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Local Capacity for Implementing a State Climate Planning Mandate: The Politics of Cooperation and Regional Governance in California

By

Elizabeth Emily Mattiuzzi

A dissertation submitted in partial satisfaction of the

requirements for the degree of

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in

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in the

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of the

University of California, Berkeley

Committee in charge:

Professor Karen Chapple, Chair
Professor Emerita Elizabeth Deakin, Member
Professor Emerita Margaret Weir, Outside Member

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Abstract

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This dissertation examines the local and regional politics of state-mandated sustainability planning using a survey and case studies of regions in California post-SB 375. Data collection included interviews with local and regional actors in the Bay Area and the Los Angeles region on multiscalar cooperation and a survey of local planning directors in four regions (Sacramento, Bay Area, Los Angeles, and San Diego) on local political and capacity constraints on implementation. It finds unevenness in the local implementation of the law's Sustainable Communities Strategies within and across regions, but that greater than anticipated levels of cooperation occurred between cities and county level agencies. A variety of interpretations of sustainability and a broad range of incentives are at work in local planning that contributes to regional emission reductions. Suburban and rural areas face different challenges but potentially large opportunities for reducing vehicle emissions, yet their work during the first round of SCSs occurred largely under the radar of regional incentives. Regional sustainability planning is having some impact at the local level, but that state incentives and mandates are a primary factor in local smart growth planning. This dissertation contributes to understandings of plan implementation, regional governance, and the politics of sustainability planning.

Dedicated to the memory of Merilyn Pezzuto, who would have been tickled to see this dissertation completed. Her joy and kindness made it seem possible.

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List of selected acronyms

ABAG: Association of Bay Area Governments
CAP: climate action plan
CARB: California Air Resources Board
COG: council of governments
CMA: congestion management agency
CTA: county transportation authority
CTP: county transportation plan
HCD: State of California Housing and Community Development Department
MPO: metropolitan planning organization
MTC: Metropolitan Transportation Commission
RTP: regional transportation plan
RHNA: regional housing needs assessment
SACOG: Sacramento Area
SANDAG: San Diego Association of Governments
SCAG: Southern California Association of Governments
SCS: sustainable communities strategy

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Chapter 1 - Introduction

Over the past seventy years, California has gained attention for both its environmental degradation and its environmental leadership, particularly in relation to urban development. California provides a laboratory for understanding this relationship because of its boom-bust economic cycles and its regulatory experiments, both of which tend to precede or serve as a model for other states. The state possesses a complex ecosystem of laws, institutions, and practices that simultaneously hinder and facilitate progress on balancing urban development, including providing adequate housing for its population and environmental protection. The difficulty of balancing these two goals, of having growth without its negative consequences, has become apparent at different times in relation to policy issues from air quality and coastal protection, to environmental justice and growth control, and now climate change mitigation and adaptation. The field of urban planning sits at the nexus of these issues and goals in California. Federal and state laws shape land use planning directly and indirectly, creating a system of local control, regional oversight, and inherent tensions between the two. A recent California law attempting to strengthen regional oversight over local planning in order to promote balanced development exposes and provides an opportunity to study these tensions.

Passed in 2008, California Senate Bill 375 (SB 375) attempted to overcome the inherent conflicts in a system of local land use authority, regional oversight, and state environmental policy. Its authors modeled the bill on a "blueprint" for mitigating climate change through coordinated regional land use and transportation planning in the Sacramento region. They believed that they could make progress in multiple policy areas by expanding and replicating the Sacramento blueprint planning model across the state. These areas included diminishing the consumption of land by sprawl, providing housing to relieve an affordability crisis, reducing vehicle trips and their contribution to greenhouse gas emissions, and improving the accessibility of public transit. However, the model came from a relatively small region, leaving questions about how the law would work in larger, more dispersed regions.

SB 375 (2008) is one of the enabling bills under the umbrella of the state's broader climate mitigation framework created by Assembly Bill 32 (AB 32). AB 32, signed by Governor Schwarzenegger in 2006, tackles climate change from different angles. It regulates emissions of heat-trapping greenhouse gasses from mobile and stationary sources. It encompasses the supply and demand sides of emissions by regulating both fuel and energy *production* and the efficiency of its *use* in buildings, industry, and vehicles. In addition to requiring cleaner fuels and cleaner vehicles, the law recognizes that meeting climate targets will require reducing vehicle miles traveled (VMT), or the amount that people drive. In other words, the state has an

interest in preventing unchecked urban development, and the vehicle trips generated directly by it, from outpacing the gains of fuel efficiency in shrinking California's carbon footprint. Reducing VMT requires either making it harder or more expensive to drive, or making it easier for people to get to their destinations by either making them closer together or providing other ways to get there. A return to 1970s restrictions on when people can buy gas, or Chinese-style restrictions on driving on certain days with even- or odd-numbered plates, or even regulating personal VMT, are politically moot. Even transportation "pricing" strategies such as increasing the number of toll roads, face stiff resistance, not least because they are a regressive form of taxation.[1] Given this situation, in which unchecked VMT threatens to undermine the state's progress on climate change mitigation, coordinated land use planning is an essential part of the state's greenhouse gas reduction strategy.

SB 375 tried the change the behavior of local government through encouragement of compact land use planning and not coercion. In turn, lawmakers hoped that this would provide individuals with choices that would reduce the need for driving. Unlike some states that exercise strong authority over local planning, California cities have long enjoyed near autonomy over land use decisions through "home rule" powers delegated to them in the state constitution. The Tenth Amendment to the US Constitution grants all powers not reserved to the federal government to the states, including the "police power" over health and welfare (Fulton and Shigley 2005, 67). The police power extends to the government's interest in regulating land use. In the 1920s and 30s, cities across the US exercised new power over zoning as a way to separate uses for health and safety, but also to protect property values. Over time, local zoning authority has come into conflict with other state interests, such as providing affordable housing and preventing sprawl. Without curtailing home rule or changing complex institutional structures that affect land use, California has tried to provide incentives for cities to shift towards balanced development. SB 375's lack of strong enforcement resulted from political complexity at all scales of government.

The bill passed with the support of disparate interests who each believed they would get something out of the bill. Environmentalists saw a way to limit outward urban growth and vehicle emissions; the construction industry and affordable housing advocates hoped that the law would encourage local approval of housing projects to meet the state's crushing demand; and cash-starved cities believed that the law might eventually lead to funding opportunities without dismantling home rule over planning. It was unusual for the construction industry to support a bill that limits sprawl, and for the League of California Cities to be on board with a bill that requires cooperation by cities with regional agencies (Haney 2010).

The price of this support was a watering down of the bill's enforcement mechanisms, including urban growth limits and compliance mechanisms for cities. However, many predicted that the bill would strengthen oversight of planning in regions. Some observers believed the law would herald a sea change in regional

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[1] An increase in the gas tax or road tolls, or indeed a carbon tax, could still be effective at shifting behavior away from driving while not hurting the poor if it were made revenue neutral by returning the proceeds to people through a tax refund or other means.

planning in California and stand as a pillar of the state's internationally-recognized climate change framework. Yet others derided it as a paper tiger that failed to alter the fundamental conditions of local and regional planning in California that have made the state known for its horrendous traffic and endless subdivisions. How could the law be considered groundbreaking and toothless at the same time?

This dissertation addresses this question by examining the local implementation of SB 375. I show that despite a lack of strong guidance or enforcement for how cities and counties should implement regional sustainability plans under SB 375, much progress has occurred during the implementation period of the first generation of these plans. However, planning for compact land use had occurred unevenly within regions. Different factors affect this, including variation in local capacity, cooperation between and across scales of government, and local politics. I show that despite having a small role in the text of the law, county level transportation agencies and associations of governments have played a large role in providing guidance for cities. These subregional actors have helped cities take advantages of the incentives and funding sources driving SB 375 implementation. I compare California's largest regional agencies and find that they are taking different approaches to implementing SB 375 through their leadership and guidance for city and county agencies.

1.1 California's land use strategy for climate mitigation

SB 375 requires clear actions at the state, regional, and local level, but it leaves crucial aspects of cooperation and authority over compact development in regions unaltered or undefined. The law does three major things: it requires the state to set emissions targets for regions, it requires regions to meet those targets through coordination of their existing transportation and housing plans in a new Sustainable Communities Strategy (SCS), and it requires cities to incorporate those housing targets into their local general plan. Although they inevitably involved some controversy, the law's first and second requirements went largely according to the letter of the law: The state set emissions targets and regions devised plans (the SCSs) to meet them. The first four regions out of the gate, the state's main population centers, even prepared the first order plans the law called for, the SCSs, rather than the "alternative" plans that would have provided them with an easy way to bypass full cooperation with the law. The third requirement was more tricky. The letter of the law strengthened the existing requirement that cities zone for housing for different income groups based on the region allocating a state target. However, actually permitting and building compact housing and other development is voluntary (and market-driven). This voluntary action is where the goals and the enforcement mechanisms in SB 375 diverge. At best, the law allows for innovation in regions and protects local authority. At worst, it falls down at the most crucial moment: the actual planning and building of compact development. It assumes a shift in relationships between local and regional agencies without providing clear guidance or requirements for this shift. Given this limitation, what does SB 375 do to encourage change?

SB 375 encourages changes to regional development patterns by providing incentives for cooperation across scales of government. SB 375 provides no funding

for cities and regions, although the state and regions have subsequently dedicated funds to grant programs for its implementation. The law provides strictly proscribed environmental review exceptions for compact development projects that are consistent with a region's SCS, potentially saving cities and developers money. Most notably, it aligns regional transportation funding priorities with state emission reduction targets and regional housing targets. Regional transportation agencies can assign a lower priority to local transportation projects that are not consistent with the region's SCS when distributing federal transportation dollars (Rose 2011). Presumably, cities would hesitate to fund housing or other developments that would not receive transportation infrastructure funding because they fall outside of regional growth estimates. However, it does not preclude funding new transportation infrastructure by other means such as impact fees or local taxes. The law aligns SCSs with the state housing allocation process and the local housing element (Haney 2010). Cities that fail to rezone for housing to meet affordability targets cannot deny permits to projects that are consistent with their housing element and include at least forty-nine percent affordable housing (ibid).

However, in terms of the law's long-term impact, the hard requirements and incentives in SB 375 may be less significant in terms of producing change than the shift in relationships between different government organizations within regions that the law has engendered. SB 375 has indirectly created a role for agencies within California's largest regions, most notably county transportation authorities (CTAs), in the success of the law, despite their scant mention in its text. CTAs, through their influence over transportation planning, play a large role in setting land use patterns. CTAs have a large amount of control over the planning and construction of highways, roads, and other transportation infrastructure in California. As a result, they control resources and decisions that impact whether regions will meet their greenhouse gas reduction targets. Moreover, they are uniquely positioned to negotiate and cooperate with both local and regional agencies. The architects of SB 375's passage, in choosing to focus on regions and cities as change agents in land use and transportation, were surely aware of this power structure, but did not directly alter it. Yet there are signs that new forms of cooperation between government actors in regions have emerged in the uncharted third layer of SB 375 implementation, local planning for compact development. How did experimentation emerge amidst local political and institutional complexity? First it is important to understand the prevailing policy winds that led California to embark on this endeavor to control sprawl and vehicle emissions.

1.2 California's history of uncoordinated land use and attempts at change

California has a strong track record of addressing environmental issues with state mandates, particularly air quality. The state has had more mixed success, however, with coordinating local land uses. The most successful policies to regulate land use have used the creation of state commissions to protect sensitive habitats in the coastal and mountain regions. However, local governments exercise control over

land use in most areas, and regional government is weak. A number of motivations have guided different attempts to coordinate local land use at the regional level in California in the past sixty years. These motivations include: habitat protection, growth control in the face of a protracted housing shortage, environmental justice, and climate change mitigation. Different legal tools and obstacles, such as the California Environmental Quality Act, Proposition 13, and redevelopment authorities, to name a few, have shaped the successes and failures of each of these attempts.

Two policy silos, transportation and housing, have most strongly shaped attempts at coordinating land use regionally in California in the past sixty years. A complex institutional landscape governing the transportation and housing silos in California both helps and hinders SB 375 implementation, but is not greatly altered by the law. What made supporters of SB 375 think that this time would be more successful than past efforts at regional coordination?

SB 375's supporters believed they had several factors working in their favor that made the law different from fizzled attempts at coordinated regional planning in the past. First, it would help address urgent housing and traffic issues in California's major cities. At the time of SB 375's passage in 2008, the state had experienced unprecedented increases in housing prices, particularly near its job centers. Second, the law put a strong, credible state agency at the top of the implementation hierarchy. SB 375 designates California's state air pollution control agency as responsible for overseeing the law's emission reduction targets and approving the regional plans (the SCSs) to meet them. The California Air Resources Board (CARB), established in 1967 to address vehicle pollution and other sources of air pollution, is the only agency in the country that can set stronger standards for air quality than the federal government, which other states are free to follow (Davidson and Norbeck 2012). CARB's strong reputation and track record are likely why SB 375's authors made it the lead agency for the state-level implementation of the law. However, CARB exists in an air quality policy silo, with local air districts as its counterparts at the regional or county level. The fact that SB 375 relies on different policy silos, namely housing and transportation, for the regional and local components of the law's implementation, means that CARB does not have the ability to directly oversee and ensure local implementation. SB 375 builds most directly on the existing transportation policy architecture.

1.2.1 The transportation policy silo

SB 375 employs California's existing transportation and housing policy silos and attempts to strengthen regional coordination in these areas. In the transportation silo, SB 375's sustainable communities strategies (SCSs) are a new element of an existing transportation plan prepared at the regional level by metropolitan planning organizations (MPOs). MPOs were created in the 1960s to channel federal transportation dollars to cities via state departments of transportation. The Federal-Aid Highway Act of 1962 required that regions with more than 50,000 people receiving federal transportation funding have an MPO to create and update regional transportation plans (RTPs). California's legislators made SCSs a new chapter of the

RTP. RTPs were originally meant to be a "continuing, comprehensive and cooperative" effort by regional transportation planners to realistically assess a region's land use and traffic patterns, public transportation facilities, and environmental and historic preservation efforts (Weiner 1999 p. 34). During the postwar years, states held the primary authority over transportation planning (Caro 1975). After the creation of MPOs, states continued to hold a large influence over transportation planning. This era of urban highway building, known for its scant consideration of local interests, ended in the 1990s, when regions gained some power from states.

Reforms in the 1990s sought to make regional transportation plans more locally responsive by increasing the power of MPOs and funding for mass transit projects. In 1990 and 1991, the Clean Air Act Amendments (CAAA) and the Intermodal Surface Transportation Equity Act (ISTEA) (pronounced *ice tea*) and its successor (TEA-21) required RTPs to integrate land use and transportation models in order to reduce the environmental and social impacts of sprawl, pollution and congestion (Waddell 2002).The reforms of ISTEA and TEA-21, the major transportation authorization bills during this period, shifted some power over transportation planning from state departments of transportation to the MPOs (Goldman and Deakin 2000). This move effectively empowered the cities and county transportation agencies that hold seats on an MPO's board.

While the reforms of the 1990s made federal transportation spending more responsive to local priorities, they also increased the competition between localities, whose representatives served on MPO boards. Congress gave MPOs greater discretion over funding that previously belonged to the state, increased spending on transit, and required MPOs to increase community participation and the consideration of air quality and equity in their plans (Sanchez, Stolz, and Ma 2003). These reforms helped increase transit spending in urban areas, and therefore transit accessibility, which is part of the spirit of SB 375. While previously federal transportation funds were primarily for highways, ISTEA and TEA-21 allowed Surface Transportation Program funds to go to roads or transit, and up to half of National Highway System funds to be shifted to transit (Wachs and Dill 1997). While cities gained flexibility to fund transit and reject urban highway projects planned by the state, the reforms only brought limited progress in terms of regional coordination of transportation planning. Both before and after the reforms, RTPs often represented a "stapled-together" list of competing local projects, rather than a coordinated regional plan. In California, county transportation planners have a great degree of autonomy over these lists, which are based on county transportation plans. Much of MPOs' budgets consist of "pass-through" funds from the state and federal government that counties then spend on projects of their choosing.

The unintended effect of federal transportation reform in the 1990s, which attempted to strengthen regional coordination by increasing the power of MPOs relative to states, was to empower county transportation authorities (CTAs), commonly referred to in California as congestion management agencies (CMAs). California's state department of transportation channels seventy-five percent of state and federal transportation funds directly to MPOs, which, depending on the region, gives a large share of this funding to CMAs, which actually build transportation

projects (Sanchez 2008). In weakening the power of the state over transportation funding, Congress intended to strengthen regional agencies, and thereby regional coordination. In effect, however, they empowered the counties, which, especially in large regions, have political power over MPOs' plans and budgets (Barbour 2002). SB 375 attempts to overcome the parochial interests that make up a region, but it does so by encouraging, rather than changing, the balance of power towards regional coordination of transportation planning.

Due to their central role in California's transportation policy silo, county transportation authorities or congestion management agencies have been key players in the local implementation of SB 375. Although the law mentions them only in passing, it implicitly assumes their cooperation. Transportation authorities gained "congestion management" powers (hence the name CMA) in the 1990s under state law allowing counties to levy transportation sales taxes (Fulton and Shingley 2005). They administer MPO-distributed funds and local sales taxes created through the initiative process (Wachs 2003a). Although local transportation sales taxes require a two thirds majority to pass, they have proven popular, leveraging public support for specific local projects (ibid). A CMA's governing board includes local representatives such as mayors and county supervisors. They produce countywide transportation plans every two years, which are the legal basis for the RTP, and vice versa. While these plans supposedly complement one other, county transportation plans have long informed RTPs to a greater degree than RTPs have informed county transportation plans. SB 375 tries to invert or at least balance this process. As a weakly-enforced law, it does not actually give priority to the RTP over the county transportation plan. However, SB 375 requires consistency between transportation projects and projected housing needs, while meeting the region's emissions target. This implies a shift towards regional coordination of housing and transportation, but the law specifically leaves county transportation sales taxes intact as a source of CMA revenue and power.

Sales tax measures give county transportation authorities a large amount of planning autonomy, given local property tax limits and uncertain state budgeting in California, which relies on highly cyclical income tax revenue. Although California has had sales taxes for transportation purposes such as transit districts since the 1960s, they took off as a county-level funding tool in the 1970s and 80s (Elkind 2014). Since the 1980s, nearly all of California's counties that have a major population center have adopted voter-approved sales tax measures to support transportation projects (Wachs 2003, 12). Voters have renewed these measures or passed new ones, even after Proposition 62 raised the vote threshold for approval of all local taxes to two thirds in 1984 (Crabbe et al. 2005). The legislature approved the collection of local transportation sales taxes, first for individual counties and then across the state (ibid). They required the creation of authorities controlled jointly by representatives of cities and counties to administer the funds for specific transportation projects and congestion management (ibid). Although perhaps not as pointedly as the way Robert Moses used the Triborough Bridge Authority to shoehorn an effectively permanent bureaucracy into a temporary approval for a specific project, the agencies created to administer congestion management sales

taxes evolved into general purpose transportation planning entities for counties (Caro 1975).

The joint county transportation authorities (CTAs) and congestion management agencies (CMAs) emerged from a power vacuum created by the state's failure to generate funds for transportation. In addition to the local funding gap created by Proposition 13, a 1978 ballot measure restricting local property taxes, the state legislature failed to raise gas taxes significantly from the 1980s onward. As CTAs and CMAs came into existence and later merged to administer local transportation sales tax revenue, they developed capacity and expertise on project delivery that the state department of transportation, Caltrans, had previously provided (Crabbe et al. 2005, 111). Although regional agencies and the state in fact actively supported the emergence of these hybrid creatures of the city and county, they did not anticipate the extent to which they would undermine their own power over transportation planning with its indirect influence over land use (Chisholm 1989). Local option sales taxes generated voter support based on their local accountability; funding is earmarked for specific projects that create benefits locally, and not always regionally (Wachs 2003, 14). Most sales tax revenue supported road and highway projects in the 1980s and 1990s (Crabbe et al. 2005, 104). In the 2000s, counties including Alameda, Santa Clara, and Los Angeles, passed ballot measures that designated a majority of funds for public transportation (ibid). While county transportation authorities focus primarily on projects within their boundaries, they share some responsibilities across counties. For example, Metrolink rail is supported by multiple CTAs in Southern California (Crabbe et al. 2005, 111) that alternate managing the service. SB 375 does not alter the county level control of transportation sales tax dollars in California. Furthermore, it does not remedy state cuts to transportation funding.

1.2.2 The housing policy silo

California has had rapid growth in population since World War II, fueled by its strong economy. The state grew from ten and a half million residents in 1950, doubling to over 20 million in the 1970s, and nearly doubling again to over 39 million residents in 2015 (Pitkin and Myers 2012; UC Census Bureau 2015). At the same time, California's housing production has not kept pace with the national average, or with demand in the state. The defense, aerospace, entertainment, and high tech industries, as well as agricultural production, helped California grow to the sixth largest economy in the world (if it were a country) from the 1970s to the 2000s (Legislative Analyst's Office 2000).Yet from 1980-2010, despite economic growth, housing units in coastal California grew by only thirty-two percent compared to an average of fifty-four percent in metropolitan areas across the county (LAO 2015). The San Francisco Bay Area and Los Angeles regions produced only twenty percent more housing during this time, although these coastal regions had the strongest job growth during that time (ibid). The Bay Area and Southern California (including San Diego) account for over three quarters of the jobs in the state (Figure 1.1), yet have the greatest housing constraints. These pressures have driven California's state government to be more involved in land use planning than other state governments.

Population growth has greatly outpaced new housing supply, driving California's home values and rents above the national average. Housing prices are highest in the coastal regions that have experienced the greatest job growth and built the least housing. In the 1940s, California home prices were already forty percent higher than the national average, but housing prices and rents began to skyrocket in the 1970s (LAO 2015, p. 7). From 1970 to 1980, California home prices rose to eighty percent above the national average. During the tech boom from 2010 to 2015, they rose from double to two and a half times the national average (ibid). In 2015, rents on apartments were fifty percent above the national average.

The combination of job growth and constrained housing production in coastal areas of California has led to both overcrowding and long commutes. Low-income immigrant populations are the most likely group to live in overcrowded housing, especially in areas with the highest median home values (LAO 2015, p. 32). In the Los Angeles region in particular, housing shortages have led to a large market in informal housing, with renters, particularly Latinos, living in unpermitted units in the backyards and garages of single family homes (Wegmann 2014). Average commutes in California's coastal metropolitan regions top an hour, with sixty-two minute commutes in the Los Angeles metro area, and seventy-two minute commutes in the Bay Area, roughly ten to twelve minutes more than the national average (LAO 2015, p. 32).

Long commute times are a product of the imbalance of jobs and housing in California and the political barriers to correcting it. The San Francisco metropolitan area has the highest commute times and distances in the country, and its neighbor San Jose has the second highest commute distances (Rapino and Fields 2013). Due to high housing prices, the commute shed for the Bay Area stretches into the Central Valley and Sacramento metropolitan regions. The Los Angeles metro area ranks fifth in the nation for travel times, but has the largest share of mega commuters. Mega commuters, although a small share of overall commuters (under three percent of regional totals), are symptomatic of regions with overall long commutes. Mega commuters are those with a travel time of over ninety minutes combined with a commute distance of over fifty miles (ibid). Commuters from San Bernardino and Riverside Counties to Los Angeles County make up the largest share of mega commuters in the country (ibid). Riverside to San Diego County and San Joaquin County (California's Central Valley) to Alameda County (in the Bay Area) are also in the top ten mega commutes in the country (ibid). Politically, voters from outside the coastal areas who commute across metropolitan borders do not always have representation on their regional bodies and cannot vote for the local representatives who control housing decisions in the cities and counties at the center of the region (Schafran 2013).[2] The city councils, county boards of supervisors, and the metropolitan planning organizations in California's coastal metro areas make decisions that affect the affordability of housing, and thus the housing options and commute times of workers across the state.

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[2] For example, San Bernardino and Riverside Counties are represented on the MPO for the Los Angeles region. However San Joaquin County commuters traveling to the Bay Area are not represented on the region's MPO.

Figure 1.1: Share of jobs in California by region, 2000
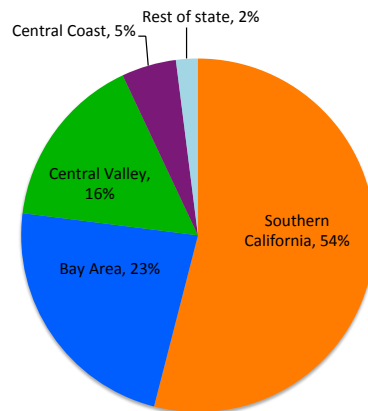
Source: (Legislative Analyst's Office 2000a)

The state legislature passed SB 375 as housing prices spiked in the mid-2000s in a bid to promote dense housing production, but the state's policy architecture for addressing housing affordability goes back much further. California became a "fair share" housing state in 1969 when it first required cities to adopt housing elements in their general plan. State fair share housing laws exist in Oregon, New Jersey, and California (Altshuler, et al., ed. 1999). Montgomery County, Maryland has an affordability requirement for new housing, and the Minneapolis-St. Paul metro area has a weakly-enforced requirement that local land use plans be consistent with the regional plan (ibid). In the 1980s, California's Department of Housing and Community Development (HCD) started requiring cities to include in their housing elements an assessment of local housing needs, and to update their housing elements every five years (Lewis 2003). Housing elements are the only part of a city's general plan to be reviewed and approved by the state of California. The main repercussion for cities that do not adopt a housing element in their general plan or do not keep their housing elements updated is that they are vulnerable to lawsuits, and many cities do not comply with the requirement (ibid). A small number of cities have adopted housing elements because of lawsuits from public interest groups. SB 375 tightens the requirement to have an HCD-approved housing element.

California enlisted regional agencies in promoting state affordable housing targets in the 1980s. The state department of Housing and Community Development (HCD) began generating a "regional housing needs assessment." The assessment, or RHNA numbers (pronounced *REE-nuh*), were based on population and job growth. The state projected the need for different housing types in each region. HCD tasked regional Councils of Government (COGs) with determining where within their region the housing needs will occur and assigning targets to cities. This process has been fraught with controversy since its inception, particularly in the state's large coastal regions, where both housing prices and resistance to new housing construction are highest (Barbour 2002; Fulton 2001; Lewis 2003). Conflicts

typically arise between cities and COGs in regard to the "fairness" of the regional fair share housing allocations and the politics of how they are distributed. Over time, the interpretation of fairness has shifted from one of geographic evenness to rectifying the imbalance between jobs and housing.

Councils of government (COGs) tend to have an advisory role with little power. Nationally, COGs are voluntary, lack taxing or police power, and represent other governments, not individuals (Wikstrom 1977, 17). COGs first formed to review local applications for federal grants under the 1966 Model Cities program (Weir 2000b). This system of regional review (called the "A-95" process), now defunct, was an attempt to promote coordinated regional planning by the newly-created department of Housing and Urban Development (HUD) as part of the Johnson Administration's so-called War on Poverty (ibid). Federal and state legislation encouraged the formation of COGs in the 1960s to support horizontal and vertical cooperation by cities (Wikstrom 1977, 130). An alternative to consolidating local governments through regional incorporation or tax base sharing, COGs represented a consultative approach to interjurisdictional relations that paralleled the rise of contractual relationships such as the Lakewood Plan in Los Angeles County, whereby cities purchased services from the County (ibid, 13-15). In other words, at a time when there was pressure to accomplish regional goals such as housing affordability by combining local governments or their revenue, the formation of COGs protected local power but provided some of the benefits of regional coordination.

Councils of Government (COGs) exist at the regional and local level in California to represent and defend the power of local governments. Both the local and regional varieties of COG mainly provide research, technical assistance, and a forum for coordination for cities.[3] Cities in California's large coastal regions view them as a buffer insulating them from regional agencies. In Southern California, there is a subregional COG for nearly every county, and several in Los Angeles County. The Bay Area has a couple of subregional COGs in addition to its independent regional COG. In both regions, cities participate in a COG in part as a way to respond in an organized manner to the metropolitan planning organization and its role in implementing state mandates. While regional COGs protect local power, they are also a channel for state power because they assign the state's RHNA targets for cities to zone for housing. In contrast to this regulatory approach to supplying housing, the state redevelopment system provided cities with tools and funding to build affordable housing.

California's redevelopment system complemented the state's housing targets, giving cities resources to increase the affordable housing supply. For sixty years, California's local redevelopment agencies had the power to assemble parcels, condemn them as blighted, and raise funds to build housing and other projects of

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[3] Most major regions combine the functions of regional COGs and MPOs, although in the Bay Area they have traditionally been separate organizations. Consolidation efforts between the regional COG and MPO in the Bay Area have arisen from time to time over the years. As of this writing in 2016, these two agencies are studying a possible merger.

public benefit by floating bonds against a portion of future property tax revenues in the area (Legislative Analyst's Office 2011). The state legislature created redevelopment agencies in 1945, and Proposition 18 enabled their "tax increment financing" in 1952 (Blount et al. 2014). Over time, redevelopment grew to encompass larger projects and a larger share of tax revenue than originally envisioned, competing with schools and other services dependent on the local tax base (LAO 2011). In the 1970s, the state agreed to backfill lost revenue for schools, which created a greater incentive for cities to create large redevelopment areas (Blount et al. 2014). Large redevelopment areas could capture greater funds, and the state would pick up the tab for schools. The 1970s "taxpayer revolt" instituted limits on local governments' previously unlimited ability to raise taxes. This encouraged the expansion of redevelopment areas even further to encompass a greater tax base, but with a more tenuous connection to a specific project (ibid). Property owners being taxed grew further away and less likely to benefit from the project. As with federal urban renewal in the 1950s and 60s, the term "blight" applied liberally, sometimes more to the benefit of developers than to communities (Wilson 1966). Although the state legislature narrowed the definition of blight in the 1990s, concerns remained about the use of redevelopment funds (ibid). Governor Brown dissolved the redevelopment agencies in 2012, leaving a sizable gap in cities' capacity to engage in large-scale planning (Fulton 2013b). City officials saw the loss of redevelopment as a key obstacle to implementing SB 375. However, in 2015, state legislation restored some of the functions of redevelopment, such as tax increment financing. The new tools no longer create a gap in local school funding and give communities a say in defining redevelopment areas, rather than allowing local officials to declare an area "blighted" (LA Times Editorial Board 2013).

Voters sought to address the effects of rising home prices in California by capping property taxes, as supply strategies like RHNA and redevelopment failed to keep pace with demand. As home values skyrocketed in the 1970s, so did local property taxes. Proposition 13 passed in 1978 with support from homeowners fearful of being priced out of their home by rising property taxes and from renters who felt this pressure indirectly through rising rents (Citrin 2009; Chapman and Kirlin 1979; Ferreira 2010; Fischel 1989). The law capped the percentage that cities and counties can raise property taxes each year to one percent of a property's assessed value, with no more than a two percent increase in the property tax rate each year (Lewis and Silva 2001).[4] Renters supported the ballot measure because they believed, falsely, that landlords who benefitted from property tax restrictions would pass along the benefits to them in the form of rent relief. However, the benefits of Proposition 13 turned out to be split, with homeowners receiving shelter from housing price inflation but renters continuing to be buffeted by the storm. While some cities have rent control, it does not protect all renters. Proposition 13's limits on property tax revenue in turn spurred cities to increase their reliance on redevelopment as a funding source for affordable housing, and to seek sales tax revenue from commercial development.

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[4] Voters discontent was also fueled by capriciousness and even corruption in the property assessment system, which varied greatly from one jurisdiction to the next.

Post-tax revolt, local governments chased increasingly scarce revenue and responded to perverse incentives for land use decisions, further exacerbating the state's housing affordability crisis. Although it is not a formal control on land use like the housing element, the state's tax system, including Proposition 13, structures land use by changing revenue considerations for cities and counties (Williams 1970). For example, Proposition 13 created an added incentive for wealthy communities to incorporate, essentially walling off their property tax revenue from the surrounding city (Hogen-Esch 2011). Post-Proposition 13, cities sought to increase revenue through available means, such as the sales tax, and to limit their exposure to demand for services, such as schools and social services, from low-income people and new residents generally. In effect, cities sought to attract retail development and limit multifamily housing development. This "fiscalization" of land use, or the prioritizing of revenue-positive retail land uses to balance revenue-negative residential uses, causes cities to rely more heavily on developer impact fees to pay for infrastructure, which in turn increases the cost of housing (Fulton and Shigley 2005; Altshuler 1993). Cities compete for high sales tax-generating uses, such as hotels, car dealerships, and retail, and the transportation investments and affluent residents needed to support them (Lewis and Silva 2001). Cities take a gamble by offering tax breaks to retailers and do not always get a return on their investment in the form of sales tax revenue (Markusen and Schrock 2009). In the process, housing becomes more difficult to build because cities zone less land for it than they might otherwise absent the incentive for retail, and they provide fewer subsidies for housing, therefore providing less certainty to developers (Lewis and Barbour 1999). The tax system represents one major constraint on balanced regional development, the state's environmental framework is another.

Environmental regulation is one of the major constraints on housing supply in California. The California Environmental Quality Act (CEQA) of 1970 was enacted in response to concerns about the impact of development on people and the environment. Similar to the National Environmental Policy Act (NEPA) of 1969, it requires government and private development projects to report their impacts, alternatives, and possible mitigation measures to the public. CEQA has provided a venue for public involvement in the development process, as well as leverage for environmental, labor, and community groups to alter or slow projects. The threat of CEQA litigation can slow or halt a project. Developers have long sought reforms to the lengthy and expensive process of preparing environmental impact reports (EIR) required by CEQA, but these efforts have proven problematic because of concerns about watering down environmental protections, as well as political resistance from groups that use the law to shape or halt development. In recent years, however, a new generation of environmentalists and planners concerned about climate change have sought CEQA reforms because the law makes little distinction between the "environmental impact" of a greenfield or an infill development (Johansen 2013; Fulton 2013a). While CEQA is often framed as a tool for environmentalists combating sprawl, in practice it often accomplishes quite the opposite. By one estimate, eighty percent of CEQA lawsuits target infill projects, versus twenty percent that target greenfield (Hernandez et al. 2013). SB 375 and related laws, such as SB 743, encourage infill development by reducing the environmental impact

reporting requirements under CEQA for projects that are in dense urban areas near transit (Bernstein 2013). Projects that meet a standard for transit-oriented development now have less stringent EIR requirements that consider their regional impact on emissions and potential for increasing non-car trips. Previously, all projects received scrutiny for their local impact on traffic, not their regional impact. This represents a reframing of environmental good from stopping development to making it denser. It recognizes that slowing housing development in one city causes leapfrog development in another, consuming greenfield land that could be preserved as habitat.

1.3 Overcoming the transportation and housing silos to promote affordability, opportunity, and climate protection

SB 375 is an attempt to merge or overcome the housing and transportation silos in order to promote housing and transportation affordability and accessibility, thereby reducing inequality and protecting the environment. Researchers and policymakers have posited the idea that regions are a natural scale at which to address climate change, job creation and the high cost of housing and transportation. "Regional sustainability governance" is an emerging field of study in urban planning that looks at the ways in which planners are responding to complex, interrelated issues of environmental protection, social equity, and economic development; it is deeply rooted in each of these policy areas and their relationship to land use. Over the past half-century, planners have tried to coordinate regional land use planning under the rubric of environmental protection, although more recently they have made the connection between land use and seemingly intractable social and economic problems. For a time, "government" solutions were seen as the primary solution, although the difficulty of changing borders and tax structures has led scholars and practitioners to also look at the idea of "governance" and more incremental solutions that involve incentives and cooperation across sectors and scales of government. Governance requires building relationships and trust between institutional actors. As climate change has become a key policy issue, regional and "multiscalar" governance have become part of the solution. It is widely thought that meeting global emission reduction goals will require strong local leadership because of inaction at the federal level in the US and the role of local factors, particularly land use, in how much energy people consume, particularly how much they drive. There is a well-developed literature on regional sustainability planning, but no clear examination of the working and evolving relationships between actors implementing a law that implicitly depends on cooperation between and across scales of government. Theories of governance are underdeveloped in relation to regional sustainability planning and complex systems generally. The idea of a law with weak enforcement, which I will refer to as "soft law," also has weak theoretical underpinnings in relation to the planning field and regional sustainability. The state mandate and implementation literatures provide some guidance on the behavior of cities, but not in relation to multi-scalar governance, including actors such as counties and MPOs, soft law, or sustainability. These actors compete for power and

cooperate in ways that I am describing as "defensive regionalism." The limited research on SB 375 has focused on the role of the state, cities, or MPOs in isolation, but leaves questions unanswered about the law's weak enforcement at the local scale, its reliance on local-regional cooperation, and its relationship with regional power structures that include county agencies. To see how these questions arise, it is important to understand the political, historical, and theoretical underpinnings of regional sustainability planning and governance.

1.3.1 The roots of regional sustainability planning and governance

Regional sustainability governance grows out of an intertwined history of environmentalism, social justice, and planning. Eco-utopian ideas about regional planning as a way to improve quality of life and environmental protection go back to the nineteenth century in the UK and the early 20th century in the US (Hall 1988; Mumford 1961). Chapin (2012) divides postwar regional planning in postwar United States into four phases: growth control in the 1950s and 60s, comprehensive planning in the 70s and 80s, smart growth in the 90s and 2000s, and sustainability planning starting in the 2010s. This tracks closely with the evolution of US environmental policy and planning, from conservation in the early 20th century, to regional ecological planning from the 20s-60s, the rise and fall of strong state-level planning in the 70s and 80s, and recent sustainability planning (Daniels 2009). Environmental justice, transit justice, and the notion of a jobs-housing balance intersect with sustainability planning. While the roughly parallel evolution of (regional) planning movements, environmental movements, and movements for spatial justice does not follow a strict teleology, it is useful in understanding the rise of contemporary regional sustainability planning.

"Conservation" grew as an environmental movement in the early twentieth century United States. It began as a federal effort to preserve natural resources such as land and forests for human use and it evolved alongside calls from naturalists, notably John Muir, for preserving wilderness areas for perpetuity as a cultural resource with intrinsic value (Beatley 1989; Muir 1997; Stegner 1955). A second generation of environmentalists, including Aldo Leopold and Rachel Carson, brought popular attention to ecosystem preservation and pollution control, culminating in the creation of the California and federal environmental protection agencies (Leopold 1949; Carson 1962; Cronon 1996). The accompanying policy frameworks created a system of environmental reporting and review to increase public accountability and transparency with regard to the impact of government and private sector development projects. The rise of environmental reporting stemmed partly from growing awareness of the impact of development on the natural environment and partly from the recognition of the negative effects of urban renewal and urban highway construction on people in communities. The environmental conservation movement helped spur the growth control movement in planning.

The term "growth control" describes efforts by planners to respond to the negative impacts of development, particularly in a state such as California, which grew rapidly in the postwar years. Popular planning tools that have come to be known collectively as growth control include construction moratoria, growth boundaries, and

open space preserves. Cities also restricted the density of development based on concerns about traffic and other environmental and social impacts. These land use controls responded to real concerns, but by increasing barriers to construction, they made housing in many jurisdictions more expensive, and therefore more exclusive (Levine 1999). The intent of environmental review was partly to promote social justice through transparency and participation in the planning process, but it also undermined this value by contributing to housing shortages. Land use controls that cause exclusion are collectively called "exclusionary zoning" and the most potent of these in terms of causing racial and economic segregation are low-density housing (fewer than eight units per acre) and caps on building permits, both of which reduce the number of multi-family housing units built (Pendall 2000). On the environmental side, growth control contributed to "leapfrog" development, specifically housing sprawl across municipal and regional boundaries in California and elsewhere (ibid). These policies accomplished their growth "control" goals locally but undermined them regionally by exporting housing demand to other areas. Comprehensive planning was an attempt by states to bring order to the variety of local land use policies that arose during this period.

"Comprehensive planning" refers to both the widespread rise of local comprehensive plans, mandated by states, and state-level land use controls. A 1971 report entitled "The Quiet Revolution in Land Use Control" documented how a handful of states increased their control of land use in the 60s and 70s, including California, Oregon, Wisconsin, Minnesota, Maine, Vermont, and Massachusetts (Bosselman and Callies 1971; Rosenbaum 1976). From the 1960s to the 1980s, many states adopted requirements for comprehensive planning (Weitz 1999). California began requiring local comprehensive land use plans, called general plans, in 1965 (ibid). While some states review local comprehensive plans for consistency with state goals, most do not (ibid). The only element of the general plan that the state reviews in California is the housing element.

Strong statewide planning coincided with a rise in popularity of regional ecological planning. For example, landscape scholar Ian McHarg called for planning around natural boundaries such as watersheds (Steiner 2011). As a result, statewide comprehensive planning to control land use focused on protecting unique environmental resources. California established the San Francisco Bay Conservation and Development Commission in 1965, the Tahoe Regional Planning Agency in 1967, and the Coastal Commission in 1972 (Weitz 1999). In hindsight, environmentalists who pushed comprehensive planning to protect environmentally sensitive areas failed to capitalize on this momentum to establish strong regional planning bodies in urban areas (Weir 2000b). In effect, there are strong controls on development in the coast and mountains in California, but not on sprawling development in the rest of the state. To remedy this omission, planners began to focus on the idea of smart growth.

If the institution of local comprehensive plans across the US was a mandate to plan, smart growth was a mandate to plan well. While the comprehensive planning era focused on land use, transportation, and the environment, the smart growth movement expanded the list of priorities to include design, livability, health, and affordability (Chapin 2012). Downs (2005) lists the core tenets of smart growth as: limiting outward development; raising residential densities in new and existing areas; mixed

use and pedestrian friendly development to reduce auto use for short trips; impact fees on new development to internalize its costs; public transit; revitalizing older neighborhoods while providing more affordable housing and reducing the barriers to dense development in general. Although planners picked up strongly on the design aspects of smart growth, such as walkable, mixed use development, only a few places began experimenting with promoting compact development. Maryland is a notable example of an early state level program. In 1997, the state of Maryland directed the bulk of its infrastructure spending, as well as incentives for brownfield cleanup, redevelopment, and job creation towards Priority Funding Areas in towns and urban areas (Chapin 2012). This notion of shifting resources and providing development incentives in concentrated, high density areas is a key outcome of the smart growth movement, one that strongly influenced the emergence of planning for sustainability in California and elsewhere.

"Sustainable development" entered the lexicon of politicians and economists globally in the 1980s when the World Commission on Environment and Development (or the Brundtland Commission) published the report *Our Common Future* (1987). This United Nations report amplified growing calls to reevaluate the costs and benefits of economic development, particularly in poor countries (Meadows et al. 1972). Industrialization in the "developing world" was driven by Western or "developed" countries extracting benefits including profit, cheap labor, raw materials, and cheap manufactured goods. Critics argued that industrial development was not living up to its promise to contribute increased living standards and poverty alleviation in return (Hart 2004). Indeed, for many it was doing the opposite: destroying livelihoods and natural resources that had sustained people for generations. Sustainable development was primarily a call to raise living standards, reduce poverty, and protect natural resources for future generations in developing countries. The core of "sustainability" as it entered US policymaking thought in the 1990s was the idea of forward-looking intergenerational equity (including the right to make a living), enabled by social equity and environmental protection in the present. Whereas the accepted wisdom held that development, with all its costs, would raise all boats eventually (and was the only means of doing so), sustainable development and sustainability advocates sought improvement in social and environmental conditions in the present. This was a radical notion next to the 20th century orthodoxy of unfettered economic growth as a national and global imperative (Berke and Conroy 2000). Elevating social and ecological imperatives to the level of economic ones has become a key challenge of the planning field.

The ideas of sustainable development influenced planning scholars and practitioners in the 1990s and 2000s. Two key ideas were that social and economic equity need to be integrated into planning, and that addressing equity requires regional solutions. A growing body of research suggested that equity issues, such as transportation and housing, are best addressed through regional policies, and that these issues require *internalizing* some of the costs that are typically exported to neighboring jurisdictions, other regions, and the developing world. Yet sustainable development was a set of economic principles, not a policy prescription, and it did not come with a playbook for applying it to urban planning. This flexibility gave planners an opportunity to innovate (Campbell 1996). Wheeler (2000) argues that experimentation

in urban sustainability began to coalesce around a set of values or policy objectives of compact urban form, preservation of open space and ecosystems, reduced auto use (and reduced waste and pollution generally), affordable housing in livable communities, improved opportunities for the disadvantaged, and a local economy that renews itself over time. However, leveling the playing field between the so-called three 'E's of environmental conservation, economic benefits, and social equity does not occur naturally (Campbell 1996). Planners find themselves at the center of a "triangle" formed by these three areas, which Campbell argues positions them to help find common ground between them (ibid). Regional government was one way that planners tried to achieve this balance.

Regional government became popular in the 1980s and 1990s as a strategy for planners in the US to achieve sustainability goals. Against a backdrop of globalization and the decline of manufacturing that left many regions in economic decline, strategies for managing inequality and sprawl included regional tax base sharing, annexation, and consolidation of governments (Dreier, Swanstrom, and Mollenkopf 2000; Orfield 2002). The "new regionalism" was another iteration of attempts in the 60s and 70s to create strong regional government, but this time the main motivation was not environmental degradation but the loss of power cities faced *vis a vis* global capital and competition with other metropolitan areas for jobs and investment (Dreier, Swanstrom, and Mollenkopf 2000). Scholars and practitioners promoted equitable access to infrastructure, housing, and public transportation as a way to promote economic and social equity and counter the negative effects of sprawl and the associated racial and income segregation (Rusk 1993; Orfield 1997; Orfield 2002; Swanstrom 2001).

