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1. [Comment?](#) **New Law in California Links Transportation Funding to Smart Growth*** **Green Buildings NYC**

We'll take a break from the ice cold weather (and even icier local economy) here in New York with a guest post from Barry Rosengrant, CEO of Los Angeles-based E-Space Systems, that provides an overview of current legislative activity taking place in the Golden State.

Signed into law September 30 by Governor Arnold Schwarzenegger, California's hotly debated Climate Change Smart Growth Bill, or SB375, which links land use and transportation planning with climate change, will change the way California communities are built and help provide residents a pedestrian-friendly lifestyle near jobs, shopping and entertainment. This new law could be a model for other states as they look at how climate change should impact thinking on new development.

Sponsored by State Senator Darrell Steinberg (D-Sacramento), SB375 is a roadmap to attaining the ambitious goals established by SB32, the California Global Warming Solutions Act of 2006. SB32 requires a reduction in greenhouse gas emissions to 1990 levels by 2020, and 80 percent below 1990 levels by 2050.

SB375 is aimed at reducing suburban sprawl by linking funding for transportation to smart growth planning. The new law provides incentives, rather than mandates, to meet GHG reduction targets: cities are not obligated to follow a Sustainable Communities Strategy ("SCS"), but only cities that put new development near transit or clustered with existing development will be eligible for a share of the state's \$6 billion annual transportation budget.

Automobiles generate more than 40 percent of California's GHG emissions. New fuel efficient hybrids and other technologies will play a major role in reducing carbon dioxide emissions, but the bottom line is that less driving and higher fuel efficiency will be required to meet SB32 requirements, and that's where SB375 comes into play. The thinking is that people will drive significantly less if they live in transit-oriented villages or pedestrian-oriented, mixed-use neighborhoods near jobs, shopping and public transportation.

The new law, therefore, rewards projects that meet SCS criteria, exempting them from requirements of the California Environmental Quality Act, which involves an

expensive, time-consuming process that can delay construction for up to couple years. Qualifying projects are mixed use with at least 50 percent residential, 20 units or more per acre and no more than half a mile from a transit stop.

SB375's approach to meeting GHG reduction targets won the overwhelming support from the California Building Industry Association ("CBIA") and League of California Cities, but things could have gone quite differently, notes Jeffrey Harlan, senior planner at Costa Mesa, California-based The Planning Center. He points out that the original bill took an opposite approach, but objections from both the CBIA and League of Cities initiated negotiations resulting in a law everyone could get behind.

California was the first state to adopt a comprehensive GHG emissions regulatory program, but 19 other states have since passed similar laws, 14 of which have joined California in the lawsuit against the EPA. With these other states modeling their climate change legislation on SB32, industry professionals and civic leaders might take a wait-and-see approach before implementing a smart growth initiative like SB375.

"People who drafted the bill don't know how it will be implemented," suggests Harlan. "It's a very complicated issue, but the biggest challenge will be getting all cities to work together and agree on a regional plan."

The state has also established the California Climate Action Team to implement GHG reduction programs that fall outside CARB's jurisdiction, which included developing new energy-efficient building standards adopted in 2008 by the California Energy Commission. Electricity consumption is the third leading source of GHG emissions after transportation and industrial operations, accounting for nearly 20% of the state's carbon emissions.

Proposed early actions to reduce power consumption include requiring light-covered paving, cool roofs and shade trees in design of new developments. Additionally, all state-owned and state-funded facilities now must be certified under USGBC's LEED system.

Finally, California cities are also getting on board by voluntarily implementing comprehensive green building programs, some of which are integrating sustainable practices into municipal building codes and/or requiring some level of LEED certification for commercial projects.

**Barry Rosengrant is CEO and founder of E-Space Systems, proprietary residential and small commercial building systems that offer sustainability at a moderate price, with off-the-shelf, green building components that can be adapted to any custom building design. Barry can be reached at brosengrant@gmail.com.*