

AMENDED IN ASSEMBLY SEPTEMBER 12, 2007

AMENDED IN ASSEMBLY JULY 17, 2007

AMENDED IN ASSEMBLY JUNE 27, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE MAY 2, 2007

AMENDED IN SENATE APRIL 17, 2007

## SENATE BILL

**No. 375**

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### Introduced by Senator Steinberg

February 21, 2007

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An act to amend Sections ~~65070, 65074, 65080, 65080.5, 65081.3, 65082, 65088.1, and 65088.4~~ 14527, 65080, and 65584.01 of, and to add Sections 14522.1, 14522.2, ~~14522.5~~, and ~~65086.6~~ 65080.01 to, the Government Code, and to amend Sections 21061.3 and 21094 of, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 375, as amended, Steinberg. Transportation planning: travel demand models: ~~preferred growth scenarios~~; *sustainable communities strategy*; environmental review.

(1) Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with the regional agencies, to prescribe study areas for analysis and evaluation.

This bill would require the commission, by ~~April~~ July 1, 2008, to adopt guidelines for travel demand models used in the development of regional transportation plans by certain transportation planning entities. The bill would require the Department of Transportation to assist the commission, on request, in this regard, and would impose other related requirements.

This bill would also require the regional transportation plan for specified regions to include a ~~preferred growth scenario~~ *sustainable communities strategy*, as specified, designed to achieve certain goals for the reduction of ~~vehicle miles traveled~~ *greenhouse gas emissions from automobiles and light trucks* in a region. The bill would require the State Air Resources Board, working in consultation with the affected transportation agencies, to provide each affected region with greenhouse gas emission reduction targets from the automobile and light truck sector for 2020 and 2035 by ~~an unspecified date~~ *January 1, 2009*, and to update the regional targets, as specified, until 2050, ~~and would require the preferred growth scenario to inventory the region's emission of those gases from the automobile and light truck sector and establish measures to reduce those emissions to the greatest extent feasible to achieve the targets.~~ The bill would require certain transportation planning and programming activities by affected regional agencies to be consistent with the ~~preferred growth scenario~~ *sustainable communities strategy* contained in the regional transportation plan, ~~including the programming of transportation projects in the regional transportation improvement program and the implementation of infill opportunity zones by local agencies, among other things.~~ *but would state that certain transportation projects programmed for funding on or before December 31, 2011, are not required to be consistent with the sustainable communities strategy. To the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, the bill would require affected regional agencies to prepare a supplement to the sustainable communities strategy that would achieve the targets through alternative development patterns or additional transportation measures. The bill would also require an affected regional agency to submit a report to the California Transportation Commission on the relationship of each project in the regional transportation improvement program to the regional transportation plan and supplement adopted by the regional agency. The bill would enact other related provisions.*

Because the bill would impose additional duties on local agencies, it would impose a state-mandated local program.

(2) 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.

This bill would require the environmental document prepared pursuant to CEQA to only examine the significant or potentially significant project specific impacts of a project located in a local jurisdiction that has amended its general plan so that the land use, ~~circulation~~, housing, and open-space elements of the general plan are consistent with the ~~preferred growth scenario~~ *sustainable communities strategy* most recently adopted by the ~~metropolitan planning organization~~ *transportation planning agency*, pursuant to the requirements specified in the bill, if the project ~~is a residential project or a residential or mixed-use project, is on an infill site, and applicable mitigation measures have been or will be incorporated into the project~~ *meets certain requirements*.

The bill would provide that no additional review is required pursuant to CEQA for a project if the legislative body of a local jurisdiction that has amended its general plan, as provided above, finds, after conducting a public hearing, that the project meets certain criteria and is declared to be a sustainable communities project.

The bill would also authorize the legislative body of ~~such~~ a local jurisdiction ~~within an urbanized area~~ to adopt traffic mitigation measures for ~~all~~ future residential projects *that meet specified criteria*. The bill would exempt *such* a residential project seeking a land use approval from compliance with additional measures for traffic impacts, if the local jurisdiction ~~that~~ has adopted those traffic mitigation measures.

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. The Legislature finds and declares all of the  
2 following:

3 (a) The transportation sector contributes over 40 percent of the  
4 greenhouse gas emissions in the State of California; ~~vehicles~~  
5 ~~automobiles and light trucks~~ alone contribute ~~35~~ 30 percent. The  
6 transportation sector is the single largest contributor of greenhouse  
7 gases of any sector.

8 (b) In 2006, the Legislature passed and the Governor signed  
9 Assembly Bill 32 (Chapter 488 of the Statutes of 2006; hereafter  
10 AB 32), which requires the State of California to reduce its  
11 greenhouse gas emissions to 1990 levels no later than 2020. In  
12 1990, greenhouse gas emissions from ~~vehicles automobiles and~~  
13 ~~light trucks~~ were approximately 73 million metric tons, but by  
14 2006 these emissions had increased to approximately 100 million  
15 metric tons.

16 (c) Greenhouse gas emissions from ~~vehicles automobiles and~~  
17 ~~light trucks~~ can be substantially reduced by new vehicle technology  
18 and by the increased use of low carbon fuel. However, even taking  
19 these measures into account, it will be necessary to achieve  
20 significant additional greenhouse gas reductions from changed  
21 land use patterns and improved transportation. Without significant  
22 changes in land use and transportation policy, California will not  
23 be able to achieve the goals of AB 32.

24 (d) In addition, ~~vehicles automobiles and light trucks~~ account  
25 for 50 percent of air pollution in California and ~~—~~ 70 percent of  
26 its consumption of petroleum. Changes in land use and  
27 transportation policy will provide significant assistance to  
28 California's goals to implement the federal and state Clean Air  
29 Acts and to reduce its dependence on petroleum.

30 (e) Current planning models and analytical techniques used for  
31 making transportation infrastructure decisions and for air quality

1 planning should be able to assess the effects of policy choices,  
2 such as residential development patterns, expanded transit service  
3 and accessibility, the walkability of communities, and the use of  
4 economic incentives and disincentives.

5 SEC. 2. Section 14522.1 is added to the Government Code, to  
6 read:

7 14522.1. (a) (1) The commission, in consultation with the  
8 State Air Resources Board, shall adopt guidelines for travel demand  
9 models used in the development of regional transportation plans  
10 by (A) federally designated metropolitan planning organizations,  
11 (B) county transportation agencies *or commissions* in areas that  
12 have been designated as nonattainment areas under the federal  
13 Clean Air Act, and (C) in the Counties of Imperial, Los Angeles,  
14 Orange, Riverside, San Bernardino, and Ventura, the agency  
15 described in Section 130004 of the Public Utilities Code.

16 (2) The preparation of the guidelines shall include the formation  
17 of an advisory committee that shall include representatives of the  
18 regional transportation planning agencies, the department,  
19 organizations knowledgeable in the creation and use of travel  
20 demand models, local governments, and organizations concerned  
21 with the impacts of transportation investments on communities  
22 and the environment. The commission shall hold two workshops  
23 on the guidelines, one in northern California and one in southern  
24 California. The workshops shall be incorporated into regular  
25 commission meetings.

26 (b) The department shall assist the commission in the preparation  
27 of the guidelines, if requested to do so by the commission.

28 (c) The guidelines shall, at a minimum and to the extent  
29 practicable, account for all of the following:

30 (1) The relationship between land use density and household  
31 vehicle ownership and vehicle miles traveled in a way that is  
32 consistent with statistical research.

33 (2) The impact of enhanced transit service levels on household  
34 vehicle ownership and vehicle miles traveled.

35 (3) Induced travel and induced land development resulting from  
36 highway or passenger rail expansion.

37 (4) Mode splitting that allocates trips between automobile,  
38 transit, carpool, and bicycle and pedestrian trips. If a travel demand  
39 model is unable to forecast bicycle and pedestrian trips, another  
40 means may be used to estimate those trips.

(d) The guidelines shall be adopted on or before ~~April~~ July 1, 2008.

SEC. 3. Section 14522.2 is added to the Government Code, to read:

14522.2. (a) A regional transportation planning agency shall disseminate the methodology, results, and key assumptions of whichever travel demand model it uses in a way that would be useable and understandable to the public.

(b) Transportation planning agencies other than those identified in paragraph (1) of subdivision (a) of Section 14522.1, cities, counties, and congestion management agencies within multicounty regions are encouraged, but not required, to utilize the guidelines.

~~SEC. 4. Section 14522.5 is added to the Government Code, to read:~~

~~14522.5. A regional transportation planning agency described in paragraph (1) of subdivision (a) of Section 14522.1 shall report to the commission on how the regional travel demand model supports corridor planning and small area planning, at the time the regional transportation plan is submitted to the commission and department pursuant to Section 65080.~~

~~SEC. 5. Section 65070 of the Government Code is amended to read:~~

~~65070. (a) The Legislature finds and declares, consistent with Section 65088, that it is in the interest of the State of California to have an integrated state and regional transportation planning process. It further finds that federal law mandates the development of a state and regional long-range transportation plan as a prerequisite for receipt of federal transportation funds. It is the intent of the Legislature that the preparation of these plans shall be a cooperative process involving local and regional government, members of the public, transit operators, congestion management agencies, and the goods movement industry and that the process be a continuation of activities performed by each entity and be performed without any additional cost.~~

~~(b) The Legislature further finds and declares that the last attempt to prepare a California Transportation Plan occurred between 1973 and 1977 and resulted in the expenditure of over eighty million dollars (\$80,000,000) in public funds and did not produce a usable document. As a consequence of that, the Legislature delegated responsibility for long-range transportation~~

1 ~~planning to the regional planning agencies and adopted a~~  
2 ~~seven-year programming cycle instead of a longer range planning~~  
3 ~~process for the state.~~

4 ~~(e) The Legislature further finds and declares that the~~  
5 ~~Transportation Blueprint for the Twenty-First Century (Chapters~~  
6 ~~105 and 106 of the Statutes of 1989) is a long-range state~~  
7 ~~transportation plan that includes a financial plan and a continuing~~  
8 ~~planning process through the preparation of congestion~~  
9 ~~management plans and regional transportation plans, and identifies~~  
10 ~~major interregional road networks and passenger rail corridors for~~  
11 ~~the state.~~

