

ASSEMBLY BILL

No. 1204

Introduced by Assembly Member Huber

February 27, 2009

An act to amend Section 21159.28 of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1204, as introduced, Huber. Environment: California Environmental Quality Act (CEQA): sustainable community strategy.

(1) The California Environmental Quality Act (CEQA) provides that a residential or mixed-use residential project that is consistent with the use designation, density, building intensity, and applicable policies for the project area in a sustainable community strategy or an alternative planning strategy and that, if implemented, achieves the greenhouse gas emission reduction targets and incorporates the mitigation measures required by an applicable prior environmental document is exempt from the requirement to reference, describe, or discuss growth inducing impacts or project specific or cumulative impacts from vehicles trips generated by the project on global warming or the regional transportation network in any findings or other determination for an exemption, a negative declaration, a mitigated negative declaration, a sustainable communities environmental assessment, an environmental impact report, or addenda prepared or adopted pursuant to CEQA.

This bill would delete the restriction of this exemption to residential or mixed-use residential projects. By requiring a lead agency to determine whether the above exemption applies to additional projects, the bill would increase the level of service provided by a local agency, thereby imposing a state-mandated local program.

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

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

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

State-mandated local program: yes.

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

1 SECTION 1. Section 21159.28 of the Public Resources Code
2 is amended to read:

3 21159.28. (a) If a ~~residential or mixed-use residential~~ project
4 is consistent with the use designation, density, building intensity,
5 and applicable policies specified for the project area in either a
6 sustainable communities strategy or an alternative planning
7 strategy, for which the State Air Resources Board pursuant to
8 subparagraph (I) of paragraph (2) of subdivision (b) of Section
9 65080 of the Government Code has accepted the metropolitan
10 planning organization’s determination that the sustainable
11 communities strategy or the alternative planning strategy would,
12 if implemented, achieve the greenhouse gas emission reduction
13 targets and if the project incorporates the mitigation measures
14 required by an applicable prior environmental document, then any
15 findings or other determinations for an exemption, a negative
16 declaration, a mitigated negative declaration, a sustainable
17 communities environmental assessment, an environmental impact
18 report, or addenda prepared or adopted for the project pursuant to
19 this division shall not be required to reference, describe, or discuss
20 (1) growth inducing impacts; or (2) any project specific or
21 cumulative impacts from cars and light-duty truck trips generated
22 by the project on global warming or the regional transportation
23 network.

24 (b) ~~Any~~ An environmental impact report prepared for a project
25 described in subdivision (a) shall not be required to reference,
26 describe, or discuss a reduced ~~residential~~ density alternative to
27 address the effects of car and light-duty truck trips generated by
28 the project.

29 (c) “Regional transportation network,” for purposes of this
30 section, means all existing and proposed transportation system

1 improvements, including the state transportation system, that were
2 included in the transportation and air quality conformity modeling,
3 including congestion modeling, for the final regional transportation
4 plan adopted by the metropolitan planning organization, but shall
5 not include local streets and roads. ~~Nothing in the foregoing~~
6 ~~relieves any~~ *this section does not relieve a* project from a
7 requirement to comply with any conditions, exactions, or fees for
8 the mitigation of the project's impacts on the structure, safety, or
9 operations of the regional transportation network or local streets
10 and roads.

11 ~~(d) A residential or mixed-use residential project is a project~~
12 ~~where at least 75 percent of the total building square footage of~~
13 ~~the project consists of residential use or a project that is a transit~~
14 ~~priority project as defined in Section 21155.~~

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of Section
20 17556 of the Government Code.