

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 779**

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**Introduced by Assembly Member Cristina Garcia**

February 25, 2015

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An act to amend ~~Section 65040.9 of the Government Code~~ *Section 21099 of the Public Resources Code*, relating to ~~land use~~ *environmental quality*.

LEGISLATIVE COUNSEL'S DIGEST

AB 779, as amended, Cristina Garcia. ~~Office of Planning and Research: advisory planning handbook~~ *Environmental quality: transit priority areas*.

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

*CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, proposed revisions to the guidelines for the implementation of CEQA to establish criteria for determining the significance of*

*transportation impacts of projects within transit priority areas that, among other things, promote the reduction of greenhouse gas emissions.*

*This bill would instead provide that the transportation impact related to greenhouse gas emissions of a project located within a transit priority area is not a significant impact on the environment.*

*(2) CEQA provides that aesthetic and parking impacts of certain projects on an infill site within a transit priority area are not considered to be significant impacts on the environment.*

*This bill would additionally provide that an automobile delay impact, as described solely by the level of service or a similar measure of vehicular capacity or traffic congestion, is not a significant impact on the environment for those projects.*

~~Existing law required the Office of Planning and Research, on or before January 1, 2004, if sufficient federal funds became available for that purpose, to prepare and publish an advisory planning handbook for use by local officials, planners, and builders that explains how to reduce land use conflicts between the effects of civilian development and military readiness activities carried out on military installations and areas, as specified.~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.  
State-mandated local program: no.

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

1     SECTION 1. Section 21099 of the Public Resources Code is  
2     amended to read:

3     21099. (a) For purposes of this section, the following terms  
4     mean the following:

5     (1) “Employment center project” means a project located on  
6     property zoned for commercial uses with a floor area ratio of no  
7     less than 0.75 and that is located within a transit priority area.

8     (2) “Floor area ratio” means the ratio of gross building area of  
9     the development, excluding structured parking areas, proposed for  
10    the project divided by the net lot area.

11    (3) “Gross building area” means the sum of all finished areas  
12    of all floors of a building included within the outside faces of its  
13    exterior walls.

14    (4) “Infill site” means a lot located within an urban area that  
15    has been previously developed, or on a vacant site where at least

1 75 percent of the perimeter of the site adjoins, or is separated only  
2 by an improved public right-of-way from, parcels that are  
3 developed with qualified urban uses.

4 (5) “Lot” means all parcels utilized by the project.

5 (6) “Net lot area” means the area of a lot, excluding publicly  
6 dedicated land and private streets that meet local standards, and  
7 other public use areas as determined by the local land use authority.

8 (7) “Transit priority area” means an area within one-half mile  
9 of a ~~major~~ transit stop that is existing or planned, if the planned  
10 stop is scheduled to be completed within the planning horizon  
11 included in a Transportation Improvement Program adopted  
12 pursuant to Section 450.216 or 450.322 of Title 23 of the Code of  
13 Federal Regulations.

14 ~~(b) (1) The Office of Planning and Research shall prepare,~~  
15 ~~develop, and transmit to the Secretary of the Natural Resources~~  
16 ~~Agency for certification and adoption proposed revisions to the~~  
17 ~~guidelines adopted pursuant to Section 21083 establishing criteria~~  
18 ~~for determining the significance of transportation impacts of~~  
19 ~~projects within transit priority areas. Those criteria shall promote~~  
20 ~~the reduction of greenhouse gas emissions, the development of~~  
21 ~~multimodal transportation networks, and a diversity of land uses.~~  
22 ~~In developing the criteria, the office shall recommend potential~~  
23 ~~metrics to measure transportation impacts that may include, but~~  
24 ~~are not limited to, vehicle miles traveled, vehicle miles traveled~~  
25 ~~per capita, automobile trip generation rates, or automobile trips~~  
26 ~~generated. The office may also establish criteria for models used~~  
27 ~~to analyze transportation impacts to ensure the models are accurate,~~  
28 ~~reliable, and consistent with the intent of this section.~~

29 ~~(2) Upon certification of the guidelines by the Secretary of the~~  
30 ~~Natural Resources Agency pursuant to this section, automobile~~  
31 ~~delay, as described solely by level of service or similar measures~~  
32 ~~of vehicular capacity or traffic congestion shall not be considered~~  
33 ~~a significant impact on the environment pursuant to this division,~~  
34 ~~except in locations specifically identified in the guidelines, if any.~~

35 ~~(b) (1) For a project located in a transit priority area, the~~  
36 ~~transportation impact related to greenhouse gas emissions shall~~  
37 ~~not be considered a significant impact on the environment.~~

