

Sustainable Communities Strategies and their Consistency with the Delta Plan

Summary: The Delta's three metropolitan planning organizations prepare pursuant to state law Regional Transportation Plans that coordinate transportation needs with proposed development and guide the distribution of transportation funds. A Sustainable Communities Strategy (SCS) is an element of a Regional Transportation Plan that describes where development will occur and how jobs and housing will be integrated with transportation in a way that reduces driving and its associated greenhouse gas emissions. Once an SCS is adopted, actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its SCS are exempt from the covered action process under the Delta Plan (Water Code section 85057.5(b)(4)).

This staff report describes the Delta Reform Act's (Water Code section 85212) requirement for the Delta Stewardship Council (Council) to review SCSs that contain land in the Delta for consistency with the Delta Plan and provides an update on the status of relevant SCSs. The staff of the San Joaquin Council of Governments (SJCOG) will brief the Council on its draft Regional Transportation Plan and Sustainable Communities Strategy, which was recently released for public comment. Council staff will consider any issues raised by the Council in providing comments to SJCOG on the draft SCS and its Draft Environmental Impact Report by the deadline of April 23, 2014.

Background

The State of California has developed a policy framework to support the adoption of interrelated policies that support sustainability, *i.e.*, economic, environmental and social well-being. As the Office of Planning and Research noted in its 2010 report, *Strategies for Sustainable Communities*, "In 2008, the State created the Strategic Growth Council (SGC), a cabinet-level committee tasked with coordinating the activities of state agencies to:

- Improve air and water quality,
- Protect natural resource and agriculture lands,
- Increase the availability of affordable housing,
- Improve infrastructure systems,
- Promote public health, and
- Assist state and local entities in planning sustainable communities and meeting AB 32 goals.

Both the SGC and California's AB 32 greenhouse gas reduction goals recognize that success depends on a coordinated effort across state, regional, and local government."

In addition, SB 375 requires California's metropolitan planning organizations to demonstrate that their long-range transportation plans are consistent with regional greenhouse gas reduction targets established by the California Air Resources Board. SB 375 requires each region's SCS to achieve the region's greenhouse gas reduction targets and be consistent with city and county general plans (OPR, 2010). (In the Primary Zone of the Delta, city and county general plans must also be consistent with the Delta Protection Commission's *Land Use and Resource Management Plan*.)

An SCS is part of a Regional Transportation Plan. Metropolitan planning organizations, such as the San Joaquin Council of Governments, have been preparing Regional Transportation Plans for decades in order to be eligible for federal transportation funds, but SCSs have only been required by state law (SB 375) since 2008.

An SCS describes where growth and development will occur and how land use will be integrated with transportation in a way that reduces greenhouse gas emissions from vehicles. Once adopted by the metropolitan planning organization, the Regional Transportation Plan guides the transportation policies and investments for the region.

SCS are incentive-based. Developers can get relief from certain environmental review requirements under the California Environmental Quality Act (CEQA) if their new residential and mixed-use projects are consistent with a region's SCS that meets the greenhouse gas emission reduction targets.

Although metropolitan planning organizations are not regulatory bodies, the Delta Reform Act (Water Code section 85057.5(b)(4)) authorizes them to grant exemptions to the Council's regulatory process by determining that certain proposed actions are consistent with their SCS.

Delta Reform Act Requirements

The Delta Reform Act (Water Code section 85212) requires a metropolitan planning organization preparing a Regional Transportation Plan that includes land within the primary or secondary zone of the Delta to provide the Delta Stewardship Council with its draft SCS at least 60 days before it is adopted, and requires the Delta Stewardship Council to provide written notice of any claimed inconsistencies with the Delta Plan at least 30 days prior to the SCS's adoption. This will include reviewing the SCS's consistency with the ecosystem restoration needs of the Delta and whether these plans set aside sufficient lands for natural resource protection to meet the Delta's ecosystem needs.

Council staff has identified the following issues to consider in order to ensure consistency:

- **Urban boundaries.** The urban boundaries identified in SCSs should be consistent with the Delta Plan for the areas in which the Delta Stewardship Council has concurrent jurisdiction with metropolitan planning organizations.

These boundaries are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

- **Habitat restoration areas.** SCSs should set aside land for natural resource protections, consistent with the Delta Plan's priority habitat restoration areas (PHRAs), for the areas in which the Delta Stewardship Council has concurrent jurisdiction with metropolitan planning organizations.
- **Flood risk reduction.** SCSs should reduce flood risk. Flood risk reduction should be included as a factor when evaluating various land use scenarios.

As noted above, once an SCS is adopted, actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its SCS are exempt from the covered action process under the Delta Plan (Water Code section 85057.5(b)(4)). The ability to exempt certain actions from the DSC's certification process provides metropolitan planning organizations with a potentially significant role in shaping how development occurs in the secondary zone of the Delta and the way in which planning for metropolitan areas and the Delta are coordinated.

