



BENJAMIN S.
CROCKER
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Surviving the Storm: Preserving Land Use Entitlements and Exploring Transit-Oriented Development

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Presentation Overview

- **I. Extending Land Use Entitlements**
 - Recent State Legislation
 - Recent Local Ordinances
 - Other Tools to Extend Entitlements

- **II. Incentives & Financing for Transit-Oriented Development (TOD)**
 - State Legislation Regulating Global Climate Change
 - Air District CEQA Guidelines to Analyze GHG Emissions

- **III. Current & Potential Financing Options for TOD**



Extending Entitlements: SB 1185

- **Signed into law on July 15, 2008**
- **One year extension of certain vesting tentative tract map, tentative map, or parcel maps**
 - **approved tentative map must**
 - **not expire as of July 15, 2008, and**
 - **would otherwise expire by January 1, 2011**



Extending Entitlements: City of LA Ordinance No. 180647

- **Enacted April 2009**
- **Implements SB 1185**
- **One year extension (from 3 to 4 years) of certain tentative tract maps, preliminary parcel maps, and specific related discretionary entitlements**
 - **approved tentative map must**
 - **not expire as of July 15, 2008, and**
 - **would otherwise expire by January 1, 2011**



Extending Entitlements: AB 333

- **Signed into law on July 15, 2009**
- **Two year extension of certain vesting tentative tract map, tentative map, or parcel maps**
 - **approved tentative map must**
 - **not expire as of July 15, 2009, and**
 - **would otherwise expire by January 1, 2012**



Extending Entitlements: Proposed New City of LA Ordinance

- **December 2009: City Council directs City Attorney's Office to draft ordinance**
- **Would implement AB 333**
- **Two year extension of certain tentative tract maps, preliminary parcel maps, and specific related discretionary entitlements**
 - **approved tentative map must**
 - **not expire as of July 15, 2009, and**
 - **would otherwise expire by January 1, 2012**



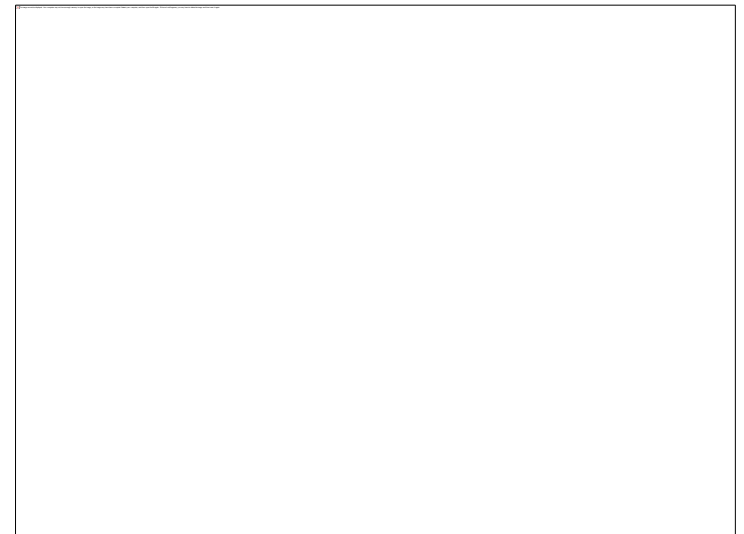
Extending Entitlements: Development Agreement Act

- **Cal. Gov't Code §§ 65864-65869.5**
- **Contract between developer and city or county**
- **Developer receives entitlement extension and vesting of existing law in exchange for payment of public benefits**
 - **No nexus to proposed project required**
- **Agreement can be sought with original entitlements or after the fact**



Extending Entitlements: Subdivision Map Act

- **Cal. Gov't Code §§ 66410-66499.37**
- **Governs subdivision of land**
- **Phased Maps under Gov't Code § 66456.1**
 - allows for multiple final maps





Incentives for TOD: AB 32

- **CARB mandated to reduce California GHG emissions to 1990 levels by 2020 and to 80% below 1990 levels by 2050**
- **CARB has:**
 - **adopted regulations for mandatory GHG emissions reporting**
 - **adopted Scoping Plan - blueprint for emission reductions**
- **CARB must**
 - **develop regulations to reduce GHG emissions by January 1, 2011, but the rules will not take effect until January 1, 2012**



Incentives for TOD: SB 97

- Enacted August 2007
- Mandates revision of CEQA Guidelines to account for impacts of global climate change by July 1, 2009 and to adopt such guidelines by January 1, 2010