Proponents of regional government cited it as a strong tool for economic, social, and environmental sustainability, yet the difficulty of shifting the balance of political power towards regions and away from localities limited the number of successful cases. Evidence that traffic congestion negatively affects quality of life and the environment (Downs 2004) and that cities and their suburbs are economically interdependent (Voith 1998) supported the argument for common solutions and common government (Rusk 1993). Yet only a few cases of strong regional government uniting cities and suburbs exist across the US. Case studies of successful regional government include Portland, Salt Lake City, and Seattle (Calthorpe and Fulton 2001). States that have attempted to mandate regional planning, with differing results, include Florida, Maryland, and Minnesota (ibid). Portland's success stems from the fact that it coupled its regional planning with heavy investment in public transportation and protection of farmland to prevent leapfrog development (ibid). Seattle accompanied its urban growth boundary with the designation of urban centers targeted for job growth and investment in light rail, rapid bus, and HOV lanes connecting different regional centers (ibid). These measures aimed to increase the locational balance between jobs and housing in the region without sprawl.

One key policy objective of regional government and regional sustainability is to achieve a "jobs-housing balance," an idea that stems from concerns about transit justice and the environmental objective of reducing driving distances. Transit justice refers to the affordability and accessibility of travel options in regions, an idea that evolved from the "environmental justice" movement (Pastor, Benner, and Matsuoka

2009). Environmental justice paralleled sustainable development by contending that the everyday lives of people in cities are integral to how we should understand nature (Chiro 1996). People are part of the environment, and equitable development, not just growth boundaries, are critical to curbing sprawl and climate change (Beck 2010). The environmental justice movement formed in opposition to the disproportionate number of toxic waste facilities located in African American communities (Bullard 1990) and grew to include access to transit, particularly in Southern California (Bullard, Johnson, and Torres 2004; Soja 2010). Environmental justice advocates pushed traditional environmental groups to consider race, class, and the unequal environmental "risks" and burdens borne by low-income people and people of color (Pellow and Brulle 2005). One of these burdens is the cost of transportation and the lack of public investment in mass transit.

Transit justice or transit equity principles include narrowing the gap in access to transit between the most and least well off, as well as the gap between the car-owning and non-car-owning population, and setting a minimum threshold for access to different means of travel (Martens, Golub, and Robinson 2012). One measure of transit equity is increasing access to key destinations, including employment centers, health services, and supermarkets, that uses the convenience of a car as a yardstick for transit frequency (Ferguson et al. 2012). An alternative view is that the dispersed work destinations of many low-wage workers makes providing cheap access to automobiles an equally important parallel strategy for promoting access to employment (Taylor and Ong 1995). Yet reducing emissions and the consumption of land through sprawl remain important objectives.

Evidence suggests that a "jobs-housing balance," or having appropriately-priced housing near jobs, reduces VMT substantially more than bringing retail closer to residential areas (Cervero and Duncan 2006), yet building affordable housing for workers near suburban job centers faces many hurdles. Implementation of regional fair share housing goals can be difficult because of politics and existing regulatory frameworks, such as those that preclude multi-family housing construction (Goetz, Chapple, and Lukermann 2003). However, for many low-income people, non-spatial barriers to employment include skill mismatch, lack of access to child care and social support when employed (Fan 2012), and limited social networks for finding employment (Chapple 2006; Blumenberg and Waller 2003; Ong and Blumenberg 1998). Workforce development and attracting small business investment to disadvantaged neighborhoods can help overcome the mismatch created by racial and economic segregation in regions (Blumenberg 2006; Stoll and Covington 2012). Sustainability planning attempts to address both the social and spatial mismatch between workers and jobs.

Although it is well established that a jobs-housing balance is important to all three components of regional sustainability, it is less well understood how different levels of government cooperate under a weakly-enforced law such as SB 375 to try to promote it. Research shows the benefits of compact development for reducing GHG emissions and for promoting access to jobs via public transit (Cervero and Duncan 2006; Calthorpe 2011; Sanchez 2008). In addition to GHG reductions, designing communities with transportation and housing choice and affordability leads to improved health outcomes for their residents (Handy et al. 2002). Transportation and

design scholars demonstrate the benefits of regional sustainability planning, but stop short of providing a framework for understanding the mechanisms of regional sustainability governance. These fields measure the outcomes of regional sustainability planning, but would benefit from a more specific analysis of the political possibilities and limitations of implementing state mandates for such efforts.

1.3.2 A theoretical framework for understanding regional sustainability planning and SB 375: governance, soft law, and defensive regionalism

Understanding the mechanics of the local implementation of a state mandate for regional sustainability planning requires a theoretical framework that organizes the messy politics of the transportation and housing policy silos. The policy landscape surrounding SB 375 is characterized by both strong and weak enforcement and strongly- and weakly-defined relationships between government entities responsible for its implementation. It employs both government and governance to promote regional sustainability. "Governance" can refer to the formal devolution of power to the government entities carrying out a mandate from above and to the ad hoc cooperation between them to accomplish a particular task (Hooghe and Marks 2003). In other words, it encompasses the formal and informal working relationships between scales of government. Governance practices often fill the void created by the absence of strong legal frameworks (Bulkeley and Betsill 2005). For example, a close examination of the local implementation of SB 375 reveals ample room for interpretation and informal practices. In some cases, agencies and municipalities govern in a "networked" fashion, cooperating informally within and across scales and with other sectors (Ansell 2000). These networks can create momentum for change at higher scales of government on issues such as climate change (Kern and Bulkeley 2009). Yet governance practices exist within (or co-exist with) clear power hierarchies (Davies 2002). In some cases, governance has been seen as a political strategy where efforts to increase the power of regional government have failed.

Regional governance as a political strategy has been on the agenda of equity advocates since the 2000s, and received help from the federal government in the 2010s. Political coalitions that cut across geographic and social boundaries promote regional scale policies and regional governance, particularly in California's large regions (Swanstrom and Banks 2009; Seltzer and Carbonell 2011). Players in regional governance can include government actors such as commissions and special districts. These coalitions include diverse actors from civil society, business, foundations, and grassroots and community organizations (Savitch and Vogel 2000; Wheeler 2002). Non-government actors influence and participate in regional sustainability governance (Pastor, Benner, and Matsuoka 2011; Innes and Rongerude 2013). Although there is some concern that a focus on regional level policy will dilute the political power of minorities at the local level, others contend that regional advocacy overcomes a lack of power and efficacy at the local level (Savitch and Vogel 2004; Rusk 1993 revision 2000). Instead of piecemeal advocacy throughout a region, nonprofits and labor organizations can press regional and local government to prioritize coordinated planning that promotes social equity. Equity advocates argue that that this would help regional growth in a global economy more than

balkanized cities and suburbs and urban disinvestment (Benner and Pastor 2012). Regional equity advocacy grew from earlier calls for tax base sharing to include pushing regional transportation agencies to become more transparent and inclusive of minority voices in their decision making (Mauel Pastor, Benner, and Matsuoka 2009). The federal government has attempted to replicate the model of promoting the inclusion of non-government organizations in regional governance through the federal Partnership for Sustainable Communities between the US Departments of Transportation (DOT), Housing and Urban Development (HUD), and the federal Environmental Protection Agency (EPA). The partnership awarded grants to regional collaboratives between private sector, educational, nonprofit, and government agencies engaging in sustainability governance and planning in 2010 and 2011. These Sustainable Communities Initiative (SCI) regional planning grants broadened the number and type of regions engaging in this type of work across the country, and specifically helped regions in California incorporate equity into their SB 375 planning activities (Chapple and Mattiuzzi 2013; Frick et al. 2015).

The term multilevel or multiscalar governance spans political science, particularly European Union studies, public policy, and studies of local government in the US. Hooghe and Marks (2003) identify two types of (multiscalar) governance. Type 1 is federalism or "bundled" governance. Jurisdictions are like Russian dolls with discrete boundaries and a hierarchy of authority over a bundle of responsibilities across multiple policy areas. Type 2 is "marble cake" governance, with different, overlapping geographical boundaries and power hierarchies for each service (ibid). The benefit of bundled governance is that it reduces competition between actors, and it can internalize externalities, take advantage of economies of scale, and distribute resources efficiently (ibid). Marble cake governance can allow for greater flexibility and efficiency in delivering services, a concept that derives from public choice theory (Tiebout 1956). Strict top-down management does not necessarily provide an opportunity for innovation in the face of a complex issue such as sustainability (Christensen 1999).

Transportation policy in California has traditionally operated under a marble cake style of governance, with independent, single-purpose authorities, commissions, and metropolitan planning organizations (Hooghe and Marks 2003). State lawmakers have tried to shift this system towards greater consolidation under a more federalist, bundled governance. Past efforts at making a single regional transit authority in the Bay Area and Los Angeles failed, and some argue that this is for the best because of the complexity of these systems and because having multiple agencies allows for flexibility and innovation (Chisholm 1989). SB 375 tries to change the governance of the policy silos of transportation and housing. It uses the language of a federalist system in which the state sets emission targets, regions coordinate housing and transportation plans, and cities implement them. Yet it contends with the reality of the independent nature and competing priorities of local jurisdictions, CTAs, and MPOs. SB 375 does not and cannot shift the transportation and housing policy silos completely to bundled federalist governance, nor would it necessarily be desirable to do so; the more unitary the system, the more local context is lost, local resistance may be increased, and flexibility and innovation may be lost. Yet SB 375 shifts the needle by aligning the two policy siloes of transportation and housing in a way that

necessitates at least partial cooperation and coordination between MPOs, CTAs, and cities and counties. Through a system of regional sustainability plans, local housing elements, and incentive funding for compact development, the SB 375 policy milieu has begun to shift the relationships between local and regional actors, however gradually, towards greater communication and cooperation.

Even where there is a history of antagonism between actors, cooperative governance can occur when there is interdependence and trust (Ansell and Gash 2008). Even when institutions operate independently, they can be structurally interdependent, giving them an incentive to work together on some issues (Jessop 1998). Interdependence, although partial, exists between cities and counties, CTAs, and MPOs in California. SB 375 implementation has provided an opportunity to increase communication and trust between these actors, and it has increased their interdependence. Interdependence has increased partly because the state has aligned funding and CEQA incentives in a way that bolsters the federalist hierarchy between these scales of government, without dismantling their marble cake independence.

The idea that SB 375 helped set and reinforce expectations about future policy directions, and that this helped shift the needle towards a balance of bundled and marble cake regional governance, emerged from my research. Local actors, including cities, counties, subregional COGs, and CTAs, see sustainability as the direction the state is heading. As a result, they have engaged in both cooperation with regional goals and preemptive action; local actors have engaged in defensive regionalism, or collective action at the lowest scale possible without arriving at the level of individual jurisdictions, as a way to have strategies and programs in place to prevent top-down dictation of how they implement anticipated future state sustainability mandates. By partially complying with the bundled governance aspects of SB 375, namely acknowledging and implementing the region's SCS by making local projects consistent with it, they are attempting to preserve their local autonomy; by proving that flexibility works, they are preserving it.

In the political science and urban studies literatures, governance is a theoretical tool for describing the formal and informal relationships of cooperation between government and/or non-government actors. It helps explain complexity and complements the study of formal governing systems. In practice, governance is also a strategy for accomplishing sustainability goals where there are roadblocks to government solutions such as having a strong regional government. Yet laws and formal governing structures, particularly mandates from higher levels of government, still play a key role where there is competition for scarce resources, negative externalities, and free-rider benefits, as there are with greenhouse gas emissions, affordable housing, and regional sustainability in general (Burby 2005; Weir, Rongerude, and Ansell 2009). As a theoretical tool, informal and formal governance help extricate the reasons for the different outcomes and success levels of laws and mandates.

Governance becomes more complex when a state mandate such as SB 375 relies on a mix of formal and informal implementation methods. State mandates for local planning can be strongly top-down or leave room for experimentation (and failure) at the local level (Dalton and Burby 1994; Laurian et al. 2004). They can have strong

enforcement or weak enforcement mechanisms (ibid). The literature on implementation in the planning field tends to focus on city-level plans or regional plans within a particular policy silo, such as transportation (e.g. Berke 2002; Boarnet and Compin 1999; Brody and Highfield 2005). Yet less research exists on plan implementation that involves a mix of formal and informal collaboration, negotiation, and coordination across scales of government and across policy silos. How do these modes of governance affect the way local governments implement state mandates? How do relationships between these actors change in the process? My research suggests that implementation of a state mandate that is not strictly top-down but leaves room for experimentation can change institutional relationships across scales and produce new expectations about future cooperation.

The theoretical construct of soft law is underdeveloped as a tool for understanding formal and informal governance under a weakly-enforced law, such as SB 375, that requires cooperation from multiple scales of government. Existing literature on soft law in international legal studies is similar to the literature on informal or nonbinding modes of governance, and contributes the idea of creating norms of behavior that change policy over time (Trubek and Trubek 2005). It examines independent nation states that choose to engage in information sharing, consultation, notification, and/or collaboration on cross-border issues such as air pollution (Bruno, Jacquot, and Mandin 2006; Dupuy 1990). It implies a degree of interdependence and some kind of common governing structure. I would extend the idea of soft law to include these concepts and the idea of weak enforcement or loosely-defined implementation mechanisms for an actual law, not just voluntary cooperation. I will use the term "soft law" to describe a case such as SB 375 where there is a law with informal and formal governance; flexibility in implementation (at the local and intra-regional scale); interdependence between actors (government agencies in regions); a common governing structure (the marriage of emissions targets, housing, and transportation policy in the regional transportation plan); and weak enforcement of a key goal of the law (compact land use planning and development).

To this theoretical framework I would add the construct of defensive regionalism, which is not clearly articulated in the regional planning literature. The term defensive localism comes from the urban politics literature, and the term defensive regionalism exists in the literature on global trade. I will first describe their current uses and potential applicability, then propose a new definition of defensive regionalism that will contribute to the urban planning field generally and to regional sustainability planning specifically. In the urban politics literature, defensive localism refers to the attempt by local jurisdictions to protect their power. Weir (1996) uses the term defensive localism to describe the struggle by suburban jurisdictions in states such as Illinois and New York to limit the redistribution of statewide revenue to address economic and social issues in cities. This was possible because of the decline in power of cities over state legislatures and increased representation of suburban jurisdictions (ibid). Suburban voters in California have also forestalled consolidation of regional power through the legislature (Barbour 2002). Defensive regionalism is a term that is typically used in the urban economics literature to talk about the response of metropolitan regions and groups of countries to the external pressures of global trade (Munakata 2006). Businesses and government actors try to resist and shape

markets in the face of trade agreements made at the international level by entities such as the European Union or the World Trade Organization (Tussie 2009; Riggirozzi 2012). Small nations make agreements to increase their competitiveness in a neoliberal system (Ravenhill 2007). Defensive regionalism also refers to resistance via local cultural identity within nations when there has been consolidation of jurisdictions or a desire to protect regional products from outside competition (e.g. Champagne or Bordeaux wines) (Taylor 2012; Zimmerbauer and Paasi 2013; Grant 2012). None of these definitions of defensive regionalism is especially useful to regional sustainability planning.

I propose a new definition of defensive regionalism that I have not been able to locate in the literature. Defensive regionalism is collective action or cooperation between jurisdictions to bring power over a state or regional policy down to the lowest level possible (such as a countywide agency or a group of cities represented by a common body such as a council of governments) but not all the way down to the level of the individual city. This power can include direct control over funding, or it can include preempting future mandates by self-organizing to cooperate with the current mandate in a way that fits with local political conditions. For example, a group of cities represented by a countywide agency might show activity on the ground in order to create a political case that future state policy should not restrict or alter their current local course of action in a way that would elevate power to a higher level. It is not strictly localism, but a form of preemptive action or a demonstration of collective efficacy within a region or subregion to defend against future interference from above. Defensive regionalism applies particularly to a situation where there is a mandate from a higher level of government or a soft law, but not a strict set of requirements for how to implement it, leaving room for different forms of governance.

1.3.3 Past research on SB 375

The implementation of SB 375 demonstrates how a law with weak enforcement provisions is nonetheless leading to cooperation and negotiation between scales of government. The state and regional agencies have created funding incentives to promote the implementation of SB 375 (Rose 2011). Funding sources for SB 375 implementation include regional grants from federal transportation funds, and state grants from the state Strategic Growth Council, funded primarily by the AB 32 Cap and Trade carbon credit auctions. But how these funds are being distributed and what effects they are having on local planning have not previously been studied. SB 375 provides an incentive for a streamlined environmental review process for development projects that are consistent with the SCS (Haney 2010). However, the effectiveness of these incentives and how they build on pre-existing infill incentives has not been researched. Scholars have studied the political process that shaped the selection of GHG emission reduction targets for regions under SB 375 (Barbour and Deakin 2012) and how well cities' general plans matched SB 375's goals prior to its implementation (Sciara 2014). Yet a better understanding is needed of the politics of implementation within regions and what changes are being made to local plans during implementation of the first round SCSs. This dissertation examines the work being undertaken by city planners that will make local plans and zoning consistent

with the regional SCSs and assesses the effectiveness of incentives being offered by the state and regions.

1.4 Research Questions, Methodology, and Roadmap for the Dissertation

Examining the local implementation of SB 375 requires developing an understanding of how changes brought by the law interacted with existing modes of governance. Given that relationships between regional, county, and local agencies involve key elements of governance, namely cooperation, trust, and a limited amount of interdependence, how did SB 375 utilize or change these factors (Ansell and Gash 2008; Jessop 1998)? The policy silos of transportation and housing exist in California, if you will, in a marble cake federalism, where each policy issue has its own set of government agencies that do not necessarily exist in a clear power hierarchy (Hooghe and Marks 2003). Furthermore, the agencies that govern transportation in California do not intersect neatly with the housing policy silo (or, for that matter, air quality, which is the traditional policy silo for climate change issues). Both the housing and transportation policy silos in California function through a mix of state mandates and local and regional power. Has SB 375 driven any local innovation through the way it has employed the flexibility of collaboration across and between scales (Christensen 1999)? Has it led to greater compliance with state housing policy or more compact land uses and transportation planning with its push towards regional coordination of these two issues? It is unknown whether SB 375, by increasing regional coordination of housing and transportation, has done anything to promote a more bundled federalist structure whereby multiple policy issues are coordinated at distinct and interlocking scales of government (Hooghe and Marks 2003). It is possible that the law creates enough of a policy structure to result in local compliance with higher level mandates, or it could rely completely on incentives and collaboration, which the literature suggests is not a sustainable policy strategy (Burby 2005; Weir, Rongerude, and Ansell 2009).

SB 375 raises questions about how a law with weak enforcement at the local level might nonetheless change expectations and behaviors over time through informal and formal governance. Research is needed on the effect of SB 375 on regional oversight of transportation and housing, what incentives it provides for collaboration and compliance, and whether it creates any new sense of interdependence among the different government entities that have power over its implementation. Is collaboration under SB 375 purely information-sharing, as with past definitions of soft law (Trubek and Trubek 2005) or does it create any accountability between jurisdictions? Loose control over implementation might lead to innovation or policy failure, or both. The geography of SB 375 implementation might be similar or vastly different across different metropolitan regions. It is not clear what conditions lend themselves to progress or roadblocks for addressing inequality and vehicle emissions through the lightly-governed policy silos of transportation and land use in California. SB 375 might move the needle on sustainability planning in California through weak

enforcement, or a command and control policy might be needed. Is the combination of incentives, weak enforcement, and a limited governing structure effective?

Examining the local politics of SB 375 exposes a gap where the literatures on governance, multiscalar governance, and complexity could intersect with studies on state mandates and implementation. How does the involvement of multiple tiers or competing scales of government affect SB 375 implementation differently than a strict top-down mandate from one level of government, such as the state, to another, such as cities (Dalton and Burby 1994; Berke 2002)? Implementation might change when it involves multiple policy silos, such as housing and transportation, instead of a single one, and when there are complex, interrelated sustainability goals at stake (Berke 2002; Boarnet and Compin 1999; Brody and Highfield 2005). Grassroots efforts by municipal and countywide agencies that are contributing to SB 375's goals may not be a direct result of a state mandate (Bulkeley and Betsill 2005). What state or regional incentives and mandates contribute to SB 375's goals without being a formal part of the law?

SB 375 provides a unique opportunity to study a state mandate where local entities engage in defensive regionalism. How does the implementation of SB 375 prompt a defensive stance by local and county level government entities that extends beyond pure localism, such as protecting their tax dollars (Weir 1996)? Defensive regionalism might provide a framework for understanding why local and countywide entities have sought to gain control over aspects of SB 375 implementation within regions and why they have engaged in preemptive action to show that they are complying with the law in anticipation of future mandates. It is possible that when local and county entities engage in defensive regionalism they are strengthening regional governance, or they could simply be reducing the odds of regions meeting the emission reduction targets of SB 375. It is unknown what existing conditions, relationships, and power structures outside of the SB 375 architecture reinforce defensive regionalism and how the law might begin to change or fail to change them. Exploring these theoretical questions about SB 375 calls for research methods that collect baseline information about the law's implementation and dive deeper into the nuances of governance.

To understand the mechanisms of regional sustainability governance and whether SB 375 implementation has produced change, I conducted a survey of local governments in the state's main metropolitan regions, and I focused on two metropolitan areas as case studies of implementation. These methods allowed me to understand the nuances of regional governance, including how equipped and willing different scales of government were to carry out SB 375. How and to what degree did cities and county agencies work together, and with regional agencies, to implement the Sustainable Communities Strategies (SCSs)? These research methods help elicit whether SCS implementation activities strengthened or created new relationships between and within scales of government. I sought to understand the role of trust in improving or impeding implementation and whether power within regions shifted or remained constant. Structuring these inquiries was the question of whether coordination between housing and transportation planning increased or remain siloed.

I compared governance practices across different metropolitan regions and within regions. How did existing local planning capacity and development politics help determine the types of sustainability planning that were possible during the implementation of first round SCSs? Thinking about California's imbalance of jobs and housing, I asked what changes the SCSs might have prompted in polycentric regions with job or housing concentrations outside of central urban areas (Garreau 1992; Soja 2000). It is unknown whether the SCSs encouraged compact development in medium- to low-density cities with weaker development markets than central cities (Kneebone and Garr 2010; Dunham-Jones 2005; Talen 2011).

Previous survey research shows that planners are aware of smart growth principles such as promoting nonmotorized travel and mixed use development, but it remains to be understood how they are accomplishing this in terms of governance and local capacity (Jepson and Edwards 2010a). Surveying planners is important because they play a key role in the implementation of state mandates and regional sustainability goals by preparing plans, and presenting ideas to their local representatives and citizens (Baldassare et al. 1996). The attitudes of planners can determine the success of a state mandate or regional plans, particularly where local control over land use is concerned, making it critical to study their views (ibid).

To compare local implementation in monocentric and polycentric regions, and compare large regions with different levels of housing price pressures, I chose four regions in which to survey planners. I sent a fifty-five-question survey to planning directors from the four largest regions in California—Sacramento, the Bay Area, Southern California, and San Diego—in May and June of 2014. I received 133 responses out of a population of 351 cities and counties, for a response rate of thirty-eight percent (38%). Sacramento and San Diego are relatively monocentric regions, while Southern California and the Bay Area have higher housing prices and multiple job centers. The planning or community development director in each city and county in these regions received up to three contacts requesting that one staff member complete the survey (Dillman, Smyth, and Christian 2008). Survey topics included what work cities have completed or planned to align local policies and plans with the region's SCS; whether and how cities have participated in regional planning before SB 375; the local appetite for sustainable land use planning; the use of state incentives to streamline infill development; local smart growth actions and priorities; resources and capacity for undertaking future smart growth projects; and the local development market. These survey topics provide information about implementation and the effectiveness of the law, and they start to paint a picture of regional governance, but to clarify regional governance processes I conducted two case studies.

For the case studies, I chose to compare the two most populous, urbanized regions in California. The Bay Area and Los Angeles regions are polycentric, and have the greatest imbalance of jobs and housing. They have the largest job centers, highest housing prices, and largest number of mega-commuters in the state. These two regions create spillover pressure on housing prices in other regions of the state. They have the largest number of cities and counties, and therefore the greatest amount of fragmentation of governance over housing and transportation. They have the highest greenhouse gas (GHG) emissions of the major regions in the state, and

the highest burden of reducing those emissions. Due to their size, with about 100 and 200 cities respectively, regional government agencies in the Bay Area and Los Angeles regions face logistical and communications gaps that hinder implementation. SB 375 did not anticipate that county level agencies would play a large role in bridging these gaps by facilitating communication and implementation processes between regional agencies and cities. What impact did multi-city or countywide government entities have on governance, soft law, and defensive regionalism under SB 375?

Using a case study method shows differences in the application of the law using multiple units of analysis (Yin 2009). For the case studies, I interviewed key informants representing different sectors (government, private sector development, nonprofit) at different scales (local, regional, state). I conducted 45 semi-structured interviews between March 2013 and January 2015 that averaged 50 minutes in length. I transcribed and coded the interviews for key themes (Rubin and Rubin 2011). I began with an interview protocol developed from the literature, which I modified as themes began to emerge from the interviews. I sought a balance of interviewees from different geographies and sectors, although the majority of interviewees were from government, and a smaller number were from the private sector and nonprofit sector. From among the government interviewees, I tried to balance perspectives from different scales of government. Most interviewees were contacted based on their role at a government agency, nonprofit, or private sector planning firm. After an initial round of interviews, I used a snowball sample of individuals recommended by other interviewees. Several interviewees from local government agreed to speak with me after completing the survey.

1.4.1 Roadmap

Chapter Two explores questions of local capacity for implementing regional and state sustainability goals using a survey of local planning directors. It finds that although most planners are aware of and interested in promoting regional sustainability in local plans, they do not believe that the state or regions provide enough financial support for SB 375 implementation. It finds that SB 375 has increased cooperation between government entities at the local, county, and regional scale, but that local political conditions support the type of interventions that are less likely to reduce emissions. For example, local governments receive support from the public and local officials for pedestrian and bike infrastructure, but less support for building dense or affordable housing. Chapters Three and Four use case studies of metropolitan regions to assess the potential for change under SB 375, given the existing local and regional politics of land use and sustainability governance. They look at the incentives that arose under SB 375, and how they fit with existing programs, mandates, and sustainability plans at the local and regional level. Chapter Three is a case study of Southern California, or the metropolitan region that encompasses six counties and includes the population centers of Los Angeles and Orange Counties and the Inland Empire. Chapter Four is a case study of the nine counties of the San Francisco Bay Area. The case studies demonstrate that there are uneven levels of implementation of SB 375 at the local level across the state, and that

county transportation agencies have asserted a role in implementation, despite not being part of the law's official hierarchy. Although CTA involvement has hindered the consolidation of regional power over sustainability planning, it has provided new venues for cooperation between municipalities. In the Bay Area, the incentive program that the regional agencies created as part of SB 375 implementation produced a direct role for CTAs in increasing coordination between housing and transportation planning among cities. In Southern California, existing state actions and incentives played a greater role in implementation, with coordination by CTAs and multi-city subregional COGs. Chapter 5 summarizes the results of the survey and case studies and discusses their implications for theory.

Chapter 2 – Local planning department capacity for smart growth planning and SCS implementation

2.1 Introduction

With the passage of AB 32 in 2006, California set a goal of reducing its overall greenhouse gas (GHG) emissions to 1990 levels by 2020. Perhaps the most experimental and politically ambitious strategy to help meet this target is SB 375 (Steinberg 2008), a follow up bill to AB 32. Lawmakers recognized that sustainable land use patterns are needed to keep rising driving distances from negating the effects of other GHG emission reductions, such as cleaner fuels and more efficient vehicles. Under SB 375, a statewide committee set regional emission reduction targets to meet an overall statewide target of a 15% reduction of land use contributions to vehicle travel by 2035 (CARB 2011). The heaviest burden went to the four most populous regions: Sacramento, the San Francisco Bay Area, the Los Angeles region, and San Diego. To meet these targets, the law calls for each region to prepare a Sustainable Communities Strategy (SCS) that, for the first time, links transportation funding to housing targets. The SCS is part of the region's long-range transportation plan or RTP. However, the law lacks strong enforcement mechanisms at the local level, and successful implementation of the SCSs depends heavily on locally-controlled land use decisions.

The role of city and county planners in SCS implementation is currently under-studied. What are the different levels of capacity of city and county planning departments? It is not well understood what actions, if any, they are taking that would support regional emission reduction targets. SB 375 and other laws support coordinated transportation and land use planning through infill development near transit and other smart growth measures. How much of current local sustainability planning is a result of incentives or requirements from SB 375? SB 375 has few direct local requirements, yet relies on extensive local action. What actions are cities and counties taking, and how well do these actions match the law's goal of coordinating transportation and land use planning within regions? What is the capacity of cities and counties to implement the SCSs? What is the role, if any, of local, subregional, and regional governance and cooperation in SCS implementation? What incentives are available for doing so and what obstacles might be hindering implementation? I conducted a survey of local planning directors to ascertain some of the local motivations and constraints around sustainability planning to support SCS implementation across the state.

2.1.1 Roadmap

The following section outlines three hypotheses on local implementation of the SCSs regarding capacity, governance, incentives, and obstacles. Section 2.1.3 gives an overview of the survey, including the methodology, response rate, and possible sources of error. Section 2.2 gives survey results on the overall state of implementation. Sections 2.3, 2.4, and 2.5 present survey results in relationship to the three hypotheses, an analysis of those results, and their relationships to implementation overall. The conclusion summarizes the findings.

2.1.2 Hypotheses

The first hypothesis guiding the survey design was that capacity issues might hinder the local implementation of the SCSs. The literature suggests that capacity creates obstacles to implementing mandates from higher levels of government, such as the state (Dalton and Burby 1994; Deyle and Smith 1998). I surveyed local planners on aspects of capacity for implementing a regional sustainability mandate, including: staff time, technical assistance, funding, and relationships between local municipalities and other government actors, including cooperation and trust (Jepson and Edwards 2010; Baldassare et al. 1996; Waugh, Jr. and Streib 1993).

A second hypothesis was that regional governance networks would help only a limited number of municipalities to engage in local SCS implementation. California's weak regional government, and SB 375's weak local enforcement would likely mean that many cities would not take action to implement the law (Ansell and Gash 2008; Jessop 1998). The survey examined whether county-level agencies and regional MPOs and COGs might encourage cities to work towards SCS goals by playing a coordinating role between them. The literature suggests that formal and informal governance can create structure for accomplishing a shared goal where a strong enforcement mechanism is lacking (Hooghe and Marks 2003; Swanstrom and Banks 2009). Flexibility in mandate implementation in complex systems can promote local innovation (Christensen 1999; Laurian et al. 2004; Berke et al. 2006). Yet collaborative governance is thought not likely to sustain long-term implementation of policy goals without structural changes to incentives and enforcement mechanisms (Burby 2005; Weir, Rongerude, and Ansell 2009).

The third hypothesis was that the incentives for smart growth created by SB 375 would likely have a limited impact, and that local politics could present an obstacle to SCS implementation (B. Stone 2003; C. Stone 1989; Peterson 1981). Political opposition to smart growth and SCS implementation might negate incentives for implementation (K. T. Frick 2013; Lewis 2001). The survey compared the local impact of SB 375's smart growth incentives to other smart growth incentives in California that came before and after SB 375. Planners assessed local political support for and opposition to different smart growth measures.

2.1.3 Methodology

To test hypotheses on capacity, coordination, and incentives and obstacles for SCS implementation, the survey included sections on the following: what work cities

have completed or planned to align local policies and plans with the region's SCS; whether and how cities have participated in regional planning before SB 375; the local appetite for sustainable land use planning; the use of state incentives to streamline infill development; local smart growth actions and priorities; resources and capacity (including staff and funding) for planning and funding future smart growth projects; and the local development market. The survey had fifty-five questions in ten sections.

The survey population included the planning or community development departments of cities and counties that are members of the regional associations of governments in the four major regions in California that had the largest populations and GHG reduction targets under SB 375. This includes the Sacramento Area Council of Governments (SACOG), the Association of Bay Area Governments (ABAG), the Southern California Association of Governments (SCAG), and the San Diego Association of Governments (SANDAG). These four regions had completed their first SCS prior to the survey period from May-June 2014. Each regional association of governments provided a contact list of planning or community development directors, which I updated. The goal was to reach one respondent per jurisdiction who was knowledgeable about sustainability planning (or lack thereof). Respondents were typically planning directors or staff, although in limited number of cases of small jurisdictions (population under 20,000) without planning directors or staff, they were consultants who perform planning duties.

Each department received up to three contacts between May and June 2014. The initial contact was an email explaining the project and providing a link to the survey, second contact was a postcard mailed to the individuals, and the third contact was a phone call (Dillman, Smyth, and Christian 2008). A reasonable effort was made to reach the individual on the MPO contact list or their successor in the event they had retired or left the position. The target population was the department representing a jurisdiction's planning functions, not the individual, and many of the surveys were filled out by staff members, rather than the person contacted.

Survey analysis involved descriptive statistical analysis and logistic regression modeling. In order to assess factors that may be associated with SCS consistency work (Tables A2.1 and A2.2); which departments are involved with consistency work (Tables A2.3-5); and smart growth priorities (Tables A2.6-10), single predictor logit models were individually calculated for thirty-two (32) responses to survey questions. These thirty-two responses are shown in the left column of Table A2.1. However, for later tables only the statistically significant predictors are shown. Table 2 reports a multiple predictor model using the statistically significant predictors from Table 1 to serve as a measure of which of these predictors remain significant in aggregate. Each of these models reports the fitted coefficient, Z statistic, and p-value.

2.1.3.1 Response rate and aggregation

The overall response rate was 38%. The response rates in the Sacramento and San Diego region were 46% and 47%, respectively. There was a 38% response rate in the Bay Area and a 36% response rate for the Los Angeles region. 133 responses were received, as summarized in Table 2.1. There were 351 city and/or county members of each region's Council of Governments at the time of the survey in 2014. Seven

counties and 127 cities or towns in total responded to the survey. There are twenty-two cities and six counties in the Sacramento region, or twenty-eight potential survey respondents. There are 101 cities and nine counties in the Bay Area, but without double-counting the City and County of San Francisco, there are 100 cities and nine counties, or 109 total jurisdictions in the survey population. There are 194 cities and counties in Southern California, or the region that SCAG represents. The San Diego region, the only single-county MPO region surveyed, has 19 jurisdictions including the county.

Table 2.1: Survey response rate by region and selected counties

Survey geography	response number	number of jurisdictions that are members of regional COG/MPO	response rate
All jurisdictions	**133**	**351**	**38%**
Sacramento region	**13**	**28**	**46%**
Bay Area	**41**	**109**	**38%**
Alameda County	10	15	67%
Contra Costa County	9	20	45%
Santa Clara County	8	16	50%
San Mateo County	3	21	14%
Marin County	5	11	45%
Sonoma County	2	10	20%
Solano County	2	8	25%
Napa County	2	6	33%
San Francisco County	0	1	0%
Southern California	**70**	**194**	**36%**
Los Angeles County	28	88	32%
Orange County	17	33	52%
Riverside County	13	29	45%
San Bernardino County	7	25	28%
Ventura County	5	11	45%
Imperial County	0	8	0%
San Diego region	**9**	**19**	**47%**

N = 133

Responses were aggregated at the county level to protect the anonymity of respondents. In the Bay Area and Southern California, responses are reported at the county level and the regional level. Results for the Sacramento region are reported at the regional level due to the small number of jurisdictions in each county. Responses are reported at the regional level for San Diego.

2.1.3.2 Error and bias

Possible sample bias might arise from self-selection of jurisdictions that have a greater interest in sustainability planning, although judging from survey responses and comments, there are many respondents who did not have positive feelings towards regional or sustainability planning.

Possible sources of error in the survey responses include unit nonresponse and item nonresponse, or who does not respond and what questions go unanswered. There could be a common characteristic among planning departments that did not respond to the survey, such as thinking that the issue of sustainability or the SCS is not applicable to them or that they do not have the expertise to answer a survey on this topic. However, the large number of responses throughout the survey of "not applicable" or "unsure" makes these a less likely source of nonresponse. One anticipated barrier was staff time to answer the survey, either because the department is very small or very large. However, responses were received from a range of large and small cities, although several of the largest cities in the state did not respond. Item nonresponse was somewhat of an issue due to the survey length and difficulty of some questions, such as quantifying available land for development, although not as large as anticipated. All of the respondents who took the survey made it to the end, and there did not appear to be a pattern in the questions that they skipped. Although many questions had a few blank responses, these did not make up a large share for any one question.

2.2 The state of implementation

The issue of whether city and county plans are becoming more consistent with the regional SCSs is key to understanding the local implementation of SB 375. The law's success depends on voluntary actions by cities and counties to build dense, transit-oriented development, particularly housing. It accomplishes this through CEQA incentives and tightening of state-regional housing allocation law. SB 375 explicitly does not "require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan…" or the SCS (Steinberg 2008, p. 12). However, it strengthens the requirement for jurisdictions to have a housing element that is consistent with the rest of the general plan and to zone for their regional housing allocation (ibid, p. 21). The law creates an impetus for jurisdictions to zone for housing that is consistent with the SCS without diminishing local control of land use. Given this soft law context, clarity is needed on what cities are actually doing to implement the SCSs.

2.2.1 SCS implementation on the ground

2.2.1.1 (Where) is implementation happening?

Cities and counties are required by state law to update their housing elements every five to eight years, but there is no deadline for consistency planning, or planning to implement regional SCSs under SB 375. Table 2.2 shows the percentage of respondents that indicated that their jurisdiction is engaging in some kind of effort in order to make local planning documents consistent with their region's SCS. Seventy six percent (76%) of respondents said that their jurisdiction was engaging in planning that makes local plans more consistent with the SCS, either in the past, at the present, or in the future. The highest percentage of respondents reporting that they were doing SCS consistency planning was in the Bay Area, at eighty-five percent of jurisdictions (85%), followed by the San Diego region at seventy-eight percent (78%) and the Los

Angeles region at seventy-six percent (76%) of respondents. The lowest level of SCS consistency planning among respondents was in the Sacramento region at forty-six percent (46%) of jurisdictions, although this could be due to a greater share of rural member jurisdictions of SACOG than other regions.

Table 2.2 shows that a majority of respondents in each county represented indicated that they had or were planning to engage in some kind of SCS consistency planning. This gives the best available picture of where SB 375 is being implemented on the ground locally. One respondent noted that consistency had become a part of everyday planning efforts in their jurisdiction: "Since the adoption of SCAG's 2012-2035 RTP/SCS, the City has included in its CEQA analysis a comparison of proposed projects against the SCS."

Table 2.2: Jurisdictions working on local plan consistency with the SCS

Geography	Percentage of jurisdictions doing SCS consistency work
All jurisdictions	**76%**
Sacramento region	**46%**
Bay Area	**85%**
Alameda County	80%
Contra Costa County	89%
South Bay and Peninsula	91%
North Bay Counties	82%
Los Angeles region	**76%**
Los Angeles County	82%
Orange County	65%
Riverside County	92%
San Bernardino County	57%
Ventura County	60%
San Diego region	**78%**

N = 133
"Is your department updating any of its planning documents or guidelines to be more consistent with the region's Sustainable Communities Strategy (SCS)? 'Consistency' efforts might include updating the general plan or zoning code, or creating a climate action plan, that is consistent with the goals of the SCS (Question A1)."

2.2.1.2 What cities are doing to implement the SCS

The type of actions being taken to implement the SCSs varies by jurisdiction and by region. Figure 2.1 shows that the most frequently mentioned things that cities are doing for SCS consistency are general plan updates, climate action plans, specific plans, and zoning code updates, in that order. Between forty and fifty percent (40-50%) of respondents in all regions mentioned that they were doing an update that would make their general plan more consistent with the SCS, with the exception of Sacramento where just under a third (31%) of jurisdictions that responded to the survey were doing so. San Diego had the highest percentage of respondents that mentioned that their jurisdiction was preparing a climate action plan (56%), followed by the Bay Area (41%), Southern California (37%), and Sacramento (15%). The

number of specific plan updates was highest in the Bay Area (27%). The Bay Area also had the highest number of respondents who mentioned a zoning code update (12%), although the percentage was similar for all regions, with eleven percent (11%) in San Diego, ten percent (10%) in Southern California, and eight percent (8%) in Sacramento.

Figure 2.1: Local plans being updated for consistency
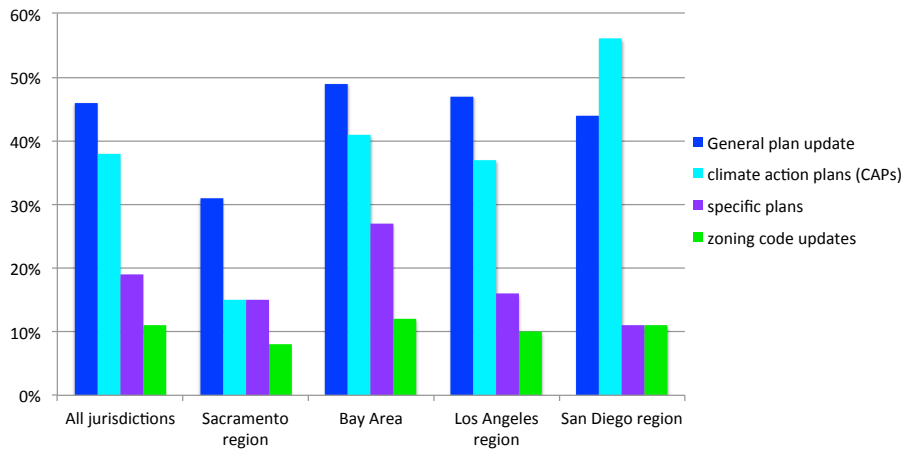
N=133
"If Yes or Other [to Question A1], please describe what documents or guidelines you are updating/creating for consistency with the regional SCS (question A2)."

Table 2.3 shows what documents municipalities are updating for consistency by selected counties and subregions. In the Bay Area, the largest number of general plan updates that involved SCS consistency occurred in the South Bay and Peninsula (Santa Clara and San Mateo Counties), and in Alameda County. In Southern California, the high number of climate action plans being prepared in the Inland Empire (San Bernardino and Riverside) reflects interview data that subregional associations of government there are assisting jurisdictions with CAPs, as well as model general plan language. The high number of CAPs reported across the state may be a result of the fact that local greenhouse gas reduction plans are part of the SB 97 (2007) framework requiring GHG impacts to be analyzed and mitigated for projects, including the general plan. The impact of this law and local planners' reaction to it was strongly reinforced by the state attorney general suing the San Bernardino County Board of Supervisors for failing to incorporate GHG impacts into a general plan update (author interviews). The lawsuit also reinforced SB 97's connection to land use, rather than just energy use, for example. This partly explains why planners cited CAPs as a contribution to the goals of the SCS, and shows one of the ways in which other laws support the goals of SB 375.

Table 2.3: Local plans being updated for consistency

	General plan update	climate action plans (CAPs)	specific plans	zoning code updates
All jurisdictions	**46%**	**38%**	**19%**	**11%**
Sacramento region	**31%**	**15%**	**15%**	**8%**
Bay Area	**49%**	**41%**	**27%**	**12%**
Alameda County	60%	30%	30%	20%
Contra Costa County	33%	44%	33%	22%
South Bay and Peninsula	73%	45%	18%	9%
North Bay Counties	33%	56%	33%	0%
Southern California	**47%**	**37%**	**16%**	**10%**
Los Angeles County	57%	36%	21%	14%
Orange County	29%	29%	12%	12%
Riverside County	54%	54%	15%	8%
San Bernardino County	29%	43%	14%	0
Ventura County	60%	20%	0	0
San Diego region	**44%**	**56%**	**11%**	**11%**

N=133
"If Yes or Other [to Question A1], please describe what documents or guidelines you
are updating/creating for consistency with the regional SCS (question A2)."

Figure 2.2 shows the variety of documents or guidelines that jurisdictions are
updating or creating for consistency with the regional SCS. Among respondents that
mentioned the general plan, several also specified that they were updating their
circulation element, housing element, or land use element (shown in green). A few
mentioned they were creating a sustainability element to their general plan. Several
mentioned an energy plan, which suggests that planners connect different
sustainability issues in their work, even if energy is not an aspect of the SCSs. In
keeping with the goals of the SCSs to reduce emissions through land use and
transportation planning, many of the plans mentioned relate to land use, and several
relate to transportation. A climate action plan or a sustainability element of a general
plan can have land use or transportation components, while an energy plan is typically
not related to land use or transportation.

Figure 2.2: Documents being updated for consistency
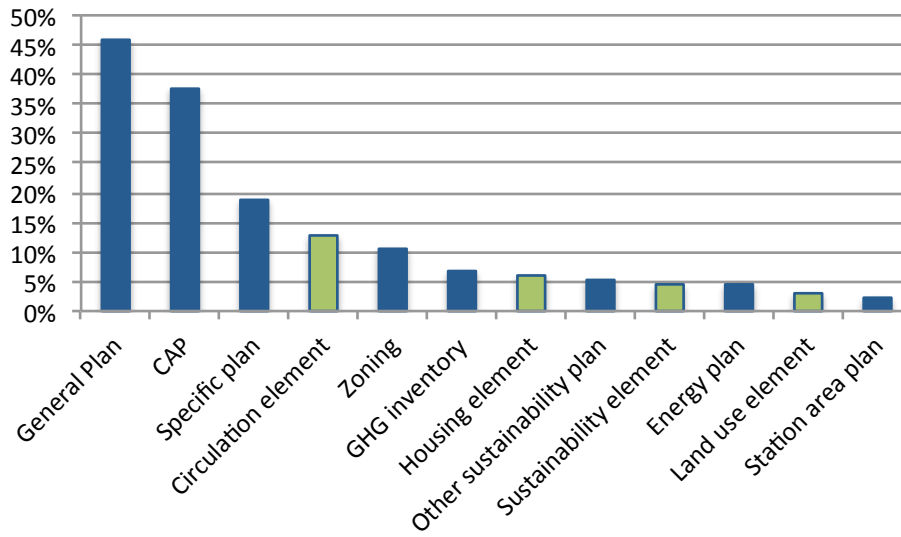
Blue=individual plans or activities, Green=components of the general plan
N=133
"If Yes or Other [to Question A1], please describe what documents or guidelines you
are updating/creating for consistency with the regional SCS (question A2)."

