time Larry Mintier, FAICP, heard the term “sustainability” in a discussion of mainstream planning was about 2003. At the time, the concept was rather ill-defined, but it centered on an environmental ethic. Still, this was before *An Inconvenient Truth* and Al Gore’s Nobel Prize. No public agency was adopting a sustainability plan, and the wonkish subject of climate change remained separate from planning. In the California of 2003, workforce housing and “lifestyle centers” topped most planners’ agendas.

Everything has changed for Mintier, managing partner of Sacramento-based Mintier Harnish Planning Consultants. These days, sustainability—specifically, reducing greenhouse gas emissions—informs nearly every aspect of long-term planning in California.

“For all of us in my business, we deal with it almost every day,” Mintier says of climate change. “I can’t tell you why it came on so fast. I think people look at AB 32 and say, ‘What the heck happened?’ We went from zero to 60 in five seconds.”

California Assembly Bill 32 is the landmark state law approved in 2006 that requires Californians to reduce their emission of greenhouse gases to 1990 levels by 2020, and to 80 percent less than the 1990 levels by 2050. Although the law is intended largely to encourage clean-burning automobiles and power plants, the statute assumes that some of the greenhouse gas reduction will occur because of changes in land-use patterns. Essentially, AB 32 helped start a planning revolution in California—one that planners and elected officials are only beginning to understand.

“It’s a big change,” says William Ziebron, senior vice president and California state director for consulting giant PBS&J. “Maybe planners, trained to think more comprehensively, have been thinking about these things for a while. But the decision makers have not been. I

think you’ll see changes in land use and in transportation that tie the two together.”

After Gov. Arnold Schwarzenegger signed AB 32 less than three years ago, state lawmakers passed another law, SB 97, making clear that public agencies must address and mitigate the greenhouse gas emissions that stem from a development project or a long-term plan. In addition, the legislature also passed a law—SB 375—that attempts to tie together climate change, regional planning, transportation funding, and affordable housing. As 2008 came to a close, the California Air Resources Board mandated that land-use changes must play a role in reducing greenhouse gas emissions. No percentage was specified.

California’s willingness to advance public policy in this area reminds Armando Carbonell, AICP, a senior fellow and chairman of the Department of Planning and Urban Form at the Lincoln Institute of Land Policy, of the days before Congress adopted the Clean Air Act. California nudged national policy on air quality during the early 1970s, much as it is doing on climate change today, he says.

“California has certainly gotten a head start on what we’re all going to have to do,” Carbonell says. That might be intimidating to some folks, but, he quickly adds, “It’s a great opportunity, because it so reinforces good planning concepts.”

Indeed, the low-carbon development pattern is nearly identical to the one advocated since the late 1990s by smart growth proponents, and for much longer than that by many planners: compact, dense, mixed use neighborhoods that encourage walking and bicycling and that have easy access to transit.

While California has its share of transit-oriented development, the state for six decades has grown primarily on a suburban model of single-family housing tracts, segregated uses, and cars, cars, cars. In almost all of the fast-growing parts of the state, this model still predominates. “As

A bevy of bikes at the busy Southern Pacific Depot in Davis, California—a city that’s ahead of the curve in sustainability. In the background is a mixed use development. Left: A popular eatery in downtown Davis.

everyone recognizes, SB 375 on its own doesn't necessarily do much of anything," says Autumn Bernstein, a longtime environmental advocate and director of the group ClimatePlan. "There is going to be so much resistance to changing anything."

The climate change-inator

Since coming to office in 2003, Arnold Schwarzenegger has emerged as a climate change warrior willing to take on the federal government and his own political party. Even skeptical environmentalists admit that he has helped shape public policy regarding climate change. In 2005, noting the effects climate change could have on the state's water system, 1,100 miles of coastline, and public health, the governor signed an executive order that established greenhouse gas reduction targets for the state. The following year, Schwarzenegger advocated for and signed a bill that made those targets state law.

The Global Warming Solutions Act of 2006 (AB 32) was the first of its kind in the U.S., and it continued California's tradition of aggressive air pollution regulation. Because California continues to add about 500,000 residents every year, the law's call for limiting 2020 greenhouse gas emissions to 1990 levels really means about a 25 percent reduction per capita. Most of the reductions, it was assumed, would result from widespread use of cleaner burning fuels for automobiles and power plants; from greatly increased development of solar, wind, and wave power; and from more efficient vehicles and power plants.