12 ~~SEC. 6. Section 65074 of the Government Code is amended~~  
13 ~~to read:~~

14 ~~65074. The Department of Transportation shall prepare, in~~  
15 ~~cooperation with the metropolitan planning agencies, a federal~~  
16 ~~transportation improvement program in accordance with subsection~~  
17 ~~(f) of Section 135 of Title 23 of the United States Code. The federal~~  
18 ~~transportation improvement program shall be submitted by the~~  
19 ~~department to the United States Secretary of Transportation, by~~  
20 ~~October 1 of each even-numbered year. The projects and~~  
21 ~~improvements identified in that plan shall be consistent with the~~  
22 ~~regional transportation plans adopted by the metropolitan planning~~  
23 ~~organizations pursuant to Section 65080.~~

24 ~~SEC. 4. Section 14527 of the Government Code is amended to~~  
25 ~~read:~~

26 ~~14527. (a) After consulting with the department, the regional~~  
27 ~~transportation planning agencies and county transportation~~  
28 ~~commissions shall adopt and submit to the commission and the~~  
29 ~~department, not later than December 15, 2001, and December 15~~  
30 ~~of each odd-numbered year thereafter, a five-year regional~~  
31 ~~transportation improvement program in conformance with Section~~  
32 ~~65082. In counties where a county transportation commission has~~  
33 ~~been created pursuant to Chapter 2 (commencing with Section~~  
34 ~~130050) of Division 12 of the Public Utilities Code, that~~  
35 ~~commission shall adopt and submit the county transportation~~  
36 ~~improvement program, in conformance with Sections 130303 and~~  
37 ~~130304 of that code, to the multicounty-designated transportation~~  
38 ~~planning agency. For each project included in the program, a~~  
39 ~~report shall be submitted to the commission on the relationship of~~  
40 ~~the project to the regional transportation plan and supplement, if~~

1 *any, prepared pursuant to Section 65080.* Other information,  
2 including a program for expenditure of local or federal funds, may  
3 be submitted for information purposes with the program, but only  
4 at the discretion of the transportation planning agencies or the  
5 county transportation commissions. As used in this section, “county  
6 transportation commission” includes a transportation authority  
7 created pursuant to Chapter 2 (commencing with Section 130050)  
8 of Division 12 of the Public Utilities Code.

9 (b) The regional transportation improvement program shall  
10 include all projects to be funded with the county share under  
11 paragraph (2) of subdivision (a) of Section 164 of the Streets and  
12 Highways Code. The regional programs shall be limited to projects  
13 to be funded in whole or in part with the county share that shall  
14 include all projects to receive allocations by the commission during  
15 the following five fiscal years. For each project, the total  
16 expenditure for each project component and the total amount of  
17 commission allocation and the year of allocation shall be stated.  
18 The total cost of projects to be funded with the county share shall  
19 not exceed the amount specified in the fund estimate made by the  
20 commission pursuant to Section 14525.

21 (c) The regional transportation planning agencies and county  
22 transportation commissions may recommend projects to improve  
23 state highways with the interregional share pursuant to subdivision  
24 (b) of Section 164 of the Streets and Highways Code. The  
25 recommendations shall be separate and distinct from the regional  
26 transportation improvement program. A project recommended for  
27 funding pursuant to this subdivision shall constitute a usable  
28 segment and shall not be a condition for inclusion of other projects  
29 in the regional transportation improvement program.

30 (d) The department may nominate or recommend the inclusion  
31 of projects in the regional transportation improvement program to  
32 improve state highways with the county share pursuant to  
33 paragraph (2) of subdivision (a) and subdivision (e) of Section 164  
34 of the Streets and Highways Code. A regional transportation  
35 planning agency and a county transportation commission shall  
36 have sole authority for determining whether any of the project  
37 nominations or recommendations are accepted and included in the  
38 regional transportation improvement program adopted and  
39 submitted pursuant to this section. This authority provided to a  
40 regional transportation planning agency or to a county



1 transportation commission extends only to a project located within  
2 its jurisdiction.

3 (e) Major projects shall include current costs updated as of  
4 November 1 of the year of submittal and escalated to the  
5 appropriate year, and shall be consistent with, and provide the  
6 information required in, subdivision (b) of Section 14529.

7 (f) The regional transportation improvement program may not  
8 change the project delivery milestone date of any project as shown  
9 in the prior adopted state transportation improvement program  
10 without the consent of the department or other agency responsible  
11 for the project's delivery.

12 (g) Projects may not be included in the regional transportation  
13 improvement program without a complete project study report or,  
14 for a project that is not on a state highway, a project study report  
15 equivalent or major investment study.

16 (h) Each transportation planning agency and county  
17 transportation commission may request and receive an amount not  
18 to exceed 5 percent of its county share for the purposes of project  
19 planning, programming, and monitoring.

20 ~~SEC. 7:~~

21 *SEC. 5.* Section 65080 of the Government Code is amended  
22 to read:

23 65080. (a) Each transportation planning agency designated  
24 under Section 29532 or 29532.1 shall prepare and adopt a regional  
25 transportation plan directed at achieving a coordinated and balanced  
26 regional transportation system, including, but not limited to, mass  
27 transportation, highway, railroad, maritime, bicycle, pedestrian,  
28 goods movement, and aviation facilities and services. The plan  
29 shall be action-oriented and pragmatic, considering both the  
30 short-term and long-term future, and shall present clear, concise  
31 policy guidance to local and state officials. The regional  
32 transportation plan shall consider factors specified in Section 134  
33 of Title 23 of the United States Code. Each transportation planning  
34 agency shall consider and incorporate, as appropriate, the  
35 transportation plans of cities, counties, districts, private  
36 organizations, and state and federal agencies.

37 (b) The regional transportation plan shall include all of the  
38 following:

39 (1) A policy element that describes the transportation issues in  
40 the region, identifies and quantifies regional needs, and describes

1 the desired short-range and long-range transportation goals, and  
2 pragmatic objective and policy statements. The objective and policy  
3 statements shall be consistent with the funding estimates of the  
4 financial element. The policy element of transportation planning  
5 agencies with populations that exceed 200,000 persons may  
6 quantify a set of indicators including, but not limited to, all of the  
7 following:

8 (A) Measures of mobility and traffic congestion, including, but  
9 not limited to, vehicle hours of delay per capita and vehicle miles  
10 traveled per capita.

11 (B) Measures of road and bridge maintenance and rehabilitation  
12 needs, including, but not limited to, roadway pavement and bridge  
13 conditions.

14 (C) Measures of means of travel, including, but not limited to,  
15 percentage share of all trips (work and nonwork) made by all of  
16 the following:

17 (i) Single occupant vehicle.

18 (ii) Multiple occupant vehicle or carpool.

19 (iii) Public transit including commuter rail and intercity rail.

20 (iv) Walking.

21 (v) Bicycling.

22 (D) Measures of safety and security, including, but not limited  
23 to, total injuries and fatalities assigned to each of the modes set  
24 forth in subparagraph (C).

25 (E) Measures of equity and accessibility, including, but not  
26 limited to, percentage of the population served by frequent and  
27 reliable public transit, with a breakdown by income bracket, and  
28 percentage of all jobs accessible by frequent and reliable public  
29 transit service, with a breakdown by income bracket.

30 (F) The requirements of this section may be met utilizing  
31 existing sources of information. No additional traffic counts,  
32 household surveys, or other sources of data shall be required.

33 (2) (A) Within the region under the jurisdiction of each of the  
34 agencies described in paragraph (1) of subdivision (a) of Section  
35 14522.1, ~~a preferred growth scenario~~ *no later than January 1,*  
36 *2009, the State Air Resources Board, working in consultation with*  
37 *the affected transportation planning agencies and after at least*  
38 *one public workshop, shall provide each affected region with*  
39 *greenhouse gas emission reduction targets from the automobile*  
40 *and light truck sector for 2020 and 2035, respectively.*

1 (i) *The state board shall update the regional targets consistent*  
2 *with each agency's timeframe for updating its regional*  
3 *transportation plan under federal law until 2050.*

4 (ii) *In making these determinations, the state board shall*  
5 *consider greenhouse gas emission reductions that will be achieved*  
6 *by improved vehicle emission standards, changes in fuel*  
7 *consumption, and other measures it has approved that will reduce*  
8 *greenhouse gas emissions in the affected regions, and prospective*  
9 *measures the state board plans to adopt to reduce greenhouse gas*  
10 *emissions from other sources.*

11 (B) *Each agency described in paragraph (1) of subdivision (a)*  
12 *of Section 14522.1 shall prepare a sustainable communities*  
13 *strategy, consistent with the requirements of Section Part 450 of*  
14 *Title 23 of, and Section Part 93 of Title 40 of, the Code of Federal*  
15 *Regulations, that (i) identifies areas within the region sufficient to*  
16 *house all the population of the region including all economic*  
17 *segments of the population over the course of the planning period*  
18 *taking into account net migration into the region, population*  
19 *growth, household formation and employment growth; (ii)*  
20 *identifies a transportation network to service the transportation*  
21 *needs of the region; (iii) using the best practically available*  
22 *scientific information, identifies significant resource areas and*  
23 *significant farmland and excludes from development areas in the*  
24 *preferred growth scenario the significant resource areas defined*  
25 *in paragraphs (1), (2), and (3) of subdivision (a) of Section 65086.6*  
26 *and other adopted natural resource protection plans, and, except*  
27 *as provided in subparagraph (F), the significant resource areas*  
28 *defined in paragraphs (4), (5), (6), and (7) of subdivision (a) of*  
29 *Section 65086.6 and significant farmlands; and (iv) will allow the*  
30 *farmland; (iv) sets forth a development pattern for the region, a*  
31 *transportation network, and other transportation measures that*  
32 *will reduce the greenhouse gas emissions from automobiles and*  
33 *light trucks to achieve, if there is a feasible way to do so, the targets*  
34 *developed by the board; and (v) will allow the regional*  
35 *transportation plan to comply with Section 176 of the federal*  
36 *Clean Air Act (42 U.S.C. Sec. 7506).*

37 ~~(B) No later than \_\_\_\_\_, the State Air Resources Board, working~~  
38 ~~in consultation with the affected transportation agencies and after~~  
39 ~~at least one public workshop, shall provide each affected region~~  
40 ~~with greenhouse gas emission reduction targets from the~~

1 automobile and light truck sector for 2020 and 2035, respectively,  
2 in order to implement Chapter 488 of the Statutes of 2006.

