



April 24, 2015

Honorable Chair Williams and Assembly Members  
Natural Resources Committee  
State Capitol, Room 447  
Sacramento, CA 95418

Re: AB 779 (Garcia) Environmental Quality: Transit Priority Areas -- Oppose

Dear Chair Williams and Assembly Members:

I am writing on behalf of the Council of Infill Builders, a statewide organization of developers and other real estate professionals committed to improving California through infill development. We write to oppose AB 779, which seeks to roll back or delay one of the most significant pro-infill reforms that the Legislature has passed in recent years.

As we discussed in an op-ed published in the San Francisco Chronicle (“Driving Miles’ is Best Measure of New Development,” November 19, 2014), the California Environmental Quality Act (CEQA) unduly penalizes urban-oriented infill projects over outlying, auto-centric projects when it comes to evaluating impacts on traffic — an analysis that too often provides project opponents with leverage to defeat projects or scale back their environmentally friendly elements. As a result, we strongly supported SB 743 (Steinberg, 2013) and its requirement that “level of service” traffic studies be replaced with a metric like vehicle miles traveled.

The Governor’s Office of Planning and Research (OPR) has complied with SB 743, both in the spirit and letter of the law, with its proposed guidelines that create a new vehicle miles traveled (VMT) analysis standard, eventually for all projects statewide. Crucially, the proposed guidelines relieve most infill development projects in transit-oriented neighborhoods from having to undertake *any transportation analysis* under CEQA. And should a VMT study be required, local governments are given strong deference to minimize legal challenges. Furthermore, VMT analyses are far less time-consuming than the traditional “level of service” (LOS) traffic study and are performed regularly by local governments via efforts like climate action plans.

Sponsors of AB 779 claim that the VMT analysis will unduly burden infill projects by subjecting them to two analyses: the new VMT analysis under CEQA and any local LOS-based traffic studies required outside of CEQA. This fear is misplaced for two reasons. First, as discussed, most infill projects will not be subject to any transportation analysis whatsoever under CEQA and will not need to undertake a VMT study. Second, local government traffic studies do not entail the same litigation risk as traffic studies under CEQA and therefore are not as burdensome to project developers. Furthermore, the SB 743 process will encourage local governments to transition away from LOS traffic studies entirely in favor of a VMT analysis. This trend that is already happening among local governments across the state but will be accelerated and made easier by the state leading away through this vital reform to CEQA.

The members of the Council of Infill Builders are committed to building a better California through well-planned, beautiful, and convenient infill projects. We were gratified that the state recognized the undue burdens placed on infill through CEQA's transportation analysis process and sought to instead reward them through a much more sensible VMT metric. Any effort to delay or rollback this badly needed reform will only serve to benefit the status quo, with its inherent bias in favor of business-as-usual development patterns that have greatly harmed California's environment, economy and quality of life. California should move forward to encourage infill options for its residents. AB 779 will serve only to halt that progress.

We respectfully ask you to vote against this bill and stand strongly in opposition to it.

Sincerely,

A handwritten signature in black ink, appearing to read "Curt Johansen", with a long horizontal flourish extending to the right.

Curt Johansen  
Chairman, Council of Infill Builders