But the law's backers also assumed that changes in land-use patterns would play a big role. With more compact development, mixed uses, and improved transit, Californians would drive fewer miles and, therefore, emit fewer greenhouse gases, especially carbon dioxide.

While people were only beginning to grasp the breadth of changes urged by AB 32, a new front in California's climate change battle was opening. In early 2007, state Attorney General Jerry Brown (yes, that Jerry Brown, the former governor, presidential candidate, and, more recently, mayor of Oakland) sued San Bernardino County because it did not consider the global warming impacts of a new general plan. Although three environmental groups had filed a similar court action a few days earlier, Brown's suit generated at-

attention because the attorney general's office seldom goes to court to enforce the California Environmental Quality Act.

Brown argued that under CEQA—which, like the National Environmental Policy Act, requires full disclosure and mitigation of a project's potential impacts on the environment—San Bernardino County had to describe how build out of the plan would affect the environment. The plan allows a significant amount of low-density development in far-flung places, but it was hardly a policy shift for the growth-friendly county. County leaders protested that they had done nothing wrong because no state guidelines existed for addressing climate change in the planning process. Yet they soon entered negotiations with Brown.

Within a few months, Brown and county supervisors had signed what the attorney general termed "a model" for cities and counties. The agreement called for the county to adopt a general plan policy within 30 months that would outline ways to reduce greenhouse gas emissions attributable to discretionary land uses, and to prepare a greenhouse gas reduction plan that contained an inventory of greenhouse gas emission levels as of 1990, the present day, and as projected through 2020. The county also agreed to adopt emission reduction targets and mitigation measures.

What was not entirely clear when Brown sued San Bernardino County was whether CEQA applied to climate change. Brown and environmentalists argued that a project's potential to cause the atmosphere to warm absolutely had to be described, quantified, and offset. Development interests, climate change skeptics, and many local government officials, including some planners, argued that climate change was a global issue and that no land-use plan or real estate development could possibly have a significant impact one way or the other. Subjecting projects and plans to a CEQA analysis made no sense and was not legally required, they contended.

An odd thing happened next. Concerned that CEQA lawsuits could slow the delivery of transportation and flood control projects funded by bonds that voters approved in 2006, a group of state lawmakers passed a bill exempting the projects from a CEQA analysis of the projects' potential contributions to climate change. However, the exemption implied that

CEQA required a climate change analysis of every other type of project. Moreover, the legislation required California's Resources Agency to adopt CEQA "guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions."

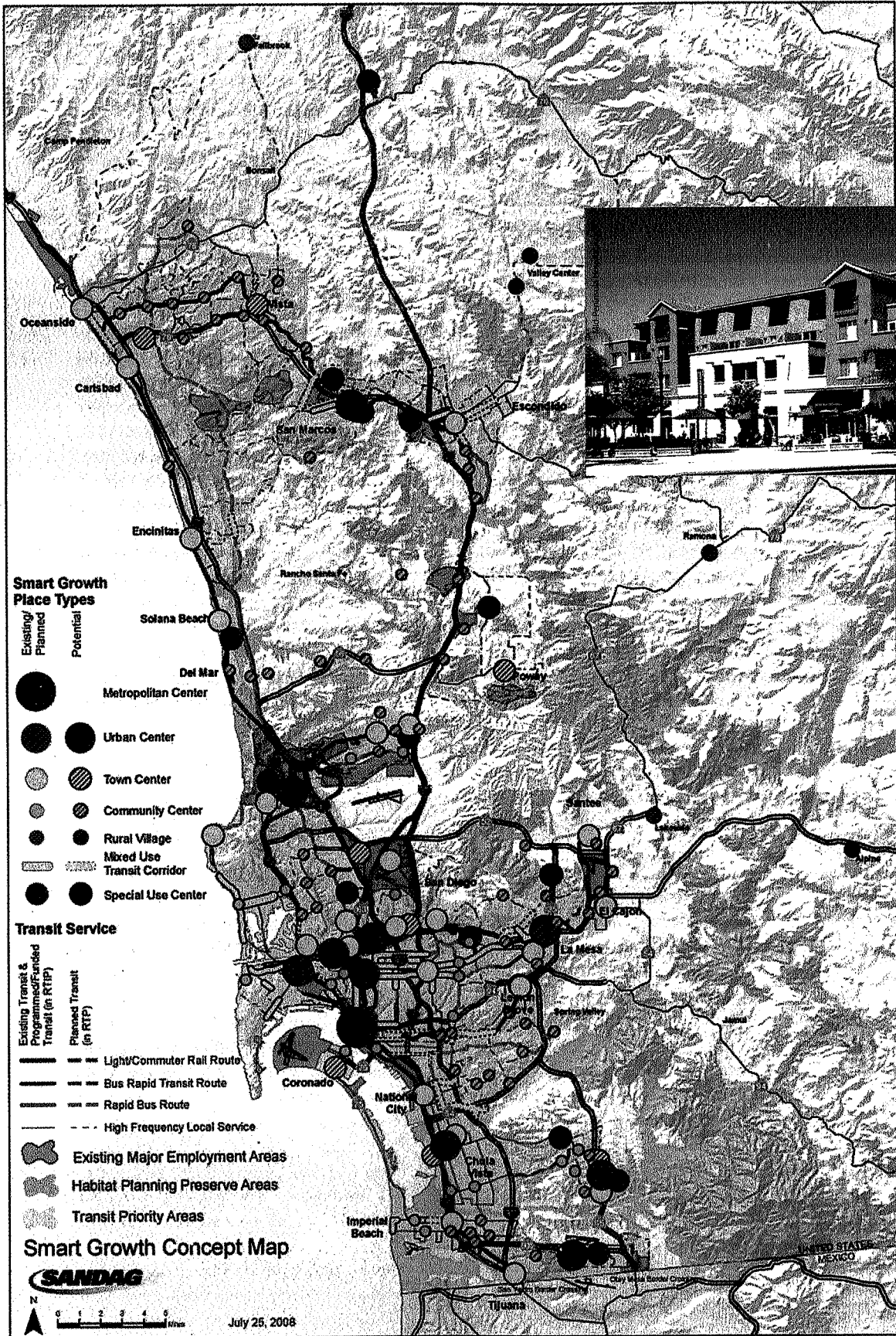
Although those guidelines are still in process—they must be adopted by January 1, 2010—the legislation clearly implied that public agencies must study and offset a project's potential contributions to global warming. Since then, Brown has submitted CEQA comment letters on about 50 comprehensive plans, transportation plans, and development projects. Although he has filed no additional lawsuits, Brown has finagled "prelitigation settlements" out of several public and private entities. The San Bernardino County lawsuit made the point.