Status of Relevant Sustainable Communities Strategies

The Sacramento Area Council of Governments (SACOG) adopted its SCS in April 2012, before the Delta Plan was adopted. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) jointly adopted their SCS in July 2013, after the Delta Plan was adopted but before its regulations went into effect. The San Joaquin Council of Governments (SJCOG) recently released its draft SCS, which will be the first one to come to the Council since the Delta Plan regulations became effective. Its adoption is tentatively scheduled for June 2014.

SACOG. In February 2012, Council staff commented on SACOG's draft Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) based on an analysis of its consistency with the fifth draft of the Delta Plan. The staff found that the urban boundaries identified in the MTP/SCS were consistent with the draft Delta Plan. The urban boundaries within the Delta are the city limits of West Sacramento and Sacramento. The MTP/SCS accommodates a 39% increase in regional populations while only expanding urban boundaries by 7%, a housing density goal that reduces pressure to expand into the Delta.

The MTP/SCS does not explicitly set aside land for Delta ecosystem needs. However, within the vast majority of the Delta, urban development would not be consistent with the MTP/SCS because no urban community types are identified outside the urban boundaries. In addition, as required by SB 375, Sustainable Communities Projects cannot occur in wetland or riparian areas, in areas that offer significant value as wildlife habitat, nor harm any protected species. Sustainable Communities Projects also may not introduce new flood risk.

Finally, the staff commended SACOG for including elements, such as the Rural-Urban Connections Strategy, that highlight the importance and benefits maintaining a strong agricultural economy in the region. SACOG's update of its MTP/SCS is scheduled for 2016.

MTC/ABAG. In May 2013, Council staff evaluated the consistency of MTC/ABAG's Plan Bay Area Regional Transportation Plan/Sustainable Communities Strategy (Plan Bay Area) with the final draft of the Delta Plan. The MTC staff confirmed that the urban boundaries identified in the MTP/SCS were consistent with the draft Delta Plan. The Priority Development Areas in Contra Costa County are within the Contra Costa County Urban Limit Line, and the Priority Development Areas in Solano County are in Benicia and Suisun City outside the Suisun Marsh.

In response to Council staff's comment, MTC made several changes to the final Plan Bay Area.

- Plan Bay Area was revised to clarify that "any activity proposed in the primary or secondary zones of the Delta as defined in the Final Delta Plan adopted by the Council on May 16, 2013 should be reviewed by the implementing agency in consultation with DSC to confirm consistency with the Delta Plan."
- A mitigation measure was added which requires implementing agencies or project sponsors to review the Delta Plan and consult with the Council as early as possible in the project-level EIR process.
- Farmland mitigation measures were added to reflect those in the Delta Plan's final EIR.
- Mitigation measures were added to enhance habitat connectivity.
- The Delta Plan was added to the list of programs to comply with in order to reduce flood risk.

Regarding the issue of setting aside land for ecosystem needs, MTC noted that the ABAG Executive Board adopted a set of Priority Conservation Areas on July 17, 2008. These are referenced in Plan Bay Area.

MTC agreed with Council staff that three transportation projects included in Plan Bay Area have the potential to adversely affect habitat in the Suisun Marsh priority habitat restoration area, but those impacts could be mitigated. MTC and ABAG cannot require local implementing agencies to adopt mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that mitigation measures would be implemented in all cases.

SJCOG. Council staff provided scoping comments to the SJCOG staff on its notice of preparation of a draft environmental impact (EIR) report for its Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) in March 2013. SJCOG released its draft RTP/SCS and its draft EIR in early March 2014. The SJCOG's briefing for the Council at today's meeting will provide an overview of the RTP/SCS, relevant

performance measures, and a summary of responses to the issues raised in the DSC's scoping letter. The DSC staff will analyze the draft RTP/SCS for consistency with the Delta Plan and prepare written comments to SJCOG on the by the deadline of April 23, 2014.

During the presentation or in follow up discussion, the Council may wish to consider these questions:

- How can the Council most effectively engage with the COGs?
- Are there any issues Council staff should pay particular attention to when reviewing these plans?
- What other opportunities are there for the COGs to engage in around Delta planning efforts?

Next Steps

The DSC staff will consider any issues raised by the Council in preparing written comments to SJCOG on the draft Strategy and its Draft Environmental Impact Report by the deadline of April 23, 2014.

List of Attachments

Attachment 1: Statutory Language Relevant to Sustainable Communities Strategies
Attachment 2: SJCOG's Regional Transportation Plan/Sustainable Communities Strategy Executive Summary

Contact

Jessica Davenport, Program Manager
Ecosystem Restoration and Land Use

Phone: (916) 445-2168