

CLIENT ALERT GOVERNOR SIGNS SB 743 LIMITED CEQA REFORM BILL

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Expectations for comprehensive CEQA reform ran high at the beginning of this year's legislative session in Sacramento. The political stars were supposedly aligned, and Governor Brown (who once said "I've never seen a CEQA exemption I didn't like") seemed anxious to make it happen. In the end, political challenges and resistance from labor and environmental groups proved too much to overcome. However, Sacramento did manage to produce a modest reform package aimed primarily at simplifying the CEQA process for certain infill development projects near transit. Here are some highlights:

- **Aesthetics and Parking Impacts:** Aesthetics and parking may not be considered significant impacts on the environment for infill residential, mixed-use or employment center projects near transit. Eliminating these two impacts is a welcome improvement, and perhaps the legislation's most significant accomplishment.
- **New Traffic Impact Criteria:** By July 1, 2014, the Governor's Office of Planning and Research ("OPR") must prepare significance criteria for determining traffic impacts for transit proximate, infill projects. The new criteria shall be designed to promote greenhouse gas reduction, development of multimodal transportation networks and land use diversity. In developing the new criteria, OPR may rely on metrics such as automobile trip generation rates and vehicle miles traveled. Once established, traffic congestion as measured solely by traditional levels of service ("LOS") may generally no longer be considered a significant impact for infill projects near transit. Only time will tell whether OPR's new criteria will be a help or a hindrance.
- **Expanded CEQA Exemption for Infill Projects:** Existing law currently exempts certain residential projects consistent with a Specific Plan for which an EIR has previously been certified. SB 743 expands the exemption to include some commercial development and mixed-use projects proximate to transit that are also consistent with an adopted Sustainable Communities Strategy. Although expanding the exemption to cover a broader class of projects is helpful, this provision provides a fairly modest benefit as compared with existing law.

For questions about SB 743, please contact Dave Rand at 310-209-8800.

About Our Law Firm

Armbruster Goldsmith & Delvac LLP is California's premier boutique land use law firm specializing in land use, administrative matters, municipal advocacy, and land use litigation (with an emphasis on the defense of CEQA lawsuits, Writs of Mandate, and Appeals).