3 (i) ~~The board shall update the regional targets consistent with~~  
4 ~~each agency's timeframe for updating its regional transportation~~  
5 ~~plan under federal law until 2050.~~

6 (ii) ~~In making these determinations, the board shall consider~~  
7 ~~greenhouse gas emission reductions that will be achieved by~~  
8 ~~improved vehicle emission standards, changes in fuel consumption,~~  
9 ~~and other measures it has approved that will reduce greenhouse~~  
10 ~~gas emissions in the regions, and prospective measures the board~~  
11 ~~plans to adopt to reduce greenhouse gas emissions from other~~  
12 ~~sources.~~

13 (iii) ~~Consistent with data provided by the board, a preferred~~  
14 ~~growth scenario, prepared pursuant to subparagraph (A), shall~~  
15 ~~inventory the region's emission of greenhouse gases from the~~  
16 ~~automobile and light truck sector and establish measures to reduce~~  
17 ~~these emissions, to the greatest extent feasible, to achieve the~~  
18 ~~targets developed by the board.~~

19 (C) *In a multicounty transportation planning agency, a county*  
20 *and the cities within that county may propose the sustainable*  
21 *communities strategy for that county. That sustainable communities*  
22 *strategy may be approved as part of the sustainable communities*  
23 *strategy for the region provided that the strategy for the region*  
24 *complies with the requirements of this section.*

25 ~~(C) A preferred growth scenario~~

26 (D) *A sustainable communities strategy shall be consistent with*  
27 *the state planning priorities specified pursuant to Section 65041.1.*

28 (E) *In preparing a sustainable communities strategy, the*  
29 *transportation planning agency shall consider spheres of influence*  
30 *that have been adopted within its region.*

31 (F) *Each agency described in paragraph (1) of subdivision (a)*  
32 *of Section 14522.1 shall identify the lands for growth in housing*  
33 *and employment in the sustainable communities strategy in*  
34 *accordance with the following priorities:*

35 (i) *Infill and redevelopment in existing urbanized areas, and*  
36 *any lands within spheres of influence as of July 1, 2007.*

37 (ii) *Vacant lands or substantially undeveloped lands other than*  
38 *those identified in clause (i) that are adjacent to an existing or*  
39 *reasonably foreseeable planned development area and do not*  
40 *include a significant resource area or significant farmlands.*

(iii) If it is not feasible to identify lands for all of the projected growth in jobs and housing on lands in clauses (i) and (ii), then it may identify future development on vacant lands or substantially undeveloped lands adjacent to an existing or reasonably foreseeable planned development or within a city sphere of influence that contain significant resource areas as defined in paragraphs (4), (5), (6), or (7) of subdivision (a) of Section 65080.01 or significant farmland to the extent consistent with other provisions of local, state, or federal law.

(iv) If it is not feasible to identify lands for all of the projected growth in jobs and housing on lands in clauses (i), (ii), and (iii), then it may identify future development on vacant lands or substantially undeveloped lands adjacent to an existing or reasonably foreseeable planned development or within a city sphere of influence that contain significant resource areas as defined in paragraph (3) of subdivision (a) of Section 65080.01 to the extent consistent with other provisions of local, state, or federal law.

(v) If it is not feasible to identify lands for all of the projected growth in jobs and housing on lands in clauses (i), (ii), (iii), and (iv), then it may identify future development on other lands, to the extent consistent with other provisions of local, state, or federal law, but not on significant resource areas defined in paragraph (1) or (2) of subdivision (a) of Section 65080.01.

(vi) If the sustainable communities strategy identifies development on lands in clauses (iii), (iv), or (v) it shall describe feasible measures to mitigate the impact of projected development on those lands.

(G) Prior to adopting a sustainable communities strategy, the regional transportation planning agency shall either (i) find that zoning has been enacted within the region for a five-year supply of the housing need identified in the sustainable communities strategy, or (ii) state with specificity why the development pattern set forth in the sustainable communities strategy is the development pattern that is most likely to occur.

~~(D) If the preferred growth scenario~~

(H) If the sustainable communities strategy, prepared in compliance with ~~subparagraphs (A) and subparagraph (B)~~, is unable to reduce greenhouse gas emissions to achieve the targets established by the board, the transportation planning agency shall

1 prepare a supplement to the ~~preferred growth scenario showing~~  
2 ~~how sustainable communities strategy that would achieve those~~  
3 ~~greenhouse gas emission targets could be achieved through~~  
4 ~~additional transportation investments, land use incentives, or other~~  
5 ~~programs and incentives. through alternative development patterns~~  
6 ~~or additional transportation measures. The supplement shall be~~  
7 ~~a separate document and shall not be part of the regional~~  
8 ~~transportation plan.~~

9 ~~(E) A preferred growth scenario~~

10 ~~(I) A sustainable communities strategy does not regulate the use~~  
11 ~~of land, nor shall it be subject to any state review or approval.~~  
12 ~~Nothing in a preferred growth scenario sustainable communities~~  
13 ~~strategy shall be interpreted as superseding or interfering with the~~  
14 ~~exercise of the land use authority of cities and counties within the~~  
15 ~~region. Nothing in this section requires an agency to approve a~~  
16 ~~sustainable communities strategy that would be inconsistent with~~  
17 ~~Part 450 of Title 23 of, or Part 93 of Title 40 of, the Code of~~  
18 ~~Federal Regulations and any administrative guidance under those~~  
19 ~~regulations. Nothing in this section relieves a public or private~~  
20 ~~entity or any person from compliance with any other local, state,~~  
21 ~~or federal law.~~

22 ~~(F) On and after January 1, 2009, projects and improvements~~  
23 ~~to be funded shall be consistent with regional transportation plans~~  
24 ~~developed pursuant to Section 65080. Projects~~

25 ~~(J) Projects programmed for funding on or before December~~  
26 ~~31, 2011, are not required to be consistent with the preferred~~  
27 ~~growth scenario sustainable communities strategy if they (i) are~~  
28 ~~contained in the 2006 or 2008 Federal 2007 or 2009 Federal~~  
29 ~~Statewide Transportation Improvement Program or, (ii) are funded~~  
30 ~~pursuant to Chapter 12.49 (commencing with Section 8879.20) of~~  
31 ~~Division 1 of Title 2, or (iii) were specifically listed in a ballot~~  
32 ~~measure prior to December 31, 2006, approving a sales tax~~  
33 ~~increase for transportation projects.~~

34 ~~(G) Before identifying either a significant resource area defined~~  
35 ~~in paragraph (4), (5), (6), or (7) of subdivision (a) of Section~~  
36 ~~65086.6 or significant farmlands as a development area, the~~  
37 ~~transportation planning agency shall adopt findings that (i) the~~  
38 ~~area is adjacent to an existing developed area or is within an infill~~  
39 ~~area as defined in Division 13 (commencing with Section 21000)~~  
40 ~~of the Public Resources Code; (ii) the area is served by all~~

1 necessary utilities; (iii) there is no feasible alternative to identifying  
2 the area as a development area; (iv) the loss of a significant  
3 resource area will be fully mitigated; and (v) the area will be  
4 efficiently utilized for development with a density of at least 10  
5 dwelling units per acre.

6 (3) An action element that describes the programs and actions  
7 necessary to implement the plan and assigns implementation  
8 responsibilities. The action element may describe all *transportation*  
9 projects proposed for development during the 20-year *or greater*  
10 life of the plan. ~~Proposed projects~~ *The action element* shall be  
11 consistent with the ~~preferred growth scenario~~ *sustainable*  
12 *communities strategy*, except as provided in subparagraph ~~(F)~~ *(J)*  
13 of paragraph (2).

14 The action element shall consider congestion management  
15 programming activities carried out within the region.

16 (4) (A) A financial element that summarizes the cost of plan  
17 implementation constrained by a realistic projection of available  
18 revenues. The financial element shall also contain  
19 recommendations for allocation of funds. A county transportation  
20 commission created pursuant to Section 130000 of the Public  
21 Utilities Code shall be responsible for recommending projects to  
22 be funded with regional improvement funds, if the project is  
23 consistent with the regional transportation plan. The first five years  
24 of the financial element shall be based on the five-year estimate  
25 of funds developed pursuant to Section 14524. The financial  
26 element may recommend the development of specified new sources  
27 of revenue, consistent with the policy element and action element.

28 (B) The financial element of transportation planning agencies  
29 with populations that exceed 200,000 persons may include a project  
30 cost breakdown for all projects proposed for development during  
31 the 20-year life of the plan that includes total expenditures and  
32 related percentages of total expenditures for all of the following:

- 33 (i) State highway expansion.
- 34 (ii) State highway rehabilitation, maintenance, and operations.
- 35 (iii) Local road and street expansion.
- 36 (iv) Local road and street rehabilitation, maintenance, and  
37 operation.
- 38 (v) Mass transit, commuter rail, and intercity rail expansion.
- 39 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,  
40 maintenance, and operations.

- 1 (vii) Pedestrian and bicycle facilities.
- 2 (viii) Environmental enhancements and mitigation.
- 3 (ix) Research and planning.
- 4 (x) Other categories.

5 (c) Each transportation planning agency may also include other  
6 factors of local significance as an element of the regional  
7 transportation plan, including, but not limited to, issues of mobility  
8 for specific sectors of the community, including, but not limited  
9 to, senior citizens.

10 (d) Except as otherwise provided in this subdivision, each  
11 transportation planning agency shall adopt and submit, every four  
12 years, an updated regional transportation plan to the California  
13 Transportation Commission and the Department of Transportation.  
14 A transportation planning agency located in a federally designated  
15 air quality attainment area or that does not contain an urbanized  
16 area may at its option adopt and submit a regional transportation  
17 plan every five years. When applicable, the plan shall be consistent  
18 with federal planning and programming requirements and shall  
19 conform to the regional transportation plan guidelines adopted by  
20 the California Transportation Commission. Prior to adoption of  
21 the regional transportation plan, a public hearing shall be held after  
22 the giving of notice of the hearing by publication in the affected  
23 county or counties pursuant to Section 6061.

24 ~~SEC. 8. Section 65080.5 of the Government Code is amended~~  
25 ~~to read:~~

26 ~~65080.5. (a) For each area for which a transportation planning~~  
27 ~~agency is designated under subdivision (c) of Section 29532, or~~  
28 ~~adopts a resolution pursuant to subdivision (c) of Section 65080,~~  
29 ~~the Department of Transportation, in cooperation with the~~  
30 ~~transportation planning agency, and subject to subdivision (c),~~  
31 ~~shall prepare the regional transportation plan, consistent with the~~  
32 ~~requirements of Section 65080, and the updating thereto, for that~~  
33 ~~area and submit it to the governing body or designated policy~~  
34 ~~committee of the transportation planning agency for adoption.~~  
35 ~~Prior to adoption, a public hearing shall be held, after the giving~~  
36 ~~of notice of the hearing by publication in the affected county or~~  
37 ~~counties pursuant to Section 6061. Prior to the adoption of the~~  
38 ~~regional transportation improvement program by the transportation~~  
39 ~~planning agency if it prepared the program, the transportation~~  
40 ~~planning agency shall consider the relationship between the~~



1 program and the adopted plan. The adopted plan and program, and  
2 the updating thereto, shall be submitted to the California  
3 Transportation Commission and the department pursuant to  
4 subdivision (b) of Section 65080.

