

Date of Hearing: May 1, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1730 (Gonzalez) – As Amended April 25, 2019

SUBJECT: Regional transportation plans: San Diego Association of Governments: housing.

SUMMARY: Extends the deadline, by two years, for the San Diego Association of Governments (SANDAG) to submit its regional transportation plan. Specifically, **this bill:**

- 1) Allows the regional transportation plan (RTP), sustainable communities strategy (SCS) and the related environmental impact report (EIR) adopted by SANDAG on October 9, 2015, to remain in effect for all purposes, including for purposes of consistency determinations and funding eligibility for SANDAG and all other agencies relying on those documents, until SANDAG adopts its next update to its RTP.
- 2) Requires SANDAG to adopt and submit its update to the 2015 RTP on or before December 31, 2021. Requires, after this update, the time period for SANDAG's updates to its RTP to be reset and requires the adoption and submittal every four years.
- 3) Prohibits the State Air Resources Board (ARB) from updating its greenhouse gas (GHG) emission reduction targets for the region within the jurisdiction of SANDAG before the adoption of the update to the RTP, provided in 2), above.
- 4) Provides that the update to the RTP adopted by SANDAG on October 9, 2015, which will be prepared and submitted to federal agencies for purposes of compliance with federal laws applicable to RTPs and air quality conformity and which is due in October 2019, shall not be considered an RTP and shall not constitute a project for purposes of the California Environmental Quality Act (CEQA).
- 5) Provides that SANDAG's resolution approving the final housing need allocation plan for the sixth revision shall use the SCS in the RTP adopted by SANDAG on October 9, 2015, to demonstrate consistency determinations required in existing law.
- 6) Requires a local government within the jurisdiction of SANDAG to adopt the sixth revision of the housing element on or before April 30, 2021, using the final housing allocation adopted by SANDAG on or before November 1, 2019, although such action will not be carried out concurrently with adoption of an updated RTP and SCS. Requires all local governments to adopt the seventh revision of the housing element no later than 18 months after SANDAG adopts its first RTP update in 2029.
- 7) Declares that a special statute is necessary and that a general statute cannot be made applicable, as specified, because of SANDAG's specialized goal of maintaining the schedule for the regional housing needs planning process carried out by the local governments in the San Diego region for the sixth cycle and compliance with federal laws, while giving the agency sufficient time to carry out the additional planning efforts and environmental analysis required to meet ARB's GHG emission reduction targets for the region for this and future updates to its RTP.

EXISTING LAW:

- 1) Requires, under the California Global Warming Solutions Act of 2006 (also known as AB 32), ARB to determine the 1990 statewide GHG emissions level and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020, and to adopt GHG emissions reductions measures by regulation.
- 2) Requires ARB to ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by December 31, 2030.
- 3) Requires transportation planning agencies to prepare and adopt regional plans that, with specifications, achieve a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services.
- 4) Requires, as a part of the regional transportation plan, an SCS, with specifications, to be prepared by each Metropolitan Planning Organization (MPO).
- 5) Establishes a process for, and requires, ARB to provide regional transportation planning agencies with GHG emissions reductions targets that must be included in their SCS.
- 6) Requires HCD, in consultation with each COG, to determine each region's existing and projected housing need at least two years prior to a scheduled housing element revision.
- 7) Requires every city and county to prepare and adopt a general plan containing seven mandatory elements, including a housing element.
- 8) Requires each jurisdiction's housing element to identify and analyze existing and projected housing needs, identify adequate sites with appropriate zoning to meet the housing needs of all income segments of the community, and ensure that regulatory systems provide opportunities for, and do not unduly constrain, housing development.

FISCAL EFFECT: None

COMMENTS:

- 1) **Background.** The Global Warming Solutions Act, AB 32 (Núñez), Chapter 488, Statutes of 2006, required California to reduce GHG emissions to 1990 levels no later than 2020. SB 32 (Pavley), Chapter 249, Statutes of 2016, extended the GHG target for California by codifying a portion of Executive Order B-30-15, issued by Governor Brown, to reduce GHG emissions 40% below 1990 levels by 2030.

Existing federal and state law requires each of California's 18 MPOs and 26 regional transportation planning agencies (RTPAs) to prepare a long-range (20-year) plan. This plan, known as the RTP, identifies the region's vision and goals and how to implement them. The RTP also supports the state's goals for transportation, environmental quality, economic growth, and social equity. Federal law requires that they be updated at least every four years. State law requires that these plans be updated every four years. ARB publishes a schedule for updates of each of these RTPs.