2.2.1.3 Timelines for implementation

Most work to make local plans consistent with the SCS was ongoing as of 2014
and respondents estimated that it would be finished within two to three (2-3) years.
Survey results showed that most work started between 2012 and 2014 and much of it
will end between 2015 and 2016. This is encouraging, considering that there was no
deadline in the law for consistency work and no requirement other than updating
housing elements to reflect regional targets. Some of the activities that constitute
consistency work, for example general plan updates, began prior to SCS passage. This
supports the idea that a combination of factors, including SB 375 and other legislation,
has contributed to localities incorporating GHG reductions through land use and
transportation into local plans.

2.2.1.4 Priorities for implementation

Although updating the local housing element is the main required local activity
under SB 375, the broader mandate is to plan for smart growth. Smart growth involves
inclusive transportation and land use planning that helps reduce emissions reductions
via reduced vehicle trips (Downs 2005; Chapin 2012). Respondents ranked the
importance that their jurisdiction places on five different smart growth planning
activities. Figure 2.3 shows that (80%) of respondents rated bike or pedestrian
improvements as a 4 or a 5 (high priority). Fifty-six percent (56%) of respondents
rated multifamily housing as a 4 or a 5. Improving public transportation was more
evenly split and tended towards a medium priority level, with fifty-three percent (53%)

of respondents rating it a 4 or a 5. Just over half (51%) rated vertical mixed use as a 4 or a 5 priority level. Horizontal mixed use, which was intended as a measure of suburban retrofits, such as corridor redevelopment, received the lowest priority rating from planners.

Figure 2.3: Priority level of different smart growth measures for jurisdictions
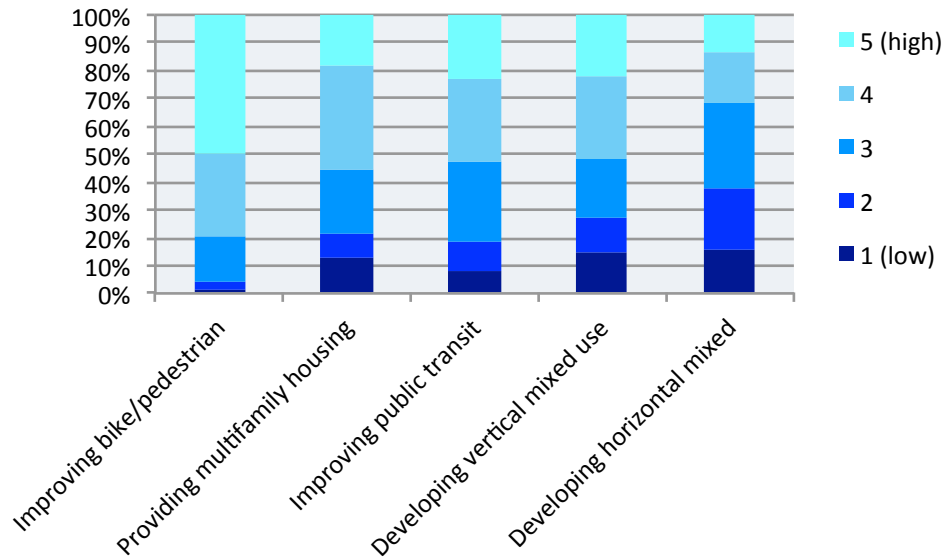
N=114, 113, 113, 111, 113
"How would you rate the importance of each of the following activities in your jurisdiction's work on SCS consistency, with 1 being a low priority and 5 being a high priority (Question A6)?"

2.2.2 Analysis

SCS implementation is happening across the state, but unevenly, and planners are prioritizing less controversial active transportation measures over more difficult land use measures. The Bay Area and San Diego regions had the highest percentage of jurisdictions reporting that they were taking actions to implement the SCS, followed by Southern California. The most popular plan updates for SCS consistency were general plan updates and climate action plans, with fewer planners identifying specific plans and zoning code updates as part of their SCS implementation. Planners ranked improving bicycle-pedestrian infrastructure and providing multifamily housing as high priorities for SCS implementation, with transit and mixed use as lower priorities. Although active transportation receives by far the highest priority ranking, as a strategy for reducing regional emissions it may be less effective than land use measures that increase density, such as multifamily housing and mixed use. If California is to meet the goal of SB 375 of keeping sprawl's contribution to climate change from outpacing transportation efficiency gains, land use strategies will need greater attention. While it is encouraging that many cities reported incorporating SCS goals into their general plans, more work will be needed on incorporating these goals into specific plans and zoning codes.

Several jurisdictions that said that they were not doing consistency work *in response to the SCS* nonetheless reported listed actions they had taken that were increasing their consistency with the SCS. In other words, the reported rate of jurisdictions that are doing consistency work may not reflect the full level of local actions that may nonetheless reduce emissions. Some jurisdictions came to the conclusion that they are already on a trajectory of supporting the regional SCS without any changes to local plans (survey comments, interview data). Despite this, the rate of reported consistency work in Table 2.2 is a good baseline for understanding whether municipalities are implementing the SCSs. The following section on capacity helps provide an understanding of why implementation is occurring unevenly across regions and subregions.

2.3 Capacity for SCS implementation

I hypothesized that capacity would be a key constraint on local SCS implementation. Staff time, technical assistance, funding, and the development market each contribute to local capacity for implementation.

2.3.1 Staff time

SB 375 and SCS implementation potentially add to the workload of local planning departments. At the same time, a recession and budget cuts in the state were forcing many cities in the state to cut staff just as the law was going into effect. Some planners pointed out in their comments that sustainability is an integral part of their work, rather than an additional burden. Yet many responded that it had or would likely increase their workload.

Forty-two percent (42%) of planning departments currently need more staff or anticipate needing more staff for smart growth or SCS implementation (Figure 2.4). A little over half (51%) of respondents said that their department could absorb any additional workload from SB 375 (or did not anticipate needing to do so) at current staffing levels (Figure 2.5). Just under a third (30%) said that they needed one additional employee or full-time equivalent (FTE), twelve percent (12%) said that they needed two additional FTEs, and seven percent (7%) said that they would need three or more new staff members to handle upcoming smart growth SCS implementation planning activities.

Respondents saying that they had staff constraints around participation in the development of the region's SCS before it was adopted was associated with a higher likelihood of jurisdictions reporting that they were doing SCS consistency work (Table A2.1, $p = 0.07$). A possible explanation of this seemingly conflicting result is that greater engagement creates more perceived staffing needs.

Figure 2.4: Staff time available for smart growth
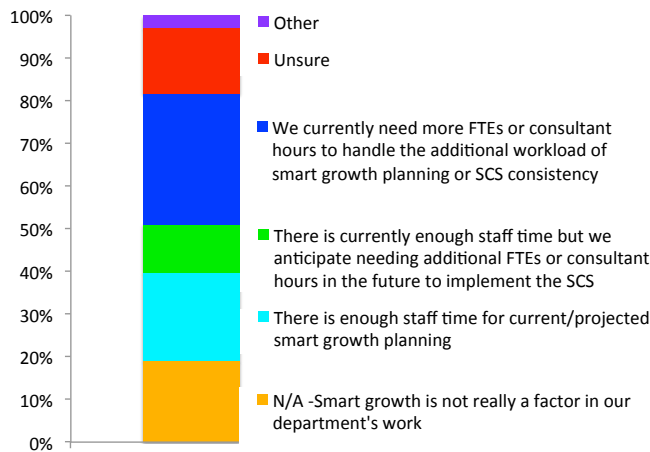
(N=131)
"Which of the following statements best describes the amount of staff time available for smart-growth planning in your jurisdiction (Question G1)?"

Figure 2.5: Number of new staff needed to handle smart growth or SCS workload
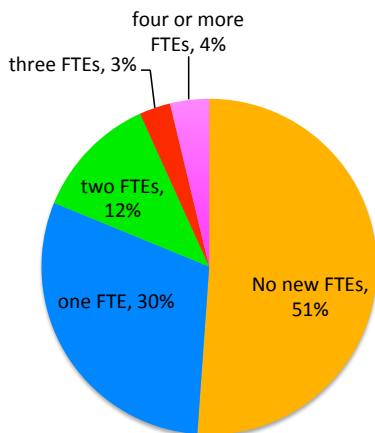
(N=133)
"How many more FTEs would you need to manage workload related to smart growth or SCS consistency in the next 3 years (Question G2)?"

2.3.2 Technical assistance

2.3.2.1 Source of technical assistance

The largest amount of technical assistance (TA) for smart growth comes from regional agencies, followed by in-house and consultant TA, county transportation agencies, subregional councils of government, and state agencies. Over half of respondents (55%) reported that their departments receive a moderate or large amount (ratings of 3, 4, or 5) of TA from a regional agency. Over a third (41% and 40%,

respectively said that they receive a moderate or large amount of TA for smart growth in-house or from a consultant. Thirty-five percent (35%) said that they receive a moderate or large amount of TA from county transportation agencies (CTAs or CMAs), and twenty-three percent (23%) said that they receive a similar amount from a subregional COG. Twenty-two percent (22%) reported medium levels of TA from the state (rating of 3 or 4). This suggests that aside from the expertise of their own staff and consultants, planners are primarily interacting with regional and subregional agencies to figure out how to plan for smart growth.

Figure 2.6: Sources of technical assistance for smart growth
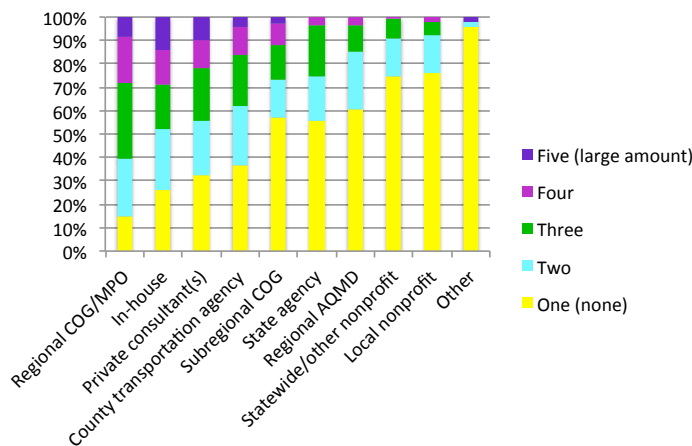
(N= 115, 119, 121, 120, 115, 115, 108, 108, 113, 45)
"Please rate how much technical assistance on smart growth you already receive from the following sources, with 1 being none and 5 being a large amount (Question G3)."

2.3.2.2 Topic of technical assistance

Financing of smart growth was the issue of greatest concern for planners in terms of their TA needs, followed by design, public outreach, and SCS consistency. Sixty-six percent (66%) of respondents reported that they need a medium or large amount (ratings of 3, 4, or 5) of additional TA for financing smart growth. Sixty-three (63%) said the same about design TA, and fifty-three percent (53%) reported similar levels of needed TA for public engagement. Half of respondents (50%) said they need medium or large amounts of additional TA for planning for SCS consistency.

Needing more technical assistance for design and financing was associated with a greater likelihood of a jurisdiction's public works department being involved in SCS consistency work (Table A2.4, p=.07, p=.03). This result could be related to an increased level of activity around smart growth planning. If a jurisdiction identifies that they need more help and they are including public works in the process, they might be farther down the line in doing SCS consistency than jurisdictions that have just begun to consider it. They might actually be closer to the stage of approving or building projects.

Figure 2.7: Level of needed technical assistance by topic
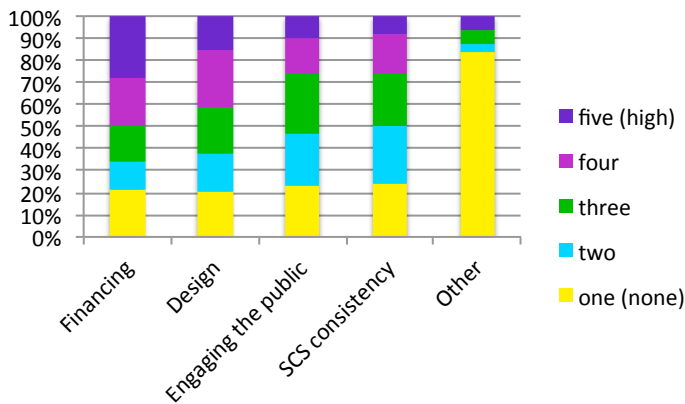
(N= 120, 121, 119, 119, 31)
"Please rate how much additional technical assistance on smart growth planning you need/anticipate needing in the following areas, with 1 being none and 5 being a large amount (Question G4)."

2.3.3 The funding gap

Funding for infrastructure that supports smart growth such as affordable housing, mixed use, and transit service, presents a large capacity constraint on local implementation of SB 375. Interview and survey respondents during the data collection period from 2013-2015 frequently commented that not enough funding was available for local implementation, and that SB 375 risks being an unfunded mandate. Planners in jurisdictions with a heavily suburban or rural character often said that SB 375 does not provide enough incentives or resources for them, or that those resources that are available go to more urban jurisdictions that have more staff time to devote to grant applications or can afford to begin sustainability work that bolsters their applications. Regional planners and state lawmakers would benefit from knowing how large the gap is and what types of infrastructure are most underfunded. Since then, the state has increased funding from the carbon emission Cap and Trade auction for Strategic Growth Council grants to municipalities, but the need for funding for smart growth remains great.

2.3.3.1 Grant applications

Because SB 375 has limited local requirements, incentive grants have been a main tool for encouraging implementation within regions. The Bay Area had a smaller reported gap between the share of grant applications and grants received for smart growth over the past ten years relative to Southern California. This is consistent with interview data that suggested that many jurisdictions in the Los Angeles region feel that they are outcompeted by larger, more savvy jurisdictions within their region as well as different regions in the state. Interviewees in Southern California reported that they believed that SB 375 was designed for smaller regions. However, respondents in the Sacramento region reported a larger gap between applications and grants received, but this may be due to a larger proportion of rural jurisdictions. In 2015, the state

Strategic Growth Council awarded funds for sustainability planning primarily to Bay Area applicants, a decision that Southern California jurisdictions disagreed with vehemently (Stephens 2015). In response, the state reversed course and provided additional funds to Southern California jurisdictions for sustainability work.

Applying and receiving sustainability grants was associated with an increased likelihood of doing SCS consistency work (Table A2.1, $p=0.02$, $p=0.02$). Applying for and receiving sustainability grants was related to the public works department being involved in SCS consistency work (Table A2.4, $p=0.05$, $p=0.04$). These two variables were also related to active transportation, multifamily housing, and horizontal mixed use being a priority for the department's work on smart growth (Table A2.6, $p=0.001$, $p=0.004$; Table A2.7, $p=0.0005$, $p=0.005$; Table A2.10, $p=0.004$, $p=0.07$). Applying for a sustainability grant was associated with public transit being a priority for a municipality (Table A2.8, $p=0.06$). The fact that just applying increased the likelihood of doing SCS consistency work and making different smart growth measures a priority suggests that the process of applying provides momentum for jurisdictions to prioritize and start planning for these issues. On the other hand, the grants provide a process for rallying around a pre-existing priority.

Table 2.4: Applications and grants received for smart growth

	Applied for sustainability grants		Received sustainability grants	
	percentage	N	percentage	N
All jurisdictions	70%	107	62%	106
Sacramento region	77%	13	58%	12
Bay Area region	68%	31	67%	27
Los Angeles region	69%	54	59%	58
San Diego region	78%	9	78%	9

"Has your department applied for any sustainability-related grants in the last ten years that you are aware of? Examples might include a Strategic Growth Council grant, CalGreen, Living Cities, regional agency grants, or foundation grants (Question H1)."
"Has your jurisdiction been awarded any sustainability grants that you are aware of in the last ten years (Question H2)?"

2.3.3.2 Funding gap for smart growth

California's limits on local property tax rates constrain municipal revenue. Local spending on smart growth might vary by revenue, and by how much of a priority smart growth is locally. Figure 2.8 shows that there is a large variation in the amount of local resources being spent on smart growth among jurisdictions of a similar population size. Many of the jurisdictions spending more than $10 million on smart growth implementation have a population of roughly eighty to 100 thousand people.

Figure 2.8: Dollars spent on smart growth
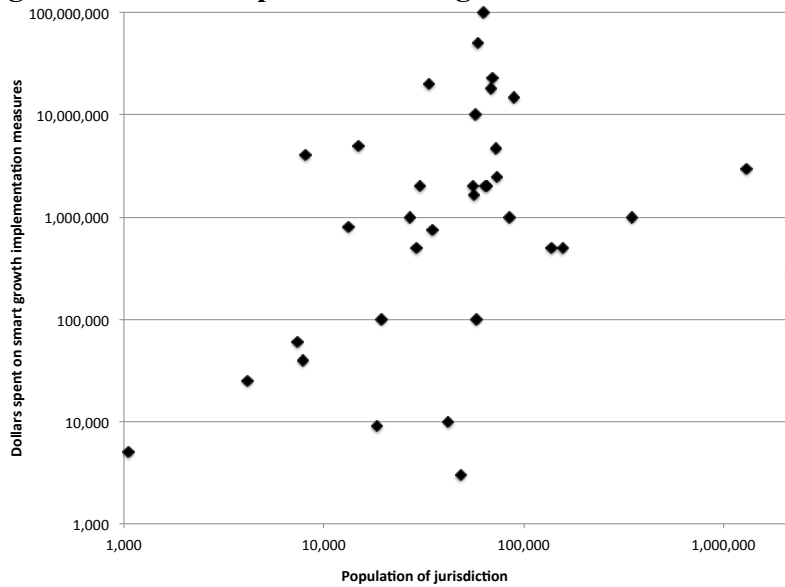
N=84, Responses of "zero dollars spent" = 16
Responses of "unsure" = 20, n/a = 1
"Roughly how much local funding would you estimate your jurisdiction has designated towards implementing smart growth related policies in the past two years? Sources might include sales or property tax revenue or other assessment revenue. Implementation measures might include bike‑pedestrian improvements, transit‑related improvements, or infrastructure for infill or mixed use commercial/residential development (Question H3)."

Of the jurisdictions that reported needing funding for smart growth or SCS consistency planning, most said that they need between $100 thousand and $1 million, even at different population levels (Figure 2.9). However, the number of respondents who even had an estimate for how much funding would be needed for smart growth planning was low.

Figure 2.9: Funding needed for smart growth planning
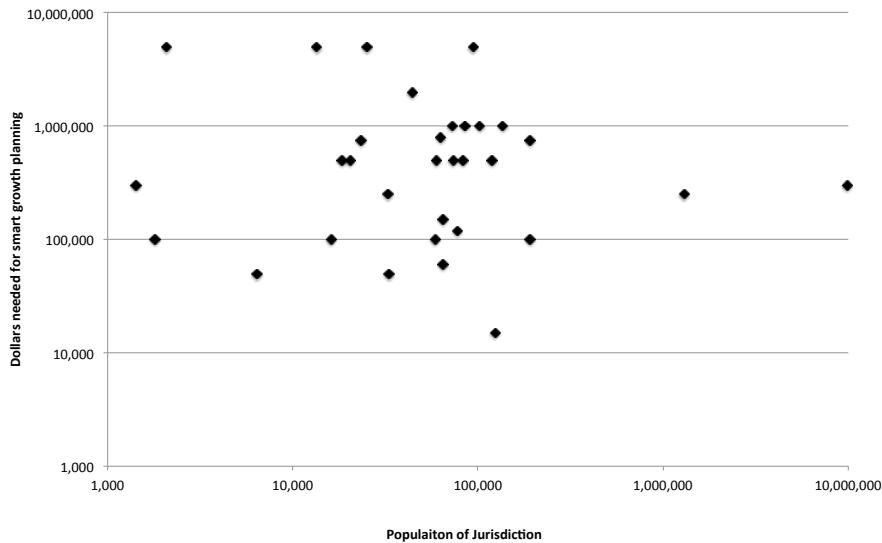
N=47
Unknown=12
N/A=1
"Does your jurisdiction need additional funding to complete smart growth or SCS consistency planning efforts, either in-house or with a consultant? If yes, how much (Question H4)?"

Many planners reported a gap in infrastructure funding for smart growth, particularly for "complete streets." The state has mandated that cities plan for accessibility for all users of roadways, not just vehicles. This may be the most expensive, and the most urgent infrastructure funding issue. Water and sewer also ranked high as an infrastructure deficit for supporting smart growth. Several planners wrote in more specifically that stormwater drainage infrastructure is underfunded. Many jurisdictions also selected green transportation technology as underfunded infrastructure for smart growth, including electric car charging and smart bus support systems.

Figure 2.10: Funding gap for smart growth-supporting infrastructure
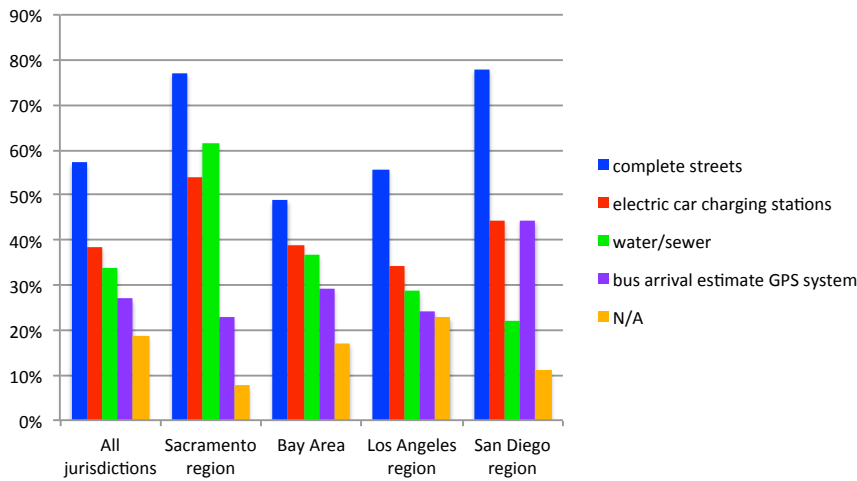
N= 132, 132, 132, 132, 132, 133
Other=10, N/A=2
"Is there a gap in funding for infrastructure that would be needed to serve smart growth projects in your jurisdiction? If so, what kind of infrastructure? Select all that apply (Question H5)."

The number of respondents who could estimate the amount of funding they would need to make up the gap for smart growth infrastructure was low. Of those who responded, most said that their jurisdiction would likely need between $10 million and $100 million for infrastructure to serve smart growth projects. Planners reported that they thought that the most likely source of funding for smart growth in the near future would be state grants, followed by regional grants, followed by federal funding, with local sales tax revenue as a distant fourth source of funding (see Figure A1.9). This suggests that municipalities have some confidence that state and regional sources of smart growth funding will be available and may be working towards being eligible for those funds.

Figure 2.11: Funding gap for smart growth infrastructure
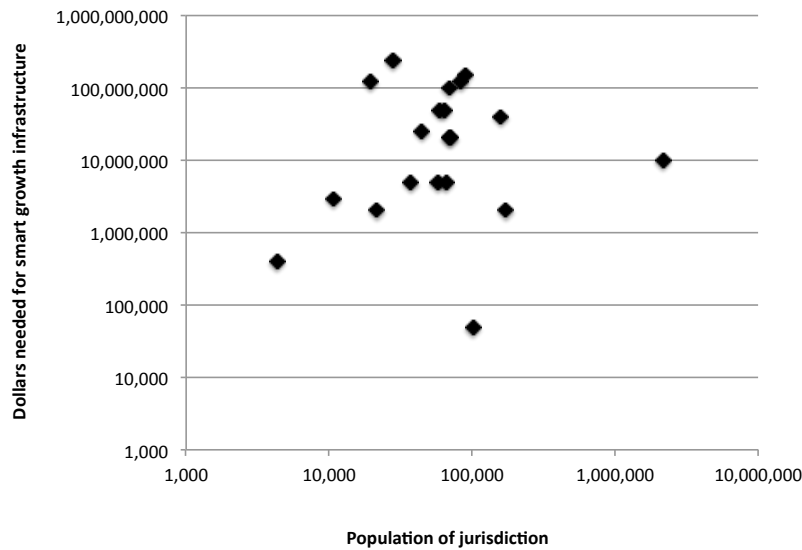
N=33, unsure=10
"If yes please estimate the funding gap (Question H5)."

2.3.4 Developable land and interest from developers

The local development market is an important potential constraint on capacity for smart growth, particularly mixed use and housing development. Many local planners pointed out that their jurisdictions can only prepare for development interest, they cannot generate it themselves. One planner said that their jurisdiction has "…a specific plan that calls for mixed use with residential but it is unlikely that the redevelopment will start to occur soon." SB 375 and other infill-related legislation in California seek to realign the incentives for development. The bill might be working in the sense that local plans are being updated for smart growth, but another measure of success is what is being built.

2.3.4.1 The local development market

Half of respondents saw the development market going forward as strong or very strong as of 2014. This suggests that it might be possible to measure the impact of SB 375 in terms of projects built, and not just plans adopted or updated, in the coming years. Sacramento and Southern California had the highest share of jurisdictions that reported a slow or very slow development market. The Bay Area and San Diego had the highest share of jurisdictions reporting a strong or very strong development market.

Figure 2.12: Planners' level of optimism about the local development market going forward
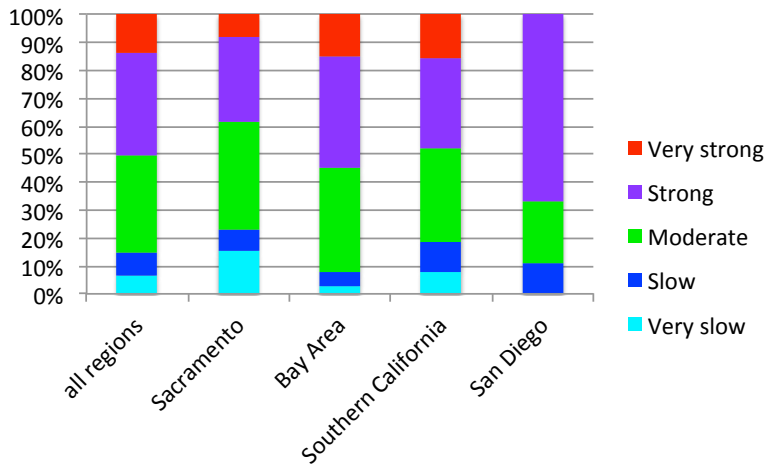
"In general, how would you describe the real estate development market in your jurisdiction…a year from now (Question F1)?"

2.3.4.2 Available land

The average estimate of the amount of vacant land in a given jurisdiction was 20,000 acres. Several jurisdictions noted that they were "built out." An area for future research would be to try to measure the estimated infill potential in a city, and what pressure this might place on other uses, such as industrial.

Figure 2.13: Acres of developable land
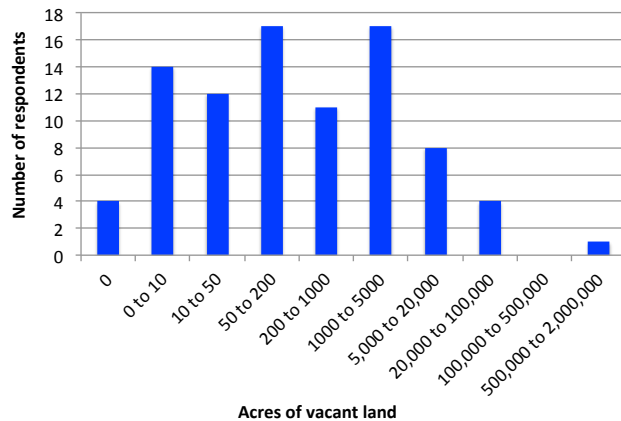
"Based on the most recent available estimate, if available, how many acres of vacant land does your jurisdiction have (Question F2)?"

2.3.4.3 Interest from developers

Developer interest across jurisdictions affects how much smart growth will be built. In the Sacramento and San Diego regions seventy-seven and eighty-nine percent (77%, 89%), respectively, of jurisdictions reported that there has been proposed infill projects in low-density areas, suggesting that there may be infill occurring in areas with a more suburban urban form. Sacramento and San Diego also some jurisdictions that reported infill in high density areas (69% and 67%). The Bay Area had an even split between infill in low and high density areas (59% for both), and the Los Angeles region also had a close distribution between the two (53% and 59%, respectively). The San Diego region was the only one with a higher amount of horizontal than vertical mixed use (33% and 22%, respectively). The highest level of vertical mixed use was in the Bay Area (61% of jurisdictions) followed by Southern California (53% of jurisdictions). The Bay Area and Los Angeles had a similar number of jurisdictions report that they had received proposals in recent years for horizontal mixed use (46% for both).

In Southern California, the counties with the highest share of jurisdictions reporting that they had received proposals for infill in low-density areas were San Bernardino County (71%) and Riverside County (69%). Eighty-two percent (82%) of Orange County jurisdictions had received infill proposals in high density areas. In the Bay Area, eighty percent (80%) of Alameda County jurisdictions that responded to the survey had received proposals for infill development in high density areas.

The average number of projects reviewed was three (3), the average approved was two (2), and the average number that had broken ground was one (1), with a similar distribution across regions.

Figure 2.14: Types of recent smart growth development proposals
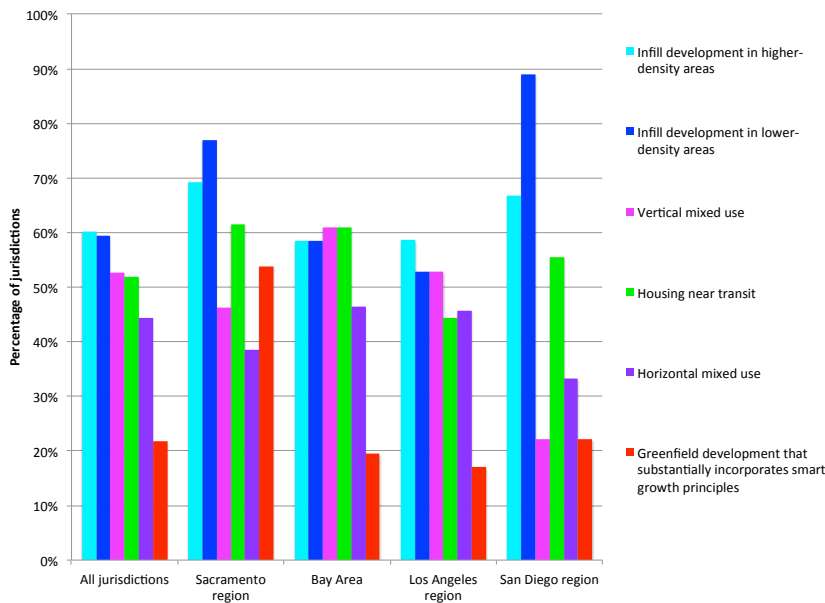
N=132
"What kinds of smart growth projects is your jurisdiction currently reviewing or have you reviewed in the last five years (Question F3)?"

2.3.5 Analysis

The success of SB 375 depends largely on local capacity for implementation. Staff time, technical assistance, funding, and development potential all contribute to local capacity for building smart growth infrastructure and projects such as mixed use and affordable housing.

SB 375 implementation is creating additional burdens on planning departments, both in terms of staff time, expertise, and funding. Financing is an issue, both in terms of technical assistance and the funding gap for smart growth planning and infrastructure. Planners need additional technical assistance on smart growth design, public outreach, and planning for SCS consistency. However, departments that have identified these needs are also those that are working on SCS consistency.

Regional and subregional COGs, regional MPOs, and county transportation agencies are providing most of the technical assistance that cities receive on implementing state and regional smart growth policy. This calls for a more in-depth understanding of these relationships of regional and subregional governance than a survey can provide.

The gap between jurisdictions that have applied for smart growth grants and those who have received them is more pronounced in Southern California, suggesting a need for a larger funding pot and assistance preparing for grant requirements through planning. Many planners did not know the exact local funding gap for smart growth planning and infrastructure. However, the average estimate was close to $100 thousand for planning and close to $100 million for infrastructure, particularly complete streets and other basic services.

The availability of land, the development market, and availability of public funding for infrastructure will affect the pace at which smart growth is built. At the time of the survey in mid-2014, planners were seeing a slow recovery in the real estate market, and signs that the market would be different than it had been before 2007 crash. One Southern California planner noted that "private-sector emphasis currently is on re-use of existing buildings and infill sites." Yet others noted a continued interest in greenfield development, especially in more suburban and rural jurisdictions, such as in the Sacramento region. Two Inland Empire respondents said that industrial development was occurring faster than other forms of development, which may be a good sign for improving the subregion's jobs-housing balance, which has traditionally been residential-heavy.

While in some jurisdictions lack of developer demand is a constraint on capacity, in others the ability of planning and infrastructure to keep pace with demand is the problem. One planner commented that

> "There is a strong market for stand-alone, very small lot SFD [single family development]. We do not have the codes for this type of development, nor do we believe it meets the intent of TOD. High-density development is hard to finance, and now that the State has removed redevelopment as a tool, it is near impossible to facilitate the …infrastructure that is necessary to build TOD."

Since the survey was conducted, the state of California has passed two bills that might support infrastructure financing in a similar but more equitable way than the old redevelopment system. Senate Bill 628 (2014) created Enhanced Infrastructure Financing Districts (EIFDs) and Assembly Bill 2 (2015) created Community Redevelopment Investment Authorities (CRIAs). They will likely provide a way to fund an infrastructure project with tax increment financing, without cutting into school revenue, with greater community input, and using a definition of a distressed area based on income, rather than the vague idea of 'blight' (Stephens 2015). These policy changes may facilitate the type of transit oriented and compact development that SB 375 attempts to promote.

2.4 The role of cooperation and regional governance

A second hypothesis was that levels of cooperation between local government actors, and between local government and other scales of government, such as county and regional agencies, would affect the success of local SB 375 implementation.

2.4.1 Number of departments involved in SCS implementation

Over half of respondents reported that two or more departments at their jurisdiction were working on SCS consistency, such as planning and public works, and community development if this is a separate department (Figure 2.15 and Figure 2.16). This is encouraging because it might mean that there is collaboration occurring across departments, rather than a siloing of the issue in planning. A handful of jurisdictions reported cooperation across other departments, such as economic development or utilities. As noted in the previous section, the indicators for whether a public works department was involved in SCS consistency were different than for other departments and included the need for more technical assistance, such as design, potentially indicating a more advanced level of smart growth planning and implementation.

Figure 2.15: Percentage of jurisdictions reporting that a given department is involved in SCS implementation
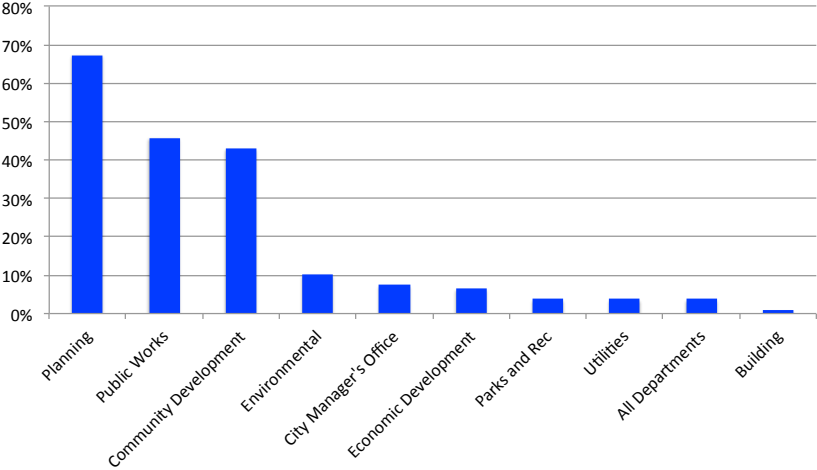
Figure 2.16: Percentage of jurisdictions with a given number of departments involved in SCS implementation
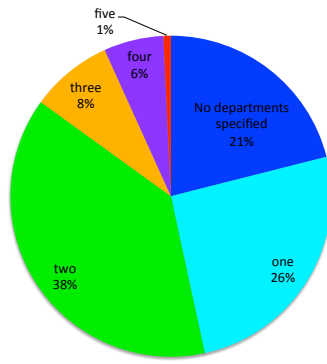
2.4.2 Participation in regional governance

A subhypothesis is that jurisdictions that were more invested in SCS development would also be more likely to be taking action to implement it. Similar levels of planner participation in SCS development occurred via comments and hearings. A greater share of jurisdictions from the Sacramento and San Diego regions had staff attend hearings on the SCS, and a greater share had submitted comments in the Bay Area and Southern California. This is perhaps related to the greater geographical dispersion of the latter two regions, or the greater difficulty for regional planners of encouraging many more jurisdictions to participate, i.e. the difference between having a dozen or two versus many dozens of jurisdictions. A tiny share of jurisdictions in the Bay Area (5%) and fourteen percent (14%) of Southern California jurisdictions noted that their jurisdiction had participated in SCS development via a subregional agency such as a COG. There is only one subregional COG in the Bay Area in San Mateo County, while there are several in Southern California, including two that prepared subregional SCSs.

Participation in the development of the SCS was not a good indicator of whether jurisdictions were working on implementation measures. This could be because jurisdictions that did not agree with the goals of the SCS nonetheless participated in its development. However, participation in SCS development was a good indicator of whether multifamily housing and horizontal mixed use were priorities for a jurisdiction (Table A2.7, p= 0.009; Table A2.10, p=0.04). Jurisdictions that are more attuned to regional planning could be more likely to be interested in development in general.

Figure 2.17: Participation in the development of the first SCS before its adoption
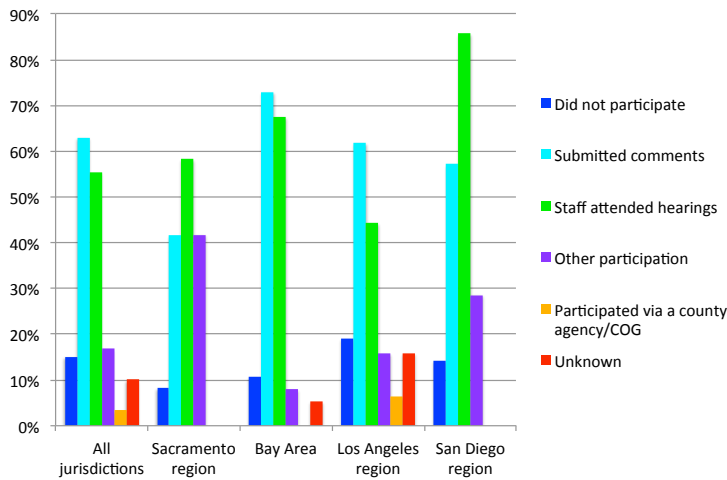
"In what way(s) did staff from your jurisdiction participate in the development of your region's first SCS? Select all that apply (Question B1)."

The greatest barrier to participation in the original development of the SCS was staff time (Figure 2.18). There was also a handful of respondents that reported that they did not feel that their jurisdiction's participation in that process would affect the outcome. This could be a sign of apathy with regard to the goals of the SCS, possibly depressing implementation efforts. However, there was no significant relationship between this result, that "it did not seem like participation in SCS development would change it that much," and rates of SCS implementation.

Figure 2.18: Barriers to participation in SCS development
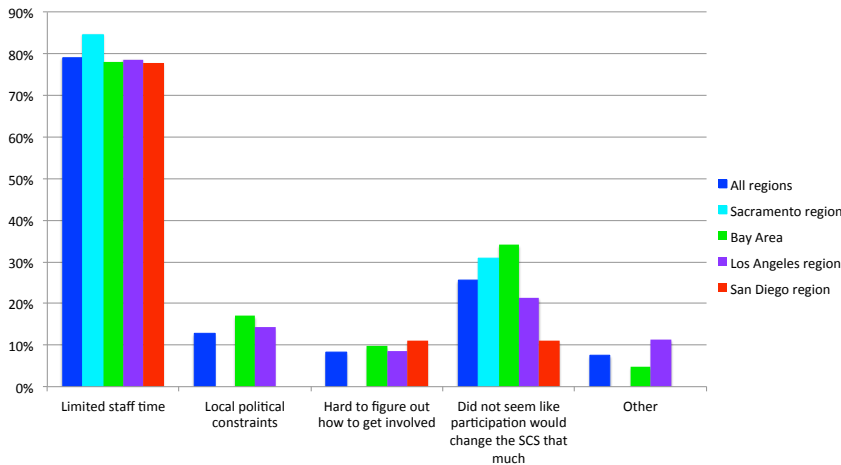
"Did your department face any barriers to participation in the SCS development process? Select all that apply (Question B4)."

A subhypothesis was that jurisdictions that participated in other regional planning initiatives besides the SCS would be more likely to be engaging in SCS implementation. The Sacramento and San Diego regions had the highest share of participation in regional planning prior the SCS, although this may again have to do with the size of the regions. In fact, there was not a significant relationship between previous regional planning participation and doing SCS consistency work.

Table 2.5: Pre-SCS participation in regional planning

	Percentage of jurisdictions that participated in regional planning prior to the SCS
All regions	74%
Sacramento	85%
Bay Area	80%
Southern California	66%
San Diego	89%

N=132
"Has your department ever participated in a regional planning initiative other than the SCS (Question B2)?"

In addition to the primary regional planning activities that jurisdictions have participated in shown in Figure 2.19, including the RTP and the RHNA process (in red), there was a long tail of subregional activities that jurisdictions had participated in (in blue). Some of these activities were sustainability-related and others were not, but they are a sign of cross-jurisdictional cooperation. They show that much of what city planners think of as "regional planning" actually occurs at the subregional level. This suggests that regional agencies implementing regional sustainability plans, or state legislators seeking to build on existing work, could take advantage of this structure to support sustainability planning work by subregional agencies like county transportation agencies, subregional COGs, and other county-level associations.

Prior participation in a regional planning activity other than the SCS via a subregional agency, such as a county transportation agency or a subregional association of governments, increased the likelihood that a jurisdiction was working on SCS consistency (Table A2.1, p=0.08). There was no significant relationship between past participation in regional planning via a regional agency and SCS consistency work. This could be because jurisdictions participate in some regional planning activities, such as the regional housing needs allocation process or regional transportation planning, largely because they want to shape them in their favor. It could just be that all jurisdictions have an interest in regional agency-driven planning processes, regardless of their interest in SCS implementation. Subregional planning activities, such as climate action planning, could involve more of an alignment of priorities between local jurisdictions and subregional agencies.

Participation in regional planning prior to the SCS via a subregional agency also increased the likelihood that a jurisdiction prioritizes active transportation (Table A2.1, p=0.08). This could simply be because county transportation agencies

coordinate countywide bicycle trail networks. Past participation in regional planning via a regional agency was a slightly greater indicator of whether multifamily housing was a local priority than past regional planning via a subregional agency (Table A2.7, p=0.05, p=0.06). As mentioned earlier, this could be because participation in the regional housing allocation process indicates an interest in growth.

Figure 2.19: Past participation in regional planning through regional agencies and subregional agencies
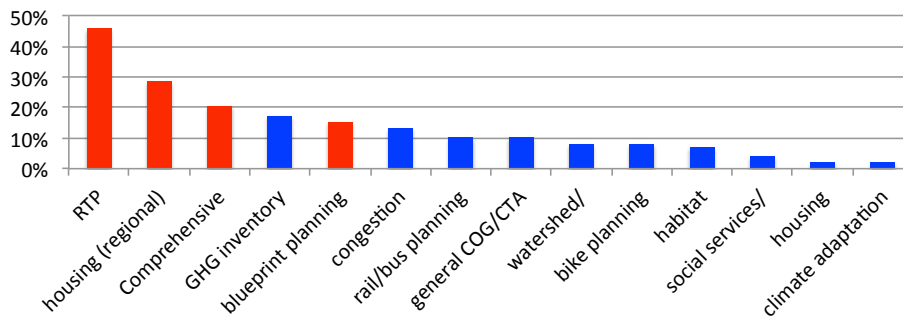
Red = Initiative of regional COG/MPO, Blue = initiative of subregional COG/CTA
N=132
"Has your department ever participated in a regional planning initiative other than the SCS? If Yes, please list to the best of your knowledge (Question B2)."

2.4.3 What scales/agencies are promoting cooperation

Over half (58%) of respondents reported that their jurisdiction had cooperated with other jurisdictions on a sustainability measure. This cooperation was a significant predictor for whether a jurisdiction was working on SCS consistency (Table A2.1, p=0.08). In fact, in a combined logit model containing all individually significant predictors, working with neighboring jurisdictions on smart growth was the strongest positive indicator of whether a jurisdiction was working on SCS consistency (Table A2.2, p=0.06). It also indicated whether a jurisdiction prioritized active transportation (Table A2.6, p=0.01).

Figure 2.20: Percentage of jurisdictions that have cooperated with other jurisdictions on smart growth or sustainability measures

N=130

56
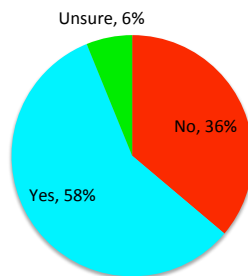
"Has your jurisdiction worked with any of the surrounding jurisdictions on smart growth or sustainability measures? Examples could include: a bus rapid transit line across city boundaries, a multi-city conservation plan or corridor plan, city-county consultation on land use decisions, or a multi-city car-share or bike-share program (Question E2)."

The Bay Area had the highest share of reported encouragement from a county transportation agency of cross-jurisdictional collaboration on smart growth (83%). A large share of jurisdictions in all four regions reported that a regional agency had provided encouragement for cross-jurisdictional collaboration on smart growth (over 65%). Over half (55%) of jurisdictions in Southern California reported that a subregional COG had encouraged cooperation on smart growth with their neighbors. another result that points to the need for a case study analysis.

A jurisdiction was more likely to be prioritizing multifamily housing if a county transportation agency had encouraged them towards smart growth. This relationship between multifamily housing and CMA/CTA encouragement of smart growth was stronger than the relationship for either regional agencies or subregional COGs providing the same encouragement (Table A2.7, p=0.02, p=0.07, p=0.07).

