



California Natural Resources Agency  
Notice of Public Availability of Modifications to Text of Proposed Regulation  
October 22, 2012  
California Code of Regulations, title 14,  
Proposed Section 15183.3, Appendix M, Appendix N  
OAL Notice File No. Z-2012-0717-05

**NOTICE IS HEREBY GIVEN THAT:** Pursuant to Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44, the California Natural Resources Agency (Agency) is providing notice of modification to Proposed Section 15183.3 and Appendix M of Title 14 of the California Code of Regulations, set forth below, and attached to this notice with strikeout and underline. Such regulatory sections were the subject of a hearing on September 7, 2012 in Los Angeles and September 10, 2012 in Sacramento in the above-captioned rulemaking. Copies of the proposed changes can be found at <http://ceres.ca.gov/ceqa/> as well. The proposed changes are being made in response to public comments received during the initial public comment period.

- 1) Section 15183.3(c): Deletion of the phrase "could not be" in the second sentence. Addition of the phrase "was not" in its place. Add the phrase "in the prior EIR" at the end of the same sentence. This clarifies that the analysis in the prior EIR determines the extent of streamlining.
- 2) Section 15183.3(d)(1)(C): Deletion of the term "acknowledged" in the third sentence and replaced with the term "stated." Add the phrase "the significance of" before "the effect" in that same sentence. This clarifies that is the inability to determine the significance of effects due to lack of project-specific information may trigger the need for additional review.
- 3) Section 15183.3(f)(3): Add term "recently" in the second sentence before the term "have been." This clarifies that parcels which were recently converted for agricultural use are not eligible for streamlining, but that agricultural use at some point in a parcel's history will not automatically preclude it from eligibility. This clarification reserves for the lead agency some discretion to consider this issue in light of the entire record.
- 4) The definition of "Low vehicle travel area" in Appendix M has been modified and now states: "'Low vehicle travel area' means a traffic analysis zone that exhibits

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>



a below average existing level of travel as determined using a regional travel demand model. For residential projects, travel refers to either home-based or household vehicle miles traveled per capita. For commercial and retail projects, travel refers to non-work attraction trip length; however, where such data are not available, commercial projects reference either home-based or household vehicle miles traveled per capita. For office projects, travel refers to commute attraction vehicle miles traveled per employee; however, where such data are not available, office projects reference either home-based or household vehicle miles traveled per capita.” This change is necessary to clarify how to calculate trips so that an appropriate average value of regional vehicle miles traveled for the various travel categories can be referenced relative to the proposed project.

- 5) Appendix M, Section A, Residential Performance Standard has been modified as follows: “**Low-Income Housing.** A residential or mixed use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.” This change is necessary to provide a path for mixed use projects that include low income housing, thereby achieving both walkability, low vehicle miles traveled, and the leveraging of services and transportation options.
- 6) Appendix M, Section C, Office Building has been modified as follows: “**Proximity to a Major Transit Stop.** Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼, mile of an existing stop along a high quality transit corridor, are eligible.” This change recognizes that people are more likely to walk longer distances to access rail transit, and thus streamlining for projects ½, as opposed to ¼ mile from the train is appropriate. It also recognizes that a project within ¼ mile of an existing stop along high quality transit corridor would similarly promote reduced VMT due to available bus service as defined, and thus similarly should benefit from streamlining.
- 7) Additional evidence is also being added that justifies the distances of transit from office space. See,
  - a. Robert Cervero, “Office Development, Rail Transit, and Commuting Choices,” Journal of Public Transportation, Vol. 9, No. 5, 2006, available online at: <http://www.nctr.usf.edu/jpt/pdf/JPT%209-5%20Cervero.pdf>

- b. Lund, et. al, "Travel Characteristics of Transit-Oriented Development in California," Fall 2004, available online at [http://www.bart.gov/docs/planning/travel\\_of\\_tod.pdf](http://www.bart.gov/docs/planning/travel_of_tod.pdf)
- c. Ewing, R., *Pedestrian- and Transit-Friendly Design: A Primer for Smart Growth*. EPA Smart Growth Network (2000), available online at: [http://www.epa.gov/dced/pdf/ptfd\\_primer.pdf](http://www.epa.gov/dced/pdf/ptfd_primer.pdf)

If you have any comments regarding the proposed changes described above, the Agency will accept written comments between **October 22, 2012 and November 8, 2012**. The comments must pertain to the modifications identified in this notice, be submitted no later than 5:00 p.m. on November 8, 2012, and be addressed to either [CEQA.Guidelineupdate@ceres.ca.gov](mailto:CEQA.Guidelineupdate@ceres.ca.gov) or,

Heather C. Baugh  
California Natural Resources Agency  
1416 9<sup>th</sup> Street, Suite 1311  
Sacramento, CA 95814

All comments received by **5:00 p.m. on November 8, 2012** which pertain to the changes set forth herein will be reviewed and responded to by the Agency as part of the compilation of the rulemaking file.

Any person who has questions or comments about this notice or the underlying rulemaking may contact Heather Baugh at (916) 653-5656.