5 (b) In the case of a transportation planning agency designated  
6 under subdivision (c) of Section 29532, the transportation planning  
7 agency may prepare the regional transportation plan for the area  
8 under its jurisdiction pursuant to this chapter, if the transportation  
9 planning agency, prior to July 1, 1978, adopts by resolution a  
10 declaration of intention to do so.

11 (c) In those areas that have a county transportation commission  
12 created pursuant to Section 130050 of the Public Utilities Code,  
13 the multicounty designated transportation planning agency, as  
14 defined in Section 130004 of that code, shall prepare the regional  
15 transportation plan and the regional transportation improvement  
16 program in consultation with the county transportation  
17 commissions.

18 (d) Any transportation planning agency which did not elect to  
19 prepare the initial regional transportation plan for the area under  
20 its jurisdiction, may prepare the updated plan if it adopts a  
21 resolution of intention to do so at least one year prior to the date  
22 when the updated plan is to be submitted to the California  
23 Transportation Commission.

24 (e) If the department prepares or updates a regional  
25 transportation improvement program or regional transportation  
26 plan, or both, pursuant to this section, the state-local share of  
27 funding the preparation or updating of the plan and program shall  
28 be calculated on the same basis as though the preparation or  
29 updating were to be performed by the transportation planning  
30 agency and funded under Sections 99311, 99313, and 99314 of  
31 the Public Utilities Code.

32 SEC. 9. Section 65081.3 of the Government Code is amended  
33 to read:

34 65081.3. (a) As a part of its adoption of the regional  
35 transportation plan, the designated county transportation  
36 commission, regional transportation planning agency, or the  
37 Metropolitan Transportation Commission may designate special  
38 corridors, which may include, but are not limited to, adopted state  
39 highway routes, which, in consultation with the Department of  
40 Transportation, cities, counties, and transit operators directly

1 impacted by the corridor, are determined to be of statewide or  
2 regional priority for long-term right-of-way preservation.

3 (b) Prior to designating a corridor for priority acquisition, the  
4 regional transportation planning agency shall do all of the  
5 following:

6 (1) Establish geographic boundaries for the proposed corridor.

7 (2) Complete a traffic survey, including a preliminary  
8 recommendation for transportation modal split, which generally  
9 describes the traffic and air quality impacts of the proposed  
10 corridor.

11 (3) Consider the widest feasible range of possible transportation  
12 facilities that could be located in the corridor and the major  
13 environmental impacts they may cause to assist in making the  
14 corridor more environmentally sensitive and, in the long term, a  
15 more viable site for needed transportation improvements.

16 (c) A designated corridor of statewide or regional priority shall  
17 be specifically considered in the certified environmental impact  
18 report completed for the adopted regional transportation plan  
19 required by the California Environmental Quality Act, which shall  
20 include a review of the environmental impacts of the possible  
21 transportation facilities which may be located in the corridor. The  
22 environmental impact report shall comply with the requirements  
23 of Division 13 (commencing with Section 21000) of the Public  
24 Resources Code and shall include a survey within the corridor  
25 boundaries to determine if there exist any of the following:

26 (1) Rare or endangered plant or animal species.

27 (2) Historical or cultural sites of major significance.

28 (3) Wetlands, vernal pools, or other naturally occurring features.

29 (d) The regional transportation planning agency shall designate  
30 a corridor for priority acquisition only if, after a public hearing, it  
31 finds that the range of potential transportation facilities to be  
32 located in the corridor can be constructed in a manner which will  
33 avoid or mitigate significant environmental impacts or values  
34 identified in subdivision (c), consistent with the California  
35 Environmental Quality Act and the state and federal Endangered  
36 Species Acts.

37 (e) Notwithstanding any other provision of this section, a  
38 corridor of statewide or regional priority may be designated as part  
39 of the regional transportation plan only if it is consistent with the  
40 preferred growth scenario of the regional transportation plan and

1 ~~it has previously been specifically defined in the plan required~~  
2 ~~pursuant to Section 134 and is consistent with the plan required~~  
3 ~~pursuant to Section 135 of Title 23 of the United States Code.~~

4 SEC. 10. ~~Section 65082 of the Government Code is amended~~  
5 ~~to read:~~

6 ~~65082. (a) (1) A five-year regional transportation improvement~~  
7 ~~program shall be prepared, adopted, and submitted to the California~~  
8 ~~Transportation Commission on or before December 15 of each~~  
9 ~~odd-numbered year thereafter, updated every two years, pursuant~~  
10 ~~to Sections 65080 and 65080.5 and the guidelines adopted pursuant~~  
11 ~~to Section 14530.1, to include regional transportation improvement~~  
12 ~~projects and programs proposed to be funded, in whole or in part,~~  
13 ~~in the state transportation improvement program. Except as~~  
14 ~~provided in subparagraph (F) of paragraph (2) of subdivision (b)~~  
15 ~~of Section 65080, on and after January 1, 2009, projects and~~  
16 ~~improvements to be funded shall be consistent with regional~~  
17 ~~transportation plans.~~

18 ~~(2) Major projects shall include current costs updated as of~~  
19 ~~November 1 of the year of submittal and escalated to the~~  
20 ~~appropriate year, and be listed by relative priority, taking into~~  
21 ~~account need, delivery milestone dates, and the availability of~~  
22 ~~funding.~~

23 ~~(b) Except for those counties that do not prepare a congestion~~  
24 ~~management program pursuant to Section 65088.3, congestion~~  
25 ~~management programs adopted pursuant to Section 65089 shall~~  
26 ~~be incorporated into the regional transportation improvement~~  
27 ~~program submitted to the commission by December 15 of each~~  
28 ~~odd-numbered year.~~

29 ~~(c) Local projects not included in a congestion management~~  
30 ~~program shall not be included in the regional transportation~~  
31 ~~improvement program. Projects and programs adopted pursuant~~  
32 ~~to subdivision (a) shall be consistent with the capital improvement~~  
33 ~~program adopted pursuant to paragraph (5) of subdivision (b) of~~  
34 ~~Section 65089, and the guidelines adopted pursuant to Section~~  
35 ~~14530.1.~~

36 ~~(d) Other projects may be included in the regional transportation~~  
37 ~~improvement program if listed separately.~~

38 ~~(e) Unless a county not containing urbanized areas of over~~  
39 ~~50,000 population notifies the Department of Transportation by~~  
40 ~~July 1 that it intends to prepare a regional transportation~~

1 improvement program for that county, the department shall, in  
2 consultation with the affected local agencies, prepare the program  
3 for all counties for which it prepares a regional transportation plan.

4 (f) The requirements for incorporating a congestion management  
5 program into a regional transportation improvement program  
6 specified in this section do not apply in those counties that do not  
7 prepare a congestion management program in accordance with  
8 Section 65088.3.

9 (g) The regional transportation improvement program may  
10 include a reserve of county shares for providing funds in order to  
11 match federal funds.

12 SEC. 11. Section 65086.6 is added to the Government Code,  
13 to read:

14 65086.6. The following definitions apply to terms used in this  
15 chapter:

16 (a) “Significant resource areas” include (1) all publicly owned  
17 parks and open space; (2) open space or habitat areas protected by  
18 natural community conservation plans, habitat conservation plans,  
19 and other adopted natural resource protection plans; (3) lands  
20 subject to conservation or agricultural easements and lands under  
21 Williamson Act contracts; (4) areas designated for open-space  
22 uses in adopted open-space elements of the local general plan or  
23 by local ordinance; (5) habitat for species identified as candidate,  
24 fully protected, sensitive, or species of special status by local, state,  
25 or federal agencies or protected by the federal Endangered Species  
26 Act of 1973, the California Endangered Species Act, or the Native  
27 Plant Protection Act; (6) habitat blocks, linkages, or watershed  
28 units that protect regional populations of native species, including  
29 sensitive, endemic, keystone, and umbrella species, and the  
30 ecological processes that maintain them; and (7) floodplains.

31 (b) “Significant farmland” means farmland that is classified as  
32 prime or unique farmland, or farmland of statewide importance  
33 and is outside all existing spheres of influence as of January 1,  
34 2007.

35 (c) “Consistent with the preferred growth scenario” or  
36 “consistent with the regional transportation plan” means that the  
37 capacity of the transportation projects or improvements does not  
38 exceed that which is necessary to provide reasonable service levels  
39 for the preferred growth scenario.

1 SEC. 12. ~~Section 65088.1 of the Government Code is amended~~  
2 ~~to read:~~

3 65088.1. ~~As used in this chapter the following terms have the~~  
4 ~~following meanings:~~

5 (a) ~~Unless the context requires otherwise, “regional agency”~~  
6 ~~means the agency responsible for preparation of the regional~~  
7 ~~transportation improvement program.~~

8 (b) ~~Unless the context requires otherwise, “agency” means the~~  
9 ~~agency responsible for the preparation and adoption of the~~  
10 ~~congestion management program.~~

11 (c) ~~“Commission” means the California Transportation~~  
12 ~~Commission.~~

13 (d) ~~“Department” means the Department of Transportation.~~

14 (e) ~~“Local jurisdiction” means a city, a county, or a city and~~  
15 ~~county.~~

16 (f) ~~“Parking cash-out program” means an employer-funded~~  
17 ~~program under which an employer offers to provide a cash~~  
18 ~~allowance to an employee equivalent to the parking subsidy that~~  
19 ~~the employer would otherwise pay to provide the employee with~~  
20 ~~a parking space. “Parking subsidy” means the difference between~~  
21 ~~the out-of-pocket amount paid by an employer on a regular basis~~  
22 ~~in order to secure the availability of an employee parking space~~  
23 ~~not owned by the employer and the price, if any, charged to an~~  
24 ~~employee for use of that space.~~

25 ~~A parking cash-out program may include a requirement that~~  
26 ~~employee participants certify that they will comply with guidelines~~  
27 ~~established by the employer designed to avoid neighborhood~~  
28 ~~parking problems, with a provision that employees not complying~~  
29 ~~with the guidelines will no longer be eligible for the parking~~  
30 ~~cash-out program.~~

31 (g) ~~“Infill opportunity zone” means a specific area designated~~  
32 ~~by a city or county, pursuant to subdivision (c) of Section 65088.4,~~  
33 ~~zoned for new compact residential or mixed-use development~~  
34 ~~within one-third mile of a site with an existing or future rail transit~~  
35 ~~station, a ferry terminal served by either a bus or rail transit service,~~  
36 ~~an intersection of at least two major bus routes, or within 300 feet~~  
37 ~~of a bus rapid transit corridor, in counties with a population over~~  
38 ~~400,000. An infill opportunity zone shall be consistent with the~~  
39 ~~preferred growth scenario in the adopted regional transportation~~  
40 ~~plan. The mixed-use development zoning shall consist of three or~~

1 more land uses that facilitate significant human interaction in close  
2 proximity, with residential use as the primary land use supported  
3 by other land uses such as office, hotel, health care, hospital,  
4 entertainment, restaurant, retail, and service uses. The transit  
5 service shall have maximum scheduled headways of 15 minutes  
6 for at least 5 hours per day. A qualifying future rail station shall  
7 have broken ground on construction of the station and programmed  
8 operational funds to provide maximum scheduled headways of 15  
9 minutes for at least 5 hours per day.