Figure 2.21: Percentage of jurisdictions that have received encouragement towards cross-jurisdictional cooperation on smart growth from other scales of government
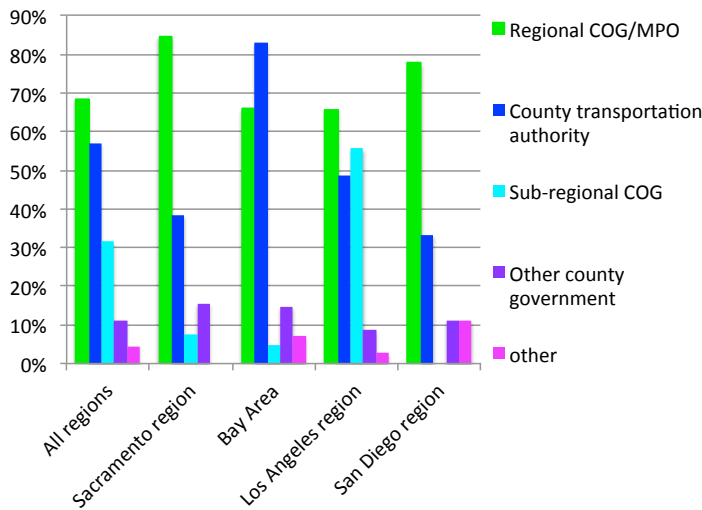
N=133
"Do any of your local/regional institutions encourage cooperation with other jurisdictions on smart growth or sustainability measures? Select all that apply (Question E3)."

2.4.4 Analysis

The high share of jurisdictions that cited county transportation agencies as a source of encouragement for cross-jurisdictional collaboration on smart growth, and the fact that this was related to local prioritization of multifamily housing, suggests a need for a case study analysis of the smart growth coordination work of county transportation agencies in the Bay Area. The large share of jurisdictions in Southern

California that reported similar encouragement for different smart growth measures from a subregional COG is another result that points to the need for a case study analysis.

2.5 The role of incentives and local politics

2.5.1 CEQA incentives for smart growth

SB 375 created new incentives for infill development. I consider the impact of these and other related infill incentives. At the same time, local politics may present an obstacle to smart growth. A subhypothesis is that there is a connection between planners' use of California Environmental Quality Act (CEQA) incentives for smart growth and SCS implementation. Another subhypothesis is that local politics creates a disincentive for SCS implementation.

SB 375 creates environmental review documentation exceptions for jurisdictions that plan for transit priority projects (TPPs) that are consistent with the SCS. TPPs are required to have fifty percent residential use with at least twenty units per acre and be "within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan" with transit service that runs at a maximum of fifteen-minute intervals at peak hours (Steinberg 2008, p. 32). Interview data confirm the survey results that these criteria for receiving the incentive were difficult to meet and have resulted in few projects being built. However, other infill incentives, and an update to SB 375's incentives, have had an effect. For example, survey results show that expansion of CEQA benefits of consistency with the SCS under SB 226 (2011) has been more effective than the original benefits in SB 375.

2.5.1.1 Awareness of smart growth incentives

Forty-one percent of respondents 41% were aware in general but not about specific CEQA exemptions for infill in general and near transit. Table 2.6 shows awareness levels for specific CEQA exemptions. The SB 375 exemptions had lower awareness among planners than other infill exemptions, even ones that have not been around as long as SB 375.

Table 2.6: Exemptions to the California Environmental Quality Act for infill development and awareness levels among planers

Year	Bill	Description	Public Resources Code Section	Awareness of the exemption, all regions
2013	SB 743	Exemption for infill consistent with a specific plan in a transit priority area	21155.4	66%
2011	SB 226	Exemption for infill projects consistent with SCS	21094.5	60%
2002	SB 1925	Exemption for Infill Housing	21064.3	60%
2008	SB 375	Exemption for Transit Priority Projects (TPPs)	21155.1	56%
2009	SB 375	Sustainable Communities Environmental Assessment (SCEA) or limited EIR for TPPs	21155.2	43%
2013	SB 743	Exemption for traffic, parking, and aesthetic impact	21099	35%

N=131
"Were you aware of any of the following CEQA opportunities for infill or TOD? Please check all that apply (Question D1)."

Only thirteen percent (13%) of jurisdictions have used any type of infill exemption for a project (Figure 2.22). This low number suggests that the infill exemptions may be catering to particular types of jurisdictions, that they are ineffective, or that they are not necessary for infill projects. The questions that this raises about where the infill exemptions are being used and why calls for further case study research.

No jurisdictions reported having used the transit priority area CEQA exemption in SB 375. Only one jurisdiction reported an interest in using the Sustainable Communities Environmental Assessment (SCEA) substitute for an EIR in SB 375. However, in a follow-up interview the respondent noted that the threat of litigation and lack of existing case law made it preferable to simply do the environmental reporting that an SCEA would exempt, and that this did not prevent the infill project from proceeding.

There was a greater likelihood that a jurisdiction is prioritizing active transportation if they had used a CEQA exemption for infill (Table A2.6, p=0.05). This could mean that jurisdictions that are using the exemptions are working on providing supportive infrastructure around infill, or that active transportation was already a priority in places that are able to take advantage of the exemptions. It could

also mean that jurisdictions that have the resources to figure out the infill exemptions are also likely to have the capacity to plan for active transportation.

Figure 2.22: Use of CEQA exemptions for infill by projects in jurisdictions
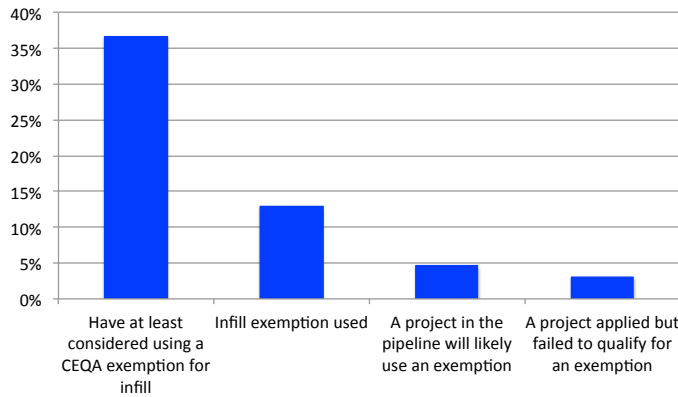
N=131
"Has your department or any projects in your jurisdiction considered using any of these exemptions? If yes please describe (Question D2)."

After lack of proposed projects, planners cited legal concerns about the use of CEQA exemptions as the main reason they had not used them (Figure 2.23).

Figure 2.23: Barriers to use of CEQA exemptions
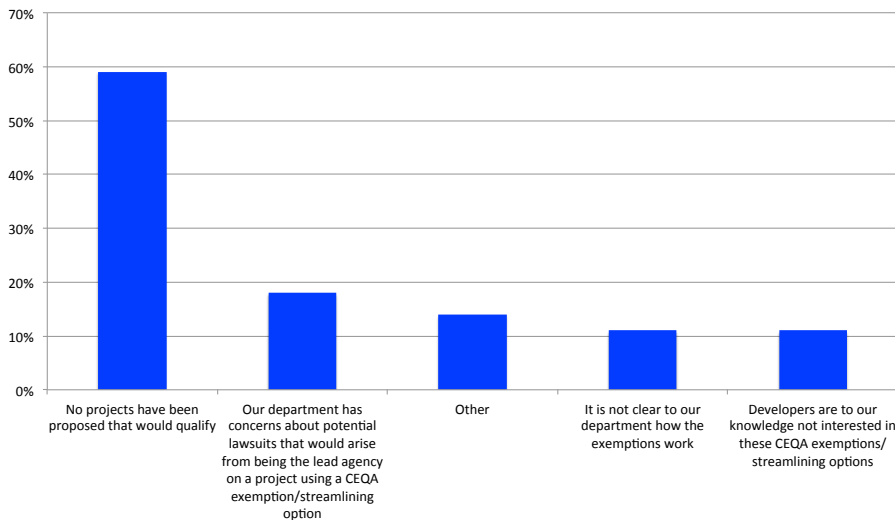
N=116
"What are the barriers to using CEQA exemptions/streamlining in your jurisdiction? Check all that apply (Question D3)."

Not all jurisdictions faced barriers to using CEQA exemptions for infill. Referring to the CEQA benefits of consistency with an SCS, one planner said that "we have not experienced barriers to using CEQA exemptions. With our own locally

60

adopted EIR's we have been able to streamline future projects." This means that there are at least some jurisdictions that have figured out how to use the CEQA exemptions to promote smart growth. The unevenness of the use of CEQA exemptions across jurisdictions calls for case study research on how this process worked and why, and why it has not been adopted elsewhere.

There are a variety of obstacles to CEQA exemption use. One planner commented that "most exemptions are too complicated and require so much analysis that they're not really streamlining the environmental review process." Others said that their local plans have not been updated recently and so do not incorporate the streamlining benefits. Several jurisdictions, including a county, said that the exemptions do not work well in rural areas. A jurisdiction in the San Diego region reported that the lawsuit filed against the region's SCS makes the SCS "unreliable" as a source of CEQA exemptions for consistency.

Several planners pointed out that political opposition dampens the use of CEQA exemptions. Two Southern California jurisdictions and four Bay Area jurisdictions reported that there was local opposition to the use of CEQA streamlining. Commented one Bay Area planner,

> "the community has made it clear to the City Council that use of any CEQA streamlining provisions is not acceptable. Traffic congestion and lack of available parking is one of the primary community concerns in [our city], and many community members do not support the concept of TOD or the assumptions of vehicle use reductions that go along with it."

Another Bay area planner noted that "providing an exemption for a large project in a community that prides itself on participation would not be received well." Local politics may be an obstacle to smart growth and SCS implementation in general.

2.5.2 Planners' perceptions of local support for smart growth

Local political support is weakest for the measures that contribute most to balancing transportation and land use planning: affordable housing and density (Figure 2.24). Planners reported that the strongest support that they perceive in their communities is for active transportation and corridor revitalization.

Local support for active transportation and housing density, as seen by planners, was associated with an increased likelihood that a city was working on SCS consistency (Table A2.1, p=0.02, p=0.07). Where there was local support for housing density, it was more likely that the public works department was involved in SCS consistency (Table A2.4, p=0.08). Local support for affordable housing and commercial corridor revitalization was indicative of the community development department being involved in SCS consistency (Table A2.5, p=0.06, p=0.06). These results suggest that support for housing density and affordable housing could be related to planners working collaboratively across departments in their jurisdiction. This could be an indication that, when they feel they have support for doing so, planners are capitalizing on that support to move forward with smart growth planning that actually changes land use and supports housing production.

An increased likelihood of active transportation being a local priority occurred where active transportation, public transit, and affordable housing had local political

support (Table A2.6, p=0.02, p=0.04, p=0.08). Multifamily housing was likely to be a priority for a jurisdiction where planners saw local support for public transit, housing density, and commercial corridor revitalization (Table A2.7, p=0.003, p=0.08, p=0.06). Local support for public transit, housing density, and affordable housing was indicative of whether jurisdictions consider public transit a priority (Table A2.8, p=0.04, p=0.0001, p=0.003). Local support for housing density was associated with jurisdictions prioritizing vertical mixed use (Table A2.9, p=0.03). Local support for bike-pedestrian infrastructure, public transit, and housing density were associated with a greater likelihood that a jurisdiction prioritizes horizontal mixed use (Table A2.10, p=0.07, p=0.09, p=0.02). In different ways, these results all suggest that planners are taking action on smart growth when they feel empowered to do so by their communities and elected officials.

Figure 2.24: Local support for smart growth measures
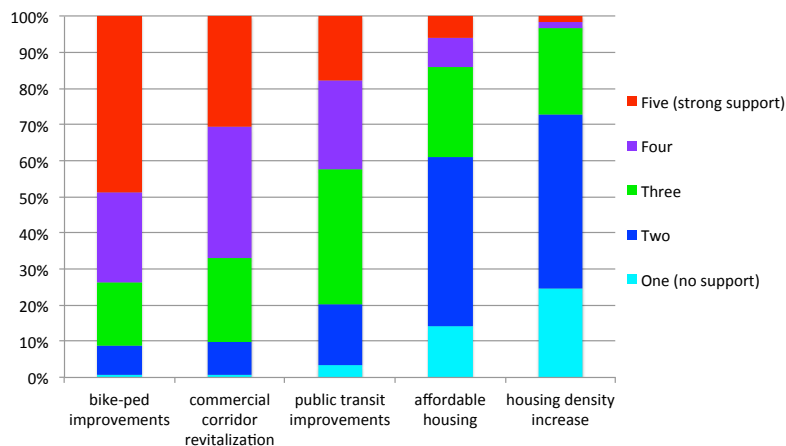
N=125, 119, 122, 121, 121
"Based on your experience, how much community support would you estimate there is for the following measures in your city, with 1 being none and 5 being strong or substantial support (Question I1)?"

Conversely, the strongest political opposition that planners perceive in their communities is to housing density and affordable housing (Figure 2.25). The opposition to public transit improvements is very small, despite only moderate amounts of support, suggesting an opening for planners to move forward on a relatively noncontroversial issue. This could be an opportunity to increase the support for public transit improvements without having to face strong opposition.

Figure 2.25: Local opposition to smart growth measures
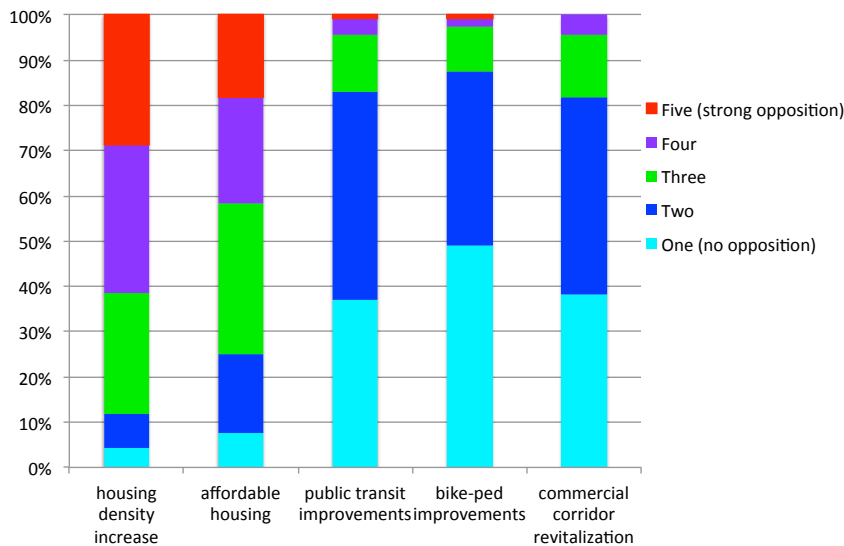
N=120, 111, 119, 120, 115
 "How much community opposition to smart growth would you say there is in your jurisdiction, with 1 being none and 5 being strong opposition (Question I2)?"

Planners cited concerns about parking impacts as the largest source of opposition to smart growth, although concerns about new housing and the design of smart growth were close behind. The opposition to smart growth design might be a more general opposition to density, although it leaves room for the possibility of better messaging around locally-acceptable smart growth design. This calls for case study research on how some jurisdictions have been able overcome opposition to smart growth. Concerns about government spending were the highest in San Diego, which is a more traditionally conservative region.

Planner perceptions of local opposition to participation in regional planning was the highest in the Bay Area, where conservative Tea Party activists were very vocal during SCS development. However, opposition to smart growth based on concerns about regional planning in general was much lower in Southern California. Given that the Bay Area is not more politically conservative than Southern California, case study research is needed on why local opposition to regional planning was less of an obstacle to smart growth in that region than in the Bay Area. The history of Southern California makes it unlikely that there is simply less opposition to regional planning, but rather perhaps something different about how localities are approaching smart growth. Concerns about smart growth as a potential driver of gentrification were highest in the Bay Area, suggesting a need for future research in this area.

Community concern about the impact of smart growth on parking was indicative of a greater likelihood of jurisdictions engaging in SCS consistency work (Table A2.1, p=0.06). This counterintuitive result could be related to the fact that if jurisdictions are receiving attention for doing smart growth work, that they are also stirring up potential concerns. This suggests the importance of communication with the public and elected officials about the impacts and benefits of smart growth.

Community concern about government spending and regional planning, proxies for Tea Party or other conservative opposition movements to smart growth, were not found to be associated with a change in whether jurisdictions are engaging in smart growth consistency. According to planners, such movements are not slowing SCS implementation. This could mean that CEQA incentives for smart growth are working or that jurisdictions have other incentives for engaging with SCS implementation.

Community concern about parking was related to a number of smart growth priorities, including active transportation, multifamily housing, public transit, and horizontal mixed use (Table A2.6, p=0.02; Table A2.7 p=0.05; Table A2.8, p=0.002, Table A2.10, p=0.02). Community concern about gentrification was associated with an increased likelihood that jurisdictions are prioritizing public transit and horizontal mixed use (Table A2.8, p=0.04; Table A2.10, p=0.02). These results again suggest a need for thoughtful communication with the public about smart growth and public involvement in decision-making processes.

Figure 2.26: Reasons for local opposition to smart growth
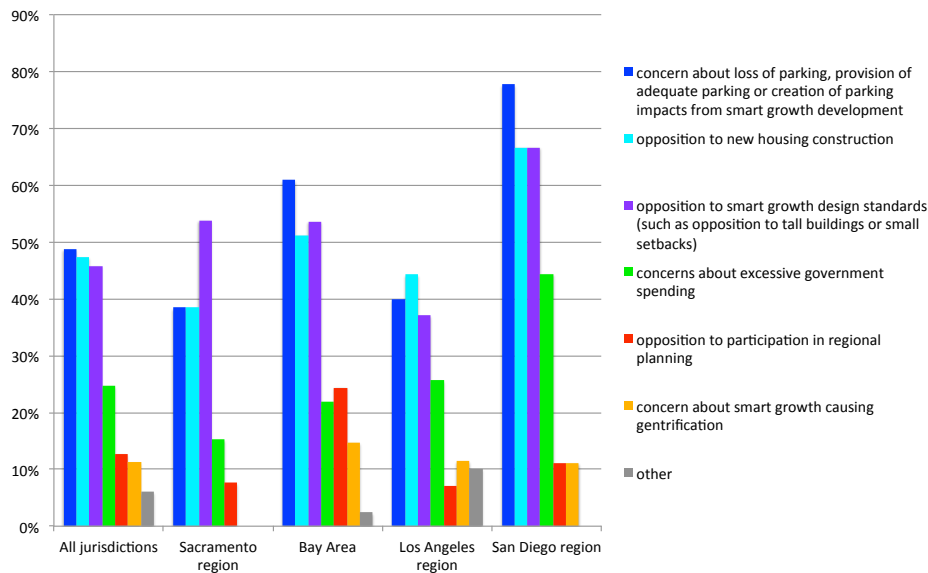
N=133
"If there has been opposition to smart growth in your jurisdiction, what areas of concern have community members or groups raised (Question I3)?"

2.6 Conclusion

The survey of planning directors in California's four largest regions on the implementation of the state's first sustainable communities strategies under SB 375 had three guiding hypotheses. First, I hypothesized that local capacity would be an obstacle to SCS implementation, both in terms of updating local planning documents to be consistent with the SCS, and in terms of making progress towards actually building smart growth infrastructure and development. The second hypothesis was that

governance would play a role in implementation, but that this role would be limited by the fragmentation of power over land use policies that impact smart growth, particularly housing and transportation. Third, I hypothesized that the political obstacles to local smart growth would outweigh the incentives.

To assess these hypotheses and provide some context, I first examined whether implementation is happening at all. A large majority of jurisdictions (76%) are working to make their planning documents and guidelines more consistent with the SCS in their respective regions. Many of these jurisdictions are updating general plans or preparing climate action plans, and to a lesser extent they are updating specific plans and zoning codes for SCS consistency. The Bay Area had the highest rate of specific plan and zoning code updates, suggesting a depth of consistency work in that region.

The highest priority topic of these plan updates for consistency by far is bicycle and pedestrian infrastructure improvements, followed by multifamily housing, transit, and mixed use. The fact that multifamily housing and mixed use, both land use issues, trail active transportation does not bode well for the goals of SB 375. Recalling that the law seeks to prevent sprawl from overtaking fuel and vehicle efficiency gains in terms of VMT related emission, the low priority of land use interventions is troubling. However, the relative prioritization of active transportation and transit could be an indication of the currently available sources of funding that are driving local planning. Further, this could be a sign that jurisdictions are attempting to lay the groundwork for future land use-related smart growth by focusing on supportive infrastructure and transit service, particularly in the weak real estate market they were experiencing.

Capacity for implementing the SCSs through smart growth is uneven across municipalities. Capacity issues have constrained but not prevented SCS implementation. Despite many obstacles, such as layoffs and difficulty raising revenue, planners are engaging in the task of meeting California's climate goals. Jurisdictions were fairly evenly split on the issue of staffing needs, with a little under half of respondents reporting that they would need additional staff to respond to SB 375. After regional agencies, subregional agencies are providing the largest amount of outside technical assistance for smart growth to cities. The staffing needs of these agencies should also be explored, particularly given that county transportation agencies, mostly staffed by engineers, are being asked to provide guidance on housing issues.

The most pressing areas of need for technical assistance among municipalities are design and financing. Interestingly, reporting this was associated with increased participation in SCS consistency efforts by public works departments, suggesting cooperation among departments and greater progress on smart growth.

The greatest need for funding for infrastructure to support smart growth was for complete streets. The state has mandated that general plan updates include a complete streets element. Even if cities update plans to serve nonmotorized travel and transit use, they will still need a reliable source of funding for complete streets capital projects and maintenance. Most jurisdictions reported a deficit of $100,000 to $1 million for planning and $10-100 million for infrastructure to support smart growth.

A large majority of jurisdictions had applied for sustainability grants, and a smaller majority had received them. Simply having applied was associated with

departments prioritizing smart growth measures. Although it could be a simple case of interest in these issues driving applications, there is also reason to believe that having an organized process, such as a grant application, helps planners articulate these priorities and generate interest and community involvement in smart growth (Frick et al. 2015).

Developers are proposing infill projects in both high density and lower density areas. This is encouraging for advocates of infill that do not wish to see the densest existing areas gentrified and for the idea of suburban retrofit within regions (Talen 2011; Dunham-Jones 2005). The fact that horizontal mixed use registers as something that developers are proposing is also a sign that suburban retrofit may be happening in California. While the idea of infill typically conjures an image of small lot mixed use in dense urban areas, infill can also refer to the revitalization of shopping centers along suburban corridors that have potential for increased transit and density without displacement. Further case study research is needed on whether and how suburban retrofits are occurring in California.

Cooperation is occurring on smart growth at the local level in California in response to SB 375, despite fragmented governance of land use and transportation. In a combined model of the survey responses that significantly predicted SCS consistency work, past cooperation with a neighboring jurisdiction on smart growth or sustainability was the strongest positive predictor of SCS consistency work. A majority of jurisdictions reported that at least two departments, such as planning and public works, were collaborating on SCS consistency work, suggesting that implementation might be including action beyond updating plans. Jurisdictions are implementing the SCS regardless of whether they participated actively in shaping it, although this participation is related to a greater prioritization of multifamily housing and horizontal mixed use. This points to a positive role for regional governance in promoting substantive SCS implementation.

Experience working with a subregional agency—such as a CTA, CMA, or subregional COG—on a collaborative initiative was positively correlated with a jurisdiction doing SCS implementation. Jurisdictions that had cooperated with their neighbors on a sustainability issue were more likely to be working on SCS consistency, and subregional agencies often play a coordinating role for cross-jurisdictional cooperation on sustainability. Multifamily housing was a higher priority for jurisdictions that had received encouragement on smart growth from a county transportation agency. The relationships between local jurisdictions and subregional agencies are underexplored in the literature on regional governance and on SB 375, and call for case study research to better understand them.

Incentives for smart growth are having an uneven impact across the state. A few jurisdictions (13%) are successfully using infill incentives. The CEQA incentives from SB 375 have not been that successful, but a subsequent CEQA incentive for SCS consistency has helped remedy this. Use of more recently established infill exemptions could increase after there is a legal test of their use. In some cases there is local political opposition to the use of CEQA incentives.

Local politics may be preventing a greater focus on land use related SCS implementation, including housing density and affordable housing. However, where planners perceive that there is local political support for doing so they are moving

forward with smart growth measures. Greater activism to let elected officials know where there is support for smart growth may help planners move forward on SCS implementation. Not surprisingly, the most vocal opposition to smart growth is in response to potential housing density increases and affordable housing construction. However, lack of opposition to public transit may provide an opening for planners to focus more on providing infrastructure and service.

Chapter 3 - The role of subregional agencies in SCS implementation in the Los Angeles region

3.1 Introduction

From the lobby of a luxurious hotel in Palm Desert, one can see fountains, palm trees, swimming pools, and conference goers in suits and skirts. The lush surroundings conjure an image of boundless resources. Lanyards and nametags around their necks, the attendees could be businesspeople, academics, or bureaucrats. They are in fact representatives of the far-flung local, county, and regional government agencies that make up the Los Angeles Region. This desert oasis is the location of the annual conference of the Southern California Association of Governments (SCAG). Responsible for coordinating transportation, land use, and housing for 18 million people, or nearly half the population of the state of California, SCAG is at the same time very influential and relatively powerless. From 2012-2015, SCAG implemented its first-round sustainable communities strategy (SCS) with the local jurisdictions that they wine and dine at this event. This conference is SCAG's attempt to create a sense of shared regional purpose in a state and a region with fragmented governance, byzantine funding structures, historic tensions between different government actors, and crisis-driven budgeting and environmental management.

Looking around the room, many of the nametags and speaker placards bear the name of a city, a county, or other government agency—subregional councils of government (COGs), county transportation authorities, or SCAG—all of which have a different role in SCS implementation. The sense of bonhomie at this desert gathering belies a history of power struggles in the region. According to popular lore in the LA region, SCAG has a historically fraught relationship with the cities and counties that it serves. SCAG is both an MPO and a regional council of governments (COG), giving it responsibility over both the federally-mandated regional transportation plan (RTP) and the state-mandated regional housing allocation. Historically, it was thought to be serving the interests of politicians from the city and county of Los Angeles by distributing housing allocations primarily to the region's inland and southern counties. Today, this 'housing inland, jobs on the coast' approach is no longer in place, but the wariness that local jurisdictions have with respect to the regional housing needs allocation (RHNA) process lingers. At the same time, many city, subregional COG, and county transportation officials view SCAG's current leadership as well-intentioned and making the effort to become familiar with all of the cities in the region. SCAG's current leader has a reputation for going out and meeting with local leadership and getting to know cities, despite the barriers of serving a large region.

The annual conference helps foster a sense of common purpose in a huge region with many different local priorities.

3.1.1 Roadmap

What motivates and shapes climate planning and SCS implementation at different scales of government across diverse geographies in the LA region? I present Los Angeles as a case study in how a lack of trust in higher levels of government and the desire to protect local funding and authority are factors that strongly shape regional sustainability planning in the context of SB 375 as a soft law. Different subregions in Southern California vary by geography, density, income levels, age of communities and the housing stock, type of infrastructure, transit service, and their institutional and funding structures. I compare how local agencies' existing relationships with SCAG and their particular histories prior to the SCS affect their approach to climate planning. How much of climate planning in the Los Angeles region immediately post-SB 375 can be attributed to the law, and what other circumstances affected climate planning during this period?

Suburban Riverside, San Bernardino, Orange, and Los Angeles Counties have all been affected greatly by housing price pressure, growth control, and equity concerns about balancing jobs and housing. These counties also have the backbone of a transit system. These factors make them candidates for infill and managing sprawl in a way that will meet the emissions reduction targets of SCAG's SCS. Table 3.1 shows that Los Angeles and Orange Counties are the only two counties with a net inflow of workers each day. Although median home values in these two counties (or the rest of the region) have not yet returned to their peak during the bubble in the 2000s, they remain high, at $425 thousand and $532 thousand, respectively. Over 4.3 million people work in Los Angeles County, and over 1.5 million people work in Orange County, making these counties the two largest job centers in the region. In contrast, over 414 thousand people leave San Bernardino each day for work, or a net outflow of 110 thousand people. Riverside County has the second largest net daily exodus in the region, at almost 200 thousand people. Los Angeles and Orange Counties also have large daily outflows (775 and 493 thousand), but overall positive net inflows of workers (251 and 154 thousand). Map 3.1 shows that municipalities in Los Angeles, Orange, and Riverside Counties are currently approving the most new housing in the region.

Table 3.1: Jobs, Net job flows, population, and median home values in Southern California, 2010-2014

County	Jobs in the County (2010)	Jobs in the County (2014)	Employed in the county but living outside (2014)	Living in the county, employed outside (2014)	Employed and living in the county (2014)	Net inflow of jobs (2014)	Population (2010)	Population (2015)	Median home value (2010)	Median home value (2014)
Los Angeles County	4,133,335	4,371,549	1,027,118	775,159	3,344,431	251,959	9,818,700	10,170,292	508,800	425,100
San Bernardino County	618,118	655,115	304,301	414,053	350,814	-109,752	2,035,212	2,128,133	319,000	225,400
Riverside County	565,555	625,982	239,268	437,323	386,714	-198,055	2,189,760	2,361,026	325,300	236,400
Orange County	1,433,659	1,532,325	648,203	493,364	884,122	154,839	3,010,266	3,169,776	607,900	532,300
Ventura County	286,382	303,594	114,998	181,054	188,596	-66,056	823,387	8,550,536	568,700	444,800
Imperial County	58,620	63,042	16,461	22,833	46,581	-6,372	174,528	180,191	192,600	145,200

Data sources: (US Census CES 2014, 2010), (US Census ACS 2014, 2010)

Map 3.1: Building Permits for New Housing Units in Southern California, 2014[5]
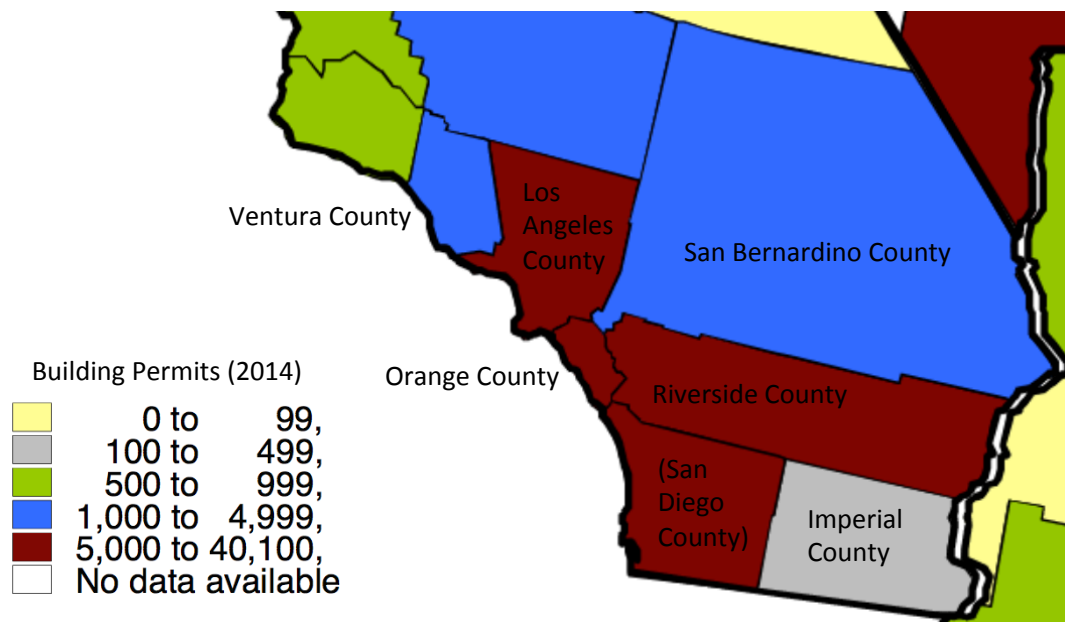
Basemap and legend Source: (US Census 2014)

What was the role of cooperation and trust in implementing a soft law in Los Angeles, Riverside, San Bernardino, and Orange Counties? Has engaging in preliminary or more in-depth climate planning changed levels of local collaboration with SCAG or with other subregional agencies? I argue that several motivating factors account for the level of climate planning that occurred at the subregional level in

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[5] The actual number of housing units was unavailable on the date viewed, 4/25/2016, due to site maintenance. Also, it was not possible to obtain units constructed by county, hence permits.

Southern California from when the first SCS was under development until the second round of SCS planning began, roughly 2010-2015. Despite being a fragmented region with a history of resistance to collaboration, city and county level entities have engaged in climate planning due to signals from the state (both positive and punitive) and a facilitative approach from SCAG. Local land use control and county programming of transportation sales tax revenue remain strongly in place. Yet areas of common interest have emerged around climate planning in the LA region due to the state climate policy framework, particularly SB 375.

3.2 Background: regional governance in Southern California

3.2.1 Regional government actors in Southern California A-Z

To understand the implementation of the LA region's SCS, it is necessary to look both at SCAG, which is the region's joint MPO-COG, and the subregional agencies that mediate SCAG's relationship with cities. SCAG is both a metropolitan planning organization responsible for regional transportation planning, and the regional council of governments designated to divide and distribute state housing targets to cities. Like other regions in California, the Los Angeles region has county transportation commissions (CTCs), also known as congestion management agencies (CMAs), with boards made up of elected officials that manage transportation congestion and plan and build transportation projects with various sources of funding, including county transportation sales tax revenue. A CMA often has overlapping goals and leadership with a county government, but they are different entities. Within counties, there are associations of cities that are also referred to as COGs (but are not associated with the region-wide COG). These subregional COGs have varied funding sources and levels of engagement in regional and local climate planning. They are a fairly unique presence in the Los Angeles region due to the region's large number of cities. Cities and counties are the key implementers of regional sustainability planning by each of these regional and subregional entities. Map 3.2 shows the location of the CMAs and subregional COGs in Southern California. Los Angeles County includes six subregional COGs (shown in blue) and the city of Los Angeles (shown in grey). Riverside County includes two subregional COGs (shown in purple).

Map 3.2: Subregional COGs and CMAs in the SCAG region
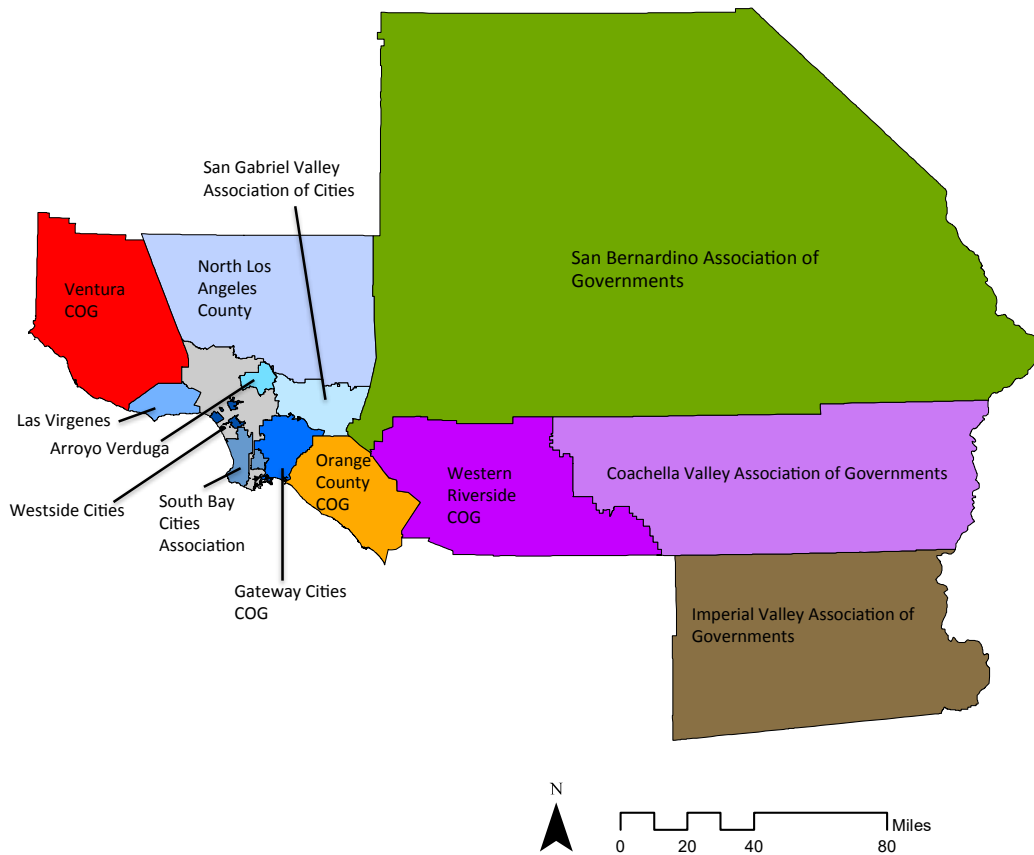
Projected Coordinate System: NAD 1983 UTM Zone 11N
Projection: Transverse Mercator
Basemap Source: SCAG

As Table 3.2 shows, Los Angeles County has one CMA, called LA Metro, and subregional COGs for the South Bay Cities, Gateway Cities, Westside Cities, and San Gabriel Valley, as well as two other associations of cities. The Orange County Transportation Authority (OCTA), the CMA, works closely with OCCOG. Riverside County's CMA is called the Riverside Transportation Commission (RCTC), and the county has two separate subregional COGs, the Western Riverside COG (WRCOG) and the Coachella Valley Association of Governments (CVAG). San Bernardino Associated Governments (SANBAG) is the CMA for San Bernardino County. Ventura is the only county without a local option transportation sales tax to fund congestion management activities. The Western Riverside COG is the only subregional COG with dedicated revenue from a countywide development impact fee. Two of the CMAs, in Orange and LA Counties, are also transit operators. OCCOG and the Gateway COG completed a subregional SCS for the first round, using a special exception in SB 375 allowing agencies other than SCAG in the LA region to do so. Table 3.2 shows that a number of subregional agencies have some sort of county or multi-city sustainability

plan, while all of the county transportation authorities have cooperation agreements with SCAG identifying actions they will take to help implement the SCS. The "other subregional sustainability plan/policy" category in Table 3.2 includes LA Metro's sustainability policy, which encompasses SCS implementation, and the Sustainable South Bay plan, both of which will be discussed in this chapter.

Table 3.2: Subregional agencies and the implementation of SCAG's first SCS

Agency	Abbr.	Area served	Subregional COG	County transportation commission	Congestion management agency	county transportation sales tax	Other designated local funding	transit operator	subregional SCS	Agreement with SCAG to implement regional SCS	Subregional CAP(s)	Other subregional sustainability plan/policy
Orange County Transportation Authority-Orange County Council of Governments	OCTA	Orange County		x	x	x		x		x		
Orange County Council of Governments	OCCOG	Orange County	x						x			
San Bernardino Association of Governments	SANBAG	San Bernardino County	x	x	x	x				x	x	
Western Riverside Council of Governments	WRCOG	Riverside County (subset)	x				x					x
Riverside County Transportation Commission	RCTC	Riverside County		x	x	x				x		
Coachella Valley Association of Governments	CVAG	Riverside County (subset)	x									
Imperial County Transportation Commission	ICTC	Imperial County		x	x	x				x		
Ventura County Transportation Commission	VCTC	Ventura County		x	x					x		
Los Angeles Metropolitan Transportation Authority	LA Metro	LA County		x	x	x		x		x		x
Gateway Cities Council of Governments	Gateway COG	LA County (subset)	x						x			
South Bay Cities Council of Governments	South Bay COG	LA County (subset)	x								x	x
San Gabriel Council of Governments	San Gabriel COG	LA County (subset)	x									
Westside Cities COG*	Westside Cities	LA County (subset)	x									
San Fernando Valley COG*	SFVCOG	LA County (subset)	x									
Las Virgenes/ Malibu Council of Governments*	LVMCOG	LA County (subset)	x									
North County Transportation Coalition *	NCTC	LA County (subset)	x									

* While all subregional COGs in LA County are in Metro's jurisdiction, those marked with an '*' were not studied closely either because their SCS implementation activities appear to be limited or they do not have a sustainability plan or subregional CAP. They are listed here for completeness.

3.2.2 State government and regional governance in Southern California

Part of the wariness of SB 375 on the part of Southern California officials resulted from the state's shifting stance towards local transportation funding. CMAs are protective of their locally-generated transportation sales tax funds, which the state has occasionally appropriated for other uses. This history is a strong reason that SB 375 does not link regional and county transportation plans more strongly. The State of California has had a number of budget shortfalls in the last several decades, due in part

to its reliance on income tax revenue, which fluctuates with economic cycles (Silva 2009). In response, voters have passed ballot initiatives to protect certain funding pots such as education, and to expand others, including transportation. This phenomenon has been referred to as "ballot box budgeting" and has been much-bemoaned by legislators who feel that their hands have been tied in making state policy decisions. To balance the budget, the state has, on several occasions, "raided" or reached down into local funding pots, such as property tax and transportation sales tax revenue, in order to meet its minimum funding obligations in other areas, such as K-12 education. Localities, which already face hurdles to raising revenue, resent these funding "grabs," which have been accompanied by vague promises on how the state would eventually return the funds (LA Times 2010). These hurdles include an electorate reluctant to raise taxes, and the two-thirds majority required to raise most taxes in the state. Developer impact fees and transportation sales tax revenue are primary sources for funding local infrastructure.

Issues of trust and transportation funding priorities contributed to local implementation of SB 375 in Southern California being an example of soft law and defensive regionalism. Past state raids on local transportation funds created a strong mistrust on the part of CMAs of higher levels of government, leading them to argue for restrictions on state funding raids and specific language in SB 375 protecting local funds. For example, a state raid on local transit funds in the 2000s resulted in a roughly twenty percent reduction in service levels in Orange County and a five percent drop in ridership (author interview). This in turn led to an increase in fares to meet the state Department of Transportation's "firebox recovery" requirement, which is twenty percent for urban areas (SACOG 2000, 11). Proposition 1A, a constitutional amendment that voters approved in 2004, restricted the state from taking local property and sales tax revenue (Barbour 2007). In 2009, the California State Supreme Court upheld a ruling that the state budget had "illegally raided money intended for local public transit projects" (Yi 2009). The memory of state reallocation of local transportation funds heightened the perception that SB 375 would be an unfunded mandate or worse, a funding grab. This led CMAs across the state to lobby to include language in SB 375 specifically restricting any reallocation of control of county transportation funds or local authority over transportation planning. Due to weak trust in the regional and state scales of government, and in order to ensure further safeguards of local autonomy, CMAs played an active role in the first-round SCS implementation in the LA region.

3.2.3 Housing allocations in the LA region as backdrop to sustainability planning

SCAG's historic relationship with cities, counties, and transportation authorities sets the stage for the implementation of its first SCS, and explains some of the trepidation that local officials had going into the SCS process. The history of regional action in Southern California has been what could be called a 'defensive regionalism,' one in which agencies are formed one level higher than previously, but at the lowest level possible, in order to prevent the state from interfering with local authority. The history in the LA region is of weaker, lower level agencies (including SCAG itself) being formed as insurance against control over planning issues from higher levels of

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government (Fulton 2001; Barbour 2002). Cities engage in defensive regionalism, for example, if they prepare their housing elements in compliance with the region's RHNA requirements to avoid being sued, but do not actively plan for local needs and interests. Regional leaders originally established SCAG in order to avoid greater interference from the state in regional affairs. COGs and CMAs participate in SCAG activities in part to monitor the agency and keep it in check. Cities and counties engage in climate planning in order to control their own destinies in advance of anticipated regulation from the state extending the SB 375 framework. However, defensive regionalism can be transformed into something resembling a 'cooperative regionalism,' albeit in uneven ways, when agencies and jurisdictions take voluntary actions to promote sustainability planning as a result of information sharing in venues that they previously (or concurrently) participate in defensively (Weir 2000a; Swanstrom 2001).

The regional housing needs assessment (RHNA) exemplifies the tension between different scales of government in Southern California and provides a backdrop for the trust issues between SCAG and local agencies at the outset of the SCS implementation process. The state of California formalized the RHNA process in the 1980s, and then began to enforce it again after a hiatus due to budget constraints in the 1990s (Lewis 2003). The RHNA allocation in the early 2000s drove a wedge between SCAG and counties and cities. The historical trend had been for SCAG to weight the housing allocation toward cities in the Inland Empire, or San Bernardino and Riverside Counties, and Orange County, while jobs gravitated towards the coast, particularly in Los Angeles County. Today, Orange County is also a large job center. The perception in the Inland Empire and Orange County in the 1990s was that SCAG's leadership, due to political connections, was placing a heavier burden for housing construction on areas outside of the city and county and Los Angeles (Fulton 2001). Multiple interviewees in Southern California suggested that the RHNA process there continues to be more contentious than elsewhere in the state.

The experience of city officials with the regional housing allocation process in the early 2000s makes the level of cooperation in SCS implementation all the more surprising in the Los Angeles region. Most local and subregional planners interviewed, when asked about the climate for regional cooperation in implementing the SCS, viewed it favorably compared to the RHNA process. Local actors perceive that the RHNA process lacked transparency in the past, that "it could be changed by [SCAG] board members to favor their own communities." However, they see this as having improved in the most recent RHNA cycle over past cycles, with fewer threats of litigation. One Southern Californian planner described RHNA as a "zero sum game" where the state gives SCAG its housing projections and it's "SCAG's unenviable job to share among all the subregions and all the cities and if somebody says 'I can't take that many,' somebody else has to absorb that." According to state rules, a COG must meet its overall housing target, so if one city wins an appeal for a reduction, another city will have its number increased. Part of the reason that the most recent RHNA cycle prior to the SCS was less controversial was that the number of housing units projected to be needed in the region was reduced because of the economic downturn of the late 2000s. Although these tensions may return in the future, they were not prominent in the first round SCS implementation.