Looking back to look ahead?

To some people, using environmental analysis and litigation seemed to be a backward approach to addressing climate change. With the backing of the California League of Conservation Voters and other environmental organizations, state senator Darrell Steinberg (D-Sacramento) wrote legislation that sought to link regional growth scenarios with transportation planning and funding.

The intent of Steinberg's SB 375 was to reduce greenhouse gas emissions from transportation—essentially, to cut vehicle miles traveled—by mandating new land-use patterns. Builders, business interests, local government organizations, and even planners protested that the bill was a top-down growth management act in disguise. A labor attorney and mediator who has since become president of the state senate, Steinberg pulled the bill and entered into nearly a year's worth of negotiations with just about anyone who was willing.

When SB 375 reemerged during the final weeks of the California legislature's 2007–08 session, it had the backing not only of environmentalists, but builders, local government, planners, and affordable housing advocates. About the only significant opposition came from the transportation lobby and from a state association of councils of government, which are essentially transportation planning organizations. The opponents saw the measure as a literal roadblock.



The San Diego Association of Governments is already mapping out its SB 375 compliance (left).



Some 480 miles north of San Diego, in Redwood City, is City Center Plaza, developed by the Mid-Peninsula Housing Coalition. This development is a transit-oriented urban village with housing for residents earning up to 60 percent of the area median income. Provisions of SB 375 connect transportation planning with fair-share housing requirements.

"This bill changes the way land-use planning is done," assemblyman Bob Huff, a Republican from the Los Angeles suburb of Diamond Bar, complained during a floor debate on SB 375. "If you don't believe in smart growth, you are not going to get any funding."

That was exactly the point. "The era of dollar-a-gallon gasoline, of planning the way we have in the past, that era has passed," said assemblyman Mark DeSaulnier, a Democrat from the San Francisco Bay Area. In the end, the bill passed with a number of Republicans voting "aye."

Drilling down into the new law

Nearly 40 pages long, Senate Bill 375 is a complicated piece of legislation. The bill requires:

- The creation of regional targets for greenhouse gas emissions reductions tied to land use. The California Air Resources Board is supposed to work with each of the state's 17 metropolitan planning organizations to prepare a regional emissions target for cars and light trucks that can be achieved through changes in development patterns. Targets are due September 2010.