10 (h) “Interregional travel” means any trips that originate outside  
11 the boundary of the agency. A “trip” means a one-direction vehicle  
12 movement. The origin of any trip is the starting point of that trip.  
13 A round trip consists of two individual trips.

14 (i) “Level of service standard” is a threshold that defines a  
15 deficiency on the congestion management program highway and  
16 roadway system which requires the preparation of a deficiency  
17 plan. It is the intent of the Legislature that the agency shall use all  
18 elements of the program to implement strategies and actions that  
19 avoid the creation of deficiencies and to improve multimodal  
20 mobility.

21 (j) “Multimodal” means the utilization of all available modes  
22 of travel that enhance the movement of people and goods,  
23 including, but not limited to, highway, transit, nonmotorized, and  
24 demand management strategies including, but not limited to,  
25 telecommuting. The availability and practicality of specific  
26 multimodal systems, projects, and strategies may vary by county  
27 and region in accordance with the size and complexity of different  
28 urbanized areas.

29 (k) “Performance measure” is an analytical planning tool that  
30 is used to quantitatively evaluate transportation improvements and  
31 to assist in determining effective implementation actions,  
32 considering all modes and strategies. Use of a performance measure  
33 as part of the program does not trigger the requirement for the  
34 preparation of deficiency plans.

35 (l) “Urbanized area” has the same meaning as is defined in the  
36 1990 federal census for urbanized areas of more than 50,000  
37 population.

38 (m) “Bus rapid transit corridor” means a bus service that  
39 includes at least four of the following attributes:

40 (1) Coordination with land use planning.

- ~~(2) Exclusive right-of-way.~~
- ~~(3) Improved passenger boarding facilities.~~
- ~~(4) Limited stops.~~
- ~~(5) Passenger boarding at the same height as the bus.~~
- ~~(6) Prepaid fares.~~
- ~~(7) Real-time passenger information.~~
- ~~(8) Traffic priority at intersections.~~
- ~~(9) Signal priority.~~
- ~~(10) Unique vehicles.~~

SEC. 13. ~~Section 65088.4 of the Government Code is amended to read:~~

~~65088.4.— (a) It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed-use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.~~

~~(b) Notwithstanding any other provision of law, level of service standards described in Section 65089 shall not apply to the streets and highways within an infill opportunity zone. The city or county shall do either of the following:~~

~~(1) Include these streets and highways under an alternative areawide level of service standard or multimodal composite or personal level of service standard that takes into account both of the following:~~

~~(A) The broader benefits of regional traffic congestion reduction by siting new residential development within walking distance of, and no more than one-third mile from, mass transit stations, shops, and services, in a manner that reduces the need for long vehicle commutes and improves the jobs-housing balance.~~

~~(B) Increased use of alternative transportation modes, such as mass transit, bicycling, and walking.~~

~~(2) Approve a list of flexible level of service mitigation options that includes roadway expansion and investments in alternate modes of transportation that may include, but are not limited to, transit infrastructure, pedestrian infrastructure, and ridesharing, vanpool, or shuttle programs.~~

~~(c) The city or county may designate an infill opportunity zone by adopting a resolution after determining that the infill opportunity zone is consistent with the general plan, any applicable specific~~

1 plan, and any preferred growth scenario adopted pursuant to  
2 Section 65080. A city or county may not designate an infill  
3 opportunity zone after December 31, 2009.

4 (d) The city or county in which the infill opportunity zone is  
5 located shall ensure that a development project shall be completed  
6 within the infill opportunity zone not more than four years after  
7 the date on which the city or county adopted its resolution pursuant  
8 to subdivision (c). If no development project is completed within  
9 an infill opportunity zone by the time limit imposed by this  
10 subdivision, the infill opportunity zone shall automatically  
11 terminate.

12 SEC. 6. Section 65080.01 is added to the Government Code,  
13 to read:

14 65080.01. The following definitions apply to terms used in  
15 Section 65080:

16 (a) "Significant resource areas" include (1) all publicly owned  
17 parks and open space; (2) open space or habitat areas protected  
18 by natural community conservation plans, habitat conservation  
19 plans, and other adopted natural resource protection plans; (3)  
20 habitat for species identified as candidate, fully protected, sensitive,  
21 or species of special status by local, state, or federal agencies or  
22 protected by the federal Endangered Species Act of 1973, the  
23 California Endangered Species Act, or the Native Plant Protection  
24 Act; (4) lands subject to conservation or agricultural easements  
25 for conservation or agricultural purposes by local governments,  
26 special districts, or nonprofit 501(c)(3) organizations, and lands  
27 under Williamson Act contracts; (5) areas designated for  
28 open-space uses in adopted open-space elements of the local  
29 general plan or by local ordinance; (6) habitat blocks, linkages,  
30 or watershed units that protect regional populations of native  
31 species, including sensitive, endemic, keystone, and umbrella  
32 species, and the ecological processes that maintain them; and (7)  
33 an area subject to flooding where a development project would  
34 not, at the time of development in the judgment of the agency, meet  
35 the requirements of the National Flood Insurance Program or  
36 where the area is subject to more protective provisions of state  
37 law or local ordinance.

38 (b) "Significant farmland" means farmland that is classified  
39 as prime or unique farmland, or farmland of statewide importance



1 *and is outside all existing city spheres of influence or city limits*  
2 *as of January 1, 2007.*

3 *(c) “Consistent with the sustainable communities strategy”*  
4 *means that the capacity of the transportation projects or*  
5 *improvements does not exceed that which is necessary to provide*  
6 *reasonable service levels for the existing population and the*  
7 *planned growth of the region as set forth in the sustainable*  
8 *communities strategy.*

9 *(d) “Feasible” means capable of being accomplished in a*  
10 *successful manner within a reasonable period of time, taking into*  
11 *account economic, environmental, legal, social, and technological*  
12 *factors.*

13 *SEC. 7. Section 65584.01 of the Government Code is amended*  
14 *to read:*

15 65584.01. (a) For the fourth and subsequent revision of the  
16 housing element pursuant to Section 65588, the department, in  
17 consultation with each council of governments, where applicable,  
18 shall determine the existing and projected need for housing for  
19 each region in the following manner:

20 (b) The department’s determination shall be based upon  
21 population projections produced by the Department of Finance  
22 and regional population forecasts used in preparing regional  
23 transportation plans, in consultation with each council of  
24 governments. If the total regional population forecast for the  
25 planning period, developed by the council of governments and  
26 used for the preparation of the regional transportation plan, is  
27 within a range of 3 percent of the total regional population forecast  
28 for the planning period over the same time period by the  
29 Department of Finance, then the population forecast developed by  
30 the council of governments shall be the basis from which the  
31 department determines the existing and projected need for housing  
32 in the region. If the difference between the total population growth  
33 projected by the council of governments and the total population  
34 growth projected for the region by the Department of Finance is  
35 greater than 3 percent, then the department and the council of  
36 governments shall meet to discuss variances in methodology used  
37 for population projections and seek agreement on a population  
38 projection for the region to be used as a basis for determining the  
39 existing and projected housing need for the region. If no agreement  
40 is reached, then the population projection for the region shall be

1 the population projection for the region prepared by the Department  
2 of Finance as may be modified by the department as a result of  
3 discussions with the council of governments.

4 (c) (1) At least 26 months prior to the scheduled revision  
5 pursuant to Section 65588 and prior to developing the existing and  
6 projected housing need for a region, the department shall meet and  
7 consult with the council of governments regarding the assumptions  
8 and methodology to be used by the department to determine the  
9 region's housing needs. The council of governments shall provide  
10 data assumptions from the council's projections, including, if  
11 available, the following data for the region:

12 (A) Anticipated household growth associated with projected  
13 population increases.

14 (B) Household size data and trends in household size.

15 (C) The rate of household formation, or headship rates, based  
16 on age, gender, ethnicity, or other established demographic  
17 measures.

18 (D) The vacancy rates in existing housing stock, and the vacancy  
19 rates for healthy housing market functioning and regional mobility,  
20 as well as housing replacement needs.

21 (E) Other characteristics of the composition of the projected  
22 population.

23 (2) The department may accept or reject the information  
24 provided by the council of governments or modify its own  
25 assumptions or methodology based on this information. After  
26 consultation with the council of governments, the department shall  
27 make determinations in writing on the assumptions for each of the  
28 factors listed in subparagraphs (A) to (E), inclusive, of paragraph  
29 (1) and the methodology it shall use and shall provide these  
30 determinations to the council of governments.

31 (d) (1) After consultation with the council of governments, the  
32 department shall make a determination of the region's existing  
33 and projected housing need based upon the assumptions and  
34 methodology determined pursuant to subdivision (c). *The region's*  
35 *existing and projected housing need shall reflect the achievement*  
36 *of a feasible balance between jobs and housing within the region*  
37 *using the regional employment projections in the applicable*  
38 *regional transportation plan.* Within 30 days following notice of  
39 the determination from the department, the council of governments

1 may file an objection to the department's determination of the  
2 region's existing and projected housing need with the department.

3 (2) The objection shall be based on and substantiate either of  
4 the following:

5 (A) The department failed to base its determination on the  
6 population projection for the region established pursuant to  
7 subdivision (b), and shall identify the population projection which  
8 the council of governments believes should instead be used for the  
9 determination and explain the basis for its rationale.