Existing law requires coordination of transportation and land use planning to help achieve the state's climate action goals by requiring that each RTP include an SCS. The SCS demonstrates how the region will meet its GHG emissions reduction targets through land use, housing, and transportation strategies. ARB must review the adopted SCS to confirm that it will indeed meet the regional GHG targets. If not, the MPO must prepare an alternative planning strategy, separate from the RTP.

Each RTP and SCS is informed by the regional housing needs allocation (RHNA) and local housing elements. Existing law requires local governments to prepare a Housing Element that adequately plans to meet their existing and projected housing needs, including their share of the regional housing need. The regional housing need is determined by the regional housing needs assessment (RHNA) for each city and county, which is allocated by the regional Council of Governments (COG). Each COG in turn receives its portion of the state's projected growth from HCD, developed in consultation with each COG using a demographic method based on Department of Financing (DOF) population projections. The state projects new RHNA numbers every eight years, or in some rural areas every five years. Two years prior to a housing element revision, the COG develops a methodology for distributing the RNHA to jurisdictions within the region.

- 2) **Bill Summary and Author's Statement.** This bill grants SANDAG an extension to update its RTP, and makes other conforming changes to timelines for other related plans. During this two-year extension, SANDAG will be able to use its existing plan, including the EIR and SCS, for the purposes of complying with state and federal law. This bill is sponsored by SANDAG.

According to the author, "SANDAG is San Diego's consolidated MPO, council of governments, and regional transportation planning agency. As part of its MPO role, SANDAG is responsible for submitting an updated RTP to the California Transportation Commission and the Department of Transportation every four years. These updated plans are essential in order to be eligible for state and federal funding for projects.

"Part of this planning includes the SCS, which shows how the San Diego region will achieve the 19% reduction target for greenhouse gases by 2035 set by the ARB. Historically, SANDAG has been criticized locally for not prioritizing and investing in enough public transit, bike and pedestrian infrastructure to reach ARB's target. SANDAG was sued by a coalition of environmental organizations over the environmental impact report for the 2011 version of the RTP, which was found to not adequately address long term climate impacts.

"More recently, SANDAG was rocked by financial scandals, when it was discovered that due to rising costs of projects and inaccurate revenue projections from the TransNet sales tax, the agency faced a \$17.3 billion funding shortfall. Currently, to complete all the projects that were sold to voters as part of the ballot tax measure, SANDAG would need \$9.8 billion in additional funding.

"The agency also experienced significant changes after the enactment of AB 805 (Gonzalez 2017). AB 805 enhanced representation through modifying the governing structure of SANDAG to better reflect the populations they serve, increased oversight at SANDAG via an audit committee and independent performance auditor, allowed the transit operators to pursue their own tax increases for public transit purposes, and required SANDAG's regional

comprehensive plan to address greenhouse gas emission reduction rules adopted by the State Air Resources Board, among other things. Even though meaningful change has occurred as a result of the recent scandal, the board restructuring in AB 805, and a new executive director, lasting change to develop the right transportation system in the San Diego region does not happen overnight.

“As stated in *Voice of San Diego*, ‘even if the region built the trolley lines and bus services leaders have been discussing, it would not change enough’ to meet the required greenhouse gas reduction targets. Local governmental entities, environmental advocates, and community groups agree that San Diego cannot do its part in combatting climate change without a drastic change, and the kind of change that needs proper planning. Under current deadlines, the region simply won’t be able to do this, and will continue not making real progress.

“AB 1730 would allow SANDAG additional time to plan and be ambitious in reducing greenhouse gas emissions, in order to ensure the region is doing the most it can in the best way possible.”

- 3) **Arguments in Support.** Supporters argue that this bill ensures that SANDAG would be able to move forward with creating a dynamic transportation system that increases transit choices and throughput, expands smart growth, and addresses multimodal safety, and will build upon local planning efforts to more closely link land use and transportation planning to create more compact and sustainable communities.
- 4) **Arguments in Opposition.** None on file.
- 5) **Double-Referral.** This bill was heard by the Housing and Community Development Committee on April 24, 2019, and passed on an 8-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance For Regional Solutions
Bayside Community Center
Circulate San Diego
City Heights Community Development Corporation
Cities of Carlsbad, Del Mar, Escondido, Imperial Beach, La Mesa, National City, Oceanside,
Poway, San Diego
Climate Action Campaign
El Cajon Collaborative
Environmental Health Coalition
International Brothers Of Electrical Workers Local 569
North County Transit District
San Diego Association Of Governments
San Diego County Regional Airport Authority
San Diego Regional Chamber Of Commerce
Sandiego350
The Urban Collaborative Project
United Association Of Plumbers & Steamfitters Union 230

Opposition

None on file

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