Incentives for TOD: SB 97

- **Guidelines**
 - **Mandate consideration of GHG emissions**
 - **Do not alter traditional agency discretion**
 - **Do not set a threshold of significance**
 - **Allow a lead agency to rely on a quantitative and/or qualitative or performance based standard**
- **Section 15064.4 mandates factors a lead agency should consider when reaching a significance determination**



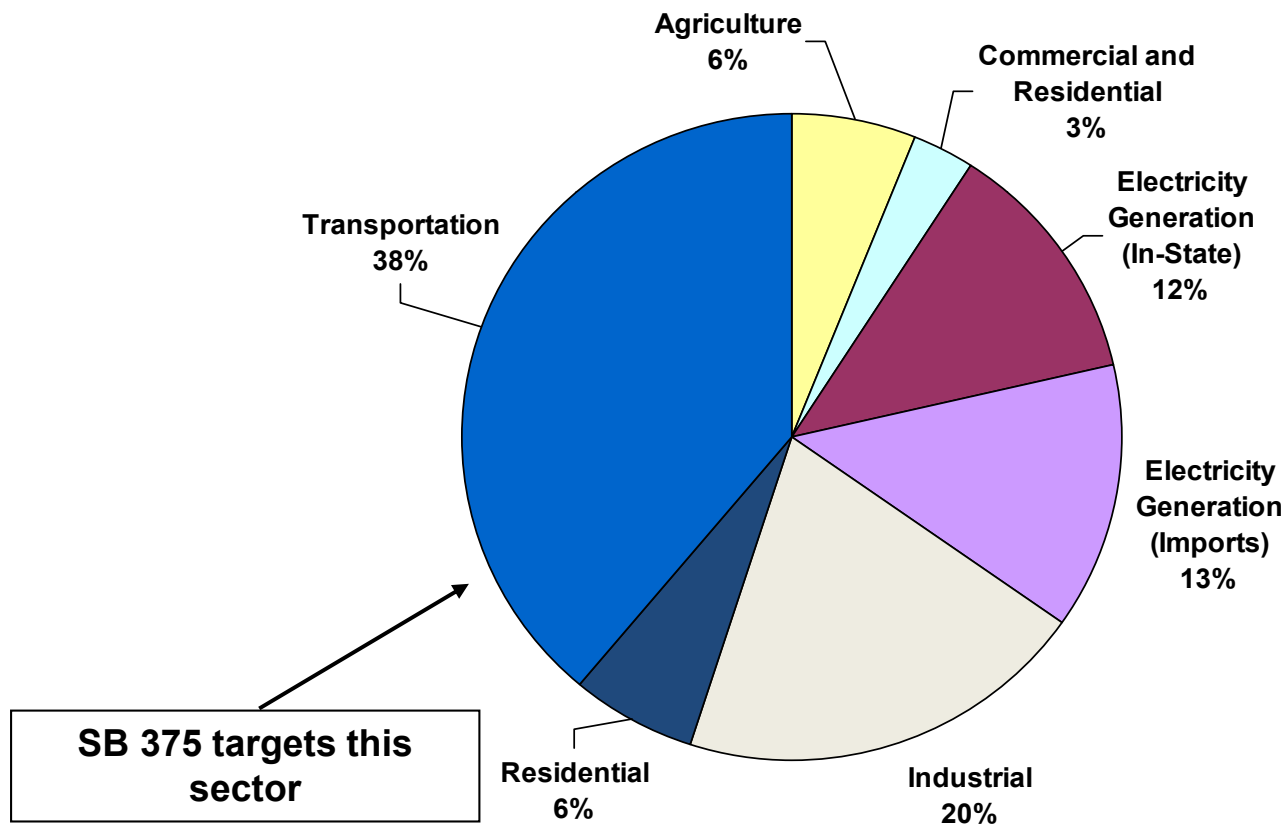
Incentives for TOD: SB 375

- **Signed into law on September 30, 2008**
- **Enacted to achieve AB 32 goals by reducing GHGs from the transit sector**
 - **Mandates setting of regional GHG emission reduction targets**
 - **Uses land use incentives to promote high-density, transit-oriented development and reduce sprawl**