The idea of concentrating growth predates Southern California's first sustainable communities strategy (SCS), but it has become less contentious. SCAG's relationship with cities and counties over the past two decades was shaped by its evolving notion of the purpose of regional planning, most notably with state housing allocations. Inland jurisdictions felt that SCAG should do more to concentrate housing near jobs, which were mostly on the coast. When they began to receive higher targets in the name of smart growth, coastal jurisdictions felt that they were being "punished" because they were producing jobs. The RHNA process had previously been framed as a "fair share" process, meant to encourage all jurisdictions to have a mix of housing types, and, consequently, a mix of income levels, among its residents. RHNA was a way to disrupt the historic concentration of low-income people in cities and the practices of suburban jurisdictions that sought to exclude them by building single-family homes and few multifamily ones. However, with the rise of goals to reduce carbon emissions in the 2000s, the state's priorities shifted towards concentrating housing production near jobs. State lawmakers passed a 2004 law (SB 2158) that increased the input of cities and counties in RHNA, "spread the affordable housing burden more evenly, promoted infill development and tightened the relationship between housing and jobs (Shingley 2009)." The state also bolstered its housing policy by increasing the consequences for cities that did not have state-approved housing elements in the 2000s. The state made some funding sources contingent on having an approved housing element, although this was mainly affordable housing funding, the loss of which was not much of a consequence for cities that were not motivated to build affordable housing in the first place (Lewis 2003). SB 375 added to this an increased level of oversight by "establishing new planning horizons, requiring more up front zoning for housing, and giving advocates greater authority to sue over housing plans (Shingley 2009)." However, this chapter argues that the more adversarial approach of top-down control or lawsuits has not been the predominant approach of SCAG or nonprofits in implementing the first SCS.

Lawsuits in the early 2000s represented a culmination of tension over regional housing targets in the LA region and raised issues about SCAG's regional planning powers in general. These events partly explain why localities entered the SCS process with trepidation, and why SCAG attempted to be as noncontroversial and 'bottom up' as possible with its SCS development and implementation. In 2003, Riverside and San Bernardino Counties sued SCAG and the state department of Housing and Community Development (HCD), which determines RHNA numbers for each region in the state, claiming that they had not followed an appropriate process for distributing 'fair share' housing under the state law. Caught in the middle, SCAG also sued HCD in an attempt to have its regional allocation reduced. The inland communities' idea of fair share was of meeting housing needs by concentrating new units near job centers, while the coastal cities saw RHNA as an issue of 'geographic equity,' or spreading the allocations evenly based on available land. The direction of sustainability policy and planning across the state has been towards concentrating new housing near jobs and transit, rather than making every jurisdiction bear an equal share of new housing.

The courts and the legislature upheld SCAG's authority to set its own formula for housing allocations, even if it was shifting towards concentrating housing growth near jobs. Court rulings in 2009 dismissed challenges brought by the cities of Irvine

(in Orange County), Palmdale, and La Mirada (both in Los Angeles County) to their RHNA allocation. The courts ruled that cities do not have legal recourse if they disagree with their RHNA numbers because they had sufficient input through the COG-led process and that individual exceptions would effectively bring the whole region's housing allocation process to a halt (Shingley 2009). Irvine reasoned that they should not have to bear a disproportionate share of housing in Orange County, as the intent of the law was to promote "fair share" affordable housing construction across cities. From Irvine's perspective, it was being "saddled with nearly half of the new housing units needed in Orange County" and "punished for creating jobs" despite having "only 6 percent of the county's land area and 8 percent of its population" (Hayes 2007). After the lawsuit failed, Irvine sponsored a bill in the state legislature in 2010 that stalled in committee, but would have stopped SCAG from "allocating to a city or county a total RHNA number that, as a percentage of the aggregate RHNA allocation for the respective subregion, is more than 20% greater than the city's or county's population, as a percentage of the aggregate population of the subregion...[and] subjects the RHNA process in all regions to judicial review (Stivers 2009)." In ruling against Irvine, the courts prevented the effective dismantling of regional planning processes through lawsuits that would slow them down so much as to make them unworkable. Without this case law establishing that cities' participation in regional planning processes is their primary avenue for shaping an MPO or a regional COG's activities, as well as their recourse for decisions made in regional forums, SB 375 would likely have been dead on arrival.

Cities in the LA region directly expressed their trepidation that this type of state court ruling on regional power over housing allocations was a sign that SB 375 would be a top-down process. Cities feared that if they could not challenge RHNA in court, then they would not be able to challenge other findings and directives from MPOs and regional COGs regarding greenhouse gas emissions reduction plans as part of SB 375 (Adams 2009). Twenty cities filed friend-of-the-court briefs supporting Irvine's lawsuit. In asking for their support, Irvine warned of unchecked power by SCAG in the upcoming SB 375 process, namely that "if cities are prevented from seeking judicial review of administrative procedures that apply to housing element law, councils of government can be expected to extend that holding to other areas of regional planning (e.g. the regional transportation plan) that ultimately affect city planning (Schwabauer 2009)." Given this historically fraught relationship with cities, counties, and transportation authorities, SCAG's cautious approach to leading its first SCS implementation process is not surprising. More notable is the unlikely progress being made on sustainability issues and cooperation across multiple levels of government in Southern California.

3.3 The Southern California Association of Government's approach to SB 375 implementation

3.3.1 SCAG's collaborative approach to implementation

Sustainability planning activities are occurring at the regional, county, and city level in Southern California. Many of these activities support, or are consistent with, the implementation of the region's SCS. Yet, given the fact that SB 375 is a soft law and power in the LA region over funding and land use is fragmented, sustainability planning activities occur in different ways across the region. This section argues that in this environment, SCAG has taken a flexible, collaborative approach to sustainability planning by tailoring its actions to different counties and providing a forum where county agencies can cooperate without having any strong requirements on cities and county transportations agencies. Two examples are the SCAG sustainability grant and the cooperation agreements with county transportation agencies on SCS implementation. The sustainability grant is an example of SCAG's flexible approach, although it could be part of a tighter sustainability governance framework in the future. The cooperation agreements demonstrate SCAG's collaborative approach to SCS implementation by taking on the role of a convener and by tailoring its actions to diverse jurisdictions. Fragmentation in Southern California and a lack of consistent funding from the state for sustainability necessitated this creative approach.

SCAG's tailored approach to SCS implementation in each county served a diverse region where power is fragmented. The perception among some planners in the Los Angeles region is that SB 375 was designed with Northern California regions in mind, specifically the comparatively compact regions of the Bay Area and Sacramento. According to one interviewee in the LA region, "SB 375 does not work well in LA because it was really designed for SACOG and MTC and the fact that they are more united, less far-flung regions." The LA region has diverse economic, administrative, and geographic conditions, as well as differences in planning culture. Many city and county transportation planners across the region described their area as somehow different from the rest of the region and especially from central LA. Interviewees identified their area as more or less "suburban," "built-out," or "transit-dependent" than other parts of the region. In describing the challenges that SCAG faces in promoting SCS implementation in a fragmented region, one planner suggested that, "folks forget that SCAG is the largest MPO with half the state's population and a fraction of the resources of the other MPOs." Despite fragmented governance in the LA region and its own limited power, SCAG has worked in an entrepreneurial fashion to find opportunities to implement its first SCS since 2012.

As part of its entrepreneurial approach, SCAG focused more energy on getting the SCS implemented in various ways after it was adopted than they did on making it a detailed document. The SCS itself is relatively broad. As one local official described it, the SCS is a "high-level visioning document." Shortly after SCAG adopted its SCS, it formed subcommittees to work on implementation issues such as active transportation, health, and goods movement. The subcommittees met for roughly six

months after the SCS was adopted and worked out the details of how to implement the SCS. Participants included SCAG staff, nonprofit representatives, and county authorities. During this time, SCAG also approached counties individually to determine what they were willing and able to do to implement the SCS, and how SCAG could assist them in doing so. As one nonprofit representative noted, SCAG's approach of "working with governments on finding new sources of funding and being proactive is…making it easier for the regional council to do good things. It makes a profound difference…" After many years of butting heads over housing allocations, SCAG chose to avoid an adversarial approach to SCS implementation.

3.3.1.1 Providing a forum

SCAG provides a forum for collaboration on sustainability issues in Southern California in the context of the state pushing for greater sustainability in planning and greater regional coordination of housing and transportation. Prior to the first SCS, forms of collaboration between county transportation agencies were more project-driven than policy-driven. For example, county transportation agencies might share information if one county wanted to widen a freeway and needed cooperation from another county. According to one county transportation planner, "there's always been collaboration…but…it wasn't really designed to further a policy objective maybe beyond congestion relief in the immediate area" prior to the SCS. Speaking about SCAG's cooperation agreements with each CTA on SCS implementation, one regional planner noted that

> "SCAG has much more of a role as a convener, and the SCS and RTP paint a broad brush picture of how things can move forward, but then it's up to a lot of individual actions by cities and counties and agencies to make that happen…The MOUs are a mechanism for convening and discussion…[on topics such as]…electric vehicle adoption, how do we help cities allow more electric vehicles, is it changing their general plans or doing a model ordinance or pulling together the utilities with cities to talk about faster permitting of EV charging."

The SCS did not change some of the fundamental political motivations of county transportation agencies or their independent policymaking based on local sales tax revenue, but it has helped create a focal point for information-sharing and collaboration around sustainability planning.

SCAG helps cities and counties connect the dots between what they are already doing or want to do and sources of funding that are available from the state. SCAG has also made the case that incorporating sustainability into their activities is in the interest of county transportation agencies. One regional planner noted that SCAG will often make this type of pitch to cities:

> "…Are you aware of this new source of funding…[that goes towards]…a lot of the things that your old redevelopment agency would have paid for, …you should take advantage of this, you'll be satisfying the state's requirements to reduce greenhouse gases, at the same time you can take those vacant lots you've been sitting on for ten years waiting on redevelopment, and increase your tax base which will

improve your city coffers and bring people downtown…It's not really
SCAG [creating that pressure], it's their self-interest."

Both the counties and the county transportation authorities are responding to pressure
from the state, particularly the Attorney General's office, as well as the pressure to
promote economic recovery and improve job options, particularly in areas that have
not fully recovered from the recession, such as San Bernardino County.

3.3.2 SCAG's sustainability grant

The SCAG Sustainability Grant is one SCS implementation tool that exemplifies
the regional agency's attempt to promote cooperative regionalism with limited power.
SCAG's Sustainability Grant program is a continuation of their Compass Blueprint
program, which predated the SCS. The Sustainability Grants, which range from about
$100 to $200 thousand, fund planning activities by cities, COGs, and county agencies.
According to a regional planner, the SCS "…triples the amount of money that SCAG
puts out for this purpose and becomes a much larger organizational emphasis,"
although there is not an identified source for all of the funds. For the sustainability
grant, SCAG provides support and coordination, while the local entities design and
plan the projects. A regional planner noted that "…from an administrative
standpoint…it's a true partnership, SCAG has the consultants and does all of the
project management. The cities are responsible for designing the scope of work,
participating in the projects, and giving overall direction so they're getting something
that meets with their goals and expectations." The planning activities that have
received SCAG Sustainability Grants include corridor redevelopment, downtown
revitalization, and station area planning. The program is a source of cooperation
between SCAG and city and county agencies, and fits with a vision of SCS
implementation as a bottom-up process driven by the needs and priorities of cities.

While most Sustainability Grant-funded projects have a sustainability component
to them, the grant award criteria were loosely tied to SCS implementation or a set of
sustainability goals from 2012-2015. While one regional planner stated that cities,
counties, and COGs can apply for the funds "as long as they can show the relationship
that they are implementing the RTP-SCS," another pointed out that in the period after
the first SCS this could be a fairly loose connection. In practice, a municipality "could
apply for a SCAG grant to build a parking structure on a key commercial downtown
lot because they feel there's a parking shortage. So there's a disconnect still at all of
the agencies, I think there's a lot of talk about 'hey we should really be trying to tie all
this stuff together…[such as] eligible categories or eligible locations." The SCAG
Sustainability Grant did not have strict criteria for the type or location of projects
during the implementation of the first SCS. Although many of the projects have a
connection to increasing active transportation or station accessibility, the conflicting
statements of different planners highlights the lack of strong requirements for the
grant, which limits its effectiveness as an incentive for SCS implementation. The
program's main contribution was to create a small but consistent source of funding
that can be used for sustainability planning in the region and has helped create
examples of smart growth in Southern California.

The SCAG Sustainability Grant is an example of the agency taking an experimental, entrepreneurial approach to building support for and interest in sustainability planning in a fragmented region. As one planner described it,

> "The Sustainability Grant program, I think that's very consciously on SCAG's part taking a carrot rather than a stick approach to implementation. [SCAG] put out roughly $10 million worth of grants for the adoption of the plan in 2012. It was sort of the successor to an earlier grant program called Compass Blueprint, and what happened between Compass Blueprint and the new program was to tighten the connection between what was being funded and implementation of the plan. It had to do with how the projects were scoped and creating a clear line between what was in the scope for these projects and strategies to implement the RTP-SCS."

SCAG has used the grant to generate interest in sustainability planning by rewarding cities and counties that are taking initiative, and by providing an incentive and support for those jurisdictions that had not previously done sustainability work. The first SCS had broad goals, and the grant was part of SCAG's efforts to see it implemented without strong funding support from the state in the first several years after its adoption.

In managing the Sustainability Grant program, SCAG has attempted to collaborate with other government entities in the region and lay the groundwork for potentially heavier lifts on sustainability planning in the future, rather than overwhelm them with requirements on the first round. The perception in the region is that it would take a large amount of work and organizing over time on SCAG's part to build support for attaching strings or policy goals to their planning grants. For example, SCAG's SCS identifies the region's high quality transit areas (HQTAs), defined in SB 375 as being within half a mile of transit service with 15 minute or less wait times during peak hours. Yet the HQTAs are broadly defined and are not tied to funding or penalties. The SCAG Sustainability Grant funds can be used for a project anywhere in the region, not just HQTAs. According to a regional planner,

> "nobody else really uses those HQTAs [as an administrative designation], so part of the struggle would be that none of the six counties are assigning a value to those HQTAs. They would say 'SCAG, we've seen that in your plan, but it means nothing to us.' [It would require]…additional work to get people to buy off on the concept of HQTAs, and the second step would be taking on saying 'now we would like you to only give money to certain activities within those geographic areas.'"

The SCS is the first time the HQTAs were mentioned in Southern California, so integrating them into planning policy and practice in the region may require time and effort. SCAG has attempted not to provoke a backlash or sense of favoritism that has plagued it in the past. For example, suburban areas that are not currently high-density enough to support transit can apply for the funds. Yet SCAG has left open the possibility of ascribing greater significance to the HQTAs in the future.

3.3.3 SCAG's cooperation agreements with county transportation agencies

Scratching the surface of what cities and counties are doing to implement SCAG's first SCS provides a picture of current and future implementation, how it differs within the region, and what is unique to the Los Angeles region. The framework that the MPO set up with its cooperation agreements illustrates this variation. SCAG pursued cooperation agreements, either joint work plans or memorandums of agreement, with county transportation authorities to implement its first SCS from 2012-2015, illustrating the agency's weak bargaining position as well as its collaborative, bottom-up approach to sustainability governance in a fragmented region. In 2012, as part of its initial efforts to promote SCS implementation, SCAG signed an agreement with LA Metro. SCAG then began working with other county transportation commissions on replicating this agreement. This resulted in the second agreements with the San Bernardino Associated Governments (SANBAG), opening the door to agreements with the other four transportation commissions between 2013 and 2015. The agreements covered issues including complete streets, safe routes to school, and active transportation. The agreements included recommendations from the subcommittees that SCAG convened on implementation after the SCS adoption, which SCAG then presented to each county's transportation commission. One nonprofit representative noted wryly, if realistically, that "SCAG knows it's not about them." SCAG approached each county transportation agency to see which of its priorities aligned with what those agencies were interested in doing or were already doing. SCAG depends on county transportation agencies, among other government entities, to implement the SCS, yet has little leverage over them. This section argues that the joint work agreements exemplify this deliberately bottom-up, entrepreneurial approach.

The different priorities and motivations of the county transportation authorities (CTAs) affected the content, and, to a certain extent, the timing, of those agreements. For example, Metro has more of a national focus in terms of comparing what it is doing to other major cities, while Imperial County's CTA focuses on border crossing issues. Orange County's CTA worked with SCAG on a cooperation agreement but had capacity constraints that slowed the process. One regional planner suggested that Metro was faster than other CTAs partly because of the agency's

> "…personality…One of the ways they like to get money is showing that they're working on a collaboration. They like to go to Sacramento or Washington and say 'hey, we're working with fourteen cities, three counties and SCAG, we're asking you for $5 million for this'…Their style benefits from having that collaborative approach."

Yet SCAG did sign agreements with each of the other CTAs, in addition to Metro, which had the most incentive to do so. SANBAG, which serves a more suburban area than Metro, counted among its motivations a legal settlement with the state obligating San Bernardino County to do more to plan for GHG emission reductions. Each of the other four counties had some kind of sustainability planning efforts that could be aligned with SCAG to different degrees, but completing the agreements required effort on SCAG's part over several years. Interviewees at the regional and the county level suggested that the delay for the other counties was primarily a factor of constraints on

staff time and needing to move on to other CTA priorities after the effort of the SCS development process, rather than opposition to an implementation agreement.

Among the reasons that SCAG pursued cooperation agreements with the rest of the counties after Metro was input from the advocacy community. As a regional planner described the timeline,

> "…having had the LA joint work program in place, there was a motion put forward at this SCAG Regional Council meeting at the conference that happens every May directing SCAG to work on similar programs with every other county. That was coming from the advocacy community, [which said that] 'if it's a good thing to do in LA it was a good thing to do with the other counties.'"

The nonprofit community sought consistency in implementation across the region, as well as a rallying point in a fragmented system. One nonprofit representative described the agreements that SCAG has worked out with the county transportation authorities as

> "something in writing…a commitment that they could be held accountable to.…The MOU gives us leverage to say 'you committed to this on a county level.'…The MOU gives us a place where we as advocates can push."

Focal points such as the joint work plans can assist with the implementation of a soft law such as SB 375 by creating a platform for nonprofits to communicate with the public and government agencies about a complicated process. However, they do not provide firm accountability. Yet they do provide a way to broadly account for and compare sustainability work happening in the region and outline areas for future collaboration between SCAG and county transportation agencies.

Although it fit into their general strategy, SCAG's process of formalizing the cooperation agreements with the county transportation commissions (the CTA boards) was fairly informal and not part of an official SB 375 mandate. As one regional planner described the process,

> "It just worked out what SCAG did was to budget the money and approached the CTCs by saying 'if you have a planning project that you would like to get done that would be consistent with the SCS goals and policies and you could use funding for, then SCAG has resources and would like to have a formalization of that arrangement so that we are making progress on the SCS…For San Bernardino they definitely had things that they wanted to do that they could use the money for… I think they were pretty much done with their climate action plan by that time but the climate action plan called for some next steps, so there was some good synergy in that regard."

While there was not an explicit budget tied to the cooperation agreements, they did include initiatives that SCAG funds throughout the region. The following section outlines the contents of the agreements.

3.3.3.1 Comparing the cooperation agreements

The SCAG cooperation agreements with each county outline how the agencies can cooperate with SCAG and the other CTAs on SCS implementation. The agreements also demonstrate how SCS implementation activities vary by county. The primary topics covered in them are first-mile last-mile planning, conservation planning, safe routes to school planning, and other active transportation planning, as Table 3.3 shows. A handful of the cooperation agreements mentioned working with SCAG on studying locations for plug-in electric vehicle (PEV) infrastructure. Each CTA agreed to share information and participate in state legislative efforts to fund the SCS, and they all committed to meeting regularly with SCAG and the CEOs of the six county transportation agencies. SCAG's CEOs Sustainability Working Group meets regularly to discuss SCS implementation and share what each county transportation agency is working on. Table 3.3 shows the variation in topics covered in the agreements.

Table 3.3: County transportation commission agreements to implement the SCAG 2012 SCS

County	date	first mile last mile strategic plan	conservation planning policy	safe routes to school	bus rapid transit	active transportation / bike-ped	co-benefits	complete streets	plug-in electric vehicle readiness	CAPs	other
						topics mentioned					
Los Angeles	7/18/12	x	x	x		x	x		x		sustainable transportation demonstration program
San Bernardino	11/6/13		x			x	x	x	x	x	countywide vision implementation
Imperial	12/11/13	x	x	x	x	x	x	x			
Ventura	2/7/14		x	x		x	x	x			
Riverside	10/16/14	x	x	x		x		x		x	improved rail service
Orange	1/15/15	x	x			x		x			improved bus/rail/streetcar service, signal synchronization

The agreements with two counties, San Bernardino and Riverside, noted their efforts to coordinate the preparation of climate action plans (CAPs) among their cities. While CAPs do not have to include a land use component that would help them implement regional SCSs, they often do because this provides CEQA benefits and protection from litigation. San Bernardino's agreement, for example, went into detail about its work to

> "…support local jurisdictions in developing Climate Action Plans (CAPs) that would serve as the local implementation and monitoring documents for the reduction of greenhouse gases in response to Assembly Bill 32, the Global Warming Solutions Act of 2006. SANBAG will collaborate with local jurisdictions to develop templates jurisdictions may use as starting points for incorporation of specific schedule, funding, and implementation action items into their CAPs. SANBAG is nearing completion on a 21-city partnership effort to develop a Regional Greenhouse Gas Emissions Inventory and Reduction Plan and its associated Environmental Impact

Report. The Plan and EIR will be used as the foundation for the local jurisdictions' CAPs."

Similarly, Riverside CTA's agreement mentions that they will "support and participate in the development and implementation of Climate Action Plans in Riverside County" in cooperation with Western Riverside COG. This work, in both of these counties, represents a collaborative effort between county-level agencies and cities to implement the SCS. The countywide climate action plans facilitate local climate planning by developing model general plan updates. These plans could serve as examples for other counties or regions. Although this cooperation is not required in the SCS and some of the work predates the SCS, it improves the quality of SCS implementation and provides a structure for future climate planning efforts. The cooperation agreements with SCAG lend weight to countywide climate action planning, which will be discussed later in this chapter.

Four of the counties' agreements mentioned 'co-benefits' of their climate planning efforts, which they defined in similar language, as including public health and carbon emission reductions. For example, Ventura's CTA will

"…continue collaborative efforts to improve Performance Measurement and Monitoring of the benefits and co-benefits (health, greenhouse gas reduction, etc.) of transportation projects and plans through efforts such as: monitoring of travel time and reliability on major highway corridors through upgrades to the Ventura County Transportation Plan; monitoring of transit performance; collection of bicycle use data through the bicycle data clearinghouse; participate in the SCAG annual HPMS data collection and training workshop, monitoring of milestones for the County Transportation Plan (including documenting the accomplishments of TDM [travel demand management] programs, complete streets implementation, and completion of major FTIP projects)."

Co-benefits, particularly health, are a common part of county and city level framing and communication with the public about sustainability planning in Southern California. They represent an inclusion of local priorities in policies that support regional plan implementation.

SCAG's implementation agreements suggest that county transportation authorities are making consistent progress on complete streets throughout the region, but that they are taking smaller steps on concentrating transportation funds in transit-rich areas. SCAG's SCS implementation efforts focused on generating interest in cooperation and collaboration. For example, SCAG's agreements with the counties included developing complete streets policies, with the exception of Metro, which already had one. Orange County's agreement referenced the "development of countywide complete streets strategies, designed to streamline efforts by local jurisdictions to update general plan circulation elements consistent with AB 1358…The California Complete Streets Act," a state law requiring cities to adopt complete streets elements in general plan updates undertaken in 2011 or later (Leno 2008). Yet if the cooperation agreements are an indication, first-round SCS implementation in the Los Angeles region will not have a strong effect on moving the region towards concentrating transportation funds in transit-rich areas. Only the San

Bernardino County agreement mentioned SCAG's high-quality transit areas (HQTAs), which are part of the SCS but not tied to RHNA allocations or grant funds. San Bernardino's agreement indicates that SANBAG will

> "…support SCAG in conducting a High Quality Transit Area Study to review possible incentive programs that could be offered by SANBAG and SCAG to help realize the RTP/SCS vision for reducing GHG emissions and capturing growth in High Quality Transit Areas (as defined in the RTP/SCS)."

By working with CTAs to study how HQTAs should function during the implementation phase of their first SCS, rather than defining them at the regional level during SCS development, SCAG may be able to make them an effective policy tool in their second round SCS.

The cooperation agreements all mention bicycle and pedestrian planning or active transportation, suggesting that this is an area of consistent interest across the region, despite inconsistent levels of local funding. One regional planner noted that SCAG's first SCS

> "…committed a dramatically larger [funding] number for active transportation than any RTP previously…[but]…the number is aspirational and not well-defined…[There is]…a lot of discussion about how do you make that a real number and how do you go from no committed sources of funding to a much larger program…[such as by]…competing for state and federal grant programs, [and through] better accounting of what the locals are spending of their own resources on active transportation."

There is an uneven amount of currently committed funding at the local level for active transportation across the region, depending on the text of each county's sales tax measure. Ventura County, which is the only county in the SCAG region without a sales tax measure, mentions in their agreement that the CTA will

> "explore opportunities, together with SCAG, to expedite Active Transportation funding planned in the RTP/SCS for local infrastructure to support the operation and expansion of Bus/Bus Rapid Transit systems and for improved bicycle/pedestrian connectivity county-wide, complete street efforts and cycle track or protected lanes. VCTC will develop a funding strategy for specific Active Transportation priority projects to support the Strategic County-Wide Bicycle Route System."

These types of commitments are a first step towards making the "aspirational" active transportation funding levels in the SCS a reality.

Open space conservation is an area of interest for all of the CTAs that arose from work already occurring at the county level. All of the cooperation agreements include an item about helping SCAG promote a regional conservation plan modeled on Orange County's conservation plan. For example, Ventura's CTA will

> "…support SCAG in developing a Conservation Planning Policy, as recommended in the 2012-2035 RTP/SCS. This policy is intended to build upon already-established programs that assist with more efficient transportation project delivery, including but not limited to, OCTA's

Environmental Mitigation Program and Riverside County's Multiple Species Habitat Conservation Plan (MSHCP). The policy will explore opportunities to identify and seek funding to support natural land restoration, conservation, protection and acquisition, and will offer GHG emissions reduction benefits."

Orange County's transportation sales tax, Measure M, includes water conservation and open space preservation through purchasing land at the periphery of the county. The land trust is called Strategy H. Said one Orange County official, "we're really proud of the Measure M half cent sales tax in Orange County. When it passed in 2006 it included something we've never had before" in a sales tax measure, "an environmental component" where the revenue supports a "freeway mitigation program, which is a land set-aside for certain parts of Orange County" supported by a "unique coalition" of environmental and other groups. It is included in the Orange County subregional SCS and, by extension, in SCAG's SCS, and it involves land that the county has "already started to purchase" with the goal of handing over the management to a resource agency or nonprofit. For Orange County, open space conservation was a politically feasible countywide measure for reducing GHG emissions because it appeals to traditional environmental groups and sidesteps the issue of housing construction or shifting travel modes.

3.4 Subregional coordination on climate planning: the approach of county transportation authorities and multi-city councils of government to SCS implementation

3.4.1 The Gateway Cities and Orange County: the curious case of the subregional SCSs

Although the politics behind the subregional SCSs demonstrate fragmentation in Southern California, they also show why the region has overcome some of this fragmentation through the SCS implementation process and will likely have a more cohesive second round SCS. Subregional SCSs were an exception built into SB 375 that exposed the divisions in the region, but also created a venue for local discussion of climate planning, helping to dispel some local concerns about SB 375. Many observers thought that the subregional SCSs would make SCAG's SCS a stapled-together document without cohesiveness. Yet this arguably did not turn out to be the case. Two subregional COGs representing Gateway Cities and Orange County decided to do their own SCSs in the first round, but will not be repeating the exercise. Other CTAs and COGs credited their strong relationship with SCAG, along with the cost and potential liability, as reasons to forgo the opportunity to do a subregional SCS. The Gateway Cities COG represents cities in part of LA County, including Long Beach. The Orange County COG is closely associated with the Orange County Transportation Authority, a CTA covering the whole county.

The reasons why Orange County and the Gateway Cities prepared subregional SCSs, the lessons that those subregions drew from them, and the reasons they will not

likely be repeated, shed light on subregional sustainability planning in Southern California in general. The subregional SCSs were a unique occurrence both geographically in the LA region and in the first round of SCSs. The Gateway Cities COG used the subregional SCS as an opportunity to do local emissions inventories. Orange County's COG undertook a subregional SCS with the intention of having stronger local input into the SCS, and with the express purpose of not inventorying their emissions locally. While there are no local emission targets in SB 375, Orange County officials initially suspected that the bill might be used as leverage to create local targets.

The subregional SCS provision of SB 375 was initially seen as a move by countywide entities to protect their local power, and as a potential obstacle to the effectiveness of SB 375. SB 375 included a special provision that only applied to the Los Angeles region. It said that a subregional agency within the SCAG MPO boundaries could prepare its own sustainable communities strategy to be included in the region's SCS. This exception became part of the law in part because elected officials from Orange County were concerned about SB 375 giving SCAG new powers by adding the SCS component to the regional transportation plan (RTP). Across the state, the RTP was historically a "stapled together" list of projects that counties wanted to see built. The federal ISTEA reforms of the early 1990s called for the RTPs to include realistic funding sources for each project and directed greater funding towards public transportation (Goldman and Deakin 2000). SB 375 attempted to further rationalize the RTP by linking the list of transportation projects to housing planning and greenhouse gas reduction through compact development. State and regional observers had concerns that allowing subregional agencies to prepare their own SCS, to be included in the region's SCS, could represent a continuation of the practice of MPOs compiling plans with minimal regional coordination, undermining the reforms of SB 375.

By most accounts, SB 375 implementation did not materialize as a regional power grab by SCAG of the sort that Orange County representatives feared. Nor did Orange County's subregional SCS derail the effectiveness of the regional SCS, as it was widely expected to do. SCAG's SCS arguably did not revert to a compilation of subregional plans, despite the exception that allowing CTAs and COGs to prepare their own SCSs would have this result. Furthermore, the two subregions that prepared their own SCS decided not to do one for the second round SCS. From one perspective, this was a sign that the subregions had accepted the regional SCS process. Put another way, the Gateway Cities and Orange County officials no longer viewed SB 375 as an unknown, potential threat to their autonomy. For example, planners in Orange County saw the value in increasing the alignment of land use and transportation planning, despite their misgivings about regional planning (author interviews). Officials in the county have realized that the SCS does not drastically change their day-to-day operations. This could be seen as a sign of inactivity on SCS implementation, or a victory for localism, because of lack of strong enforcement. However, Orange County officials are taking the opportunity to work with SCAG on specific issues in their cooperation agreement, while addressing local needs and political conditions. While the subregional SCS represented defensive regionalism, or preparing a subregional SCS to prevent a regional one from affecting the county, overall the process has

resulted in greater cooperation between Orange County's subregional COG, CTA, and SCAG.

3.4.1.1 The Gateway Cities subregional SCS

Both of the subregional SCSs constituted a form of defensive regionalism, or cities banding together to take action at the lowest tier of government possible. And both subregions viewed their finished SCSs primarily as an initial effort to understand what their cities were doing to reduce emissions, rather than as a detailed roadmap for reducing emissions going forward. However, the Gateway Cities COG inventoried their cities' emissions, while Orange County saw inventorying GHGs as a slippery slope to the region setting county-specific reduction targets. Despite differences with Orange County in the framing and execution of their subregional SCS, the Gateway Cities were similarly motivated by local control when they chose to take advantage of the "Orange County exception."

The main effect of the Gateway Cities' subregional SCS was to give the COG and member cities a sense of what kinds of GHG reductions are possible given the general plans they have on the books. Each city in the Gateway subregion participated in the subregional SCS development. After completing their GHG emissions inventory, they found that they will be on track with the region's fifteen percent reduction based on their existing general plans. One participant in the process noted that

> "….one of the fundamental lessons from the SCS was that [the COG] really collated what the cities' general plans already said and found that with all of that put together, and a combination of that and regional projects that come through our [sub]region, we would meet the regional GHG reduction targets, that we could meet them, and the key point there is without changing the cities' general plans, so without coming back and saying 'you've got to build more densely…we didn't have to change anything, we were already doing what the SCS and SB 375 were looking for from us…and so the cities have continued to do what they were planning to do."

The Gateway Cities used the preparation of the subregional SCS as an opportunity to determine whether they were in line with the state's target that SCAG must meet, even though they were not required to do so.

The preparation of the subregional SCS increased cooperation between the Gateway Cities. The member cities of the Gateway COG had a history of collaborating on raising money and doing joint planning exercises on transportation, housing, economic development, and air quality. Their previous collaborations made them feel that they had the capacity to do a subregional SCS. The subregional SCS preparation, according to one participant, helped

> "strengthen relationships between…member cities…The planners [from each city] are meeting again as a group. They hadn't done that for a long time but during the SCS…a subgroup of planners and public works folks and an SCS steering committee...came together periodically, once a month

or every other month…[which] resulted in strengthened relationships among the cities."

While the subregional SCS as a planning exercise improved relationships between cities and between cities and the COG, it did not draw a large amount of interest from the public.

The Gateway Cities SCS process, although it produced positive feedback from planners, was not a very tangible process for the public. For example, during the SCS implementation period, the 710 Highway corridor planning process drew greater public interest. Although both processes relate to traffic, air quality, and health, the highway process was more salient to the public. Perhaps because of this lack of controversy, the subregional SCS, noted a COG official, "was such a positive experience for cities that most of the cities were interested at the planner level in doing another SCS…from a process and a substance standpoint." Although preparing a subregional SCS may have made SB 375 implementation more accessible for local planners, the level of public enthusiasm was low in the Gateway Cities.

3.4.1.2 The Orange County subregional SCS

The Orange County subregional SCS led to incremental changes in countywide cooperation and priorities. The board of the Orange County Transportation Authority (OCTA) initially opposed SB 375, but once it became law, they began their implementation activities to be in compliance. When SB 375 was passed, officials in Orange County were especially concerned that there would be no local emissions targets as part of the regional or the subregional SCS and that it would not affect their existing sales tax measure. One county level official noted that Orange County lobbied for the exception

> "because we were really concerned, we didn't want our transportation dollars touched….we have a [sales tax] measure program…[and]…all self-help counties are protected from any kind of state legislation that could potentially affect their measures, we certainly didn't want that to happen and we wanted some assurances for that."

The concerns of Orange County officials about the state undermining their local autonomy stem from the recent history of state funding reductions for transportation and raids on local funds, as discussed earlier in this chapter. Orange County officials, like others in the region, anticipate there being future regulation increasing local responsibilities and regional authority over the coordination of land use and transportation policy for the purpose of GHG emission reduction. However, going through the process of preparing a subregional SCS reduced some of the fears of Orange County officials about SB 375.

The Orange County subregional SCS provided an opportunity for the COG to facilitate communication between politicians and equity groups in a way that was unusual for Orange County. Said one county level official, "The cities had really little patience for folks outside of the bubble…[i.e.] the advocates." The COG brought them all to the table as part of the SCS process. "The co-benefits folks…were fighting for low-income housing" to be part of the plan and the cities "…never wanted to…give

them any time in the meetings and that was a struggle." OCTA expanded its board as part of the SCS process to add ex officio members "from the nonprofit side, the housing side, not just the BIA [building industry association] but the other side of low-income housing… to get broader input." The subregional SCS in Orange County resulted in a greater nonprofit voice in countywide planning, which was nearly nonexistent before, and a small uptick in elected official interest in TOD throughout the county.

The Orange County subregional SCS attracted greater public attention than the Gateway subregional SCS. Orange County's subregional SCS process attracted activists from different ends of the political spectrum. In addition to left-leaning equity activists trying to gain a greater voice, Tea Party conservatives also attempted to pry open the process. While the equity advocates engaged in inside game tactics, the conservatives opted for an outside game. Similar to scenes during the Bay Area's SCS development, the apparent aim of Tea Party members in Orange County's was to disrupt the process rather than to gain a seat at the table. An attendee recalled that Tea Party activists "brought video recorders" and were "yelling" over the proceedings. However, these tactics did not lead local politicians to call for an end to the subregional SCS development. Ironically, the Tea Party members were protesting a process that Orange County transportation officials had brought closer to the local level, although localism is a key plank in the Tea Party platform (Skocpol 2012; Frick 2013). For more moderate conservatives and others concerned about local autonomy in Orange County, the subregional SCS process assuaged some fears about the impact of SB 375.

The Orange County COG, like the Gateway Cities, considered its subregional SCS data collection an opportunity to understand and showcase the positive efforts their cities were already making. One COG officials noted that the subregional SCS was

> "an audit of all the good things that our cities are doing… all the things we were already doing…but I don't think [the COG] ever had a full understanding of how much different cities were doing…[and it is likely that]…the next effort… will include a lot more implementation."

The subregional SCS increased the level of comfort with sustainability planning among local officials representing more conservative populations, and helped make it locally relevant.

The Orange County SCS helped bring local examples of smart growth to light, reducing the perception among local officials that smart growth is an imported idea that does not apply to their work or their communities. One planner noted that since the subregional SCS was developed,

> "…You have seen [projects] come out and it was like 'oh that was in the SCS!' And yes they were planned activities but it's helped put things on the map a little bit and I think that's going to increase over time in the next SCS when we are all a little bit more comfortable with it."

The Orange County SCS provided encouragement for cities that were already doing compact development or wanted to. The SCS "put the spotlight on all that cities were already doing but it also gave some encouragement for those that wanted to do more

and those who were going to maybe [do something] but now are doing it." For cities that just needed encouragement, the SCS helped push them over the edge of taking action. However, it did not move the needle much for places where there was not an interest.

The subregional SCS process in Orange County has increased the COG and the CTA's emphasis on TOD and bike planning. For example, Orange County is served by Metrolink and Amtrak rail lines, and, according to one COG planner, is "starting to see [compact development] in several cities around Metrolink [such as] Santa Ana and Anaheim." OCTA will have a greater role in coordinating different rail lines that run through the county in the coming years, which fits with the interests of local actors in Orange County. Partly as a result of the subregional SCS process, OCTA hired a full time bike planner and OCCOG is funding studies by collaboratives in each of their five supervisorial districts to identify bike infrastructure projects "and now actually those projects are starting to get built and the cities would not have been able to do it without the SCS…[or at least]…It would not have been done this fast." Eleven Orange County Cities are collaborating on a "plan homing in on the high-value [bike] corridors that are not done yet" with leadership from a county supervisor and the CTA. The COG's support for active transportation has helped make cities more competitive for state and federal active transportation grants. Preparing the subregional SCS increased communication between cities on the specific issues of bike planning and rail TOD but has not had a huge spillover in terms of collaboration on other issues.

3.4.1.3 Subregional SCSs as a one-time occurrence

Neither Orange County nor the Gateway Cities will prepare a second subregional SCS, partly due to the cost and the potential liability, as well as a change in SCAG's approach to incorporating any future subregional SCS. SCAG's environmental impact report (EIR) for its first SCS covered the first round subregional SCSs, but it will not cover the second. Without this umbrella, the potential liability is too great for the Gateway COG and OCCOG to justify the cost. Another reason for Orange County not to prepare another was that SCAG promised to include their housing, employment, and trip generation projections whole cloth for the first one, but did not promise this for future SCSs.

SCAG withdrew its promise not to alter the demographic and travel projections and assumptions in a second round subregional SCS that had applied to the first round SCSs. SCAG's state target under SB 375 is to reduce regional emissions from vehicle travel by nine percent per capita by 2020 and 16 percent by 2035 (ARB 2012). Orange County representatives prepared their subregional SCS with the expectation that SCAG would rely more heavily on reductions from Los Angeles County than Orange County. Although both counties are job centers, Los Angeles County has higher existing housing densities and a more robust transit system. SCAG's next SCS may change this assumption. In Orange County's agreement with SCAG on the preparation of its subregional SCS, SCAG promised not to change Orange County's projections. The cities in Orange County did not want to prepare a second SCS only to have SCAG change their numbers (author interview). OCCOG and OCTA will still participate in SCAG's second SCS preparation, but they expect that it will be less of a collaborative

effort on the part of their cities. One COG planner suggested that "in some ways it hurts Orange County" not to have the opportunity to prepare another subregional SCS because the first one "put the focus on those cities that are really stepping up to the plate." Another factor is that it is politically easier for local elected officials in Orange County to support an initiative being led by OCCOG than it is for them to back a regional plan. The subregional SCS encouraged some local officials to begin working on smart growth planning who might not have done so otherwise. It remains to be seen whether these efforts will continue.

3.4.2 LA Metro: a large county transportation authority adopts a sustainability policy as part of SCS implementation

Although LA Metro, the CTA for Los Angeles County, had undertaken previous sustainability activities, SCS implementation was an impetus for them to develop an overarching sustainability policy for the agency and its activities. Metro was first out of the gate in signing a cooperation agreement with SCAG to implement the SCS. In the months after SCAG adopted the SCS, the two agencies sat down to identify areas where they could collaborate with or support each other, and where SCAG could help Metro reduce emissions by meeting transit ridership targets that were part of the SCS. SCAG's cooperation agreement with Metro, according to one Metro planner,

> "was initiated by SCAG and I think there was certainly some interest from Metro at the executive level as well as at the staff level…to be able to provide some very public and visible demonstration that [Metro] was committed to what the [RTP-SCS] plan called for and to be able to spell out the very discrete ways that [Metro] were going to move the ball forward."

This demonstration of commitment included the idea of a sustainability policy for Metro, which was developed through Metro officials meetings with SCAG on the cooperation agreement. Metro subsequently adopted a sustainability policy to tie together existing programs with SCS-related activities. One example was LA Metro's first-mile last-mile work.

One of the ways that LA Metro implemented the SCS was by increasing their agency's emphasis on the areas surrounding stations and making them more bike and pedestrian friendly. Metro's "first-mile last-mile" plan, which received a National Best Practice Award from the American Planning Association, was co-funded by SCAG and Metro as part of their cooperation agreement to implement the SCS. Metro and SCAG each put $100 thousand towards a consultant study. The program's name refers to the trips bookending a transit ride that users make to reach a station and their final destination. Metro views the program as a "flagship program" in their efforts to improve bike and pedestrian access to its stations. Metro has increasingly realized that station accessibility is important to their ridership and their public image. One Metro official noted that

> "Metro has historically taken the position that we are responsible for what happens in our right-of-way. It has not historically been the case that we've been an active participant in what goes on in the communities beyond our

right-of-way…The first-mile last-mile program has created a really good platform for Metro and cities to work together on access issues."

With support from SCAG, Metro has increased its coordination with cities on the sustainability and equity issue of improving station access. For example, Metro has implemented station area improvements and trained local planners on how to do a first-mile last-mile project. In Metro's case, SCS implementation activities helped them develop an overall structure, i.e. the sustainability policy, and an increased level of city-CTA coordination on existing climate planning. The nonprofit community is currently advocating for LA County's next sales tax measure to include greater funding for bike and pedestrian facilities, which would further the SCS target of increasing local dedicated funding for active transportation.[6] Metro also engages in SCS implementation through its relationship with the subregional COGs within LA County.

LA Metro engages with subregional COGs to communicate with cities about sustainability planning. For example, Metro is developing sustainability demonstration projects in cooperation with three of the COGs in Los Angeles County. According to one Metro representative, the COGs will "design a scope that's consistent with local goals and needs, and then Metro will implement the project." The COGs' relationship with cities allows them to be a "platform for communications" between Metro and the cities in areas such as "getting pilot projects or planning work on the table." As member organizations for cities, subregional COGs can assist with communication between local jurisdictions and Metro. Subregional COGs also play an advisory role in programming local return funds from LA County's transportation sales tax.

3.4.3 San Bernardino: a county transportation authority with a sales tax measure adopts a multi-city climate action plan

San Bernardino County is a case of initial reluctance and an eventual embrace of local climate planning coordinated at the county level, which set a precedent across the Inland Empire. Both the incentives provided by the state, such as environmental review streamlining through SB 375 and other laws, and an earlier lawsuit by the state, motivated officials in San Bernardino County to begin countywide climate action planning. The countywide climate plan provided a template for local jurisdictions to incorporate emissions reductions, including those involving land use, into their general plans, and it provided a model for neighboring counties.

San Bernardino County's CTA prepared a multijurisdictional climate action plan (CAP) on the heels of the state's lawsuit against the County.[7] In 2007, California Attorney General Jerry Brown sued the San Bernardino County Board of Supervisors for not including GHG emissions measurements and reductions in their general plan update on the grounds that this ran counter to the state's goal of reducing its emissions to 1990 levels by 2020 (settlement agreement in *State of CA* v. *County of San*

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[6] Metro's previous sales tax measure, Measure R, included significant amounts of funding for public transportation.

[7] San Bernardino County and SANBAG are different government agencies with different responsibilities. However, they often work closely.

Bernardino 2007). In response, the County developed a GHG emissions inventory and reduction plan. Following on the County's efforts, the CTA, the San Bernardino Associated Governments (SANBAG), hired the same consultants to do a coordinated climate planning effort amongst its cities. According to planners at SANBAG, "the landmark case…triggered the whole discussion of doing something regionally…as a cost-saving measure," rather than cities having to work individually. "That's the biggest factor" in the joint effort between SANBAG and the cities. SANBAG did a greenhouse gas inventory, assisted cities with setting targets and selecting measures for reducing GHGs, and provided them with a tool for monitoring and tracking their GHGs. Each city developed and implemented its own climate action plan, but the tool from SANBAG allowed them to easily figure out how much of a reduction the cities would achieve through their chosen measures. Twenty-one out of twenty-four cities in San Bernardino County participated in the voluntary effort.

SANBAG's countywide CAP is tailored to the interests of each individual participating city and achieves its emission reductions from a combination of state, CTA, and city actions, including land use measures. According to one SANBAG official, "most of the reduction targets are met through state measures," and the "portion that the local jurisdictions are responsible for is very small" compared to state actions, "and a lot of that small amount is captured through [reductions in] energy" use. A new CTA-planned bus rapid transit line with six stations also contributes to the GHG reduction target. Yet local decisions on land use, specifically those that contribute to regional SCS implementation, play a role. SANBAG's Countywide Vision includes a menu of reduction measures that cities can choose from, including one that is "linkage to the SCS (SANBAG 2014)." According to one county-level interviewee, SANBAG developed "the inventory and the reduction measures" but the "cities and unincorporated areas of the county are doing the actual implementation of the reduction measures…taking the next steps through their own climate action plan or through their general plan update if they are doing one." Cities report on the land use measures they are taking as they document their implementation measures.