- Regional planning agencies to adopt feasible "sustainable communities strategies" that meet the targets. The strategy is essentially a regional growth plan that becomes the basis for both the regional transportation plan and for a state-mandated regional housing needs assessment. If the plan does not hit the greenhouse gas reduction target, an MPO must adopt an "alternative planning strategy" that does not get incorporated into the transportation plan.

- Regional transportation funding decisions to be consistent with the sustainable communities strategy. However, the bill exempts projects spelled out in plans funded by local sales taxes, which all four major metropolitan regions have.

- Connecting the regional transportation plan with the fair-share housing process for the first time. This provision is intended to ensure that regions do not try to meet their greenhouse gas emissions mandate by preventing growth. But it also places the fair-share housing process, which requires every city and county to zone land and adopt policies to accommodate their regionally established share of housing for people of all income levels,

on the same timetable as the transportation plan, something desired by MPOs and local planners.

- Streamlining the environmental analysis of certain projects that conform to the sustainable communities strategy. This portion of the law has a number of caveats, but the idea is to encourage desirable projects by decreasing the time and money spent studying potential impacts of mixed use projects with at least 20 units per acre located within a half-mile of a rail, bus, or ferry station with a maximum headway of 15 minutes. Projects of up to 200 housing units that provide a certain percentage of affordable units may be entirely exempted from environmental review.

A measure as long and comprehensive as SB 375 offers many twists and turns for planners, developers, and elected officials to negotiate. One of them is the provision that a city or county general plan need not be consistent with the applicable sustainable communities strategy. This concession from Steinberg was the price the League of California Cities and California State Association of Counties charged for their endorsement. Without the provision, local government lobbyists argued, cities and counties would lose traditional land-use authority and general plans would lack integrity. Nevertheless, one possible outcome might be a proposed project that is both exempt from environmental review and incompatible with local zoning.

Meanwhile, 2009 will be filled with uncertainty. SB 375 does not kick in fully until the end of 2011, and CEQA guidelines for addressing greenhouse gas emissions are not expected until 2010.

"At the practitioner level right now, it's sort of a combination of wait-and-see on the one hand, and on the other hand—because of action by the attorney general and our own citizens—hurry up," says Wayne Goldberg, AICP, director of advance planning and public policy for the city of Santa Rosa.

Many planners find themselves walking a line between basing every project and policy recommendation on climate change considerations and waiting for direction from the state and regional levels. Yet the pressure to "do something" is frustrating to many planners.

Larry Mintier has served as a lead con-

sultant on the city of Sacramento's general plan update. The plan calls for at least two-thirds of growth over the next 20 years to come in the form of infill, much of which could be served via transit expansions. "It's the quintessential smart growth plan. It's got all the bells and whistles: complete streets, complete neighborhoods. This is a damn good plan," says Mintier, contrasting the Sacramento plan with more sprawl-oriented blueprints.

Yet the attorney general's office is dissatisfied with the plan, leaving open the possibility of a lawsuit should the city adopt the plan without amendments. Although he is the hired expert, Mintier is unsure what those amendments should be because state attorneys cannot cite an ideal plan, and the state's list of recommended mitigation measures changes almost daily.

"Everything is in flux," Mintier says. "We don't have good guidance. The AG's office is pushing the envelope. But no one knows there the goalpost is."

Stepping up to the plate

No entity has gone further down the SB 375 path than the San Diego Association of Governments, the MPO for San Diego County. Like other California MPOs, SANDAG adopted a regional growth blueprint a few years ago to guide transportation investments and, ideally, influence land-use decisions made by county supervisors and city councils. The SANDAG blueprint includes a smart growth concept map that depicts preferred growth areas and locations to invest in transit, as well as habitat areas worthy of preservation.

All of this provides a starting point for complying with SB 375, explains Robert Leiter, FAICP, SANDAG's land-use and transportation planning director. Federal law requires SANDAG to complete a regional transportation plan update by November 2011, right about the same time that San Diego County and its cities must adopt new housing plans. So SANDAG's goal is to adopt the SB 375 sustainable communities strategy, a regional transportation plan, an eight-year regional housing needs assessment—and an environmental impact report for everything—during the fall of 2011.

To get started, Leiter's organization is producing a growth forecast through 2030, and possibly through 2050, when

2030, and possibly through 2050, when San Diego County's population, now at 3.2 million, could top 4.5 million. SANDAG's land-use group has begun a fresh review of the smart growth map, and the organization is finishing an urban core transit plan and considering transportation demand-management measures. It has also done some modeling to test possible greenhouse gas emission reduction targets in preparation for negotiations with the state Air Resources Board.

