

AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY APRIL 14, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 779

Introduced by Assembly Member Cristina Garcia

February 25, 2015

An act to amend Section 21099 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 779, as amended, Cristina Garcia. Environmental quality: transit priority areas.

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 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 provide that the revised guidelines shall not be effective before July 1, 2017. authorize the Office of Planning and Research to determine that transportation impacts for residential and mixed-use projects in transit priority areas do not meet the threshold of significance.~~

Vote: majority. Appropriation: no. Fiscal committee: 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
- 16 75 percent of the perimeter of the site adjoins, or is separated only
- 17 by an improved public right-of-way from, parcels that are
- 18 developed with qualified urban uses.
- 19 (5) "Lot" means all parcels utilized by the project.
- 20 (6) "Net lot area" means the area of a lot, excluding publicly
- 21 dedicated land and private streets that meet local standards, and
- 22 other public use areas as determined by the local land use authority.
- 23 (7) "Transit priority area" means an area within one-half mile
- 24 of a major transit stop that is existing or planned, if the planned
- 25 stop is scheduled to be completed within the planning horizon
- 26 included in a Transportation Improvement Program adopted
- 27 pursuant to Section 450.216 or 450.322 of Title 23 of the Code of
- 28 Federal Regulations.

1 (b) (1) The Office of Planning and Research shall prepare,
2 develop, and transmit to the Secretary of the Natural Resources
3 Agency for certification and adoption proposed revisions to the
4 guidelines adopted pursuant to Section 21083 establishing criteria
5 for determining the significance of transportation impacts of
6 projects within transit priority areas. Those criteria shall promote
7 the reduction of greenhouse gas emissions, the development of
8 multimodal transportation networks, and a diversity of land uses.
9 In developing the criteria, the office shall recommend potential
10 metrics to measure transportation impacts that may include, but
11 are not limited to, vehicle miles traveled, vehicle miles traveled
12 per capita, automobile trip generation rates, or automobile trips
13 generated. The office may also establish criteria for models used
14 to analyze transportation impacts to ensure the models are accurate,
15 reliable, and consistent with the intent of this section.

16 (2) *The Office of Planning and Research may determine that*
17 *transportation impacts, including as measured by vehicle miles*
18 *traveled, for residential and mixed-use projects in transit priority*
19 *areas do not meet the threshold of significance.*

20 (2)

21 (3) Upon certification of the guidelines by the Secretary of the
22 Natural Resources Agency pursuant to this section, automobile
23 delay, as described solely by level of service or similar measures
24 of vehicular capacity or traffic congestion shall not be considered
25 a significant impact on the environment pursuant to this division,
26 except in locations specifically identified in the guidelines, if any.

27 (3)

28 (4) This subdivision does not relieve a public agency of the
29 requirement to analyze a project's potentially significant
30 transportation impacts related to air quality, noise, safety, or any
31 other impact associated with transportation. The methodology
32 established by these guidelines shall not create a presumption that
33 a project will not result in significant impacts related to air quality,
34 noise, safety, or any other impact associated with transportation.
35 Notwithstanding the foregoing, the adequacy of parking for a
36 project shall not support a finding of significance pursuant to this
37 section.

38 (4)

39 (5) This subdivision does not preclude the application of local
40 general plan policies, zoning codes, conditions of approval,

1 thresholds, or any other planning requirements pursuant to the
2 police power or any other authority.

3 ~~(5) The revised guidelines adopted pursuant to paragraph (1)~~
4 ~~shall not be effective before July 1, 2017.~~

5 (c) (1) The Office of Planning and Research may adopt
6 guidelines pursuant to Section 21083 establishing alternative
7 metrics to the metrics used for traffic levels of service for
8 transportation impacts outside transit priority areas. The alternative
9 metrics may include the retention of traffic levels of service, where
10 appropriate and as determined by the office.

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

13 (d) (1) Aesthetic and parking impacts of a residential, mixed-use
14 residential, or employment center project on an infill site within
15 a transit priority area shall not be considered significant impacts
16 on the environment.

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

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

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