10 (B) The regional housing need determined by the department  
11 is not a reasonable application of the methodology and assumptions  
12 determined pursuant to subdivision (c). The objection shall include  
13 a proposed alternative determination of its regional housing need  
14 based upon the determinations made in subdivision (c), including  
15 analysis of why the proposed alternative would be a more  
16 reasonable application of the methodology and assumptions  
17 determined pursuant to subdivision (c).

18 (3) If a council of governments files an objection pursuant to  
19 this subdivision and includes with the objection a proposed  
20 alternative determination of its regional housing need, it shall also  
21 include documentation of its basis for the alternative determination.  
22 Within 45 days of receiving an objection filed pursuant to this  
23 section, the department shall consider the objection and make a  
24 final written determination of the region's existing and projected  
25 housing need that includes an explanation of the information upon  
26 which the determination was made.

27 *SEC. 8. Section 21061.3 of the Public Resources Code is*  
28 *amended to read:*

29 21061.3. "Infill site" means a site in an urbanized area that  
30 meets either of the following criteria:

31 (a) *The site has not been previously developed for urban uses*  
32 *and both of the following apply:*

33 (a)  
34 (1) *The site is immediately adjacent to parcels that are developed*  
35 *with qualified urban uses, or at least 75 percent of the perimeter*  
36 *of the site adjoins parcels that are developed with qualified urban*  
37 *uses, and the remaining 25 percent of the site adjoins parcels that*  
38 *have previously been developed for qualified urban uses, and the*  
39 *site has not been developed for urban uses and no parcel within*  
40 *the site has been created within the past 10 years.*

1 (2) No parcel within the site has been created within the past  
2 10 years unless the parcel was created as a result of the plan of a  
3 redevelopment agency.

4 (b) The site has been previously developed for qualified urban  
5 uses.

6 SEC. 9. Section 21094 of the Public Resources Code is  
7 amended to read:

8 21094. (a) Where a prior environmental impact report has  
9 been prepared and certified for a program, plan, policy, or  
10 ordinance, the lead agency for a later project that meets the  
11 requirements of this section shall examine significant effects of  
12 the later project upon the environment by using a tiered  
13 environmental impact report, except that the report on the later  
14 project need not examine those effects which the lead agency  
15 determines were either (1) mitigated or avoided pursuant to  
16 paragraph (1) of subdivision (a) of Section 21081 as a result of the  
17 prior environmental impact report, or (2) examined at a sufficient  
18 level of detail in the prior environmental impact report to enable  
19 those effects to be mitigated or avoided by site specific revisions,  
20 the imposition of conditions, or by other means in connection with  
21 the approval of the later project.

22 (b) This section applies only to a later project which the lead  
23 agency determines (1) is consistent with the program, plan, policy,  
24 or ordinance for which an environmental impact report has been  
25 prepared and certified, (2) is consistent with applicable local land  
26 use plans and zoning of the city, county, or city and county in  
27 which the later project would be located, and (3) is not subject to  
28 Section 21166.

29 (c) For purposes of compliance with this section, an initial study  
30 shall be prepared to assist the lead agency in making the  
31 determinations required by this section. The initial study shall  
32 analyze whether the later project may cause significant effects on  
33 the environment that were not examined in the prior environmental  
34 impact report.

35 (d) All public agencies which propose to carry out or approve  
36 the later project may utilize the prior environmental impact report  
37 and the environmental impact report on the later project to fulfill  
38 the requirements of Section 21081.

39 (e) When tiering is used pursuant to this section, an  
40 environmental impact report prepared for a later project shall refer

1 to the prior environmental impact report and state where a copy  
2 of the prior environmental impact report may be examined.

3 (f) *If a residential, commercial, or retail project is consistent*  
4 *with a sustainable communities strategy, as modified by a*  
5 *supplement, if any, adopted pursuant to Section 65080 of the*  
6 *Government Code, the environmental analysis of that project may*  
7 *tier the analysis of the climate impacts of greenhouse gas emissions*  
8 *from automobiles and light trucks associated with the project from*  
9 *the environmental impact report prepared for the regional*  
10 *transportation plan. For purposes of this section, “consistent with*  
11 *a sustainable communities strategy” means that the use, density,*  
12 *and intensity of the project are consistent with the use, density,*  
13 *and intensity identified for the project area in the sustainable*  
14 *communities strategy, as modified by a supplement, if any, and*  
15 *any mitigation measures adopted in the environmental impact*  
16 *report on the regional transportation plan have been or will be*  
17 *incorporated into the project. Nothing in this subdivision restricts*  
18 *the use of a tiered environmental impact report as otherwise*  
19 *provided in this division.*

20 ~~SEC. 14.~~

21 *SEC. 10.* Chapter 4.2 (commencing with Section 21155) is  
22 added to Division 13 of the Public Resources Code, to read:

23  
24 CHAPTER 4.2. IMPLEMENTATION OF THE ~~PREFERRED GROWTH~~  
25 ~~SCENARIO~~ SUSTAINABLE COMMUNITIES STRATEGY  
26

27 21155. (a) This chapter applies only within a local jurisdiction  
28 that has amended its general plan so that the land use, ~~circulation,~~  
29 housing, and open-space elements of the general plan are  
30 *substantially* consistent with the ~~preferred growth scenario~~  
31 *sustainable communities strategy, as modified by a supplement, if*  
32 *any, most recently adopted by the metropolitan planning*  
33 ~~organization~~ *transportation planning agency pursuant to Section*  
34 *65080 of the Government Code for the region in which the local*  
35 *government is located.*

36 (b) For purposes of this section, the land use, ~~circulation,~~  
37 housing, and open-space elements of the general plan are  
38 *substantially* consistent with the ~~preferred growth scenario only~~  
39 *if all of the following requirements are met:*

~~(1) The sustainable communities strategy, as modified by a supplement, if any, if the land use and housing elements designate housing, retail, commercial, office, and industrial uses at levels of density and intensity sufficient to accomplish the goals of the preferred growth scenario that are substantially consistent with the uses, density, and intensity identified in the sustainable communities strategy, as modified by a supplement, if any, for those locations and if the open space element designates uses for significant farmlands or significant resource areas that are consistent with the protection of all of the resources of those lands or areas.~~

~~(2) The uses for lands identified in the preferred growth scenario as significant farmlands are limited to agricultural uses, including processing, packing, worker housing, and other ancillary agricultural uses.~~

~~(3) The uses for areas that are identified in the preferred growth scenario as significant resource areas are limited to uses that are consistent with protection of all the resource values of those areas.~~

~~(4) A local jurisdiction that meets the requirements of this section is an eligible local jurisdiction for purposes of this chapter.~~

~~(c) Notwithstanding subdivision (a), the provisions of Sections 21155.1, 21155.2, and 21155.3 may be utilized for projects within a local jurisdiction if the project is shown only in the supplement to the sustainable communities strategy.~~

~~(d) Notwithstanding subdivision (a) or (c), the provisions of Sections 21155.1, 21155.2, and 21155.3 may not be utilized for projects identified for development on lands referenced in clause (v) of subparagraph (F) of paragraph (2) of subdivision (b) of Section 65080.~~

~~21155.2.—An environmental document prepared pursuant to this division is required to only examine the significant or potentially significant project specific impacts of a project located in an eligible local jurisdiction, if an environmental impact report has been certified on the preferred growth scenario and on the general plan amendments to conform to the preferred growth scenario, and the project meets all of the following requirements:~~

~~(a) The project is a residential project or a residential or mixed-use project consisting of residential uses and primarily neighborhood-serving goods, services, or retail uses that do not exceed 25 percent of the total floor area of the project.~~

1 ~~(b) The project is on an infill site.~~

2 ~~(c) Any applicable mitigation measures approved in the final~~  
3 ~~environmental impact reports on the regional transportation plan~~  
4 ~~or the local general plan amendment have been or will be~~  
5 ~~incorporated into the project.~~

6 ~~21155.4. If the legislative body of an eligible local jurisdiction~~  
7 ~~finds, after conducting a public hearing, that a project meets all of~~  
8 ~~the requirements of subdivisions (a) and (b) and one of the~~  
9 ~~requirements of subdivision (c), the project is declared to be a~~  
10 ~~sustainable communities' project and no additional review is~~  
11 ~~required pursuant to this division:~~

12 ~~(a) The project complies with all of the following environmental~~  
13 ~~criteria:~~

14 ~~(1) The project and other projects approved prior to the approval~~  
15 ~~of the project but not yet built can be adequately served by existing~~  
16 ~~utilities, and the project applicant has paid, or has committed to~~  
17 ~~pay, all applicable in-lieu or development fees.~~

18 ~~(2) (A) The site of the project does not contain wetlands or~~  
19 ~~riparian areas, does not have any significant value as a wildlife~~  
20 ~~habitat, and the project does not harm any species protected by the~~  
21 ~~federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et~~  
22 ~~seq.) or by the Native Plant Protection Act (Chapter 10~~  
23 ~~(commencing with Section 1900) of Division 2 of the Fish and~~  
24 ~~Game Code), the California Endangered Species Act (Chapter 1.5~~  
25 ~~(commencing with Section 2050) of Division 3 of the Fish and~~  
26 ~~Game Code), and the project does not cause the destruction or~~  
27 ~~removal of any species protected by a local ordinance in effect at~~  
28 ~~the time the application for the project was deemed complete.~~

29 ~~(B) For the purposes of this paragraph, "wetlands" has the same~~  
30 ~~meaning as in the United States Fish and Wildlife Service Manual,~~  
31 ~~Part 660 FW-2 (June 21, 1993).~~

32 ~~(C) For the purposes of this paragraph, "riparian areas" means~~  
33 ~~those areas transitional between terrestrial and aquatic ecosystems~~  
34 ~~and that are distinguished by gradients in biophysical conditions,~~  
35 ~~ecological processes, and biota. A riparian area is an area through~~  
36 ~~which surface and subsurface hydrology connect waterbodies with~~  
37 ~~their adjacent uplands. A riparian area includes those portions of~~  
38 ~~terrestrial ecosystems that significantly influence exchanges of~~  
39 ~~energy and matter with aquatic ecosystems. A riparian area is~~

1 adjacent to perennial, intermittent, and ephemeral streams, lakes,  
2 and estuarine-marine shorelines.

3 (D) For the purposes of this paragraph, “wildlife habitat” means  
4 the ecological communities upon which wild animals, birds, plants,  
5 fish, amphibians, and invertebrates depend for their conservation  
6 and protection.