Incentives for TOD: SB 375

2004 California GHG Emissions by Sector

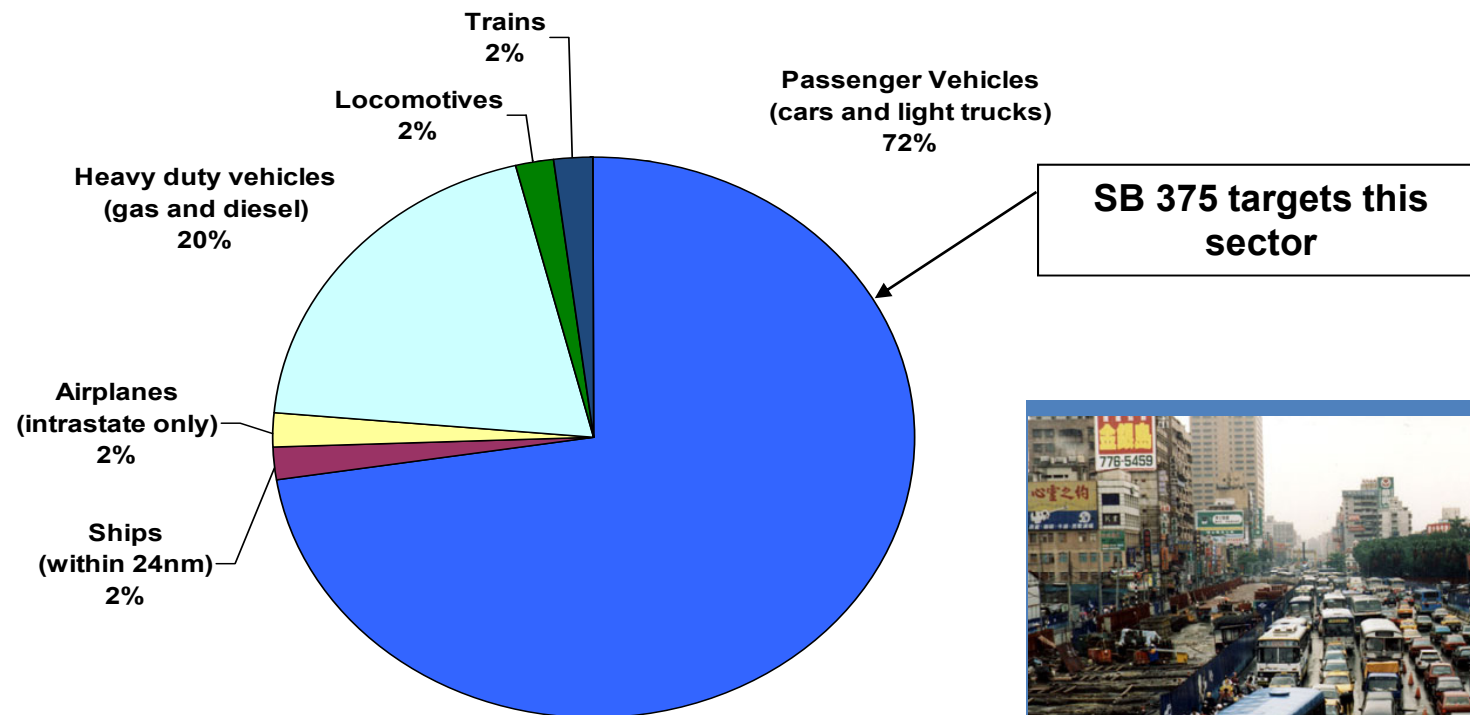


Source: California Air Resources Board; AB 32 Transportation Update, February 28, 2008



Incentives for TOD: SB 375

2004 California Transportation GHG Emissions



Source: California Air Resources Board; AB 32 Transportation Update, February 28, 2008



Incentives for TOD: SB 375 Reducing Transportation GHG Emissions

- Change the vehicles
- Change the fuels
- Reduce vehicle miles traveled
- Reduce traffic congestion



"It's only emission is water vapor."

Focus of SB 375



Incentives for TOD: SB 375

New Role for MPOs

- SB 375 requires CARB to consult with Metropolitan Planning Organizations (MPOs) and set regional GHG emission reduction targets for 2020/2035
- MPOs then must develop
 - Sustainable Communities Strategy (SCS) or
 - Alternative Planning Strategy (APS)





Incentives for TOD: SB 375

Incentives for certain high-density, transit-oriented projects

- **CEQA exemption**
- **New CEQA documents**
 - **Sustainable Communities Environmental Assessment**
 - **Shorter, Minimized Environmental Impact Report**
- **Streamlined CEQA review**



Incentives for TOD

- **Lead agencies can look to air districts**
- **Air districts adopting conflicting guidance**
 - **San Joaquin Valley Air Pollution District**
 - **Bay Area Quality Management District**
 - **South Coast Air Quality Management District**



Current & Potential Financing Options for Transit Oriented Development

- **Conventional Financing:**
 - Debt
 - Equity
- **Federal Options:**
 - HUD Programs
 - New Market Tax Credits
- **State Options:**
 - TOD Programs
- **Local Options:**
 - Redevelopment Funds
 - Other