

AMENDED IN ASSEMBLY APRIL 14, 2015

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 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.

~~(1) The~~

*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. provide that the revised guidelines shall not be effective before July 1, 2017.~~

~~(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.~~

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.

1 (7) “Transit priority area” means an area within one-half mile  
2 of a major transit stop that is existing or planned, if the planned  
3 stop is scheduled to be completed within the planning horizon  
4 included in a Transportation Improvement Program adopted  
5 pursuant to Section 450.216 or 450.322 of Title 23 of the Code of  
6 Federal Regulations.

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

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

28 (3) 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) This subdivision does not preclude the application of local  
39 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) On or before July 1, 2014, the Office of Planning and~~  
4 ~~Research shall circulate a draft revision prepared pursuant to~~  
5 ~~paragraph (1).~~

6 *(5) The revised guidelines adopted pursuant to paragraph (1)*  
7 *shall not be effective before July 1, 2017.*

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

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

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

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

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

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

29 ~~SECTION 1. Section 21099 of the Public Resources Code is~~  
30 ~~amended to read:~~

31 ~~21099. (a) For purposes of this section, the following terms~~  
32 ~~mean the following:~~

33 ~~(1) "Employment center project" means a project located on~~  
34 ~~property zoned for commercial uses with a floor area ratio of no~~  
35 ~~less than 0.75 and that is located within a transit priority area.~~

36 ~~(2) "Floor area ratio" means the ratio of gross building area of~~  
37 ~~the development, excluding structured parking areas, proposed for~~  
38 ~~the project divided by the net lot area.~~

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

4     ~~(4) “Infill site” means a lot located within an urban area that~~  
5 ~~has been previously developed, or on a vacant site where at least~~  
6 ~~75 percent of the perimeter of the site adjoins, or is separated only~~  
7 ~~by an improved public right-of-way from, parcels that are~~  
8 ~~developed with qualified urban uses.~~

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

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

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

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

22    ~~(2) This subdivision does not relieve a public agency of the~~  
23 ~~requirement to analyze a project’s potentially significant~~  
24 ~~transportation impacts related to other air quality, noise, or safety,~~  
25 ~~or any other nongreenhouse gas emissions related impact associated~~  
26 ~~with transportation.~~

27    ~~(3) This subdivision does not preclude the application of local~~  
28 ~~general plan policies, zoning codes, conditions of approval,~~  
29 ~~thresholds, or any other planning requirements pursuant to the~~  
30 ~~police power or any other authority.~~

31    ~~(c) Pursuant to Section 21083, the Office of Planning and~~  
32 ~~Research may prepare and the Secretary of the Natural Resources~~  
33 ~~Agency may adopt revisions to the guidelines establishing~~  
34 ~~alternative metrics to the metrics used for traffic levels of service~~  
35 ~~for transportation impacts outside transit priority areas. The~~  
36 ~~alternative metrics may include the retention of traffic levels of~~  
37 ~~service, where appropriate and as determined by the office.~~

38    ~~(d) (1) Automobile delay, as described solely by level of service~~  
39 ~~or similar measure of vehicular capacity or traffic congestion,~~  
40 ~~aesthetic, and parking impacts of a residential, mixed-use~~

- 1 ~~residential, or employment center project on an infill site within~~  
2 ~~a transit priority area shall not be considered significant impacts~~  
3 ~~on the environment.~~  
4 ~~(2) (A) This subdivision does not affect, change, or modify the~~  
5 ~~authority of a lead agency to consider aesthetic impacts pursuant~~  
6 ~~to local design review ordinances or other discretionary powers~~  
7 ~~provided by other laws or policies.~~  
8 ~~(B) For the purposes of this subdivision, aesthetic impacts do~~  
9 ~~not include impacts on historical or cultural resources.~~  
10 ~~(c) This section does not affect the authority of a public agency~~  
11 ~~to establish or adopt thresholds of significance that are more~~  
12 ~~protective of the environment.~~