Aligning transportation and housing plans makes sense, as does an SB 375 mandate that local governments zone more land early in the planning cycle for multifamily housing, Leiter says. The type and location of future housing units will also need to factor into the regional greenhouse gas emissions target.

This level of comprehensive planning requires a high degree of coordination, and Leiter's time is virtually all booked up between now and when the SANDAG board adopts all the appropriate documents in November 2011. But because SB 375 is brand new and has a primary goal of reducing vehicle miles traveled, and because regional greenhouse gas emissions targets remain unknown, many questions persist. Among them:

Will the Air Resources Board dictate the regional emissions targets? How does an MPO account for interregional commuting exemplified by the thousands of Riverside County residents who work in San Diego? Which MPO is responsible for those emissions? What about the actual functioning and efficiency of buildings new and old? Where does natural resource protection fit into a sustainable communities strategy? How does a strategy account for state agencies' development and operation of major institutions,

such as universities, hospitals, and courthouses, which are typically exempt from local control?

"We think that SB 375 is only hitting a part of the equation for local governments and regional planning," says Leiter, who has served on APA's climate change task force. "SB 375 hasn't looked at the impact of new buildings themselves. We should also be looking at the whole building side of the equation. We should not just be looking at VMT reduction."

The state's entire approach to using planning to mitigate climate change, including SB 375, is based on the notion that if lots of things are built close together and near public transit, people will drive less. Robert Cervero, chair of the University of California, Berkeley, Department of City and Regional Planning, says that people who choose to live in housing near transit stations take four to five times more trips by transit than people who live elsewhere. But getting the most out of transit and transit-oriented development means employing a planning system that truly encourages development of compact, walkable, mixed used destinations, he says.

"It's more than just putting buildings around transit stations. There has to be decent service. There have to be destinations," explains Cervero, who has written six books about public transit and transit-oriented development. "We tend to see these isolated transit-oriented developments in a sea of automobiles. You really need a Scandinavian-style necklace of pearls. Until we do serious regional planning, it's going to be hard to build that necklace."

"We get it backwards," Cervero continues. "We do the transportation first, and then we respond to the sprawling auto-dependent growth patterns."

Who's living where

Housing advocates, meanwhile, fear that SB 375 could result in an overemphasis on housing in the urban core. Suburban towns may be rich in market-rate housing, but they often lack housing for people working in the retail and service businesses that proliferate in the suburbs, says Brian Augusta, a lobbyist for the California Housing Law Project.

"There is a significant undersupply of housing," Augusta says. "We have to make sure that we really are planning for the growth we need, and that this is not putting off-limits land that is necessary to meet the need."

Money is also a concern—money to build and operate transit systems, encourage preferred development, and prepare plans and monitor emissions levels. In California's current budget crisis—the state faces a 2009–10 budget shortfall of about \$20 billion—Gov. Schwarzenegger and lawmakers have eliminated nearly all state funding for transit, and they have shifted \$350 million away from redevelopment agencies, which typically focus on infill, affordable housing, and transit-oriented projects.

Of course, not even SB 375's staunchest supporters argue the legislation is perfect. It could be amended as soon as this year. Maybe more important than the details, though, is the shift in direction that SB 375 represents. No longer is a California in which everybody drives everywhere considered sustainable for future generations.

"In some ways, it's encouraging that a systemic plan has been adopted and it has worked its way down to the regional planning agencies and MPOs," says Carbonell of the Lincoln Institute. SB 375, he says, places California "way ahead of other places that are just sort of wrestling with, 'what are we going to do?'"

Leiter, SANDAG's chief planner, agrees that California at least is asking the right questions. "I think we're ahead of most, if not all, other states in putting together a framework for how to address mitigation of climate change," he says. "If we do this well, we can make planning more relevant. And if we don't do it, someone else will for us."

MORE ON THE LAWS

The texts of AB 32 and SB 375 are posted on the ClimatePlan website: ClimatePlan: www.climateplan.ca.org; California Climate Change Portal: www.climatechange.ca.gov; California Attorney General's Global Warming website: <http://caag.state.ca.us/globalwarming>; AB 32 Scoping Plan: www.arb.ca.gov/cc/scopingplan/scopingplan.htm

San Diego Association of Governments: Smart Growth Concept Map: www.sandag.org/resources/smartgrowth/index_gmap.asp; League of California Cities overview of SB 375: www.calapa.org/attachments/wysiwyg/5360/SB375TechOV.pdf

■ Paul Shigley is editor of *California Planning & Development Report*.