38 ~~(3)~~

39 (2) This subdivision does not relieve a public agency of the  
40 requirement to analyze a project’s potentially significant

1 transportation impacts related to *other* air quality, noise, or safety,  
 2 or any other *nongreenhouse gas emissions related* impact  
 3 associated with transportation. ~~The methodology established by~~  
 4 ~~these guidelines shall not create a presumption that a project will~~  
 5 ~~not result in significant impacts related to air quality, noise, safety,~~  
 6 ~~or any other impact associated with transportation. Notwithstanding~~  
 7 ~~the foregoing, the adequacy of parking for a project shall not~~  
 8 ~~support a finding of significance pursuant to this section.~~

9 (4)

10 (3) This subdivision does not preclude the application of local  
 11 general plan policies, zoning codes, conditions of approval,  
 12 thresholds, or any other planning requirements pursuant to the  
 13 police power or any other authority.

14 (5) ~~On or before July 1, 2014, the Office of Planning and~~  
 15 ~~Research shall circulate a draft revision prepared pursuant to~~  
 16 ~~paragraph (1).~~

17 (c) ~~(1) Pursuant to Section 21083, the Office of Planning~~  
 18 ~~and Research may adopt prepare and the Secretary of the Natural~~  
 19 ~~Resources Agency may adopt revisions to the guidelines pursuant~~  
 20 ~~to Section 21083 establishing alternative metrics to the metrics~~  
 21 ~~used for traffic levels of service for transportation impacts outside~~  
 22 ~~transit priority areas. The alternative metrics may include the~~  
 23 ~~retention of traffic levels of service, where appropriate and as~~  
 24 ~~determined by the office.~~

25 (2) ~~This subdivision shall not affect the standard of review that~~  
 26 ~~would apply to the new guidelines adopted pursuant to this section.~~

27 (d) (1) ~~Aesthetic Automobile delay, as described solely by level~~  
 28 ~~of service or similar measure of vehicular capacity or traffic~~  
 29 ~~congestion, aesthetic, and parking impacts of a residential,~~  
 30 ~~mixed-use residential, or employment center project on an infill~~  
 31 ~~site within a transit priority area shall not be considered significant~~  
 32 ~~impacts on the environment.~~

33 (2) (A) This subdivision does not affect, change, or modify the  
 34 authority of a lead agency to consider aesthetic impacts pursuant  
 35 to local design review ordinances or other discretionary powers  
 36 provided by other laws or policies.

37 (B) For the purposes of this subdivision, aesthetic impacts do  
 38 not include impacts on historical or cultural resources.

1 (e) This section does not affect the authority of a public agency  
2 to establish or adopt thresholds of significance that are more  
3 protective of the environment.

4 SECTION 1. ~~Section 65040.9 of the Government Code is~~  
5 ~~amended to read:~~

6 ~~65040.9. (a) On or before January 1, 2004, the Office of~~  
7 ~~Planning and Research shall, if sufficient federal funds become~~  
8 ~~available for this purpose, prepare and publish an advisory planning~~  
9 ~~handbook for use by local officials, planners, and builders that~~  
10 ~~explains how to reduce land use conflicts between the effects of~~  
11 ~~civilian development and military readiness activities carried out~~  
12 ~~on military installations, military operating areas, military training~~  
13 ~~areas, military training routes, and military airspace, and any other~~  
14 ~~territory adjacent to those installations and areas.~~

15 ~~(b) At a minimum, the advisory planning handbook shall include~~  
16 ~~advice regarding all of the following items:~~

17 ~~(1) The collection and preparation of data and analysis.~~

18 ~~(2) The preparation and adoption of goals, policies, and~~  
19 ~~standards.~~

20 ~~(3) The adoption and monitoring of feasible implementation~~  
21 ~~measures.~~

22 ~~(4) Methods to resolve conflicts between civilian and military~~  
23 ~~land uses and activities.~~

24 ~~(5) Recommendations for cities and counties to provide drafts~~  
25 ~~of general plan and zoning changes that may directly impact~~  
26 ~~military facilities, and opportunities to consult with the military~~  
27 ~~base personnel prior to approving development adjacent to military~~  
28 ~~facilities.~~

29 ~~(c) In preparing the advisory planning handbook, the office shall~~  
30 ~~consult with persons and organizations with knowledge and~~  
31 ~~experience in land use issues affecting military installations and~~  
32 ~~activities.~~

33 ~~(d) The office may accept and expend any grants and gifts from~~  
34 ~~any source, public or private, for the purposes of this section.~~