SANBAG's countywide climate action plan facilitates local climate planning through its environmental impact report (EIR) that cities can use to cover local activities, rather than expending resources to prepare their own. The countywide CAP allows cities to take advantage of the environmental review streamlining benefits of consistency with the SCS. For example, the bill states that

> "If a residential or mixed-use residential project is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in…a [state Air Resources Board approved] sustainable communities strategy…then [a negative declaration, EIR, or other] shall not be required to reference…growth inducing impacts; or…impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network (Steinberg 2008, p. 37-38)."

This means that if a local general plan uses an EIR, in this case the one prepared by SANBAG, that is consistent with a region's SCS, it is covered by the regional EIR for the SCS. This practice is commonly called "tiering." According to one SANBAG official, the CTA is possibly

"the only regional entity that actually did an EIR associated with the reduction plan and the reduction measures in the state. It allows the twenty-one participating cities…to tier off the programmatic EIR…[that SANBAG did. The EIR]…is very specific to the cities, so that each city can actually take their chapters and just adopt or certify it."

However, the CEQA incentives of SB 375 are not enough to spur development on their own. "The tiering certainly helps, but the [land] values and actually having the development pan out for developers is key. [Tiering] is helpful, but…the overall economy needs to grow…in order for a lot of the sustainable projects to be implemented." San Bernardino was one of the hardest-hit counties in the country from the foreclosure crisis in the late 2000s, and it has the largest number of outbound commuters in the state, indicating a major job deficit relative to its housing. The countywide climate action plan in San Bernardino County has helped lay the groundwork for future development projects so that when the economy improves, the smart growth planning is already in place.

SANBAG assists local jurisdictions with tracking of their climate planning efforts through a tool to determine if a new development project is consistent with the SCS, with implications for the success of local-regional emission reductions. According to SANBAG officials, the CTA's screening tool is a "spreadsheet that allows cities to look at their [emission reduction] measures and what they've chosen and monitor how much reduction they are achieving." The tool gives cities "a menu of options for new developments depending on what the cities chose their new development burden for GHG reduction" to be. "If cities achieve a certain amount of points" using the screening tool, "then the new development is considered consistent with the regional plan" In theory, this makes cities' plans and development projects eligible for CEQA benefits of being consistent with the SCS. Noted one SANBAG official,

> "It is a tool for the city planners. It allows the developer to pick and choose from the menu of options, they can earn points, [and] if they earn a certain amount of points, the planner can say 'you meet the level for being consistent with the regional plan.' The idea is the developers won't have to include GHGs in their project-specific EIR. The GHG portion for a development study runs anywhere from $5,000-$30,000. It's a cost-saving measure for the cities."

One premise of SB 375 is that a simplification of environmental review responsibilities for cities will facilitate compact development in a way that will reduce emissions from vehicle trips. However, the law does not specify how this provision will be implemented. SANBAG is an example of a CTA taking up the responsibility, partly in response to state legal action, of coordinating and facilitating this policy objective and incentive for cities. The CTA identified an economy of scale in providing a screening tool for SCS consistency. This policy innovation originated at the county scale, but has implications for local and regional emissions reductions and the success of SCS implementation.

The county level plan in San Bernardino has helped legitimize sustainability efforts at the local level because it was developed locally and focuses on economic

development. The plan was based on input from all of SANBAG's member cities and board members. This existing level of buy-in has helped garner political support for subsequent sustainability planning efforts. When SANBAG staff report on sustainability issues and proposals to their board, such as infrastructure, public health and jobs, as one staff member noted, it "is supporting the countywide vision, and everyone says 'that's great we need to do that.'" There is political buy-in on activities related to the sustainability plan because local officials and CTA board members understand what it is and already helped frame it. Economic development is a key element of this framing that fits with the needs of Inland Empire cities. Creating jobs locally is central to sustainability efforts in San Bernardino County because the area has lagged behind the rest of Southern California in the economic recovery and most people commute long distances to their jobs.

The countywide sustainability plan has increased cooperation on sustainability issues across jurisdictions in San Bernardino County. According to one SANBAG official,

> "people were working in silos and just not aware of what others were doing. A good example is in the water area. One of the elements of the countywide vision is water. Maybe the water districts were talking a little before, but not all of these water agencies have framed a comprehensive plan for water…[which] was actually one of the first significant milestones [of the countywide plan]."

The coordinating framework of the countywide CAP has provided a platform for increased cooperation as issues arise, such as the recent drought, the SCS, or new sources of funding. Furthermore, the countywide CAP provides a focal point for SANBAG to act as a conduit for communication between SCAG and cities on SCS implementation.

SANBAG has played a coordinating role in communicating with SCAG on climate planning issues on behalf of cities.

> Although cities can work directly with SCAG, a SANBAG official noted that "it has been useful for [cities] I think to have [SANBAG] help keep them appraised of what is going on [at the regional level] so they don't have to worry about it so much, and by the same token we have a better sense of what's happening at the county level than SCAG does so we can interpret [local issues for SCAG]."

This is consistent with what CTA and subregional COG officials across the Los Angeles Region reported as their role in translating information from the MPO or regional COG.

Anticipating and preparing for future growth around transit stations is one component of county level climate planning in San Bernardino County that is also consistent with the SCS. SANBAG did a study of their Metrolink corridor, funded by a $400,000 Caltrans planning grant. According to one official, the study

> "stepped back and looked at the entire corridor to see what we need to do from a land-use standpoint and from a rail service and operations standpoint and take a long-term view of what you want this corridor to be

when it grows up and how do we put stuff in place to help that happen…[The] station areas were awarded almost $5 million in grants based on that…For the extension of Metrolink and Redlands rail, part of the SANBAG role is to get the core infrastructure down so the cities then can start planning around it, that was one of the reasons for the Orion study."

A main focus of climate planning in the Inland Empire is on managing anticipated greenfield growth. Station area smart growth planning reflects an emphasis on local priorities in SCS implementation in Southern California, in this case on economic development.

The countywide CAP has laid groundwork to attract funding for active transportation, a core component of the SCS, despite San Bernardino County being a primarily suburban area that does not usually attract funding for bike and pedestrian projects. In 2014, San Bernardino County received $23 million for active transportation projects, including bicycle and pedestrian infrastructure and some planning through a statewide competition and through SCAG. According to SANBAG officials, this

"…has never happened in our county. We would have never dreamed that our county would get any type of funding related to bike and ped projects. We were successful because of all of the emphasis we put in active transportation and all of the programs related to active transportation that our cities are on board with, so this year's cycle we had the same enthusiasm from our cities."

The type of planning that the countywide CAP fostered, with incentives from SCAG and the state, has brought momentum to active transportation planning in the Inland Empire. The countywide CAP provided a structure that allowed SANBAG to demonstrate activity and preparedness once those incentives took shape.

3.4.4 Riverside: a council of governments with a developer fee adopts a multi-city climate action plan

SCS implementation by subregional COGs is in many cases a continuation of climate planning activities that began with previous funding sources and have involved information sharing across COGs. Regional and state planning grants have encouraged subregional COGs and cities to build upon their work with successive rounds of funding. Subregional COGs fund their operations through membership fees from cities, but they typically do not have a consistent revenue source, such as a county transportation sales tax, that is large enough to support capital projects. Subregional COGs in the Los Angeles region piece together different planning grants, including grants from the Southern California Edison utility for energy efficiency and conservation, state Strategic Growth Council grants for sustainability planning, and SCAG sustainability grants. According to one subregional COG representative, these funders ask questions such as "is this [project] replicable, are you [the COG] helping get these tools out to other people [in other jurisdictions]." The South Bay COG, the San Gabriel Valley COG, the Coachella Valley Association of Governments, and the

Western Riverside COG received Edison grants to do energy action plans. For example, the Coachella Valley Association of Governments used the Edison grant to create an online tool for home energy retrofits and are actively promoting electric vehicle ownership and charging station availability. This coordination generated among cities by the COGs through the Edison grant laid the groundwork for further climate planning in support of the SCS, including on land use. The utility created a forum for sharing strategies among the subregions that SCAG later followed. For example, at the end of the grant period, the San Gabriel Valley COG presented their energy action plans to Edison and the other subregional COG representatives.

Riverside County has a multijurisdictional climate action plan organized by a subregional COG with a unique funding source. Actors in Riverside responded to funding incentives as well as concerns from local officials about avoiding potential state legal action as in San Bernardino County. The development of the Riverside County climate action plan involved coordination from the subregional COG, Western Riverside COG (WRCOG). Rather than compiling a chapter for each city, WRCOG developed a single CAP with sections on different issues that all of the participating cities helped develop. Cities also agreed to individual emission reduction targets and reduction measures that cut across cities within the subregion. Six jurisdictions prepared their own climate action plans, and the COG assisted the other twelve. The implementation phase of WRCOG's climate action plan began in 2014 and included the COG preparing a "toolkit" of model ordinances and model general plan amendments, that apply to land use, health, and safety. Another key component of the COG's implementation work was developing a tool for cities to track their progress. As in San Bernardino County, WRCOG's climate planning efforts were assisted by a developer impact fee. However, while Riverside has a shared, countywide transportation impact fee that supports COG activities, San Bernardino has separate ones that go to individual cities and one for unincorporated county areas that supports CTA activities. WRCOG is unique among subregional COGs in the LA region in having this type of fairly consistent revenue source.

The participation of jurisdictions in Riverside County in developing a subregional climate action plan involved motivating factors from the local level and state incentives, including SB 375's environmental review streamlining provision. First, cities in Riverside County wanted to be eligible for funding sources from SCAG and the Strategic Growth Council, or others that become available. Second, they wanted to be prepared for future policies from the state and the region and to shape their own response, rather than simply reacting to increased requirements. Third, WRCOG tied the framing of the subregional CAP to co-benefits for health and livability, which are strong motivators for elected representatives of those cities and their voters. Another key motivator in Riverside County was the California Environmental Quality Act (CEQA) benefits of a CAP for new development under SB 375 and other laws. Compared to the older "built out" or landlocked suburbs of LA County that are better suited to infill and related incentives, Riverside has available greenfield land for development. Like in San Bernardino County, the incentive of CEQA streamlining or tiering in Riverside County appears to be greater for undeveloped land than for infill.

Western Riverside COG's Edison grant supported their efforts to begin their subregional climate action plan, which created a forum for their member cities to discuss climate planning in general. This started with energy and later moved to land use based on new funding sources. The COG framed their energy and land use planning as connected pieces, with energy as the first chapter of their CAP and land use coming later, and health and other co-benefits discussed throughout the CAP. Western Riverside received one Strategic Growth Council grant to assist cities with preparing emissions inventories, and a second one to update their general plans to be consistent with the subregional CAP. WRCOG received a 2010 Strategic Growth Council grant to do the first 12 cities' inventories, forecast emissions, and establish locally-agreed upon reduction targets of fifteen percent for 2020 and seventeen percent for 2035. According to one COG official, a SCAG sustainability grant supported WRCOG's land use section of the CAP, including

> "…an implementation toolkit which will consist of model code amendments, ordinances, and general plan measures [for cities] to implement measures in the CAP. Cities can take these template ordnances or code amendments and tailor them to their cities."

This progression was possible because of complementary funding sources and an active COG building interest from their member cities.

The cities in Western Riverside instituted a transportation impact fee on new developments in 2002, part of which helps support climate planning in the subregion that is consistent with SCAG's SCS. A selling point of the Transportation Uniform Mitigation Fee (TUMF), modeled on a similar program started by the Coachella Valley COG, was that most of the money is returned to the same small geographic area of the subregion (two to three cities) that generated the funds, with some spread around to the COG's other member cities and some going to the COG (WRCOG 2012).[8] According to one COG official, the TUMF

> "required all of the cities in our subregion to get on board, adopt a fee ordinance that would charge for new development and is uniform, so there is not competition…[to attract developers]…It's the same fee if you go to Marietta as if you go to Norco, and the fee goes toward construction of [sub]regional transportation facilities."

To mitigate concerns that fees collected in one area would go to "the other side of the subregion," the fee is distributed within "smaller zones" but still supports transportation facilities with benefits beyond a single city's boundaries. "Just getting beyond that local benefit" as a point of focus for local officials required a great deal of cooperation and effort to demonstrate that individual cities "still benefit from a [sub]regional project." Other regions in the state have copied this transportation impact fee. Part of its success as a source of funding for sustainability activities and construction of facilities that are consistent with the subregion's climate action plan depends on the availability of land for development. Revenue from developer fees

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[8] WRCOG administers the TUMF, local jurisdictions implement projects with the local return funds, and the Riverside County Transportation Commission (RCTC) programs and implements countywide arterial projects.

depends on both a strong development market, interest from developers in building projects the area, and cities approving projects.[9]

The Riverside subregional CAP prompted a race to the top, rather than a race to the bottom, for cities to commit to emissions reduction targets. The situation was partly analogous to homeowners receiving a report on whether their electricity use is above or below their neighbors. After meeting with the cities multiple times to gather their input and figure out a feasible level at which cities could participate in the CAP, COG officials realized they needed greater reduction to meet their target:

> "When we started, we met one-on-one with the cities multiple times…[to ask] 'what do you think is feasible, at what level can you participate, gold, silver, or platinum? What is politically feasible and technically feasible within your city?'"

After helping each city quantify their emissions, the COG realized they were just short of their target and needed cities to push for greater reductions. The COG hesitated to show cities how much each of them was doing, lest it cause them to want to do less and not have to bear more of a burden than their neighbors. But it turned out when the COG made each city's reduction target public, the cities became competitive with their neighbors and wanted to do more.

> "Sure enough at the next meeting we showed them the charts and it started becoming like a friendly competition…everybody kind of challenged one another because no one wanted to be the city that was slacking even though there wasn't a penalty."

In contrast to the expectation that cities would want to do less than surrounding jurisdictions, they preferred to keep pace with their neighbors.

The burden of emissions reductions in Riverside County is fairly evenly distributed, with each city aiming for a 15% reduction. Like SANBAG's countywide target, Riverside's goal accounts for actions being taken by the state and the region, as well as local commitments. In terms of local and subregional actions, a COG official noted that there is a "common set of local measures that each city is participating in at a level that is feasible" based on the fact that there is a large range of urban to rural communities within the subregion. The measures that cities can choose to implement in the CAP are primarily related to transportation and land use. The most popular measures were for active transportation, particularly bike infrastructure. Examples include traffic signal coordination, reduced parking requirements for new development, bike racks and bike lanes. These transportation and land use measures were the most "effective and popular" for cities to include in their local CAPs to be consistent with the subregional CAP.

Local control and public health were also driving factors for cities in participating in the Western Riverside subregional CAP.

> "We know [CAPs] are not mandated now, but with the current [Governor's] administration and the way policy is going, who is to know

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[9] During slow construction market years, the county's transportation sales tax backfills some TUMF-funded projects.

what the future is going to hold, why not take control and develop a climate action plan that is tailored and local and built from the ground up rather than top-down."

The idea of doing something in their own time and their own way, rather than rushing to meet a mandate, appeals to cities. In addition, the COG emphasized the "co-benefits…economic development and public health." WRCOG is "moving into implementation funded by SCAG, …measuring and tracking the health benefits as well as the GHG reductions from the measures in the [subregional] CAP." The public health benefits were a strong factor in gaining local support.

3.4.5 South Bay Cities: a council of governments without a dedicated funding source coordinates climate planning and carsharing

The South Bay subregion of greater Los Angeles is a group of suburban cities without a dense urban core or large amounts of developable land, making SCS implementation challenging. Coming to grips with this reality has been a driving factor in sustainability planning in the South Bay. The subregion lacks the large urban population center or transit connectivity of Long Beach, the City of LA, or Santa Ana in Orange County, and it also does not have the greenfield areas of the Inland Empire. While the South Bay falls into the LA Metro service area, according to one South Bay COG official,

"Measure R [LA County's transportation sales tax] really charted where the [transit] money is going for the next 30 years, which also solidified the fact that we're not going to have rail here [in the South Bay]."

Yet despite their residential densities per square mile not being too far behind more central areas of LA ("it's a fallacy that unless you're at high-rise [densities] you're not that dense," said one COG representative) cities in the South Bay with postwar suburban infrastructure face obstacles to promoting low-carbon travel. Regional competition from cities that have larger planning staffs and more existing civil society activity around smart growth make it harder to attract funds away from the center of the region. According to one South Bay COG representative, their cities are "competing in an arena that includes Los Angeles for federal and state funds…[and] the whole size of LA is an inhibitor to the kind of resources we can get." Within this context, the South Bay COG has been entrepreneurial about applying for sustainability grants, engaged in multi-city climate planning, and pursued a suburban sustainability vision that includes nodes of dense development and electric vehicle use. The COG's main contributions include piloting public neighborhood electric vehicle sharing and coordinating a private sector electric vehicle sharing contract across multiple cities.

The South Bay COG modeled its role coordinating between cities on climate action planning on Riverside and San Bernardino Counties, although it does not have a consistent funding source. Like other subregions, the South Bay had developed relationships with cities as part of its Edison utility grant for energy efficiency planning. The South Bay subregional COG used the Edison utility grant to work with their cities to do a GHG emissions inventory for the subregion, which one COG official said involved working with cities on "updating…greenhouse gas emissions

inventories and identifying energy efficiency strategies…for all sectors and sources" in the subregion. The COG prepared energy chapters for its own subregional CAP and for individual cities' CAPs. This cooperation was a catalyst for further climate planning in support of the SCS.

During the SCS implementation time period from 2012-2015, South Bay COG worked on climate action planning with their member cities to identify strategies to reduce GHG emissions and build on their existing sustainability framework. The South Bay Cities COG received a state Strategic Growth Council grant to prepare what one COG official described as a "sustainable land use and transportation implementation framework" for the subregion. This included preparing the transportation, land and use, and energy chapters of the COG's subregional climate action plan and assisting cities with developing their own climate action plans. Later rounds of funding supported a "transportation and land-use planning scenario tool" and assisting cities with "project-level criteria" for determining whether a development project's is consistent with a city's CAP. While operating with less resources than Riverside or San Bernardino, the South Bay has managed to assist cities with preparing parts of their own climate action plans in response to demand from cities on particular topics. These efforts built on the COG's sustainability strategy.

The South Bay Sustainability Strategy, which predates the SCS and is sometimes called the "smart suburbs" plan, has been the focal point for subsequent climate planning that forms part of SCS implementation. In 2009, the South Bay COG commissioned a report, the Sustainable South Bay Strategy, which has been the basis for its subsequent climate planning. The COG wanted SCAG to include the strategy as a chapter in the SCS, but it did not qualify as a full subregional SCS. According to COG officials, their strategy is more reflective of local priorities than the SCS because it acknowledges that the South Bay is highly suburban with low levels of transit service. The South Bay is largely characterized by suburban-style infrastructure, including wide arterials, strip mall retail, and large single family neighborhoods with low street grid connectivity and no large plots of greenfield land (Boarnet et al. 2011; Siembab et al. 2009). As a COG official describes it,

> "nobody comes to the South Bay and sells their car…a lot of our bus services are hourly or half-hourly and some don't run on weekends…and yet the policies [at Metro and SCAG] are transit oriented development, which you do around rail stations."

The South Bay does not have any high quality transit areas (HQTAs), as defined by SCAG's SCS, that might qualify infill projects for the CEQA incentive of environmental review tiering. However, they do have high residential densities and high VMT. As a result, the subregion faces a chicken-and-egg problem of creating densities that could support transit without having any transit to attract funding for smart growth or qualify projects for CEQA incentives.

The Sustainable South Bay Strategy or the "smart suburbs plan" proposes constructing neighborhood centers, or dense nodes at the intersection of corridors with gradually decreasing density. The nodes would include high density commercial-residential mixed use, with medium density residential between nodes. The plan relies on people making low-emission trips from the surrounding two to five mile radius to

local commercial areas. According to one COG representative, the research for their plan indicated that

> "people are traveling three miles or less other than their commute trip… Those trips are too short for transit and too long to walk. Nobody stands on a corner to wait for a bus to take them two miles…[and] transit might not be the right solution because the trips aren't long enough."

The goal of the strategy, according to a COG representative, is to increase walking and biking in a one to two mile range of a node, particularly for people living along the corridor or in the mixed use node, as well as to encourage people to use electric vehicles for three to five mile trips to schools and shopping centers. The premise of the plan is that in a suburban area, a retail customer base must include both people driving and people within walking or biking distance. The Strategy aims to cut the number of vehicle trips, promote electric vehicle use, and build density along corridors to attract future transit options that the area's density does not currently support.

The South Bay COG is unique in its heavy focus on electric vehicle use, including shared vehicles, which it coordinated a pilot program for as an emission reduction strategy. According to one COG official, their goal is "making sure [residents] have different options for different trip lengths," assuming that they will utilize different modes depending on the length and purpose of the trip. The South Bay COG piloted a neighborhood electric vehicle (NEV) program with support from the South Coast Air Quality Management District. NEVs are roughly the scale and power of a golf cart, which works well in flat areas, but not in hilly areas, of which the South Bay has both. Under current laws, NEVs can cross but not travel on higher speed arterials. Electric vehicle and NEV sharing has been tried in other parts of the state as a way to promote senior mobility in particular and reduced VMT in general (S. Shaheen, Cano, and Camel 2015; Shaheen 2013). The South Bay COG also coordinated a multijurisdictional carshare program with a private company, Car2go. According to COG officials, this is a unique example of a government agency reaching out to and attracting a carshare company to multiple cities at one time, and using its existing relationships with cities to negotiate the details of the program. Car2go charges by the minute,[10] allows users to leave the vehicle anywhere within its service area, and pays cities in advance for the use of metered or permitted parking spaces. The parking issue requires negotiation with cities for the company to pay in bulk for short-term and long-term parking spaces, and the COG assisted with this negotiation. Some cities experienced pushback from residents who were concerned about parking availability, but seven agreed to a pilot.

A key innovation in the South Bay was the role of the COG in coordinating both the NEV program and private carsharing between cities. This kind of coordination can be extended to other sustainability areas that are too complex for one city or require scaling-up across multiple cities to make economic sense for private sector partners. One COG representative noted that

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[10] Another carshare company, Zipcar, declined to enter the South Bay market because it did not fit its business model of hourly rentals in dense cities such as Los Angeles.

"If you can create a model permitting process or something around electric vehicle chargers or…solar, that can also…[make] it easier for developers if they know that the rules of the game are consistent and they are not just figuring out a different system for every city...because a lot of contractors and developers…are going to work in the whole [subregion]."

Even with limited funding and limited authority, the South Bay COG used its position as a membership organization for cities to promote climate planning. This might have been more difficult if there had not also been interest from cities and incentives from the state and regional level. However, the South Bay's CAP planning and vehicle sharing work provides a case of collaborative leadership by a subregional CAP without dedicated funding.

3.5 Cities' motivation to participate in COG/CTA-coordinated multi-jurisdictional climate planning: Resources, competition, and environmental review streamlining

The reasons that cities work with their COG or CTA on subregional climate planning range from the more tangible (e.g. financial, legal) to the more intangible (e.g. reputational). The incentives that drive cities to work with COGs and CTAs on climate planning originate from multiple scales of government. For example, the direct incentives from the state include Strategic Growth Council grants and the CEQA tiering benefits of having a CAP in SB 375. At the regional level there are the SCAG sustainability grants, and at the subregional level there is the capacity that the COGs and CMAs provide. The main stick from the state encouraging local climate planning facilitated by COGs is the requirement stemming from AB 32 and an executive order that new sources of GHGs be documented and their impacts considered in environmental impact reports. When the state Attorney General sued San Bernardino County for not inventorying GHGs in a general plan update, it motivated jurisdictions in San Bernardino as well as in the surrounding counties to prepare climate action plans.

Resources and framing are key factors in cities' decisions to participate in subregional sustainability planning efforts. In the years during which SCAG was implementing its first SCS, many cities were still suffering the effects of the recession and housing market crash that began in 2008. "Maybe there is a commitment [to climate planning]…but the city just does not have the staff time and resources. Because climate action planning is still voluntary, unless you do a general plan update or you have CEQA streamlining, it is usually something in addition" to planners' regular workload. Framing can affect the level of interest that the public and elected officials have. "Sustainability, climate change, they are just words that some communities are still not comfortable with." The subregions that have generated the most interest from cities have made the connection with the related benefits. According to one subregional official,

"there are a lot of benefits to communities just in terms of livability, and it can make sense from an economic point of view, a public health point of view, a quality of life point of view…But that might not be what is most

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effective to a community to use those terms. For some communities it is air quality, that is, they are feeling the direct impact of…industry, and it might not be the emissions frame but it is still something that is related."

Sustainability grant eligibility requirements, including those from the state about climate action planning, necessitate finding the emission reduction nexus of these related issues.

Subregional COGs and CTAs are providing resources to cities that want to do climate planning and encouraging others to participate based on the benefits to cities, such as attracting grant money and having some control over something that might be regulated further by the state in the future. Although they are key intermediaries, COGs and CTAs identify SCAG as having the ultimate responsibility for meeting GHG targets, and they point to cities as the actual on-the-ground implementers of physical projects. According to one subregional official,

"We are trying to really provide the resources to cities because [climate planning] is a lot of work and some of these cities are smaller [and] resources are a huge issue in terms of adding climate action planning to all of the work they already do. So we can help them in terms of data collection, technical resources and helping…manage the consultants and putting together the plans. But [the CAP] is really a local plan, so it really needs to be representative of the local politics and the local community and what they want to envision with climate action planning. The subregional approach is meant to be a way to make it so that cites who might not be able to otherwise can do something like this, and then the other benefit from…subregional implementation [is] it might make sense for some cities to be coordinated in how we think about strategies."

Some cities are motivated to work with subregional COGs and CTAs on sustainability planning because they have citizens that are specifically interested in climate change mitigation or adaptation. Others have citizens and organizations that are interested in health and quality of life in relation to the built environment and pollution. COGs attempt to provide value to cities in terms of staff time, expertise, and attracting and administering funding.

Although they do not usually have the same resources as CTAs, subregional COGs have played an important but less-understood role in implementing SCAG's first SCS. Subregional COGs have the potential to be more experimental than CTAs because they are not part of the transportation funding silo, although they are more resource constrained. They fund their climate planning through an entrepreneurial process of applying for grants and building staff capacity. Although in some cases subregional COGs have a dedicated funding source, they also leverage different funding sources. By helping build an overall narrative of climate planning, making progress on one topic, such as energy efficiency, can help COGs build local political interest as well as garner interest from funders, in a progression of climate planning issues, including the more complex issue of land use. In some ways this suggests path dependency, as grant funding tends to reward the actors who have greater initial capacity. It also suggests that the subregional COGs with the greatest success in

climate planning are those which benefitted from existing interest from cities, combined with leadership, capacity, and availability of funding from the COGs.

Cities naturally have a greater interest in mandatory processes than voluntary ones. General plan updates are a resource-intensive process, and so assistance from a COG or a CTA could make the difference in the decision to include locally-desired sustainability measures in a general plan update. One subregional official noted that "a lot of it is…providing [cities] with a service and not…telling them what to do and not wasting their time." Engaging cities involves "trying both to keep up with [cities] who are going strong as well as making sure [cities that] are less responsive are still aware and engaged." The subregional agency's goal is to "provide everyone with the same opportunities, same resources, and then they can choose how engaged they want to be." At the same time, tying a process like sustainability planning too closely to a requirement like a general plan update risks making it a source of resistance (and resentment) from cities, as with the state's regional housing allocation process.

COGs and CTAs can provide cities with information about what their peer cities are doing and give them a reason to compete or perform as well as their peers. Cities typically do not want to be compared to or "lumped in" with other parts of the state or region by engaging in activities that they perceive as more appropriate to a city of a different size or density. But city staff and elected officials do put weight on what their neighboring cities are doing. Furthermore, COGs and CTAs can help provide local context for climate planning, such as health issues in Riverside, economic development issues in San Bernardino, or the lack of available public transit in the South Bay. One nonprofit representative noted that the growing number of examples of LA-style smart growth projects is having a snowball effect on local officials thinking that such projects are feasible in their jurisdiction, while noting the limitations:

> "…fifteen years ago we didn't have any pictures of Southern California [smart growth] to show anybody. We can show people pictures of Virginia, it doesn't look like here, or Northern California…People have to know it can be done here and what it looks like here…SCAG's done a good job of encouraging that, but they're not telling anybody they can or can't do something. If Riverside County wants to keep subdividing land for single-family [housing construction]…SCAG doesn't have any regulatory authority."

COGs and CTAs do not want to step into a process that they do not possess expertise on or that are considered local matters. However, for COGs that are helping cities with CAPs or have a multijurisdictional CAP, if those cities were interested in CEQA tiering or grant eligibility that requires concrete GHG reduction measures, the COG can provide example language for general plan updates that are consistent with a CAP and by extension the SCS.

The CEQA streamlining benefit known as 'tiering' as an incentive from the state has been uneven in its impact throughout the LA region, according to interviews with regional and subregional actors. The incentives are apparently more effective for

suburbs with greenfield development than in older, landlocked suburbs.[11] Jurisdictions in Orange County are skeptical that the benefits of tiering through climate action plans will be significant and legally defensible. In Riverside and San Bernardino counties where there is more developable land, jurisdictions are more motivated to prepare CAPs that could provide tiering benefits. CEQA benefits help explain why all eighteen member cities of WRCOG have prepared CAPs, and why the San Bernardino Regional Greenhouse Gas Reduction Plan claims that their EIR will help cities "avoid the cost of preparing separate CEQA documents for their own local CAPs (SANBAG 2014)." In Orange County, in contrast, a subregional official noted that cities "like the idea" of CEQA streamlining, "but they haven't been convinced they're actually going to see it work the way it's described." The cities in the South Bay subregion of LA county also do not have a large amount of land for new development, reducing the effectiveness of CEQA streamlining as an incentive. Noted one subregional official in Los Angeles County, "CEQA streamlining might be [a motivator] for some cities, but for cities that are built out and don't have a lot of development" CEQA streamlining is less beneficial. Landlocked suburbs are caught in the middle of two incentives. They do not have developable land that increases the attractiveness of this type of CEQA tiering, yet their land values are not as high as in downtown LA, where the CEQA benefits make infill development attractive.

Despite skepticism across the region about how realistic the CEQA streamlining benefits of SB 375 are, it has motivated cities in Riverside and San Bernardino Counties to participate in a multi-jurisdictional CAP. WRCOG, for example, has designed their CAP "to be a qualified climate action plan to be able to implement CEQA streamlining provisions." According to CEQA guidelines section 15183.5, "If a project can demonstrate consistency with the CAP, they can forgo that technical analysis on the cumulative effects of greenhouse gas emissions and it saves the developer and it saves the city money." Whether or not the idea of CEQA streamlining leads to reduced environmental reporting burdens or litigation for cities, the concept helped bring them on board for a multijurisdictional CAP in Riverside County. According to one official, WRCOG "used [the CEQA benefits idea] as an incentive to get cities on board...trying to gain a consensus and incentivize the cities when climate action plans are not required." Funding eligibility for grants is the other major factor. "More and more we are seeing grant opportunities and funding pots…[that] to be eligible you have to have an adopted CAP, or you receive priority if you have an adopted CAP." Although subregional officials in the Inland Empire report a substantive change in project types due to these incentives towards smart growth, more research is needed to understand their full impact.

Cities take a variety of factors into account when deciding whether to participate in subregional climate action planning, such as whether it is required, the priorities of local politicians, and resources. According to one subregional official, "a big part of it is [cities' interest in] greenhouse gas emissions reductions, political feasibility, if there

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[11] Tiering refers to a lower level jurisdiction being covered by the environmental documentation of a higher level of government. For example, a city that prepares a CAP that is consistent with the subregion's CAP can preprare a shorter EIR.

is funding to do it, [and] is it cost effective." The idea that GHG inventories and impact assessments "are required as part of a general plan update, that's a driver." This was the lesson of the San Bernardino settlement with the state Attorney General, taken note of by cities across the region. "That is one of the first questions, 'is this voluntary or mandatory?' If the city is doing a general plan update and they have to do it, that's going to be the most effective way" to motivate them. In terms of politics, "city staff, their priority, their work is based on what their council or their city manager is telling them is top priority, so it may not be them saying 'I don't agree with [climate planning]' but it might be them saying 'I need to go back and understand how this fits into the city's priorities.'" For some cities it is the fact that the COG is offering them resources, for others it is because "the community members are asking for this and the city council members are asking for this." While conservative Tea Party members spoke out at public events related to the Orange County subregional SCS, opponents of regionally oriented climate planning have not played a large role in city councils deciding to participate in subregional climate action planning in San Bernardino, Riverside, or Los Angeles counties. Said one subregional planner in Los Angeles County, "there is no hostility to climate planning in general and in general city staff treat COGs as a resource…there are community members that might be concerned, but no one on planning or public works staff has shut the door." City councils' interest in climate planning have been largely driven by local interest combined with the incentive of available resources from other government entities.

A key buy-in for cities to participate subregional climate planning is the efficiencies in terms of staff and consultant time saved. COGs motivate cities by applying for grants and coordinating planning and implementation. One element of cost effectiveness is time spent preparing grant applications. According to one COG official, "it makes a lot of sense for the COG to help apply for the funds and administer it and take some of that burden off of the cities." Another aspect of cost effectiveness is the spillover benefits of climate action planning. Preparing a CAP and GHG inventory "is work you can apply toward your infrastructure improvements…[and] running your cities.…There are a lot of projects that can be funded through sustainability funding." Cost effectiveness can be calculated in the short term as well as in the long-term. Cities are motivated to be prepared for what they expect to be future rounds of sustainability grant funding. "The more you start planning for it [the more] you can start being ready for when that funding comes down.…One of the best reasons to do this work is a lot of the funding requirements are even saying 'how much will this project reduce greenhouse gas emissions?' If you don't have a climate action plan, how are you going to know that?" Demonstrating momentum on climate planning helps attract funds from the region and the state. "Showing that you have successfully gotten funding and done a good job with it helps you in terms of building your credibility for doing this type of work." Cities are motivated to prepare for future grant eligibility and for future state mandates.

3.6 Conclusion

SCAG's sustainability grant and cooperation agreements demonstrate SCAG's flexible approach to SCS implementation. Historic tensions over regional housing projections in the Los Angeles region have motivated SCAG to take an entrepreneurial approach to gathering support for SCS implementation. Yet other motivations and relationships drove vertical and horizontal cooperation on SCS implementation in the region. SCAG provided a forum to facilitate information sharing between subregional agencies and by negotiating cooperation agreements with each CTA. Its sustainability grant has continued to support local and subregional planning, and could become part of a more structured attempt to promote TOD and smart growth in the future. SCAG's cooperation agreements have had a favorable impact on Metro's adoption of a sustainability policy and the San Bernardino and Riverside County multijurisdictional CAPs, as well as open space preservation and active transportation planning across the region. SCS implementation activities have facilitated Metro's sustainability policy and its taking a more holistic approach to station accessibility.

County associations of government and transportation authorities engaged in cooperative and defensive regionalism in relation to climate planning and SCS implementation in Southern California. Two subregions, the Gateway Cities and Orange County, prepared subregional SCSs in order to maintain local control, but no subregions will likely repeat this exercise, which contradicted expectations by not derailing the region's SCS. San Bernardino's CTA and a Riverside COG used local dedicated revenue and grant funds to support subregional climate action planning that provided coordination and resources for cities. These subregional CAPs provided model general plan amendments, including on land use, in response to cities' interest in environmental review streamlining or tiering benefits from the state for having projects and plans consistent with the SCS. The South Bay COG, despite limited resources, helped cities complete sections of local climate action plans and coordinated multicity carshare programs.

State litigation and state grants produced an overriding motivation for local land use measures that support the regional emission reduction target. Progress on SCS implementation occurred in Southern California with support from regional and subregional actions, but local action remained primarily driven by the state.

Chapter 4 - The role of subregional agencies in SCS implementation in the San Francisco Bay Area

4.1 Introduction

On a weeknight in the spring of 2014 in a church multipurpose room, residents of a western neighborhood of Walnut Creek, in the eastern Bay Area County of Contra Costa, sat at round tables with nonprofit representatives and local characters, each eager to steer the conversation about building design standards. A young mother talked about wanting to be able to bike to the nearby downtown shopping area with her children. A nonprofit representative stood at the microphone to applaud the city for building dense housing within walking distance of its BART rail station. In this public roundtable, residents discussed their preferences based on images presented by a consultant for the city of different design options for housing and mixed use near their Bay Area Regional Transit (BART) station. Many had come to the event out of concern that new buildings along a large corridor named for the nearby Mount Diablo might provide views into their backyards and windows.

Over several decades, Walnut Creek had risen to fame among city planners for case law involving development pressure and a backlash from residents concerned about preserving their small town. It had also become known as an example of a new suburban job center. Now, its residents, some old timers and some new, were debating design standards, a process at the heart of local control over land use. Residents who had been to previous such events explained the difference between terms like "stepbacks" and "setbacks" to their neighbors. They discussed whether new buildings would block views or make the town more pedestrian-friendly. The design standards were part of a local process for updating a "specific plan," and raising the intensity of development near a rail station so that the town would be eligible for regional and state smart growth incentive grants.

This public process is one example of how local self-determination over land use affects regional planning. While this one meeting may not change the course of the town or the region's development, the outcome of this type of planning is critical to the success of state, regional, and county attempts to improve regional land use coordination, to reduce vehicle miles traveled (VMT), and to implement SB 375. Given Walnut Creek's history of battles over growth control, what local and regional conditions made this discussion possible? Although on the face of it this meeting may seem like the logical, orderly outcome of regional smart growth planning, many intervening factors, including local and regional politics and power structures, aligned to make this moment possible.

4.1.1 Roadmap

What motivated local jurisdictions and county-level agencies to participate in SCS implementation in the Bay Area, despite their relative autonomy over local land use and transportation funding decisions? It is not well understood how much of their involvement in a regional sustainability plan implementation was due to the provisions of SB 375, and how much of it resulted from existing powers structures. I present the Bay Area as a case of how an ongoing shift towards regional sustainability planning provided an opening for SB 375 to move this process forward. SB 375 is a soft law that did not dictate how local implementation of the SCS within regions should be structured, potentially leading to experimentation, or noncompliance. However, it provided a reason for the regional agencies in the Bay Area to tailor the requirements of an existing smart growth grant program to promote SCS implementation. I will argue that the Bay Area's SCS implementation was a mix of regionally-driven requirements and local control. Cities and counties engaged in defensive regionalism, or cooperative action by municipalities that furthers the goals of a mandate from a higher level of government but also preserves local power and preempts potentially more restrictive laws. Due to the region's political structure, the SCS implementation grant program incorporated local, county, and regional criteria for selecting projects to receive incentive grants. Nevertheless, the program concentrated resources in areas with transit and housing production, and can therefore be said to have had an impact on land use and controlling sprawl, the key idea of SB 375. The grant program's requirement that cities and county transportation agencies cooperate on developing strategies for implementation made housing needs part of the relationship and conversations between these agencies. These activities strengthened relationships and governance between the local, county, and regional scale in the Bay Area.

4.1.2 The growth of regional planning in the Bay Area

"*Housing prices dictate many aspects of Bay Area life, and the search for affordable housing increasingly leads to long commute trips.*"

This statement is not from the Bay Area's sustainable communities strategy (SCS), the required regional climate plan under California's SB 375. In fact, it was made over 20 years before the SCS, in 1991, by the Bay Vision 2020 commission. The commission advocated state growth control measures and a stronger, more coordinated regional government in the Bay Area (Bay Vision 2020 Commission 1991). In keeping with the new regionalist movement at the time, the commission advocated for stronger regional government, declaring:

> "…we have no effective means for addressing the problems that cross city and county boundaries. Only by some changes in the structure of government in the region can we tackle increasing traffic congestion, long commutes between home and job, shortages of affordable housing, loss of valued open space to urban sprawl, predictable air pollution, and deterioration of our economic base (ibid)."

Although strong regional government never took hold in the Bay Area (or most other regions of the country), a patchwork regional governing structure now encompasses the housing and transportation policy silos.

The Bay Area is made up of nine counties with dense, urban San Francisco at its historic center. San Francisco's size, political clout, and progressive planning policies have made it comparatively easy for the combined city and county to attract funds for transit and smart growth. Although it has its share of NIMBYs, the city's historic street grid and transit system facilitate compact development almost by default. Outside of San Francisco, Contra Costa, Alameda, and Santa Clara Counties have the largest transit ridership in the Bay Area, and have historically had the highest level of involvement in regional planning (Innes and Gruber 2001). They have a mix of job centers, suburban areas, and open space. Combined, they account for most of the stations in the BART transit system and are the only three counties in the Bay Area with populations over 1 million (MTC 2012). They also have the majority of the priority development areas (PDAs), an important designation for SCS implementation, and a majority of projected growth in housing in the Bay Area's SCS (ibid). Compared to the suburban and rural communities in the four North Bay counties of Marin, Sonoma, Napa, and Solano, or smaller San Mateo County, they have high population density and a mix of incomes. These three large, diverse Bay Area counties, Alameda, Contra Costa, and Santa Clara, provide an opportunity to examine the local implementation of a weakly-enforced state mandate for regional sustainability planning.

Santa Clara County is home to Silicon Valley, with large employers like Apple, Google, and Intel, and smaller technology companies scattered across suburban areas. Santa Clara County is also the location of Stanford University; the City of San Jose; sprawling suburban cities such as Santa Clara, Sunnyvale, and Milpitas; and exurban cities surrounded by farmland like Gilroy to the south. Alameda County is home to Oakland, a major job center and port; the city of Berkeley, dominated by the flagship University of California campus; a mix of industrial and suburban towns in central Alameda County such as Union City, Hayward, and Fremont, home to the Tesla electric vehicle factory; and suburban enclaves with job centers to the east in the Trivalley cities of Dublin, Pleasanton, and Livermore. Contra Costa County, as one regional planner noted, is more like five counties in one, from the waterfront oil refinery cities of Richmond and Concord in the western and northern parts of the county; to wealthy central Contra Costa County, where Walnut Creek is located, with suburban residential enclaves such as Lafayette and Orinda; and exurban cities with newly built subdivisions in Brentwood, Antioch and Oakley in the eastern part of the county. Eastern Contra Costa County cities such as Pittsburg and Antioch are increasingly receiving communities for low-income residents displaced from San Francisco and Oakland by rising housing costs. How was SB 375 and the Bay Area's SCS implemented locally in the diverse, polycentric, urban-suburban counties of Alameda, Contra Costa, and Santa Clara? SCS implementation occurred in the context of local land use authority and the existing transportation and housing policy silos at the county and municipal scale.

The Bay Area has multiple job centers, tremendous housing price pressure, and long commutes that affect social equity and emissions in the region. The counties with

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the largest net inflow of jobs are San Francisco and Santa Clara. They also are the largest employment centers in the region, with 668 thousand and 976 thousand jobs, respectively. Although Alameda County has a small net outflow of workers (roughly 6,600 people leave each day), its total worker outflows and inflow are among the highest in the Bay Area. Over 378 thousand people enter Alameda County and over 385 thousand leave each day for work. One reason for Alameda's smaller net outflow of jobs might be that Alameda County has both subdivisions in the Tri-Valley area and job centers like the Port of Oakland. Contra Costa County has a larger net outflow of workers (117 thousand), but smaller gross inflows (173 thousand) and outflows (290 thousand) than Alameda County. Map 4.1 shows that Santa Clara County is experiencing the highest housing growth in the region, as measured by building permits for new housing units in 2014.

