

**Introduced by Senator Steinberg**

February 21, 2007

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An act to amend Section 21159.24 of the Public Resources Code, relating to environmental quality.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 375, as introduced, Steinberg. CEQA: urban infill projects.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA exempts specified activities from its provisions, including a project that is a residential project on an infill site within an urbanized area, and that meets other specified criteria, including that the project is within  $\frac{1}{2}$  mile of a major transit stop.

This bill would provide that the project may be with  $\frac{1}{2}$  mile of a major transit stop or result in a reduction of vehicle miles traveled by residents of the project by 10% or more when compared to the average vehicle miles traveled within the county or major metropolitan area. By requiring a local government to determine whether a project meets this new alternative or the original requirement, or neither requirement, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21159.24 of the Public Resources Code  
2 is amended to read:

3 21159.24. (a) Except as provided in subdivision (b), this  
4 division does not apply to a project if all of the following criteria  
5 are met:

6 (1) The project is a residential project on an infill site.

7 (2) The project is located within an urbanized area.

8 (3) The project satisfies the criteria of Section 21159.21.

9 (4) Within five years of the date that the application for the  
10 project is deemed complete pursuant to Section 65943 of the  
11 Government Code, community-level environmental review was  
12 certified or adopted.

13 (5) The site of the project is not more than four acres in total  
14 area.

15 (6) The project does not contain more than 100 residential units.

16 (7) Either of the following criteria are met:

17 (A) (i) At least 10 percent of the housing is sold to families of  
18 moderate income, or not less than 10 percent of the housing is  
19 rented to families of low income, or not less than 5 percent of the  
20 housing is rented to families of very low income.

21 (ii) The project developer provides sufficient legal commitments  
22 to the appropriate local agency to ensure the continued availability  
23 and use of the housing units for very low, low-, and  
24 moderate-income households at monthly housing costs determined  
25 pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of  
26 the Government Code.

27 (B) The project developer has paid or will pay in-lieu fees  
28 pursuant to a local ordinance in an amount sufficient to result in  
29 the development of an equivalent number of units that would  
30 otherwise be required pursuant to subparagraph (A).

1 (8) The project is within one-half mile of a major transit stop,  
2 *or the project results in a reduction of vehicle miles traveled by*  
3 *residents of the project by 10 percent or more when compared to*  
4 *the average vehicle miles traveled within the county or major*  
5 *metropolitan area.*

6 (9) The project does not include ~~any~~ a single level building that  
7 exceeds 100,000 square feet.

8 (10) The project promotes higher density infill housing. A  
9 project with a density of at least 20 units per acre shall be  
10 conclusively presumed to promote higher density infill housing.  
11 A project with a density of at least 10 units per acre and a density  
12 greater than the average density of the residential properties within  
13 1,500 feet shall be presumed to promote higher density housing  
14 unless the preponderance of the evidence demonstrates otherwise.

15 (b) Notwithstanding subdivision (a), this division shall apply  
16 to a development project that meets the criteria described in  
17 subdivision (a), if any of the following occur:

18 (1) There is a reasonable possibility that the project will have  
19 a project-specific, significant effect on the environment due to  
20 unusual circumstances.

21 (2) Substantial changes with respect to the circumstances under  
22 which the project is being undertaken that are related to the project  
23 have occurred since community-level environmental review was  
24 certified or adopted.

25 (3) New information becomes available regarding the  
26 circumstances under which the project is being undertaken and  
27 that is related to the project, that was not known, and could not  
28 have been known, at the time that community-level environmental  
29 review was certified or adopted.

30 (c) If a project satisfies the criteria described in subdivision (a),  
31 but is not exempt from this division as a result of satisfying the  
32 criteria described in subdivision (b), the analysis of the  
33 environmental effects of the project in the environmental impact  
34 report or the negative declaration shall be limited to an analysis  
35 of the project-specific effect of the projects and any effects  
36 identified pursuant to paragraph (2) or (3) of subdivision (b).

37 (d) For the purposes of this section, “residential” means a use  
38 consisting of either of the following:

39 (1) Residential units only.

1 (2) Residential units and primarily neighborhood-serving goods,  
2 services, or retail uses that do not exceed 15 percent of the total  
3 floor area of the project.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by this act, within the meaning of Section  
9 17556 of the Government Code.