7 (E) For the purposes of this paragraph, habitat of “significant  
8 value” includes wildlife habitat of national, statewide, regional,  
9 or local importance; habitat for species protected by the federal  
10 Endangered Species Act of 1973, the California Endangered  
11 Species Act, or the Native Plant Protection Act; habitat identified  
12 as candidate, fully protected, sensitive, or species of special status  
13 by local, state, or federal agencies; or habitat essential to the  
14 movement of resident or migratory wildlife.

15 (3) The site of the project is not included on any list of facilities  
16 and sites compiled pursuant to Section 65962.5 of the Government  
17 Code.

18 (4) The site of the project is subject to a preliminary  
19 endangerment assessment prepared by a registered environmental  
20 assessor to determine the existence of any release of a hazardous  
21 substance on the site and to determine the potential for exposure  
22 of future occupants to significant health hazards from any nearby  
23 property or activity.

24 (A) If a release of a hazardous substance is found to exist on  
25 the site, the release shall be removed, or any significant effects of  
26 the release shall be mitigated to a level of insignificance in  
27 compliance with state and federal requirements.

28 (B) If a potential for exposure to significant hazards from  
29 surrounding properties or activities is found to exist, the effects of  
30 the potential exposure shall be mitigated to a level of insignificance  
31 in compliance with state and federal requirements.

32 (5) The project does not have a significant effect on historical  
33 resources pursuant to Section 21084.1.

34 (6) The project site is not subject to any of the following:

35 (A) A wildland fire hazard, as determined by the Department  
36 of Forestry and Fire Protection, unless the applicable general plan  
37 or zoning ordinance contains provisions to mitigate the risk of a  
38 wildland fire hazard.

39 (B) An unusually high risk of fire or explosion from materials  
40 stored or used on nearby properties.



1     ~~(C) Risk of a public health exposure at a level that would exceed~~  
2     ~~the standards established by any state or federal agency.~~

3     ~~(D) Seismic risk as a result of being within a delineated~~  
4     ~~earthquake fault zone, as determined pursuant to Section 2622, or~~  
5     ~~a seismic hazard zone, as determined pursuant to Section 2696,~~  
6     ~~unless the applicable general plan or zoning ordinance contains~~  
7     ~~provisions to mitigate the risk of an earthquake fault or seismic~~  
8     ~~hazard zone.~~

9     ~~(E) Landslide hazard, flood plain, flood way, or restriction zone,~~  
10    ~~unless the applicable general plan or zoning ordinance contains~~  
11    ~~provisions to mitigate the risk of a landslide or flood.~~

12    ~~(7) The project site is not located on developed open space.~~

13    ~~(A) For the purposes of this paragraph, “developed open space”~~  
14    ~~means land that meets all of the following criteria:~~

15    ~~(i) Is publicly owned, or financed in whole or in part by public~~  
16    ~~funds.~~

17    ~~(ii) Is generally open to, and available for use by, the public.~~

18    ~~(iii) Is predominantly lacking in structural development other~~  
19    ~~than structures associated with open spaces, including, but not~~  
20    ~~limited to, playgrounds, swimming pools, ballfields, enclosed child~~  
21    ~~play areas, and picnic facilities.~~

22    ~~(B) For the purposes of this paragraph, “developed open space”~~  
23    ~~includes land that has been designated for acquisition by a public~~  
24    ~~agency for developed open space, but does not include lands~~  
25    ~~acquired by public funds dedicated to the acquisition of land for~~  
26    ~~housing purposes.~~

27    ~~(8) The buildings in the project will comply with all green~~  
28    ~~building standards required by the eligible local jurisdiction.~~

29    ~~(9) Any applicable mitigation measures approved in the final~~  
30    ~~environmental impact reports on the regional transportation plan~~  
31    ~~or the local general plan amendment have been or will be~~  
32    ~~incorporated into the project.~~

33    ~~(b) The project meets all of the following land use criteria:~~

34    ~~(1) The project is located on an infill site.~~

35    ~~(2) The project is a residential project or a residential or~~  
36    ~~mixed-use project consisting of residential uses and primarily~~  
37    ~~neighborhood-serving goods, services, or retail uses that do not~~  
38    ~~exceed 25 percent of the total floor area of the project.~~

39    ~~(3) The site of the project is not more than eight acres in total~~  
40    ~~area.~~

1     ~~(4) The project does not contain more than 200 residential units.~~

2     ~~(5) The project density is at least equal to the applicable density~~  
3 ~~level provided in subparagraph (B) of paragraph (3) of subdivision~~  
4 ~~(e) of Section 65583.2 of the Government Code.~~

5     ~~(6) The project does not result in any loss in the number of~~  
6 ~~affordable housing units within the project area.~~

7     ~~(7) The project does not include any single level building that~~  
8 ~~exceeds 75,000 square feet.~~

9     ~~(8) The project is consistent with the general plan.~~

10    ~~(e) The project meets one of the criteria specified in paragraphs~~  
11 ~~(1) to (4), inclusive:~~

12    ~~(1) The project meets both of the following:~~

13    ~~(A) At least 20 percent of the housing will be sold to families~~  
14 ~~of moderate income, or not less than 10 percent of the housing~~  
15 ~~will be rented to families of low income, or not less than 5 percent~~  
16 ~~of the housing is rented to families of very low income.~~

17    ~~(B) The project developer provides sufficient legal commitments~~  
18 ~~to the appropriate local agency to ensure the continued availability~~  
19 ~~and use of the housing units for very low, low-, and~~  
20 ~~moderate-income households at monthly housing costs determined~~  
21 ~~pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of~~  
22 ~~the Government Code. Rental units shall be affordable for at least~~  
23 ~~55 years. Ownership units shall be subject to resale restrictions or~~  
24 ~~equity sharing requirements for at least 30 years.~~

25    ~~(2) The project developer has paid or will pay in-lieu fees~~  
26 ~~pursuant to a local ordinance in an amount sufficient to result in~~  
27 ~~the development of an equivalent number of units that would~~  
28 ~~otherwise be required pursuant to paragraph (1).~~

29    ~~(3) The project is located within one-quarter mile of a major~~  
30 ~~transit stop.~~

31    ~~(4) The project provides public open space equal to or greater~~  
32 ~~than five acres per 1,000 residents of the project.~~

33    ~~21155.5. (a) The legislative body of an eligible local~~  
34 ~~jurisdiction within an urbanized area may adopt traffic mitigation~~  
35 ~~measures that would apply to all future residential projects. These~~  
36 ~~measures shall be adopted or amended after a public hearing and~~  
37 ~~may include requirements for the installation of traffic control~~  
38 ~~improvements, street or road improvements, and contributions to~~  
39 ~~road improvement or transit funds, transit passes for future~~

1 residents, or other measures that will avoid or mitigate the traffic  
2 impacts of those future residential projects.

3 ~~(b) The traffic mitigation measures adopted pursuant to this~~  
4 ~~section shall apply to all residential projects of at least 10 units~~  
5 ~~per acre.~~

6 ~~(c) (1) A residential project seeking a land use approval is not~~  
7 ~~required to comply with any additional mitigation measures~~  
8 ~~required by paragraph (1) or (2) of subdivision (a) of Section~~  
9 ~~21081, for the traffic impacts of that project on intersections,~~  
10 ~~streets, highways, freeways, or mass transit, if the eligible local~~  
11 ~~jurisdiction issuing that land use approval has adopted traffic~~  
12 ~~mitigation measures in accordance with this section.~~

13 ~~(2) Paragraph (1) does not restrict the authority of a local~~  
14 ~~jurisdiction to adopt feasible mitigation measures with respect to~~  
15 ~~the impacts of a project on pedestrian or bicycle safety.~~

16 ~~(d) The legislative body shall review its traffic mitigation~~  
17 ~~measures and update them as needed at least every five years.~~

18 *21155.1. If the legislative body finds, after conducting a public*  
19 *hearing, that a project meets all of the requirements of subdivisions*  
20 *(a) and (b) and one of the requirements of subdivision (c), the*  
21 *project is declared to be a sustainable communities project and*  
22 *shall not be subject to any other provisions of this division.*

23 *(a) The project complies with all of the following environmental*  
24 *criteria:*

25 *(1) The project and other projects approved prior to the*  
26 *approval of the project but not yet built can be adequately served*  
27 *by existing utilities, and the project applicant has paid, or has*  
28 *committed to pay, all applicable in-lieu or development fees.*

29 *(2) (A) The site of the project does not contain wetlands or*  
30 *riparian areas and does not have significant value as a wildlife*  
31 *habitat, and the project does not harm any species protected by*  
32 *the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531*  
33 *et seq.), the Native Plant Protection Act (Chapter 10 (commencing*  
34 *with Section 1900) of Division 2 of the Fish and Game Code), or*  
35 *the California Endangered Species Act (Chapter 1.5 (commencing*  
36 *with Section 2050) of Division 3 of the Fish and Game Code), and*  
37 *the project does not cause the destruction or removal of any species*  
38 *protected by a local ordinance in effect at the time the application*  
39 *for the project was deemed complete.*

1 (B) For the purposes of this paragraph, “wetlands” has the  
2 same meaning as in the United States Fish and Wildlife Service  
3 Manual, Part 660 FW 2 (June 21, 1993).

4 (C) For the purposes of this paragraph:

5 (i) “Riparian areas” means those areas transitional between  
6 terrestrial and aquatic ecosystems and that are distinguished by  
7 gradients in biophysical conditions, ecological processes, and  
8 biota. A riparian area is an area through which surface and  
9 subsurface hydrology connect waterbodies with their adjacent  
10 uplands. A riparian area includes those portions of terrestrial  
11 ecosystems that significantly influence exchanges of energy and  
12 matter with aquatic ecosystems. A riparian area is adjacent to  
13 perennial, intermittent, and ephemeral streams, lakes, and  
14 estuarine-marine shorelines.

15 (ii) “Wildlife habitat” means the ecological communities upon  
16 which wild animals, birds, plants, fish, amphibians, and  
17 invertebrates depend for their conservation and protection.

18 (iii) Habitat of “significant value” includes wildlife habitat of  
19 national, statewide, regional, or local importance; habitat for  
20 species protected by the federal Endangered Species Act of 1973  
21 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species  
22 Act (Chapter 1.5 (commencing with Section 2050) of Division 3  
23 of the Fish and Game Code), or the Native Plant Protection Act  
24 (Chapter 10 (commencing with Section 1900) of Division 2 of the  
25 Fish and Game Code); habitat identified as candidate, fully  
26 protected, sensitive, or species of special status by local, state, or  
27 federal agencies; or habitat essential to the movement of resident  
28 or migratory wildlife.