Table 4.1: Jobs, Net job flows, population, and median home values in the Bay Area, 2010-2014

County	Jobs in the County (2010)	Jobs in the County (2014)	Employed in the county but living outside (2014)	Living in the county, employed outside (2014)	Employed and living in the county (2014)	Net inflow of jobs (2014)	Population (2010)	Population (2015)	Median home value (2010)	Median home value (2014)
San Francisco County	560,854	668,270	410,372	169,349	257,898	241,023	805,195	864,816	785,200	765,700
Alameda County	650,526	716,374	378,693	385,326	337,681	-6,633	1,510,261	1,638,215	590,900	509,300
Contra Costa County	324,527	348,016	173,130	290,831	174,886	-117,701	1,049,197	1,126,745	548,200	417,400
Santa Clara County	852,855	976,378	389,294	261,222	587,084	128,072	1,780,672	1,918,044	701,000	664,100
San Mateo County	316,444	367,556	229,538	219,360	138,018	10,178	708,498	765,135	784,800	736,800
Marin County	101,475	109,639	67,965	63,951	41,674	4,014	252,409	261,221	868,000	785,100
Sonoma County	167,697	180,730	57,264	81,424	123,466	-24,160	483,880	502,146	524,400	414,500
Napa County	63,119	71,516	36,119	31,621	35,397	4,498	136,530	142,456	571,500	439,000
Solano County	122,176	127,217	64,786	117,167	62,431	-52,381	413,344	436,092	389,800	263,600

Data sources: (US Census CES 2014, 2010), (US Census ACS 2014, 2010)

Map 4.1: Building Permits for New Housing Units in the Bay Area, 2014

Sonoma County

Napa County

Solano County

Marin County

Contra Costa County

San Francisco County

San Mateo County

Alameda County

Building permits (2014)
0 to 99,
100 to 499,
500 to 999,
1,000 to 4,999,
5,000 to 40,100,
No data available

Santa Clara County
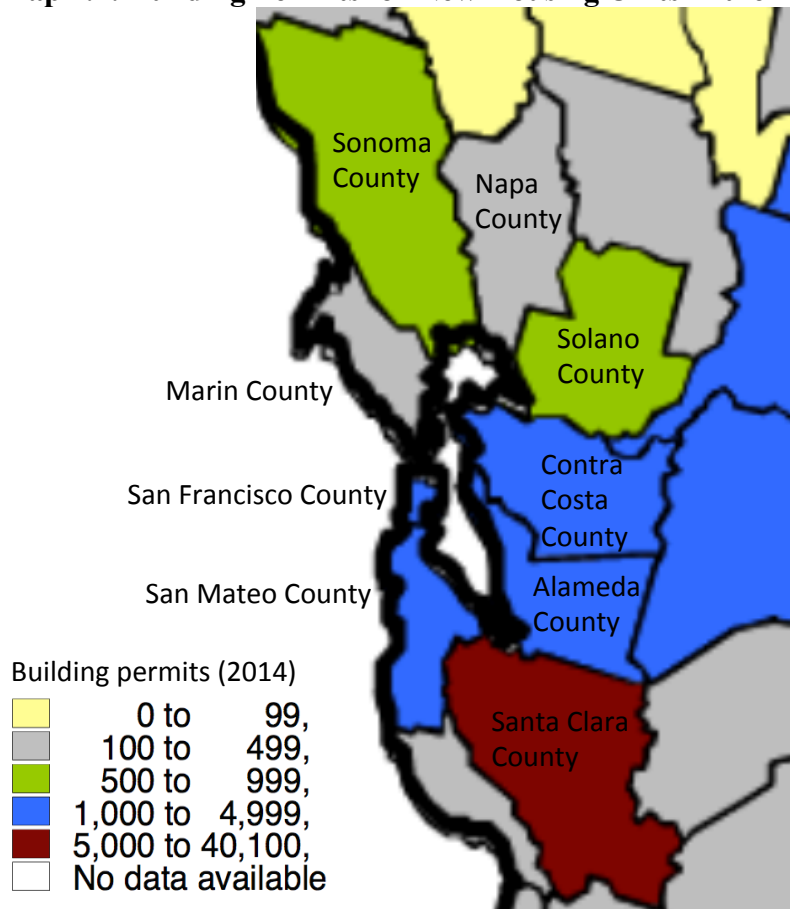
Basemap and legend Source: (US Census 2014)

The implementation of the region's first SCS built on a long, slow process of increasing regional planning coordination. The history of the Bay Area is one of mixed success with instituting strong regional planning powers. The San Francisco Bay Area is known for its progressive politics and for producing many of the individuals and organizations that have shaped the environmental movement and the environmental justice movement. At times this legacy has led to increased regionalism and at others it has fostered localism. For example, concern for conservation and habitat protection spurred the creation of the Bay Conservation and Development Commission (BCDC) in 1965. The state gave BCDC wide ranging powers to control land uses around the San Francisco Bay and regulate any filling of the Bay.[12] Yet aside from the collective interest of protecting the Bay, the parochial interests of transit operators, cities, and congestion management agencies (CMAs) prevented greater regional coordination of transportation and land use planning for decades.

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[12] The BCDC was created in part to prevent the filling of the Bay completely, an idea that was proposed at the time.

Transit operators were one large source of resistance to stronger regional government in the Bay Area in the past fifty years, but they have grown in their cooperation with each other and with regional agencies over time. Across the US, many large metropolitan regions have a single transit system that crosses county or state lines, such as New York City or Washington, D.C. Although today some transit functions are shared at the regional level in the Bay Area, such as the operation of electronic passes for bridge tolls and transit fares, the transit operators in the Bay Area have avoided being merged since the 1960s (Chisholm 1989). However, they have increased their cooperation over time. For example, the transit operators have cooperated when there is a disruption in service, such as after the 1989 Loma Prieta earthquake (Landau 1991). Although the operators have often opposed new service that would create competition, in some cases, they have acknowledged that redundant service on a busy route, such as the bottleneck between Oakland and San Francisco, benefits riders (ibid). Due to these divisions, instituting a single fare card for multiple transit operators in 2000s in the Bay Area was a monumental feat, negotiated by the metropolitan planning organization. Although transit agencies feared a loss of power and funding as regionalism grew in the Bay Area, cities were concerned more specifically about a loss of land use control should a powerful regional government come into existence.

Business and environmental groups led early efforts for regional government in the Bay Area out of concern for the region's economic competitiveness and ecological health, but transit agencies and cities resisted in order to protect their revenue and land use authority, respectively. In the 1950s, the Bay Area Council (Council), which represented business interests, began to push for regional transportation planning (Innes and Gruber 2001).[13] They feared that fragmentation was causing the Bay Area to leave federal money on the table, hurting its ability to compete with other regions around the country for jobs and investment. The Sierra Club, concerned about habitat loss from sprawling development, put their weight behind the Council's push for a new region-wide Golden Gate Transportation Commission in the state legislature (Wong 2003). Other influential Bay Area institutions such as the Commonwealth Club and the League of Women Voters aligned themselves with the proposal (ibid). Yet cities, particularly San Francisco and Oakland, and their transit authorities, opposed the measure out of concern that they would lose power and revenue to a strong regional government or transportation commission. Cities organized to form the Association of Bay Area Governments (ABAG) in 1961 as an alternative, and the Council's proposal failed.

Despite its origins in a political move by cities to prevent a stronger regional government from forming, ABAG developed over time into a key institution in the governance structure for coordinated land use and transportation planning in the Bay Area. ABAG is one of the oldest councils of government (COGs) in the country and has long advocated on behalf of its member jurisdictions for concentrated growth in central areas (Calthorpe and Fulton 2001). In forming ABAG, and heading off the business community's proposal for a stronger regional government, cities sought to

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[13] See Innes and Gruber and coauthors (2001) for an extremely detailed history of ABAG, MTC, the Bay Area CMAs and transit authorities.

demonstrate that they were managing regional growth, primarily through information sharing (Innes and Gruber 2001). In 1966, ABAG requested authority from the state legislature to become the region's official COG for the federal A-95 process, which required that a regional body review local applications for federal funds (ibid, 17). This new designation allowed a region's COG to comment on how federally-funded projects, such as housing or infrastructure, would affect neighboring jurisdictions before they were approved (Wong 2003). The COG designation gave ABAG greater influence than it had when it formed (ibid). However, the federal government threatened to withhold funds from the region when ABAG did not provide enough specificity about transportation projects in the late 60s (Innes and Gruber 2001). This reflected the influence of local interests over the regional body.

To forestall a loss of federal funds, the California state legislature created the Metropolitan Transportation Commission (MTC) in 1970 (ibid). The Freeway Revolts, which originated in San Francisco in the 1960s and undermined the credibility of state and local transportation planners, gave further impetus to the creation of a regional transportation body that would oversee transit and freeway spending throughout the region (Mohl 2004). Yet other regions, particularly Southern California, did not want to set a precedent of a powerful regional government in the state, so MTC's powers were limited (Innes and Gruber 2001). Over time, ABAG and MTC became more active in promoting smart growth.

In the years following federal transportation reforms stemming from the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the culture at MTC and ABAG gradually began to change towards talking about smart growth. The business and nonprofit communities, civil society groups, and all four regional agencies–the Bay Conservation and Development Commission (BCDC), the Bay Area Air Quality Management District (AQMD), ABAG, and MTC–participated in a regional sustainability dialogue called Bay Vision 2020 in the early 1990s (Wheeler 2000). This period saw greater public participation in regional planning and the coalescing of the recently-formed county congestion management authorities (CMAs) as a voice at MTC. Yet as late as 1996, MTC did no feel that it was their place to even talk about sprawl and compact development, or land use in general, in their official communications with cities, including policy documents (Innes and Gruber 2001, 158). As a transportation agency, MTC operated in a separate silo from the housing and land use policies that impacted, and were impacted by, their work. However, this siloing began to change in the late 1990s.

4.1.3 Moving Towards Regional Sustainability Planning in the Bay Area

4.1.3.1 The Transportation for Livable Communities program

In the late 1990s, MTC began tying regional discretionary funds to transit oriented development (TOD), putting the region on a trajectory of concentrating transportation spending around dense development. The Transportation for Livable Communities (TLC) program, started in 1997, was the region's first real experiment with an incentive program for smart growth. TLC was initially a planning grant program, and in 1998 grew to include capital projects. The program has given out

$250 million in planning and capital grants for transportation projects in areas where cities have planed for mixed use and increased housing densities (CTOD et al. 2014). Through the TLC program, MTC began to discuss land use with cities.

The TLC program involved county congestion management authority (CMA) directors for the first time in a program that concentrates funding near transit. CMA directors participated in working groups with city, county, and transit agency staff that evaluated whether transit corridors meet the minimum housing threshold for TLC funding (CTOD et al. 2014). However, CMA directors, who worked closely with local public works directors, were wary of MTC's move to concentrate spending (Innes and Gruber 2001). These public works directors relied on formula based funding allocations for basic capital improvements and maintenance of roads, and were concerned about diverting any funds from these purposes. Nevertheless, the TLC program garnered attention and approval from the public and environmental justice groups (ibid). The projects were small but visible and represented a new direction for MTC of distributing a limited amount of funds based on smart growth rather than on geographic formulas.

In 2005, MTC adopted a TOD policy that required a minimum number of new or planned housing units near new transit stations. The program used federal "new starts" funding for bus, rail, and ferry; regional bridge toll funding; and other state and regional funds for station area planning grants. MTC required that local jurisdictions plan for a minimum number of housing units along a transit corridor before funding a new station, particularly for rail (CTOD 2007). A station area planning program accompanied this policy, which applied to new transit projects (MTC 2005).

4.1.3.2 The FOCUS program and Priority Development Areas

In 2009, MTC expanded the reach of the TLC program from new rail and ferry station areas to include transit-supported areas (e.g. bus routes) that had potential for new housing growth in general. This occurred through the Focusing Our Vision (FOCUS) program, which was a collaborative effort of MTC, ABAG, BCDC, and the Bay Area AQMD. These agencies received funding to develop the program from a Regional Blueprint grant from the state of California, which spurred early regional sustainability planning efforts across the state. Under the FOCUS program, Bay Area municipalities that adopted "priority development areas" (PDAs) or "priority conservation areas" (PCAs) received TLC funding to support compact development or help preserve undeveloped land, respectively. Map 4.2 shows the location of PDAs in the Bay Area.

Map 4.2: Priority development areas in the Bay Area
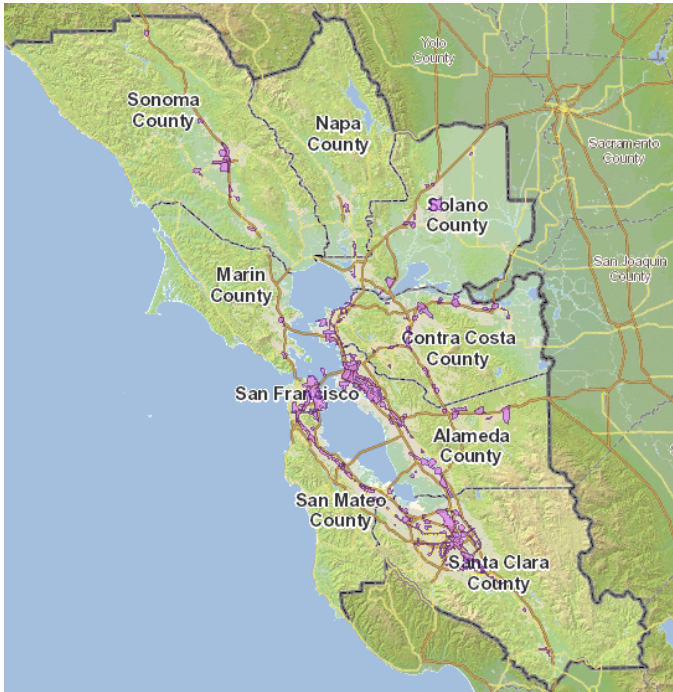
Source: MTC 2016.

PDAs, created as part of the FOCUS program, represented a step towards regional sustainability planning in the Bay Area and narrowed the gap between the transportation and housing policy silos. There were three criteria for the regional agencies to approve a city's a PDA application: the area had to be within an existing community (i.e. not greenfield development), there had to be new housing planned within the area in a specific plan (not just the general plan), and it had to have some form of high-frequency transit running through it (ACTC 2013). The transit requirement was also designed to accommodate future growth, with trains or buses arriving at intervals of 20 minutes or less during the morning rush hour.[14] In addition to TLC funds, MTC supported the PDAs with a $50 million revolving loan fund for construction of affordable housing in PDAs stating in 2011 (CTOD et al. 2014).

The PDA application, as part of the FOCUS program, encouraged cities to make incremental progress on smart growth based on local realities, rather than excluding areas that did not qualify on the first round. Some applications received approval as "potential" PDAs, meaning that they did not meet the housing requirement but could be approved pending local zoning for housing in the proposed PDA. Potential PDAs could receive planning funds, but not capital funds for infrastructure. The planning funds allowed cities to develop the specific plans and make the zoning changes required to receive the infrastructure funds. This program design gave local planners

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[14] Future planned transit counted for PDAs included projects such as eBART, or the smaller shuttle trains that will connect directly to BART in Eastern Contra Costa County.

an incentive to close the gap with their peer cities on planning for smart growth by allowing them to apply for regional infrastructure and transportation funds while planning for housing locally.

The FOCUS program accommodated different types of smart growth beyond urban transit-oriented development. The MTC guidelines on different place types that qualified as PDAs envisioned smart growth in different communities without assuming that it would involve one-size-fits solutions from urban areas (FOCUS 2011). For example, a "rural town center" or "rural corridor" PDA must have a mix of services, as well as planned housing and bike-pedestrian improvements, and must have an urban service boundary or growth boundary in place to qualify. A "job center" PDA could be an existing suburban business district, office park, or shopping mall that is slated for retrofits, including planned or existing transit, housing, multi-modal connectivity, and services that will reduce vehicle miles traveled (VMT). By articulating different types of rural and suburban PDAs, the regional agencies enabled smart growth planning outside the region's urban core, particularly in the growing, urban-suburban Alameda, Contra Costa, and Santa Clara Counties. Local selection of PDA locations and boundaries to qualify for TLC funds under the FOCUS program did not generate a great deal of political attention. However, after the adoption of the Bay Area's first SCS, PDAs became more controversial.

4.2 The Bay Area's first Sustainable Communities Strategy

4.2.1 A new role for PDAs

ABAG and MTC jointly adopted Plan Bay Area, the Bay Area's first SCS, in 2013 (ABAG and MTC 2013). The plan calls for most of the region's housing growth to occur in PDAs. ABAG allocated the region's housing targets under the state regional housing needs assessment (RHNA) mandate based on growth projections in the PDAs (author interviews). For some planners, ABAG's use of PDAs for RHNA allocations contributed to concerns about fairness and undermined trust in regional planning (author interviews). ABAG allocated roughly eighty percent of anticipated growth in housing in the Bay Area to the PDAs, although a study of a sample of PDAs suggests that under present fiscal and planning conditions, such as current zoning and infrastructure, PDAs cannot yet reach this projected capacity (EPS 2013). According to interviewees at ABAG, PDAS were the locations that cities had indicated could accommodate more growth or had identified as places they wanted to focus investment, so it seemed natural that a grant designed to support smart growth in transit corridors would eventually align with housing goals. However, some city officials interviewed saw the decision as creating an imbalanced burden. In their view, cities that were not planning for new housing were being "let off the hook," while cities that had already gone through difficult planning processes that included some new growth were now being asked to accommodate even more under the SCS.

Some local planners believed that the Bay Area's first SCS passed over cities that had little or no new housing planned and instead placed an extra burden on those that had made a good faith effort to increase housing and smart growth. Several cities

wrote letters expressing concern that their RHNA allocation far exceeded current zoning or what they considered realistic capacity for new construction in that area (MTC 2014a). For example, the City of Berkeley went through a bitter downtown redevelopment planning process in the mid 2000s that included new housing. But, Berkeley officials argued, other jurisdictions that have the capacity to "step up" and build "moderate-to-high-density infill-oriented" housing were not being asked to do so at all (Marks 2011). Some cities removed their PDA designation in response to ABAG's decision to use it for the RHNA allocations, while others pushed back against the RHNA numbers they received. As of May 2012, there were 198 PDAs, but this number shrank to 169 by May of 2013 (EPS 2013). Despite the local resistance generated by the incorporation of PDAs into the RHNA process as part of the SCS, the PDAs have become part of the structure of regional sustainability planning in the Bay Area.

4.2.1.1 Implementing the SCS with the One Bay Area Grant

As part of Plan Bay Area, the regional agencies combined several funding sources, including TLC, into the One Bay Area Grant (OBAG). This grant formed the basis for regional incentives for implementing the SCS and for cooperation between the regional agencies, CMAs, and municipalities on implementation. OBAG represents $320 million, or about forty percent, out of MTC's $795 million in federal funds for the four year funding cycle for the fiscal years starting in 2012 and ending in 2016 (MTC 2012).[15] About 90 percent of the OBAG funds went to capital projects and about ten percent went to planning (Table 4.2), with CMAs receiving $20 million in additional non-OBAG funds for planning in PDAs (ibid). The federal funds required that local matching funds account for eleven and a half percent of a project's budget and MTC required that CMAs engage in significant public participation when developing project eligibility criteria (ibid).

The OBAG program tied transportation funding to past and future housing production. The program's criteria included population, past housing production, and accepting future housing production in PDAs through the regional housing needs allocation (RHNA), including low and very low income housing production (MTC 2012, p. 2). The housing production criteria increased the funding received by counties that had produced or planned for more housing than others. For example, OBAG's consideration of housing production and RHNA significantly increased the amount of funds that Santa Clara County received from MTC over past federal funding cycles (author interview).

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[15] Non-OBAG funding that is spread across geographic areas includes things such as the federal Safe Routes to School program, transit maintenance, road and highway maintenance and "performance" measures including onramp metering.

Table 4.2: OBAG funding by county in millions of dollars, percentage spent in PDAs, and percentage spent on planning versus capital projects out of PDA spending total

COUNTY	Total OBAG	PDA total	PDA % of Total	Planning PDA	Capital PDA	Planning PDA %	Capital PDA %
Alameda	63	44.1	70%	3.9	40.2	9%	91%
Contra Costa	45	31.6	70%	2.7	28.9	9%	91%
Marin	10	5	50%	0.8	4.2	16%	84%
Napa	6	3.3	55%	0.8	2.5	24%	76%
San Francisco	38	27	71%	2.4	24.6	9%	91%
San Mateo	26	18.6	72%	1.6	17	9%	91%
Santa Clara	88	61.7	70%	5.3	56.4	9%	91%
Solano	18	9.4	52%	1.1	8.3	12%	88%
Sonoma	23	11.5	50%	1.4	10.1	12%	88%
TOTAL	320	212.3	66%	20	192.3	9%	91%

Source: MTC Resolution 4035, 2012

As Table 4.2 shows, Alameda, Contra Costa, and Santa Clara counties received the most OBAG funding. These counties had the most PDAs and the greatest share of housing production and projected housing under RHNA for the region. Table 4.2 also shows that the large counties spent seventy percent or more of their OBAG funds in PDAs, as required by MTC. Rural North Bay counties spent around half of their OBAG funds in PDAs. They only had a fifty percent PDA spending requirement because they have more priority conservation areas (PCAs). Planning made up about nine percent of OBAG spending on PDAs in large counties, while capital projects made up over ninety percent. However, the SCS and the OBAG program did not occur in a vacuum. Subregional power structures, both at the CMA level and at the municipal level, influenced the reception and the impact of the program.

4.2.2 Context for regional governance and the SCS: County transportation governance

Although traffic levels rise and fall with economic activity in the Bay Area, they have been increasing steadily since the 1980s, particularly in the three largest counties of Alameda, Contra Costa, and Santa Clara. When a county board of supervisors approves a new subdivision in an unincorporated area, it increases the use of arterial roads through older suburbs that feed onto highways. The older suburb might demand resources from the county for road widening, or resist pressure to widen their own roads to accommodate traffic generated outside their borders. This has been a typical story in Contra Costa County over the past fifty years, such as when growth in the town of Clayton generated new traffic in Walnut Creek or the unincorporated Blackhawk development created traffic in Danville. CMAs have traditionally provided one mechanism for managing the spillover effects of development (and growth control) in the Bay Area. This governance structure both precedes and complements current regional sustainability planning, including the Bay Area's first SCS and the OBAG program, and it differs across counties.

Contra Costa County's CMA has helped cities coordinate among themselves to mitigate the effects of their land use decisions on congestion since the late 1980s by linking transportation funds to land use. It is the only county in the Bay Area to do so

(author interview). In 1988, voters in the county passed a half-cent sales tax and growth management initiative, Measure C, which requires multijurisdictional consultation and cooperation on planning, and created a developer impact fee to fund transportation projects. Cities' public works directors participate in the regional transportation planning committees (RTPCs), which typically encompass four or five cities. They discuss the potential congestion impacts of changes to their general plan or new development projects. The incentive to participate is that if cities do not share this information with others and complete a congestion management checklist every two years, they risk losing funds for local streets and roads from the sales tax measure. Although this type of cooperation cannot stop sprawl, it is an example of subregional coordination that predates regional sustainability planning in the Bay Area.

Although CMA involvement in land use arose from SCS implementation in most of the Bay Area, in Contra Costa County, a preexisting policy laid groundwork for such coordination. Intense road congestion resulting from development over several decades led to the political will to give Contra Costa's CMA some leverage to affect land use planning. As one CMA official noted,

> "[The RTPCs] pull together all the general plans…and decide what programs, measures, actions, and projects they are going to implement to achieve the performance measures, and a lot of those performance measures are SB 375 supportive…If [a development] were to adversely affect the ability of the sub-area to meet its performance measures, the impact has to be mitigated by the project sponsor."

If a city does not fund a mitigation measure or change their general plan, they risk losing funding for local streets from the county's transportation sales tax revenue.

The work of the subregional committees on congestion management in Contra Costa County shifted to include an increased emphasis on promoting transit usage, in addition to controlling sprawl, in the 2000s. In 2004, Contra Costa County voters renewed their transportation sales tax by passing Measure J, but added a requirement that to be eligible for funds, cities and the county had to have an urban growth boundary. According to one nonprofit representative,

> "That means that now all nineteen cities and the county have a growth boundary, and they are complying with their growth boundary, and if they don't, they actually lose dollars. It was one of the things that helped spur the SB 375 concept of better linking land use and transportation, trying to create some financial linkages between the two."

Contra Costa County's system of linking transportation and land use has helped control sprawl and provided part of the inspiration for SB 375, according to CMA and nonprofit interviewees. However, this system is not the norm across the Bay Area or California, and the county still faces traffic issues and an imbalance of jobs and housing.

4.2.3 Context for regional governance and the SCS: Growth control and local development

Past efforts to manage the spillover effects of development in the Bay Area have set the stage for the creation of PDAs and local implementation of the region's first SCS. The absence of strong regional planning put planners and voters in the position of attempting to address traffic originating outside of their borders with the tools at their disposal. Walnut Creek is an example of how the development wars and growth control uprisings of past decades can both haunt and help cities responding to regional sustainability planning today. It is one of the older suburbs in Contra Costa County that has experienced spillover traffic from exurban development, yet is slated for housing growth in the region's SCS. It typifies both the history of growth control and the potential for smart growth in the Bay Area. Historic growth control measures continue to constrain development. However accepted "rules of the game" were established as the town developed from a bedroom community into an edge city (Garreau 1992). From the late 1990s to the post-SB 375 era, the Bay Area has moved from experimenting with incentives for smart growth to combining these incentives with stronger requirements for coordinating transportation and housing. This shift might be less contentious in cities and counties where smart growth and countywide coordination has already been tried. Walnut Creek has slowly moved towards smart growth around its BART station and participated in coordination on land use with its CMA.

Walnut Creek's city council was exceptional for its insistence on concentrating retail development in the town's core in the mid-20th century, although it also followed a typical suburbanization pattern for a rail stop town. Walnut Creek turned down the first mall in the region in the 1960s, which developers wanted to build several miles outside of the downtown. The Sun Valley Mall went to neighboring Concord, but during this period Walnut Creek began to concentrate its retail development on its downtown street grid near its original rail station.[16] The city's first transportation commission in the 1970s created a core area plan. A former city official recalled that at the time city there was

> "…this sort of mantra that the downtown would be 'alive after 5 [pm].' We wanted it not to shut down. We wanted to make sure that this was vibrant all the time, and that there would be services here that people wouldn't have to travel far outside the city to obtain."

By the early 1990s, Walnut Creek had become an example of the national trend towards regional job centers developing outside of 19th century urban cores, in what had been until then considered rural or suburban areas (Garreau 1992).

The safeguards that were put in place to protect open space and local character as Walnut Creek grew both help and hinder smart growth planning. For example, the height limits imposed in the 1980s continue to constrain development around Walnut

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[16] The rail line that supported the area's agricultural economy in the early 20th century is now a regional bike trail and the station building is a restaurant. The downtown's orientation is now towards the freeway to the west, not the rail line to the east.

Creek's BART station. BART and the 680 Freeway arrived in Walnut Creek in the 1970s, bringing development pressure that would trigger growth control measures typical of that era. In the 1970s, City Attorney Daniel Curtin responded to community concerns by drafting a law saying that before a building permit can be issued for new units or a subdivision, developers must contribute land or an in-lieu fee for parks (Walnut Creek Municipal Code §10-12.101). The city council amended the general plan with little fanfare to allow office buildings near the BART station, but as the offices started to rise out of the ground, citizen-driven ballot initiatives tried to cut them back. Although a handful of office buildings were completed, Measure B capped development at ten stories. Recent plans to build transit-oriented development near the station today have run into that cap.

Another growth control ballot initiative that passed in Walnut Creek the 1980s attempted to tie development within the city's boundaries to road widening, with effects across the state. Measure H, Walnut Creek's "no growth" ballot initiative, tied approval for development to level of service (LOS), a measure of vehicle traffic flow, at its major intersections. The state Supreme Court overturned Measure H on the grounds that its growth restriction was not in the general plan (*Lesher Communications, Inc. v. City of Walnut Creek*, 52 Cal.3d 531, 1990). Ironically, although *Lesher v. Walnut Creek* handed developers a victory on a technicality, it led to other growth control measures in California going to the ballot as general plan amendments (Fulton and Shigley 2005). Many of these measures are still on the books today.

Despite or perhaps partly because of its history of growth control, Walnut Creek is an example of a city where smart growth development that supports the SCS is possible because the rules of the game are clear to planners and residents. The development battles that occurred in previous decades provide one set of expectations and constraints, while long-term public involvement in developing plans shifts conversations from being simply about fear of density to a positive discussion of what kinds of design and public amenities the community can embrace or at least accept. One former city official noted that

> "the older generation isn't all that excited about [new apartments and TOD] but they're not fighting it. They don't fight something that isn't a huge change. That was the difference in the 80s, it was a huge change from little single family homes."

Over time, the zoning code has been updated to include exceptions to the height limits in specific commercial areas (City of Walnut Creek 2008).[17] In the post-SB 375 era, there is still concern about traffic and tall buildings, but there is greater openness to infill development without an insistence on accompanying it with road widening.

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[17] For example, the zoning code allows for permit applications and possible approval of buildings that meet a 35 foot height limit but may also have a stepback to a portion of the building that is 50 feet in height. Small architectural features such as a tower may also exceed the height limit. Because these exceptions apply to only part of the building and the building is still within the height limit where it faces the street or meets a property line, they are within the limits of Measure A.

In 2014, Walnut Creek was contributing to the successful implementation of the Bay Area's SCS, but its planning process for its downtown had already been going on for years. At the beginning of a meeting about a specific plan for West Downtown, a PDA near the BART station, the city's consultant showed a slide show of past projects in the city that have been popular with the community (author notes 2/12/2014). He then mentioned the Measure A height standards that are in place from the 1985 voter initiative freezing height increases except by ballot. The terms "setback" and "stepback" were used extensively throughout the meeting in reference to managing height differences between single-family houses and adjoining properties. A setback is a minimum distance from the street for a building. The Walnut Creek general plan defines a stepback as "additional setbacks at upper floors (City of Walnut Creek 2006, 4:17)." While some community members felt that the stepbacks are simply a way to circumvent the height limits, their introduction led to a conversation about how to allow new development while not blocking views along streets or sunlight to homes. At no point did the consultant or the planners use the term "density." They framed the discussion around clear alternatives, a building slightly wider or higher here, a paved versus a landscaped setback there. To give residents an idea of what buildings might look like, the consultant showed slides of attractive recent developments in Berkeley, San Francisco, and Sacramento with craftsman-style features, plazas, and upper-story stepbacks, Surprisingly, given the city's history of resistance to growth, most residents seemed happy to discuss the options of bike lanes or wider sidewalks on arterials as well as other design issues on new (taller) buildings, rather than focusing on whether to allow growth at all.

The example of Walnut Creek suggests that smart growth can happen outside of the urban centers of San Francisco, Oakland and San Jose. Its PDA planning contributed to the city being selected for one of the first Affordable Housing and Sustainable Communities (AHSC) grants from the state to support SCS implementation in 2015, which only a handful of cities in the state received. Yet planning for smart growth is a slow process that involves building trust in a community over many years. Does the Bay Area's SCS implementation do anything to change local and countywide planning processes and governance for housing and transportation, particularly in large, suburban counties? Are the SCS and OBAG programs providing adequate incentives for cities that had not been engaging in smart growth planning prior to SB 375 to do so? SCS implementation in the Bay Area balances countywide and regional coordination of land use and transportation planning and incentives for change with respect for local land use control. A lack of understanding exists about the mechanisms by which this change is occurring and what obstacles still exist to regional sustainability planning in the Bay Area.

4.3 The role of County Congestion Management Agencies in SCS Implementation

In the context of SB 375's lack of strong enforcement at the local level, existing policy and governance structures shaped its implementation in the Bay Area. The survey results for this study showed that governance relationships around smart

growth between cities, counties, and regional agencies have shifted as a result of first round SCS implementation. Interview-based case studies help explain how and why this is occurring. The theoretical lenses of governance, soft law, and defensive regionalism provide a framework for analyzing the impact of SB 375 on regional sustainability planning in the Bay Area. A better understanding of how SB 375 interacted with existing power structures at the local and regional level is needed. Focusing on the three largest counties outside of San Francisco provides an opportunity to examine sustainability governance in suburban and urban jurisdictions. How did the OBAG program impact smart growth planning and development in the Bay Area during the implementation of the first SCS from 2013-2016? How did governance structures between the CMAs, regional agencies, and cities evolve during this period?

CMAs have helped devolve some power over SCS implementation from the regional to the county level, but they have also provided a forum for encouraging cities to engage in smart growth, particularly housing production. SCS implementation provided an impetus for CMAs to assert their independence from the regional agencies and engage in localism, but also to further regional goals. For example, SB 375 says that no county transportation projects approved before 2011 have to be consistent with the SCSs (Steinberg 2008). During the implementation of the Bay Area's first SCS, CMAs asserted that they have autonomy to develop county transportation plans (CTPs) based on local priorities and funding cycles, and that the regional transportation plan, including the SCS, must be consistent with those plans (MTC 2014a; MTC 2014b). Further, county representatives on MTC's board voted to give CMAs greater control over programming OBAG funds than staff had originally planned. These moments of conflict did not bode well for SCS implementation, but CMAs helped implement the SCS via the OBAG program and the associated PDA strategies. Table 4.3 shows all of the regional and subregional agencies responsible for implementing the Bay Area's SCS. MTC's requirement that the CMAs prepare a PDA Investment and Growth Strategy (PDA Strategy) in cooperation with cities provided a forum for educating local officials about the SCS and for CMAs to raise the issue of housing production with city officials. This has improved sustainability governance in the region. CMAs have encouraged cities towards smart growth, partly as a form of defensive regionalism or protecting local power through preemptive action that supports regional goals, in this case SCS implementation.

Table 4.3: Regional and Subregional Agencies Implementing the Bay Area's SCS

Agency	Abbr.	Area served	Regional COG	Metropolitan Planning Organization (MPO)	Subregional COG	County transportation commission	Congestion management agency	Sales tax	Vehicle Registration fee	Transit operator
Metropolitan Transportation Commission	MTC	9 county region		x						
Association of Bay Area Governments	ABAG	9 county region	x							
Alameda County Transportation Commission	ACTC	Alameda County				x	x	x	x	
Contra Costa Transportation Commission	CCTC	Contra Costa County				x	x	x		
Valley Transportation Authority	VTA	Santa Clara County				x	x	x	x	x
San Francisco County Transportation Authority	SFCTA	San Francisco City and County				x	x	x	x	
Transportation Authority of Marin	TAM	Marin County				x	x	x	x	
Sonoma County Transportation Authority	SCTA	Sonoma County				x	x	x		
Napa County Transportation and Planning Agency	NCTPA	Napa County				x	x	x		x
Solano Transportation Authoirty	STA	Solano County				x	x			x
San Mateo County Transportation Authority	SMCTA	San Mateo County				x		x	x	
City and County Association of Governments of San Mateo County*	C/CAG	San Mateo County			x		x			

* C/CAG prepares the San Mateo County transportation plan even though SMCTA is the county transportation commission.

4.3.1 Balancing regional coordination with local autonomy in SCS implementation

4.3.1.1 Countywide Transportation Plan Guidelines Update

CMAs raised concerns about greater coordination between Plan Bay Area and their own planning cycles, demonstrating the challenges of changing established regional governance structures to facilitate SCS implementation. During MTC's 2014 update to the guidelines that it issues for countywide transportation plans (CTP Guidelines), the CMA Directors objected to actions that would require the county plans' content and preparation timelines to be more consistent with the region's SCS:

> "While MTC has indicated it cannot require CMAs to adhere to guidelines…the CMAs are still concerned that the Guidelines may eventually be a condition for regional funding…The final Guidelines should contain a statement that CMA receipt of funding from MTC is not conditioned upon CMA adherence to the guidelines (CMA Directors 2014)."

One reason it is difficult to encourage consistency between the CTPs and the SCS is that the plans are prepared at different times in different counties. The CMA Directors cited resource constraints in making CTPs that were adopted before the Guidelines update consistent with the SCS:

> "The timing of CTP updates must…be flexible to address local policies and resource constraints…[CTP updates] are often tied to local sales tax or other

revenue measures which are subject to their own local requirements, goals, and priorities (ibid)."

Many of the current county transportation plans were prepared prior to the SCS. In the past, according to one regional planner, the regional transportation plan was essentially a "stapled together" version of the projects in the CMAs plans. Although there was already increasing alignment before the SCS, MTC expected to see a shift towards the CTPs being consistent with the SCS (author interviews). However, during the update process, the region's CMAs successfully lobbied to include language in the guidelines reaffirming their autonomy in preparing county transportation plans (MTC 2014a).

The CMA directors focused on flexibility and local innovation as priorities in the CTP Guidelines update process, while equity advocates focused on requiring CTPs to be consistent with Plan Bay Area. According to state law, the county plans must be based on the regional transportation plan (RTP), but the RTP must be based on the county plans (MTC 2014b). The CMA Planning Directors Chair argued against changing the advisory nature of the CTP Guidelines in a letter to MTC during the update process:

> "The idea that CTPs can form the basis of the RTP/SCS should be maintained. This includes not only projects and programs, but also goals and performance standards. The Guidelines should continue to contain standards that are needed for CTP content to be used as a basis for the RTP/SCS (Macaulay 2014)."

This "chicken and egg" situation, where the RTP must inform the CTPs, and vice versa, exemplifies the soft law nature of SB 375 with its unclear local implementation mechanisms and failure to address existing power structures within regions.

Equity groups called for mandated coordination of the countywide transportation plans with the SCS and the equity-oriented Regional Prosperity Plan. For example, they proposed setting deadlines for the CTPs and requiring that they incorporate the equity goals and performance measures of the SCS (Public Advocates 2014). However, since the CTP Guidelines are nonbinding, MTC did not consider itself to have the leverage to set this requirement. Funding decisions that MTC's commissioners voted on regarding the One Bay Area Grant (OBAG) produced similar tensions between the desire of equity advocates to see projects chosen with regional criteria in mind and concerns about local needs and autonomy at the CMA level.

4.3.1.2 The One Bay Area Grant Program

The OBAG program, a core component of SCS implementation in the Bay Area, represented both a continuation of the region's existing power structure and a new moment for regional governance. It was a continuation of existing governance structures because the CMAs played a central role in the program, and it was a shift because the program concentrated a large amount of funding in the PDAs. Thirty-two percent of MTC's federal funds went to PDA planning or capital projects for the four year funding cycle starting in 2012 (MTC 2012).[18] The development of the program

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[18] $212.3 million in OBAG funds, and $40 million in non-OBAG funds, went to PDAs out of MTC's $795 million federal budget for fiscal years 2012-2015.

highlights the move towards regional goals and the incorporation of CMA authority over the program. OBAG, as originally envisioned at the regional level, would have included a larger role for the regional agencies in implementation, including selecting projects (MTC 2012). However, MTC Resolution 4035, authorizing the OBAG program, shifted a large amount of funding from regional programs to the local level (ibid, Attachment A, p. 2). This shift occurred as a result of the politics of MTC having local representatives on its board.

The OBAG program's development exposed existing institutional fault lines within the region. Several key changes occurred during the OBAG program development. First, the share of funds for conservation areas (PCAs) increased, due to pressure from the four more rural, agricultural, and in some cases antigrowth, North Bay counties of Marin, Sonoma, Napa, and Solano. While the larger counties spent seventy percent of their OBAG funding in PDAs and thirty percent in PCAs, the North Bay CMAs could spend fifty percent on PCAs (Table 4.2) (MTC 2012). Second, CMAs were given authority to select or "program" projects that would receive OBAG funds in their county. Key regional criteria for project selection remained in place, but each CMA selected additional criteria. Third, to manage this programming authority, CMAs received an increased share of planning funds. Fourth, projects up to half a mile outside PDA boundaries became eligible for funds as PDA "proximate" areas. Finally, this new structure included a requirement that CMAs prepare a PDA Investment and Growth Strategy (PDA Strategy) to define their local eligibility criteria and to inventory possible projects. The evolution of the OBAG program from being regionally administered to having stronger CMA input raised concerns that the goals of the SCS, to coordinate regional housing and transportation planning, would be diluted (author interviews).

Some observers predicted that increased CMA input in the OBAG program would lead to "business as usual" funding for projects such as road widening rather than infrastructure to promote compact development, yet this largely did not come to pass. First, the projects the CMAs selected for OBAG funds met or exceeded the targets for how much of the PDA-designated funding should be spent in PDAs (Table 4.2). The PDA half-mile proximity definition facilitated projects that dealt with infrastructure bottlenecks serving a PDA, and did not push projects entirely outside the PDAs. Second, MTC helped ensure a concentration of funds rather than a "peanut butter" spreading of projects by setting a minimum project budget of $500,000 in the three largest counties, Alameda, Contra Costa, and Santa Clara. This budget threshold increased the concentration of spending in PDAs by reducing the number of overall projects and by encouraging cities to submit only a few large projects (MTC 2012).

4.3.2 CMAs and shifting Bay Area planning towards sustainability: PDA Strategies

CMAs had an unexpected role in the Bay Area in shifting local implementation of regional planning processes towards greater coordination of housing and transportation planning. The structure of the OBAG program allowed CMAs to shift away from their traditional political mode of spreading funding around their county to concentrating it in transit-supported areas that are producing new housing. The development of the PDA Investment and Growth Strategy (PDA Strategy) by the

CMAs and cities strengthened multiscalar governance in the region, despite a lack of guidance from SB 375 on how actors within regions should coordinate to implement the law. In this soft law framework, the PDA Strategy provided an opportunity for greater communication between CMAs and cities and improved local understandings of the SCS. Cities and CMAs began discussing housing issues as part of the OBAG process, whereas previously they had only worked together on transportation planning in most cases. CMAs approached SCS implementation cautiously, which helped build trust and credibility with cities. CMAs gave cities room to develop their own agenda around PDA projects while also responding to their concerns about non-PDA projects. Yet the OBAG program has created expectations that future funding cycles will continue to concentrate spending in PDAs. Some suburban cities engaged in planning efforts in PDAs in anticipation of future funding opportunities and to shape their own approach to smart growth, in an example of defensive regionalism. Examples of incremental progress occurred in Alameda County, where equity groups persuaded the CMA to increase the emphasis of the PDA Strategy on affordable housing.

The One Bay Area Grant (OBAG) program helped fill the governance void of SB 375 within the Bay Area, strengthening and expanding existing regional and subregional governance structures. As a soft law, SB 375 specified what actions state and regional agencies must take, but left open how actors within regions would implement it. OBAG helped structure an ongoing governance process for implementing the SCS between regional agencies, CMAs, and cities. CMAs have existing relationships with cities based on their role in developing county transportation plans as well as distributing funding. Much of a CMA's budget in the Bay Area is "pass-through" funds distributed based on formulas from state and federal sources. Some counties have sales tax funds or vehicle registration fee funds that voters approved for specific purposes within the county. In addition to these existing interactions between cities and CMAs, OBAG is not the first instance of CMA involvement in a regional grant. CMAs were also involved in programming Transportation for Livable Communities program (TLC) funds for station area transit-oriented development. As with OBAG, MTC's board members voted to devolve project selection to the CMA level (author interview). However, OBAG was the first time the region's concentrated grants for smart growth were linked to regional housing allocations. This evolution towards focusing federal funds on smart growth near housing, under a state mandate and a regional plan, helped alter the politics of CMA spending within counties.

The requirements of the OBAG program have assisted CMAs in shifting the politics of transportation spending within counties, while still providing room to incorporate local preferences. Preparing the PDA Strategies and determining the weighting of their scoring criteria involved local input, coordinated by the CMAs. But the requirement that CMAs spend most of the funds within PDAs, and the $500,000 threshold for projects in larger counties, gave CMAs political cover to not spread the funds across all cities. Contrary to their political structure, as one nonprofit representative noted, CMAs are

> "…holding the line a bit on cities… who complain about not getting OBAG funds. They are somehow not just doing whatever the cities want,

which would reflect how their governance is set up… perhaps because of some support or pressure from MTC."

The CMAs primary political incentive is to serve the interests of the cities they represent. So far this has not kept them from following the regional guidelines for distributing the OBAG funds. The MTC guidelines for the OBAG grant called for a large share of the OBAG funds to support smart growth in PDAs. One CMA planner noted that the concentration of funds was

"…very unusual because we are a very political entity, money gets spread around so there's some geographic equity, and [a few jurisdictions] were very upset about that because they didn't get anything."

The PDA strategy and grant process gave CMAs a reason to target areas near transit for funding, even though this runs counter to their political structure, which rewards an even distribution of funds to areas represented on their commissions.

Although as a soft law SB 375 did not provide structure for local implementation beyond requiring that cities incorporate their RHNA targets into local plans, the OBAG program provided a governance structure for CMAs to promote SCS implementation via smart growth. OBAG gave CMAs a tool for evaluating local transportation infrastructure projects and rewarding them based on whether they contribute to new housing construction near transit. For example, CMAs could assess the relative performance of PDAs in terms of housing production, the quality of transit service, and the environment for non-motorized travel. One non-profit representative put this policy shift into perspective:

"You can't really say that prior to OBAG the counties would fund bad transportation infrastructure projects. It's more that, previously, there has not been an official definition from the region of what a bad project is. Cities come to their CMA for transportation funding and say 'this is our top priority.' The CMAs have never before had a rationale for saying 'actually the project you are prioritizing does not perform well from a VMT perspective.' [The CMAs] have never had that backing [from the region] until now."

Although CMAs still fund projects that cities nominate, they now have a justification for setting performance-based criteria for some of those projects. CMAs have the opportunity to help set expectations for cities about what kinds of projects serve the region-wide housing production goals. Developing and updating the PDA Strategies, including gathering input and data from cities, provided an opportunity for ongoing interaction that strengthened the relationship between CMAs and municipalities.

CMAs worked closely with cities through developing and updating the PDA strategies, including setting the project selection criteria, and collecting the required data on local housing production and housing-related policies. The OBAG grant process, including the PDA Strategies, gave CMAs a new reason to communicate with cities on an ongoing basis, which improved their relationships and their credibility with local officials. For example, The Santa Clara Valley Transportation Authority (VTA), developed its first PDA strategy in 2013 with the input of a working group of city planners and public works directors, nonprofit representatives, and members of their citizen advisory committee (VTA 2013).

Similar to other CMAs, their first PDA strategy inventoried the PDAs, priority conservation areas, and local housing policies (ibid). VTA's second PDA strategy gave a more detailed picture of ongoing planning activities in each PDA, such as housing element updates (author interview). The Bay Area's SCS implementation has given CMAs new responsibilities for gathering and updating data from cities on development activity and housing production within the PDAs (author interview). This data collection and updating the PDA Strategies requires frequent contact with cities as CMAs update their PDA strategy annually with the involvement of local planners and other stakeholders on their technical advisory committees.

Communicating with CMAs on an ongoing basis about smart growth and housing policy through the OBAG program has improved local officials' understanding of the goals of the region's SCS and regional planning in general. Participation in PDA strategy development and applying for OBAG funds from their CMA has increased local planners' familiarity with and investment in the regional SCS. Although it can take years for a new program to take hold locally, the ongoing activity around OBAG has helped regional goals filter into local conversations. As one CMA planner noted,

> "our committees [of local officials] know the terminology now if I say OBAG or PDA they know what that is…There needs to be education on the process itself [going forward]… Each month over the past few years I would…update [local officials] on the regional issues and I think they were kind of happy we did that because otherwise they know about it [as]…one thing they have to do as a board member but I think the more we brought it to them they were more familiar with the data [and had a]…better understanding of how things are working."

The task of developing the PDA strategy has given CMA staff a reason to communicate regularly with the local officials who are on their board about SCS implementation. In the Bay Area, CMAs' activities are making SCS implementation an ongoing issue, rather than something that local officials only think about when the region is updating its SCS every four years. Furthermore, the nature of the communication between CMAs and cities has come to include land use and housing issues in a new way.

The OBAG program has given CMAs that had not done so previously a reason to have a conversation with cities about their land use decisions, particularly with regard to housing. For cities, which must often base their actions on available funding sources, OBAG funding has given them an incentive to either initiate smart growth planning or move such projects higher on their priority list. One nonprofit representative suggested that prior to the PDA grant process, their local CMA had

> "been a little reluctant to weigh in on… land use projects that [the CMA] doesn't like or think is appropriate maybe for a TOD area…CMAs do not want to create conflicts with cities by questioning or criticizing their land use decisions…The fact that MTC and ABAG…have made grant money available for doing land use and transportation planning around TODs [changes that, and]…without those grants the opportunity to do that kind of planning may not have existed."

