

Overview of SB-743 (February 12, 2014)

BACKGROUND AND PURPOSE:

AB32 (Global Warming Act) - 2006: This bill establishes a mandatory reduction in GHG emissions by 2020 and 2040.

SB375 (Sustainable Communities Strategy) – 2008: This bill coordinates regional land use plans with regional transportation plans to purportedly reduce greenhouse gas emissions from cars and light trucks by 15% in 2035 per AB32.

Plan Bay Area – 2013: This is the Bay Area’s first Sustainable Communities Strategy, as mandated by SB375. The plan promotes concentrated growth in inner, urban areas of the San Francisco Bay Region through tools such as “Priority Development Areas” with the ostensible intent to reduce Greenhouse Gas emissions through new housing near transit.

SB743 (Congestion Management Law), signed by Governor Brown on 9/27/13, directs changes to CEQA Guidelines to allegedly further promote reduction in GHG emissions per AB32.

SB743 MEASURES THAT ARE MOST CONCERNING FOR MARIN:

**The following information was taken from a Summary of SB-743 prepared by the California State Senate Committee on Environmental Quality.

http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0701-0750/sb_743_cfa_20130912_205959_sen_comm.html

SB-743 is especially concerning to **TRANSIT PRIORITY AREAS (TPAs)**.

SB-743 defines a “Transit Priority Area” as an area within one-half mile of a major transit stop (i.e. rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes) that is either existing or planned, if the planned stop is scheduled to be completed within the planning horizon of a specified federal transportation plan.

For development in Transit Priority Areas, the following CEQA streamlining and exemptions could apply:

A FULL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION:

SB 743 PROVISION:

Expand an exemption from CEQA litigation for mixed residential/commercial projects located within Transit Priority Areas, where a full environmental impact review for a specific plan has already been completed, and where the project is consistent with the general use designation, density, building, intensity, and applicable policies specified for the project area in either a sustainable communities strategy or alternative planning strategy adopted pursuant to SB 375. Further environmental review is required only if the following events have occurred:

- Substantial changes are proposed in the project which will require major revisions of the EIR
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FOR TRAFFIC IMPACTS:

SB 743 PROVISION:

Amend the Congestion Management Act (Government Code Section 65088, et seq.) to expand the definition of "infill opportunity zone" to include areas within one-half mile of an existing or planned major transit stop (to be consistent with the definition of "transit priority area" in this bill), and authorizes a city or county to designate an infill opportunity zone (currently subject to a December 31, 2009, sunset and other limiting conditions), for the purpose of obtaining an exemption from the application of "level of service standards" (LOS, a threshold that defines a deficiency on the congestion management program highway and roadway system which requires the preparation of a deficiency plan). The effect of these provisions is to reinstate prior law allowing local governments to opt out of LOS requirements in infill areas.

A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FOR AESTHETIC AND PARKING IMPACTS:

SB 743 PROVISION:

Provide that aesthetic and parking impacts of residential, mixed-use, and employment center projects on infill sites shall not be considered significant impacts on the environment for purposes of CEQA, while also stating that the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers is not affected.