29 (3) The site of the project is not included on any list of facilities  
30 and sites compiled pursuant to Section 65962.5 of the Government  
31 Code.

32 (4) The site of the project is subject to a preliminary  
33 endangerment assessment prepared by a registered environmental  
34 assessor to determine the existence of any release of a hazardous  
35 substance on the site and to determine the potential for exposure  
36 of future occupants to significant health hazards from any nearby  
37 property or activity.

38 (A) If a release of a hazardous substance is found to exist on  
39 the site, the release shall be removed or any significant effects of

1 *the release shall be mitigated to a level of insignificance in*  
2 *compliance with state and federal requirements.*

3 *(B) If a potential for exposure to significant hazards from*  
4 *surrounding properties or activities is found to exist, the effects*  
5 *of the potential exposure shall be mitigated to a level of*  
6 *insignificance in compliance with state and federal requirements.*

7 *(5) The project does not have a significant effect on historical*  
8 *resources pursuant to Section 21084.1.*

9 *(6) The project site is not subject to any of the following:*

10 *(A) A wildland fire hazard, as determined by the Department*  
11 *of Forestry and Fire Protection, unless the applicable general*  
12 *plan or zoning ordinance contains provisions to mitigate the risk*  
13 *of a wildland fire hazard.*

14 *(B) An unusually high risk of fire or explosion from materials*  
15 *stored or used on nearby properties.*

16 *(C) Risk of a public health exposure at a level that would exceed*  
17 *the standards established by any state or federal agency.*

18 *(D) Seismic risk as a result of being within a delineated*  
19 *earthquake fault zone, as determined pursuant to Section 2622,*  
20 *or a seismic hazard zone, as determined pursuant to Section 2696,*  
21 *unless the applicable general plan or zoning ordinance contains*  
22 *provisions to mitigate the risk of an earthquake fault or seismic*  
23 *hazard zone.*

24 *(E) Landslide hazard, flood plain, flood way, or restriction zone,*  
25 *unless the applicable general plan or zoning ordinance contains*  
26 *provisions to mitigate the risk of a landslide or flood.*

27 *(7) The project site is not located on developed open space.*

28 *(A) For the purposes of this paragraph, “developed open space”*  
29 *means land that meets all of the following criteria:*

30 *(i) Is publicly owned, or financed in whole or in part by public*  
31 *funds.*

32 *(ii) Is generally open to, and available for use by, the public.*

33 *(iii) Is predominantly lacking in structural development other*  
34 *than structures associated with open spaces, including, but not*  
35 *limited to, playgrounds, swimming pools, ballfields, enclosed child*  
36 *play areas, and picnic facilities.*

37 *(B) For the purposes of this paragraph, “developed open space”*  
38 *includes land that has been designated for acquisition by a public*  
39 *agency for developed open space, but does not include lands*

1 *acquired with public funds dedicated to the acquisition of land for*  
2 *housing purposes.*

3 *(8) The buildings in the project will comply with all green*  
4 *building standards required by the local jurisdiction.*

5 *(b) The project meets all of the following land use criteria:*

6 *(1) The project is located on an infill site.*

7 *(2) The project is a residential project or a residential or mixed*  
8 *use project consisting of residential uses and primarily*  
9 *neighborhood-serving goods, services, or retail uses that do not*  
10 *exceed 25 percent of the total floor area of the project.*

11 *(3) The site of the project is not more than eight acres in total*  
12 *area.*

13 *(4) The project does not contain more than 200 residential units.*

14 *(5) The project density is at least equal to the applicable density*  
15 *level provided in subparagraph (B) of paragraph (3) of subdivision*  
16 *(c) of Section 65583.2 of the Government Code.*

17 *(6) The project does not result in any net loss in the number of*  
18 *affordable housing units within the project area.*

19 *(7) The project does not include any single level building that*  
20 *exceeds 75,000 square feet.*

21 *(8) The project is consistent with the general plan.*

22 *(9) Any applicable mitigation measures approved in the final*  
23 *environmental impact reports on the regional transportation plan*  
24 *or the local general plan amendment have been or will be*  
25 *incorporated into the project.*

26 *(10) The project is determined not to conflict with nearby*  
27 *operating industrial uses.*

28 *(c) The project meets at least one of the following four criteria:*

29 *(1) The project meets both of the following:*

30 *(A) At least 20 percent of the housing will be sold to families*  
31 *of moderate income, or not less than 10 percent of the housing*  
32 *will be rented to families of low income, or not less than 5 percent*  
33 *of the housing is rented to families of very low income.*

34 *(B) The project developer provides sufficient legal commitments*  
35 *to the appropriate local agency to ensure the continued availability*  
36 *and use of the housing units for very low, low-, and*  
37 *moderate-income households at monthly housing costs determined*  
38 *pursuant to paragraph (3) of subdivision (h) of Section 65589.5*  
39 *of the Government Code. Rental units shall be affordable for at*

1 *least 55 years. Ownership units shall be subject to resale*  
2 *restrictions or equity sharing requirements for at least 30 years.*

3 *(2) The project developer has paid or will pay in-lieu fees*  
4 *pursuant to a local ordinance in an amount sufficient to result in*  
5 *the development of an equivalent number of units that would*  
6 *otherwise be required pursuant to paragraph (1).*

7 *(3) The project is located within one-quarter mile of a major*  
8 *transit stop.*

9 *(4) The project provides public open space equal to or greater*  
10 *than five acres per 1,000 residents of the project.*

11 *21155.2. (a) A project that meets the following requirements*  
12 *shall be eligible for either the provisions of subdivision (b) or (c):*

13 *(1) Environmental impact reports have been certified on the*  
14 *regional transportation plan containing the sustainable*  
15 *communities strategy and on the applicable general plan*  
16 *provisions.*

17 *(2) Any applicable mitigation measures or performance*  
18 *standards or criteria set forth in the prior environmental impact*  
19 *reports, and adopted in findings, have been or will be incorporated*  
20 *into the project.*

21 *(3) The project density is at least 10 residential units per net*  
22 *acre.*

23 *(4) At least 75 percent of the total building square footage of*  
24 *the project consists of residential buildings.*

25 *(b) A project that satisfies the requirements of subdivision (a)*  
26 *may be reviewed through a sustainable communities environmental*  
27 *assessment as follows:*

28 *(1) An initial study shall be prepared to identify all significant*  
29 *or potentially significant project-specific impacts of the project.*  
30 *The initial study does not need to evaluate any significant*  
31 *cumulative or growth-inducing effects on the environment that*  
32 *were identified and discussed in the environmental impact reports*  
33 *certified for the regional transportation plan and the general plan.*

34 *(2) The sustainable communities environmental assessment*  
35 *shall contain measures that substantially lessen to a level of*  
36 *insignificance or avoid all project-specific impacts of the project.*

37 *(3) A draft of the sustainable communities environmental*  
38 *assessment shall be circulated for public comment for a period of*  
39 *not less than 30 days. Notice shall be provided in the same manner*

1 *as required for an environmental impact report pursuant to Section*  
2 *21092.*

3 *(4) Prior to acting on the sustainable communities*  
4 *environmental assessment, the lead agency shall consider all*  
5 *comments received.*

6 *(5) A sustainable communities environmental assessment may*  
7 *be approved by the lead agency after conducting a public hearing,*  
8 *reviewing the comments received, and finding that:*

9 *(A) All potentially significant or significant project-specific*  
10 *impacts have been identified and analyzed.*

11 *(B) With respect to each significant project-specific impact on*  
12 *the environment, either of the following apply:*

13 *(i) Changes or alterations have been required in or incorporated*  
14 *into the project that avoid or substantially lessen the significant*  
15 *effects to a level of insignificance.*

16 *(ii) Those changes or alterations are within the responsibility*  
17 *and jurisdiction of another public agency and have been, or can*  
18 *and should be, adopted by that other agency.*

19 *(6) The legislative body of the lead agency shall conduct the*  
20 *public hearing or a planning commission may conduct the public*  
21 *hearing if local ordinances allow a direct appeal of approval of*  
22 *a document prepared pursuant to this division to the legislative*  
23 *body subject to a fee not to exceed five hundred dollars (\$500).*

24 *(7) The lead agency's approval of a sustainable communities*  
25 *environmental assessment shall be reviewed under the substantial*  
26 *evidence standard.*

27 *(c) A project that satisfies the requirements of subdivision (a)*  
28 *may be reviewed by an environmental impact report that complies*  
29 *with all of the following:*

30 *(1) An initial study shall be prepared to identify all the*  
31 *project-specific impacts of the project that may have a significant*  
32 *effect on the environment based upon substantial evidence in light*  
33 *of the whole record. The initial study does not need to evaluate*  
34 *any significant cumulative or growth-inducing effects on the*  
35 *environment that were identified and discussed in the*  
36 *environmental impact reports certified for the regional*  
37 *transportation plan and the general plan.*

38 *(2) An environmental impact report prepared pursuant to this*  
39 *subdivision need only address the significant or potentially*  
40 *significant impacts on the environment identified pursuant to*



paragraph (1). It is not required to analyze off-site alternatives to the project. It shall otherwise comply with the requirements of this division.

21155.3. (a) The legislative body of a local jurisdiction may adopt traffic mitigation measures that would apply to future projects described in subdivision (b). These measures shall be adopted or amended after a public hearing and may include requirements for the installation of traffic control improvements, street or road improvements, and contributions to road improvement or transit funds, transit passes for future residents, or other measures that will avoid or substantially lessen the traffic impacts of those future projects.

(b) The traffic mitigation measures adopted pursuant to this section shall apply to projects where the residential density is at least 10 units per net acre and where at least 75 percent of the total building square footage of the project consists of residential buildings.

(c) (1) A project described in subdivision (b) that is seeking a discretionary approval is not required to comply with any additional mitigation measures required by paragraph (1) or (2) of subdivision (a) of Section 21081, for the traffic impacts of that project on intersections, streets, highways, freeways, or mass transit, if the local jurisdiction issuing that discretionary approval has adopted traffic mitigation measures in accordance with this section.

(2) Paragraph (1) does not restrict the authority of a local jurisdiction to adopt feasible mitigation measures with respect to the impacts of a project on public health or on pedestrian or bicycle safety.

(d) The legislative body shall review its traffic mitigation measures and update them as needed at least every five years.

~~SEC. 15.~~

SEC. 11. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

1		_____
2	CORRECTIONS:	
3	Digest—Pages 2 and 3.	
4		_____