OBAG has altered the conversation between cities and CMAs from being solely about transportation to including the effects of transportation decisions on land use and housing. It has increased the incentive for cities to engage in smart growth planning with input from CMAs. However, this new role for CMAs in local housing conversations is still evolving.

Housing production is a new area where Bay Area CMAs have had increased communication with cities on smart growth planning via SCS implementation, though how they approach that role has developed over time. Getting involved in collecting data on cities' housing policies and discussing these policies with local planners is a new role for CMAs, one which took some adjusting to for both CMAs and cities during the implementation of the Bay Area's first SCS. For example, according to one CMA representative,

> "we're now getting more involved in land use and housing, so that's kind of new for us…[city officials] are still kind of like 'why are you so involved in housing all of a sudden?'"

For some CMAs there was confusion around taking up an issue outside of their traditional transportation mandate but for most it was a welcome shift. Most CMAs were prepared to accept the increased responsibility and promptly got to work figuring out how to handle it. According to one nonprofit representative,

> "it was definitely a shift for the CMAs to start thinking about housing and land use in general, and I think that's where there's been a little bit of uncertainty in terms of who has what roles and responsibilities…What's a good set of housing policies versus not… I think that was definitely something that was new to some of the CMAs."

The Association of Bay Area Governments (ABAG) has traditionally been in the role of providing cities with data that they need for their housing element updates and collecting data on housing. Cities and CMAs have been adjusting to the idea of CMAs participating as an intermediary in this process and having it be tied to transportation funding. As they adjust to this role, CMAs have approached the issue of housing with caution.

CMAs took an incremental approach to incorporating housing standards into their PDA Strategy as a criteria for PDA grant eligibility, as not to lose credibility with cities. One CMA representative noted that although their PDA Strategy included housing policies as a weighting factor for project selection, it

> "…didn't put weights on different housing policies and say 'one policy for maintenance of existing rental housing is better than another'…we weren't comfortable with making value judgments in that way, but we did feel comfortable saying we can outline what the universe of housing policies are [sic], if you have so many in each of these categories you get all of the points, and that was definitely something new for most of the CMAs."

If the first round of PDA Strategies developed in 2013 had set the bar for housing policies too high, this interviewee noted, they would have had too small a pool of PDA grant applications. However, by outlining for the first time what they consider a reasonable standard in inclusionary, affordable housing, the CMAs helped set future

expectations of what cities can work towards. Their standards may develop unevenly in different locations as different CMAs take their own approach to the PDA Strategies. However, they provide an important conduit for data and policymaking on inclusionary housing from cities to the regional scale and vice versa. As CMAs take a leadership role on housing policy in the Bay Area, their cautious approach has helped build trust with cities.

In order to protect the trust that they had built up with cities, CMAs were careful not to push cities too far too fast with smart growth development during the first SCS implementation in the Bay Area. CMAs are protective of their relationship with cities because in order to do their job, CMAs need the confidence and support of local leaders. It impacts SCS implementation because, although CMAs see themselves as having a clear role in SB 375 implementation, they are hesitant to take actions that might damage their relationships with their member cities. CMAs let cities come forward with what they were willing to do and what they would need from CMAs in terms of assistance with their OBAG projects. One CMA planner noted that

> "…right now [SCS implementation] is so new that we're kind of waiting for the cities to come to us, but I think that may change over time, we have to wait and see because we can't really tell a city 'hey, you should move your development to this location because it's right near transit.' We can make that suggestion but it's really up to a city to follow through on that."

CMAs in the Bay Area see their role not as trying to change the incentives, but as trying to assist cities that want their help with navigating those that are available. CMAs view cities, rather than their own organization, as the on-the-ground implementers of the SCS.

CMAs' view of cities as the direct implementers of the SCS, and their own agency as having a supporting role, informs their approach to SCS implementation and governance, including the OBAG program. CMAs conceptualize their work as serving the interests of cities as expressed by local officials, and not imposing top-down mandates on them. As one CMA representative put it,

> "the actual implementation of Plan Bay Area is going to be with the cities, and since they have the authority to decide what they want to do…we're just saying 'how can we help cities with their growth and at the same time try to figure out what's our proper role in helping them achieve the standards set by the regional transportation plan.'"

CMAs, like the regional agencies, were reluctant to impose any mandates on cities, or even be seen as doing so. Instead they took a facilitative approach to helping cities prepare for future funding cycles or state mandates.

CMAs focused on helping cities access incentive grants and prepare for future funding requirements during the first round of SCS implementation in the Bay Area. One CMA planner suggested that rewarding cities, rather than punishing them, is an effective route to smart growth:

> "The [PDA] Investment and Growth Strategy…becomes a tool that cities use, and it is not necessarily a report that wags a finger at cities for not doing something right or wrong, it's more of 'let's help the cities to define

their PDAs the way they want to do it and help them get projects or help them develop projects and programs that we can hopefully apply future funding to."

CMAs do not want cities to perceive them as pushing an agenda that they might consider an unfunded mandate. At the same time, as this quote suggests, they want to help cities do smart growth in a way that is locally sensitive and prepares them for future mandates and funding opportunities from the state and region. In this way, CMAs engage in a form of defensive regionalism; they are not pushing the regional agenda too hard, but are also helping cities implement the SCS in a way that will benefit them most and help maintain local autonomy in the present and in the future. As part of maintaining this balance, CMAs also kept local needs that did not fit within the SCS framework in sight.

CMAs preserve cities' trust by meeting local needs for transportation infrastructure funding, even as funding sources change over time. For many CMAs, countywide sources of revenue make up an increasing share of funding that goes to cities and the county. This might reduce the incentive for jurisdictions to participate in regional initiatives. In the Bay Area, this could prove a challenge if a future SCS has an increased number of requirements to receive the next iteration of PDA grant money. A CMA representative suggested that if over time the criteria for OBAG projects becomes more stringent

"…and ABAG and MTC try to do more out of it, then we will see the real tension… the real issues coming up, and [cities] will say 'hey, I have a need here, it may or may not be in the PDA… but there is a need…I have a lot of potholes, I have a lot of sidewalk repairs, and lots of ADA [Americans with Disabilities Act] needs."

Over time, the state and the region will need to balance providing funding for infrastructure maintenance and construction outside of PDAs with the goal of concentrating funding. This may be important to preventing a political backlash against smart growth programs.

Cities and CMAs engage in defensive regionalism, or preserving local control while engaging in regional planning processes in order to anticipate future requirements and show that their local way of meeting them is appropriate. They engage with regional processes in part to prevent further consolidation of regional power. By showing that the fairly locally flexible process of CMAs selecting criteria for OBAG projects with input from cities has brought progress on the goals of the SCS, they aim to prevent further top down control. There is a common concern among city planners interviewed in the Bay Area that there are unknown future requirements that will be imposed by the SCSs or related processes. Uncertainty exists about how rapidly those requirements to reduce emissions will tighten, and to what degree they might encroach on local control of land use (author interviews). In the Bay Area, cities are concerned that the PDA requirements, despite applying to only about a third of federal funds from MTC during the first SCS implementation, will grow. There is an expectation that PDA or smart growth-restricted funds will become a greater share of the regional budget for local transportation projects, with more demanding criteria over time. This perception about the potential pace and scale of increased requirements

to receive regional dollars filters into the defensive approach of cities participating in CMA-coordinated SCS implementation activities. It fosters cooperation as well as resistance. CMAs have tried to meet regional goals while also forestalling increasing control from regional agencies. At the same time, they have worked to dispel cities' belief that CMAs own activities represent a source of top-down control.

4.3.3 Encouraging progressive change through regional incentive grants

The OBAG program gave municipalities, particularly suburbs, reason to move towards smart growth by including planning grants and by creating the expectation that future capital grants would continue to focus on smart growth. The fact that the OBAG program included both planning and capital funds allowed CMAs to encourage cities to move towards smart growth incrementally. The program rewarded cities that changed course over time, rather than just reinforcing the progress of cities that were already on a smart growth track. The Alameda County Transportation Commission (ACTC) is one example of a CMA that used OBAG funds to reward smart growth projects and also to encourage cities, particularly suburban ones, to plan for future smart growth projects. In 2012-2013, the OBAG funds made up $40 million of the overall $160 million that the agency distributed to cities. However, ACTC projected in their 2012 countywide transportation plan that regional sources will account for only fifteen percent of their total budget over the next three decades (ACTC 2012). ACTC collected information on development activities in the forty-three PDAs in the county and developed a PDA Strategy with input from cities. According to the Alameda County PDA Strategy, the agency deliberately decided to concentrate the funds in areas with development activity in order to "support near-term, transit-oriented growth and development" that is likely to be built (ACTC 2013). The strategy describes what constitutes an "active PDA" that is eligible for OBAG funding, which included whether they had completed planning and zoning work on a project, and whether they had an active development market with housing in the pipeline. In addition to development readiness, outside input increased the weight ACTC's PDA Strategy placed on affordable housing.

Alameda County's CMA increased the weighting of affordable housing in their PDA strategy as a result of a push from social equity groups, but this was not consistent across counties. Equity groups were wary of having to devote additional resources to advocating at the CMA level in addition to the regional level. The PDA Strategy development process led to equity groups getting more involved in transportation (and now housing) policy at the CMA level, a scale they have traditionally been less involved in than the regional or city scale. Although equity groups favored having strong regional control of the OBAG program, they worked with ACTC on the PDA Strategy. ACTC's criteria for grants to projects in PDAs included "transportation project readiness" (25 points), projected jobs growth in PDAs (2 points), "affordable housing preservation and creation strategies" (9 points), and meeting the transportation needs of Communities of Concern[19] (4 points), among

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[19] MTC defines Communities of Concern as areas having a 70% or greater minority population or a 30% or more low-income population (MTC 2011).

others, out of 100 possible points (ACTC 2013). Project readiness was the largest factor in awarding the funds. Input from the nonprofit community, including the equity-focused Six Wins Coalition, led to an increase in the affordable housing criteria to nine points from three (author interviews). However, resource and political constraints meant that these groups had greater success pushing for increased attention to affordable housing at ACTC than at other CMAs. Although Alameda County's CMA assigned nine points to "affordable housing creation and preservation strategies" in the first PDA Strategy in 2013, it only received two points in Contra Costa's first PDA Strategy, and was not mentioned in the initial Santa Clara County PDA Strategy (ACTC 2013; CCTA 2013; VTA 2013).

The criteria for project selection for PDA funding in Alameda County, including those from MTC and those developed by ACTC with local input, led to greater concentration of capital funding than in the past. Based on ACTC's PDA Strategy, seventeen of Alameda County's forty-three PDAs qualified to apply for PDA capital funds through the OBAG program. According to one CMA representative, projects that cities put forward tended to be

> "bigger, more complex projects that involved a lot of different elements, [such as] bike, pedestrian, transit improvements, and generally fell in line with the TLC program…that had existed prior to the SCS."

For example, the City of Berkeley received funding to update the Downtown Berkeley BART station plaza, to convert the adjacent Shattuck Avenue corridor to two-way from its current one-way configuration, and to make bike and pedestrian improvements on Hearst Street near the UC campus. The City of Oakland received funding for several comparable complete streets or bikeway projects. In addition to the larger cities in Alameda County, two more suburban jurisdictions in southern Alameda County submitted plans that focused on increasing density and managing parking around their BART stations. Union City received funds for its intermodal station area, and the city of Fremont received funding for capital improvements in their center city plan, which creates a new street by breaking up several superblocks. Planning grants went to the suburban cities that did not receive capital grants to help prepare their PDAs for the next call for applications in 2015.

Alameda County's CMA created expectations for the next round of PDA funding by awarding planning funds to suburban cities whose PDAs were not ready for capital funds in the first round in 2012-2013. ACTC targeted jurisdictions that did not receive first round capital funds for planning grants with the aim of preparing them to submit strong capital grant applications in the second round. These cities were those with "suburban center" type PDAs in the Tri-Valley area of eastern Alameda County. According to the PDA Strategy, several of their PDAs were "active," but their overall scores were lower than the projects that received capital funds (ACTC 2013). However, they received planning funds to prepare them for the next round. For example, the CMA used OBAG funds for a park-and-ride study in the Tri-Valley cities of Dublin, Pleasanton and Livermore, as well as a feasibility study for connecting the Ironhorse regional bike trail with the Dublin BART station via an improved arterial crossing (ibid). While those three cities do not have a large amount of local support for replicating densities or development patterns found in the region's central cities, the

Tri-Valley cities are planning for smart growth within their local, more suburban context. For example, Dublin has three PDAs, two near BART stations; Pleasanton has a PDA near BART and its Hacienda Business Park; and Livermore has one PDA near a planned BART station, one near its downtown, and one near its two national laboratories. Although these jurisdictions' elected officials expressed disappointment at ACTC's board hearings that they did not receive first round OBAG capital funds, the CMA gave them a strong incentive to be ready to apply for them in the second round. Roughly a million dollars in OBAG planning funds went to areas of eastern and central Alameda Counties to prepare them for the next round of capital grants.

4.4 Conclusion

The story of regional sustainability governance in the Bay Area in the past several decades has been one of a bumpy path to greater coordination of transportation and housing in order to improve affordability in the region and reduce carbon emissions from vehicle miles traveled. But there are signs that the region is moving towards breaking down the land use and transportation policy silos. Within the soft law framework of SB 375, the regional agencies in the Bay Area came up with a regional grant program called the One Bay Area Grant (OBAG) to help implement the SCS that, starting in 2013, provided a forum for municipalities to discuss housing with their county-level transportation agency, the congestion management agency (CMA) on an ongoing basis. The grant program gave the CMAs political leverage to require that a significant portion of federal funds that cities receive be tied to housing production in existing communities with transit access. Despite some resistance to greater regional coordination from the local and county level, the policy architecture of the grant program improved trust and relationships in the region, particularly between CMAs and cities, as well as with the regional agencies. Defensive regionalism has occurred in some ways, with cities engaging in smart growth planning in anticipation of future requirements. However, there is uncertainty about the impact of future regional grants, as cities will likely receive an increasing portion of their transportation funds from local sources over time. Incremental progress on smart growth has been made in some suburban cities that did not qualify for early rounds of capital grants for smart growth infrastructure but did receive planning funds.

Although skepticism that CMAs could be advocates for concentrated spending on transit oriented smart growth existed in the region, there are strong signs that their unexpected role in SB 375 implementation will strengthen regional sustainability planning in the long run, particularly given early resistance. As one example of this shift, the 2014 PDA Strategy from the Contra Costa Transportation Commission asserts that

> "…the [PDA] Strategy will also align the Contra Costa Countywide Transportation Plan (CTP), which establishes the Authority's long-range policy guiding future transportation investments, programs, and advocacy over a 30-year time horizon, with the goals of *Plan Bay Area*. Accordingly the PDA Strategy will have the same time horizon as the current CTP (through 2040) and will be updated annually (CCTA 2014, p. 2)."

The CMAs in the Bay Area's three largest counties were wary of aligning these documents during the early years of SCS implementation, but this stance has changed over time.

The localized nature of the OBAG program, including input from cities on project selection criteria, improved CMAs' ability to promote smart growth. Having CMAs select projects for PDA funding has improved local buy-in for regional sustainability planning in the Bay Area because, by competing within counties, cities do not get the impression they are constantly losing out to the three or four largest cities in the region for grants. Yet there is room for improvement in the PDA Strategies in the future. Regional PDA eligibility required recent or planned housing production, yet the emphasis that different CMAs placed on affordable housing in their project selection criteria varied. (As mentioned earlier, affordable housing creation and preservation strategies received nine points out of one hundred in the Alameda PDA Strategy, two in Contra Costa's, and no explicit mention in Santa Clara's.) This would clearly be an opening for equity advocacy in future federal funding cycles in the Bay Area. Although equity groups were understandably reluctant to advocate at the county level due to the additional resources required, their success in increasing the emphasis on affordable housing in the Alameda PDA Strategy may provide a model for encouraging future improvements across counties. Such county level victories, and the interaction with local actors that they require, could even increase local support for future regional smart growth initiatives. Further, the OBAG program's requirement that CMAs track progress on local affordable housing policies and production provides an opportunity to raise awareness at the city level of what peer cities are doing, which is often a greater influence than cities farther away (MTC 2012; TAM 2013). The annual PDA Strategy updates create a clear venue for advocating for greater equity and lower emissions in county level land use and transportation planning.

Even where there was support for smart growth in the Bay Area, real estate market conditions in individual cities or counties were an obstacle to meeting the region's overall housing needs. Local planners, county officials, and nongovernment actors interviewed all indicated that the private market is still the primary driver of where development will occur. For example, some PDAs in central Alameda County did not perform well on the OBAG criteria in terms of their "project readiness" because of their weak development market relative to other parts of the county. This was in part due to the fact that rents in central Alameda County were lower, despite comparable construction costs, than those in larger cities in the Bay Area. There is a tradeoff here between supporting projects that are likely to be built soon and trying to support development near transit within the region that does not lead to further rent pressures and displacement in urban areas. Balancing these factors may require focusing attention on PDAs with less current market potential, such as in transit-served suburbs, in order to slow development spillover and long commutes across regional boundaries into the Central Valley. Greater regional or state incentives may be needed to channel development to these areas where there is developable land with infill potential near transit but less of a payoff for developers as compared to desirable neighborhoods experiencing rapid growth in large cities such as San Francisco or Oakland.

Chapter 5 - Conclusion

California faces an uphill battle in meeting its ambitious greenhouse gas emission reduction goals for addressing climate change. Compact land use is key among the strategies the state is pursuing to reduce emissions, but it is a hugely complex issue. Different scales of government have power over different aspects of the housing and transportation policies that affect land use. Regulation, policy, funding sources, and administrative control over these policies are highly fragmented, i.e., siloed. Changing course from California's history of sprawl requires many actors pulling together and the results will become visible more slowly than changes to other sources of greenhouse gas emissions, such as vehicle efficiency and electricity generation. Yet, land use changes to reduce emissions are critical because the built environment is highly persistent: decisions made in the present will be with us for generations, just as the previous generations of freeways and subdivisions will be with us for a long time to come.

SB 375 was premised on the idea that transportation and land use coordination could provide a better balance between jobs and housing in regions and provide more opportunities for transit use and active transportation. Yet it relies on action at the scale of government it places the fewest requirements on, local government. This creates an opening for innovation, noncompliance, and variations on the two (Christensen 1999). This dissertation examined how the first generation of regional Sustainable Communities Strategies (SCSs) under SB 375 have been implemented by city and county planning departments, in cooperation with countywide transportation agencies and associations of government.

A three-part theoretical framework emerged from my research. I use the existing definition in the literature of *governance*, particularly as it applies to regions and sustainability. I propose new definitions for the terms *soft law* and *defensive regionalism*.

Existing literature indicates that governance, or the working relationships between government entities within and across scales, occurs through formal and informal means. It can include the day-to-day cooperation of different agencies to implement a formal, clearly-defined law or policy (Hooghe and Marks 2003). It also includes the cooperation that occurs when a law or policy lacks formal mechanisms for implementation. The literature on state planning mandates describes the workings of two-way governance between a higher and lower level of government (Dalton and Burby 1994). The network governance literature describes the requirements (trust) and motivations (mutual dependence) for governance absent a strong mandate (Ansell and Gash 2008). However, in neither case does the literature explain how governance

works for a law involving multiple scales of government and cooperation across agencies at the same level, such as cities.

SB 375 defies the traditional two types of multiscalar governance. Governance is traditionally either understood as hierarchical or nonhierarchical (Hooghe and Marks 2003). In the case of SB 375, there is a clear policy hierarchy so far as the state and regional agencies are concerned, but it breaks down once cities and counties are involved. In much of the US political system, cities and counties are directly impacted by the decisions that MPOs make, but they do not report to them. This leaves state mandates to either languish or be implemented through incentives at the local level.

The literature on regional (sustainability) governance is also lacking in terms of providing a framework for understanding SB 375. Work on the European Union describes how actors at the same level of government, such as regions, collectively exert upward pressure on national governments to institute stronger climate protection measures (Kern and Bulkeley 2009). US-based work describes how networks of outside actors, such as equity organizations, influence decision-making by regional government agencies (Weir, Rongerude, and Ansell 2009; Pastor, Benner, and Matsuoka 2009). Yet it is not well understood how multi- and cross-scalar governance works under a top-down state mandate for a complex issue that cuts across policy silos, such as climate change mitigation through land use.

Soft law, as it exists in the legal literature, is a description of the practice of voluntary information-sharing among government entities, or the "law," (akin to case law) that is generated through practice (Dupuy 1990). I use the term to mean something entirely different. I use the term soft law to describe an actually existing law that lacks strong enforcement. For example, SB 375 is a state mandate that hinges on local planning but fails to fundamentally alter local power over land use decisions. A soft law can rely on direct incentives or governance, i.e. the relationships of mutual interest between government actors.

I develop a definition for the term defensive regionalism by building on the literature on localism and regional planning. The term has an unrelated definition in the economics literature regarding trade protectionism (Munakata 2006). Localism refers to the practice of government entities, such as cities, trying to fend off interference or greater control from higher levels of government (Weir 1996). This applies to the practice of forming new layers of government, or weak agencies, to prevent formalized control through stronger agencies (Barbour 2002; Innes and Gruber 2005). However, there is a need for a term that encompasses both the localistic, protective behavior of local governments, and the cooperation that they engage in in response to weakly-enforced state mandates.

My research shows that under SB 375, municipalities have engaged in defensive regionalism, or the combination of protecting local power and cooperating with a state mandate. Jurisdictions sought to protect their power, through collective lobbying at the state and regional level to diminish the law's enforcement mechanisms, and they have set about implementing it through updating local plans to be consistent with the regional SCSs. I found that in some cases they engaged in implementation both when it served their self-interest (such as attracting grant funding) *and* when it conflicted with their direct interests (such as reducing their service burden of new, particularly

low-income, residents, and maximizing their sales tax revenue), because they wanted to demonstrate cooperation in order to blunt the argument that future, more restrictive mandates are required. In some cases the motivation was preempting future strengthening of top-down control from higher scales of government, and in others it was articulated more as a sense of resignation: future, stronger mandates will come, so best to get out ahead of them and organize implementation according to local priorities. In other words, "let's do it our way before they tell us how to do it (even more than they are now)."

Defensive regionalism helps account for the uneasy relationship between cities and counties, regional agencies, and the state. I hypothesized that jurisdictions would not be motivated to implement SB 375 locally because the law's weak incentives and lack of funding could not overcome local antigrowth interests. It became clear that jurisdictions were doing something, despite predictions otherwise. Examining what they were doing and why pointed to the role of governance in shaping an unfunded mandate with a lack of clear guidance and enforcement from the state on local implementation.

It emerged from my research that regional agencies provided some structure for local implementation of the SCSs, but that subregional agencies—county transportation authorities or congestion management agencies and subregional councils of governments—also play a strong role in regional sustainability governance. These agencies helped align priorities of local governments so that they could benefit from collective actions to implement the SCSs.

Through a survey of local planning directors, I found that cities that had worked with other jurisdictions on a sustainability issue, or under the coordination of a subregional agency, were more likely to be implementing the SCS. Relying on this collective forum that was still close to the local scale, in regions with dozens or hundreds of jurisdictions, helped municipalities overcome their local capacity constraints for working on smart growth. And even though many jurisdictions cited bike-pedestrian infrastructure as their highest smart growth priority (which, although important, does less to reduce emissions and is farther from the point of SB 375 than land use interventions) those that had been encouraged to work on smart growth by their county transportation authority were more likely to make multifamily housing a higher priority. This promotes both equity and compact development.

Subregional agencies, including COGs and county transportation agencies, engaged in defensive regionalism in relation to the implementation of the first SCSs under SB 375. My case studies showed that they protected local power and priorities. In Southern California two subregional COGs prepared their own SCSs so that local priorities would be included. In the Bay Area, CMAs used their political power at the regional level to gain greater control over decisions about SCS implementation grants, bringing power closer to the local level. Yet in both regions, the same scale of subregional actors organized cities to update their local plans to be more consistent with the SCS and to be eligible for state and regional grants. In Southern California, subregional agencies provided model general plan update language for SCS consistency as part of a subregional climate action plan. This was partly in response to a lawsuit brought by the state, and partly to increase local eligibility for state and

regional smart growth grants. In the Bay Area, CMAs worked with cities to prepare eligibility requirements for the regional SCS implementation grants, but they overcame political pressure to spread the funds among municipalities, instead concentrating the funds on smart growth projects near transit.

Defensive regionalism helps provide an understanding of how subregional agencies engaged in governance to help municipalities resist the state mandate of SB 375 as it was implemented by regional agencies, while also coordinating municipalities to further the regional sustainability goals of the SCSs. Land use is a critical component of meeting California's climate goals, and understanding the complex relationship between agencies within regions will help future policymakers shape and build upon this existing power structure to make housing and transportation more equitable and more sustainable.

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Appendix A1: Survey results

Figure A1.1: Type of smart growth projects under review
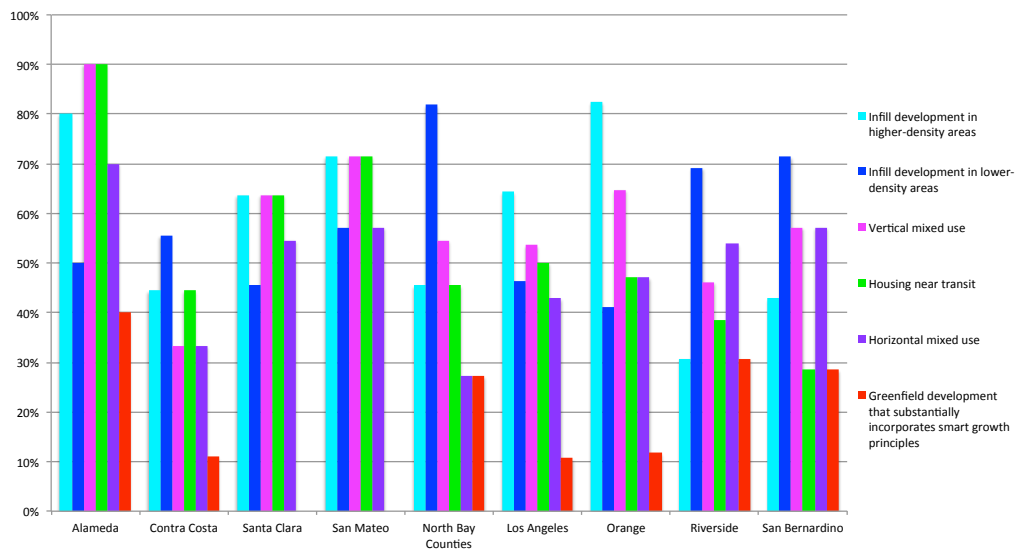
N=132

"What kinds of smart growth projects are your jurisdiction currently reviewing or have you reviewed in the last five years? Check all that apply (Question F3)."

Figure A1.2: Question G3: Sacramento
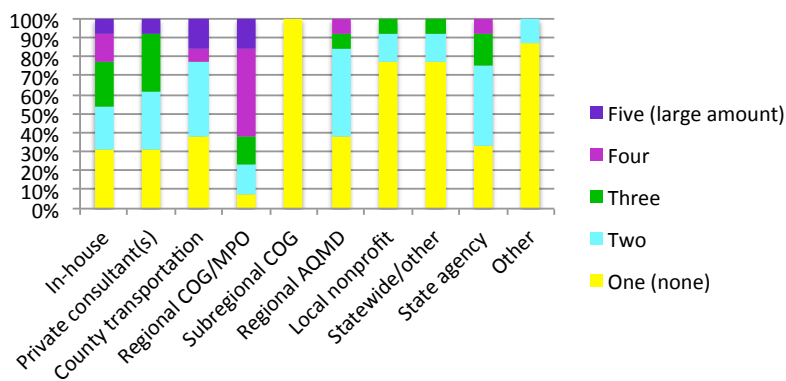
"Please rate how much technical assistance on smart growth you already receive from the following sources, with 1 being none and 5 being a large amount."

Figure A1.3: Question G3: Bay Area
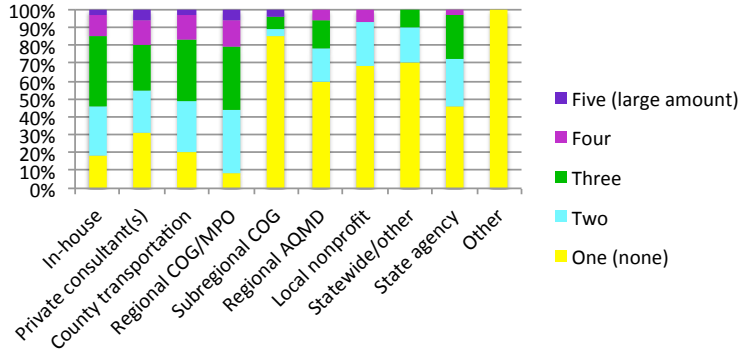
Figure A1.4: Question G3: Southern California
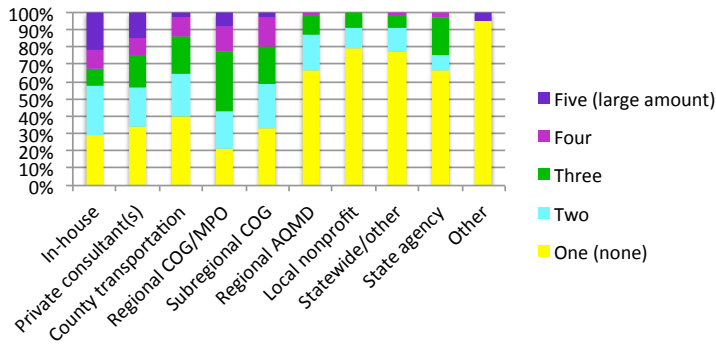
Figure A1.5: Question G4: San Diego
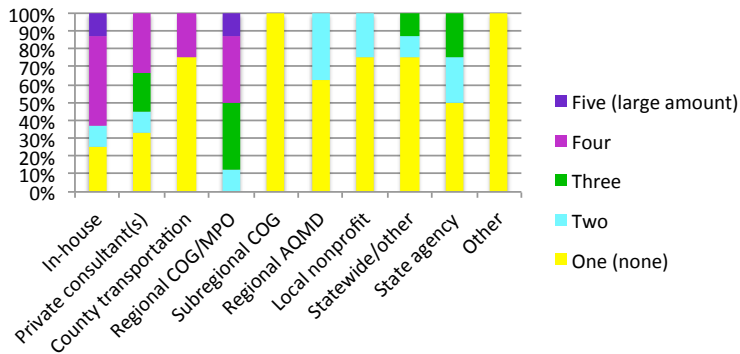
Figure A1.6: Question H3: Dollars spent on smart growth
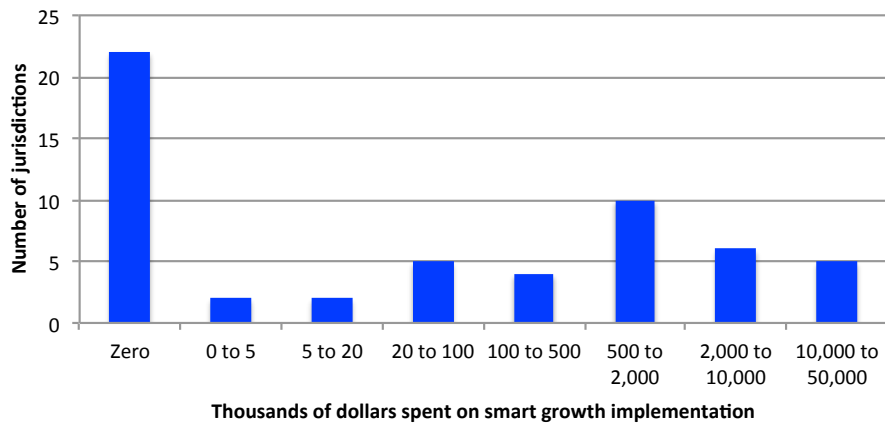
N=84

"unsure" = 20, n/a = 1

Figure A1.7: Question H4: Funding needed for smart growth planning
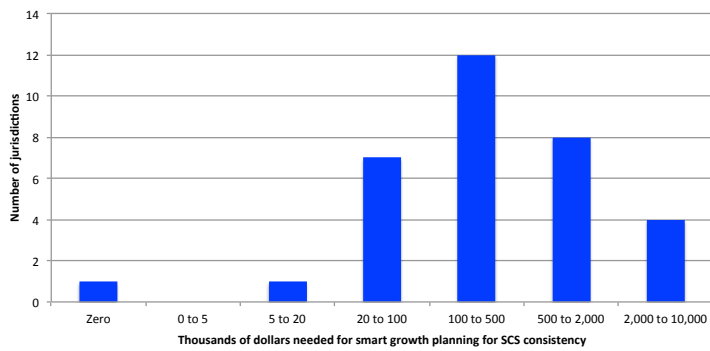
N=47

Unknown=12

N/A=1

"Does your jurisdiction need additional funding to complete smart growth or SCS consistency planning efforts, either in-house or with a consultant? If yes, how much? (Question H4)"

Figure A1.8: Question H5: Estimated funding gap for smart growth infrastructure
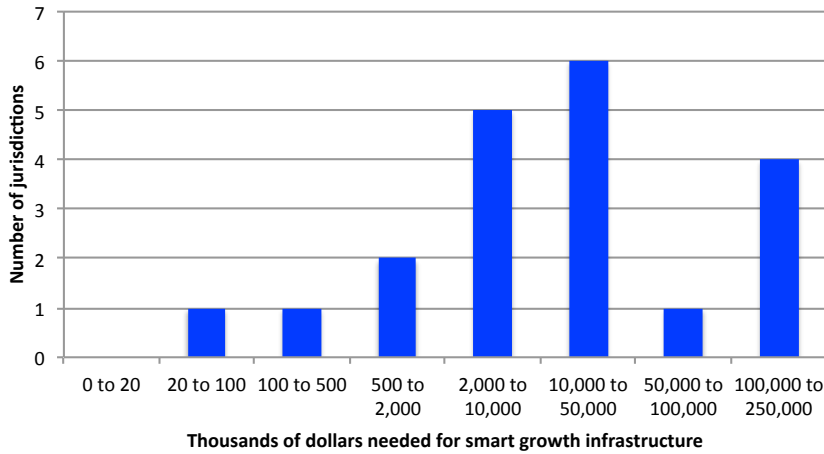
N=33, unsure=10

Is there a gap in funding for infrastructure that would be needed to serve smart growth projects in your jurisdiction? If so, what kind of infrastructure? Select all that apply. If yes please estimate the funding gap (Question H5)."

Figure A1.9: Funding for smart growth
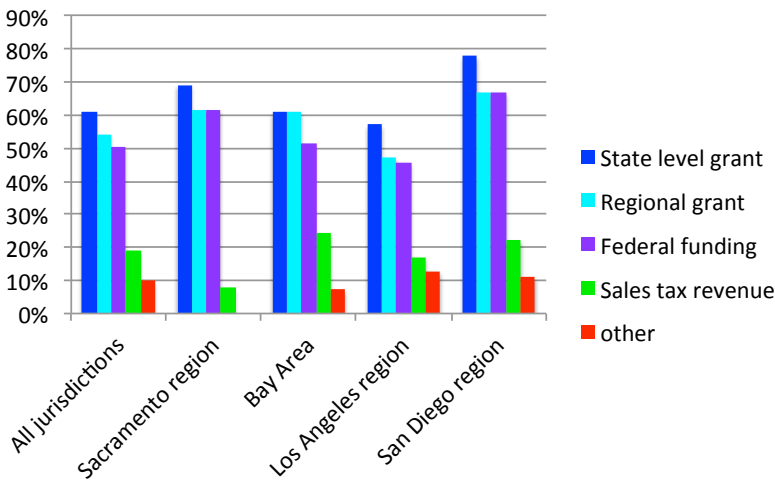
N=99

"What sources of funding will your jurisdiction potentially apply for or have access to in order to fund smart growth planning, infrastructure, and development in the next 1-5 years (Question H6)?"

Appendix A2: Survey regression results

Table A2.1: Individual logit models of likelihood of local SCS consistency work

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Participation in SCS development (B1)	0.4733	0.9262	0.3543	
Prior participation in regional planning (B2)	0.3234	0.7257	0.4680	
Prior participation in regional planning via a subregional agency (B2)	0.7295	1.7518	0.0798	*
Prior participation in regional planning via a regional agency (B2)	0.3504	0.8583	0.3907	
Barriers to participation in SCS development: Limited staff time (B4)	-1.1568	-1.7830	0.0746	*
Barriers to participation in SCS development: Local political constraints (B4)	0.9618	1.2298	0.2188	
Barriers to participation in SCS development: Difficulty figuring out how to get involved (B4)	0.3835	0.4737	0.6357	
Barriers to participation in SCS development: Did not seem like participation would change the outcome	-0.1736	-0.3808	0.7033	
Used a CEQA exemption for infill (D2)	0.0335	0.0548	0.9563	
Worked with neighboring jurisdictions on smart growth or sustainability measures (E2)	0.6207	1.6970	0.0897	*
Received encouragement on smart growth from CTA/CMA (E3)	0.2147	0.5266	0.5985	

Received encouragement on smart growth from county government (E3)	0.2650	0.3896	0.6968	
Received encouragement on smart growth from regional government (E3)	-0.2153	-0.4818	0.6299	
Received encouragement on smart growth from subregional COG (E3)	0.2153	0.4818	0.6299	
Capacity: need/will need more staff for smart growth planning (G1)	0.5698	1.3228	0.1859	
Capacity: need/will need more technical assistance for design (G4)	0.1186	0.9186	0.3583	
Capacity: need/will need more technical assistance for financing (G4)	0.0678	0.5733	0.5665	
Capacity: need/will need more technical assistance for public engagement (G4)	-0.0383	-0.2748	0.7835	
Applied for sustainability grants (H1)	1.0164	2.4260	0.0153	**
Received sustainability grants (H1)	1.0071	2.3382	0.0194	**
Local support for bike-ped (I1)	0.3120	2.2765	0.0228	**
Local support for public transit (I1)	0.1286	0.9196	0.3578	
Local support for housing density (I1)	0.3954	1.8165	0.0693	*
Local support for affordable housing (I1)	0.2431	1.3802	0.1675	
Local support for commercial corridor revitalization (I1)	0.0117	0.0842	0.9329	
Community concern about new housing (I3)	0.3597	0.8745	0.3818	
Community concern about gentrification (I3)	1.6071	1.5219	0.1280	
Community concern about parking (I3)	0.7855	1.8600	0.0629	*
Community concern about smart growth design (I3)	0.2804	0.6816	0.4955	
Community concern about government spending (I3)	-0.2275	-0.4973	0.6190	
Community concern about regional planning (I3)	0.4418	0.6581	0.5105	

Table A2.2: Logit model of likelihood of local SCS consistency work

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Prior participation in regional planning via a subregional agency (B2)	0.3932	0.8468	0.3971	
Barriers to participation in SCS development: Limited staff time (B4)	-1.4669	-2.0431	0.0410	**
Worked with neighboring jurisdictions on smart growth or sustainability measures (E2)	0.7101	1.8494	0.0644	*
Applied for sustainability grants (H1)	0.3078	0.4546	0.6494	
Received sustainability grants (H1)	0.6299	0.9287	0.3530	
Local support for bike-ped (I1)	0.2242	1.3652	0.1722	
Local support for housing density (I1)	0.2794	1.1156	0.2646	
Community concern about parking (I3)	0.2626	0.5373	0.5910	

Table A2.3: Individual logit models of likelihood of planning department being involved in SCS consistency work

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Prior participation in regional planning via a subregional agency (B2)	0.7585	2.1411	0.0323	**
Barriers to participation in SCS development: Difficulty figuring out how to get involved (B4)	2.2698	2.1326	0.0330	**
Capacity: need/will need more staff for smart growth planning (G1)	1.0622	2.8669	0.0041	**
Local support for bike-ped (I1)	0.2499	1.9170	0.0552	*
Community concern about parking (I3)	0.5878	1.6690	0.0951	*
Community concern about regional planning (I3)	-0.8838	-1.6335	0.1024	

Table A2.4: Individual logit models of likelihood of public works department being involved in SCS consistency work

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Capacity: need/will need more technical assistance for design (G4)	0.2162	1.8261	0.0678	*
Capacity: need/will need more technical assistance for financing (G4)	0.2453	2.2138	0.0268	**
Applied for sustainability grants (H1)	0.7239	1.9318	0.0534	*
Received sustainability grants (H1)	0.7444	2.0293	0.0424	**
Local support for housing density (I1)	0.3371	1.7688	0.0769	*
Community concern about parking (I3)	0.6592	1.8070	0.0708	*

Table A2.5: Individual logit models of likelihood of community development department being involved in SCS consistency work

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Barriers to participation in SCS development: Local political constraints (B4)	0.8763	1.6686	0.0952	*
Used a CEQA exemption for infill (D2)	0.8763	1.6686	0.0952	*
Local support for affordable housing (I1)	0.2966	1.8909	0.0586	*
Local support for commercial corridor revitalization (I1)	0.2655	1.8676	0.0618	*
Community concern about gentrification (I3)	1.1890	2.1113	0.0347	**
Community concern about smart growth design (I3)	0.6583	1.7832	0.0745	*

Table A2.6: Individual logit models of likelihood of active transportation being a local smart growth priority

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Participation in SCS development (B1)	0.9480	1.9917	0.0464	**
Prior participation in regional planning via a subregional agency (B2)	0.7732	2.0247	0.0429	**
Used a CEQA exemption for infill (D2)	-1.0401	-1.9711	0.0487	**
Worked with neighboring jurisdictions on smart growth or sustainability measures (E2)	0.8435	2.4497	0.0143	**
Capacity: need/will need more staff for smart growth planning (G1)	0.8063	2.0110	0.0443	**
Applied for sustainability grants (H1)	1.2481	3.1948	0.0014	**
Received sustainability grants (H1)	1.1351	2.8684	0.0041	**
Local support for bike-ped (I1)	0.3077	2.3286	0.0199	**
Local support for public transit (I1)	0.2654	2.0148	0.0439	**
Local support for affordable housing (I1)	0.2891	1.7631	0.0779	*
Community concern about parking (I3)	0.9361	2.4030	0.0163	**

Table A2.7: Individual logit models of likelihood of multifamily housing being a local smart growth priority

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Participation in SCS development (B1)	1.5221	2.6043	0.0092	**
Prior participation in regional planning via a subregional agency (B2)	0.6533	1.8472	0.0647	*
Prior participation in regional planning via a regional agency (B2)	0.7091	2.0017	0.0453	**
Received encouragement on smart growth from CTA/CMA (E3)	0.8514	2.3441	0.0191	**
Received encouragement on smart growth from regional government (E3)	0.7151	1.8397	0.0658	*
Received encouragement on smart growth from subregional COG (E3)	-0.7151	-1.8397	0.0658	*
Capacity: need/will need more staff for smart growth planning (G1)	0.9101	2.5198	0.0117	**
Capacity: need/will need more technical assistance for design (G4)	0.3275	2.7722	0.0056	**
Capacity: need/will need more technical assistance for financing (G4)	0.2814	2.6151	0.0089	**
Capacity: need/will need more technical assistance for public engagement (G4)	0.2105	1.7170	0.0860	*
Applied for sustainability grants (H1)	1.3153	3.4991	0.0005	**
Received sustainability grants (H1)	1.0210	2.8349	0.0046	**
Local support for public transit (I1)	0.4102	2.9609	0.0031	**

	Coefficient	Z Statistics	p value	
Local support for housing density (I1)	0.3199	1.7303	0.0836	*
Local support for commercial corridor revitalization (I1)	0.2423	1.8756	0.0607	*
Community concern about parking (I3)	0.6965	1.9687	0.0490	**

Table A2.8: Individual logit models of likelihood of public transit being a local smart growth priority

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Received encouragement on smart growth from subregional COG (E3)	-0.6978	-1.8151	0.0695	*
Capacity: need/will need more staff for smart growth planning (G1)	0.7464	2.0841	0.0371	**
Applied for sustainability grants (H1)	0.6797	1.9070	0.0565	*
Local support for public transit (I1)	0.2630	2.0461	0.0407	**
Local support for housing density (I1)	0.9029	3.9647	0.0001	**
Local support for affordable housing (I1)	0.4689	2.8991	0.0037	**
Community concern about gentrification (I3)	1.2500	2.0405	0.0413	**
Community concern about parking (I3)	1.1412	3.1565	0.0016	**
Community concern about smart growth design (I3)	0.6244	1.7719	0.0764	*

Table A2.9: Individual logit models of likelihood of vertical mixed use being a local smart growth priority

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Local support for housing density (I1)	0.4769	2.2335	0.0255	*
Community concern about regional planning (I3)	1.0750	2.0159	0.0438	*

Table A2.10: Individual logit models of likelihood of horizontal mixed use being a local smart growth priority

Variable	Coefficient	Z Statistics	p value	*: p < 0.1, **: p < 0.05
Participation in SCS development (B1)	1.1336	2.0874	0.0369	**
Barriers to participation in SCS development: Local political constraints (B4)	-1.0405	-1.7304	0.0836	*
Capacity: need/will need more staff for smart growth planning (G1)	0.8919	2.4683	0.0136	**
Capacity: need/will need more technical assistance for financing (G4)	0.1805	1.7202	0.0854	*
Applied for sustainability grants (H1)	1.0676	2.8841	0.0039	**
Received sustainability grants (H1)	0.6438	1.8166	0.0693	*
Local support for bike-ped (I1)	0.2530	1.8434	0.0653	*
Local support for public transit (I1)	0.2201	1.7150	0.0863	*
Local support for housing density (I1)	0.4578	2.3748	0.0176	**
Community concern about gentrification (I3)	1.8343	2.7275	0.0064	**
Community concern about parking (I3)	0.8253	2.3104	0.0209	**