

March 5, 2026

VIA EMAIL

Mr. Patrick Prescott, Community Development Director  
City of Burbank, Community Development Department  
150 North Third Street, P.O. Box 6459  
Burbank, California 91510-6459

RE: Senate Bill 79 Subsequent Environmental Review for the Metro North Hollywood to Pasadena Bus Rapid Transit Corridor Project; Denial of Request

Dear Mr. Prescott:

The North Hollywood to Pasadena BRT Corridor was identified by the Los Angeles County Metropolitan Transportation Authority (Metro) in the 2013 Countywide Bus Rapid Transit and Street Design Improvement Study as one of the region's most heavily traveled transit corridors without a premium bus service. In November 2016, LA County voters agreed to tax themselves and fund \$267 million for BRT along this very corridor through the passage of Measure M; Metro and local jurisdictions have a commitment to deliver on this voter-approved project. By March 2017, Metro developed initial BRT concepts for the North Hollywood to Pasadena Bus Rapid Transit Corridor Project (Project). Following additional study and extensive stakeholder outreach, a refined Project was carried into environmental review, and in April 2022, the Metro Board approved the Project and certified the Final EIR.

When completed, the 19-mile-long BRT will provide a premium transit service connecting the San Fernando and San Gabriel Valleys and several major destinations along the corridor. Featuring dedicated bus lanes, transit signal priority, all-door boarding, and 22 enhanced stations, the project will greatly improve transit travel times and reliability, offering a sustainable, rail-like experience for thousands of daily riders. With the implementation of bus lanes on Olive Ave and Glenoaks Blvd, the BRT is anticipated to be 20-25% faster than if it operated in mixed flow traffic and up to 40% faster than existing local bus service, carrying approximately 35,000 daily riders, equivalent to two-times the capacity of the Hollywood Bowl.

Your January 30, 2026, letter asserts that Metro must recirculate the EIR for the Project in light of Senate Bill 79's passage. Metro, respectfully, disagrees with your analysis and declines to conduct further environmental review for the Project as requested.

Your letter suggests that SB 79 requires Metro to reopen the environmental review process for the Project, presumably referring to CEQA's provisions in Public Resources Code section 21166 and CEQA Guidelines section 15162. Those provisions do not apply here where no further discretionary approvals are required for the Project. As outlined below, the adoption of statewide legislation that could potentially result in development or redevelopment of parcels near Project stops does not require Metro to re-open an environmental review concluded nearly four years ago.

1. Metro's previous approval is not the triggering event for SB 79 "upzoning."

Neither Metro's approval of the Project nearly four years ago nor Metro's further development of the Project is the event that triggers SB 79's upzoning requirements. Rather, the Project stations already qualified as "transit-oriented development stops" under SB 79's statutory definition when the bill was signed into law in October 2025. Metro's approval of the Project was not the triggering event that created transit-oriented development stops under SB 79.

Government Code section 65912.156(p) defines "transit-oriented development stop" to include approved major transit stops served by bus service. Critically, the definition extends beyond existing, operational transit stops to include forward-looking planned transit: "stops on a route for which a preferred alternative has been selected or which are identified in a regional transportation improvement program." (Gov. Code § 65912.156(p).) The Project already satisfied both of these criteria when SB 79 was enacted in October of 2025, as Metro approved the locally preferred alternative prior to approving the Project in April of 2022 and the Project was identified in the 2016 and 2020 Regional Transportation Plan/Sustainable Communities Strategies.

Thus, when Governor Newsom signed SB 79 into law on October 10, 2025, the statute's definition of "transit-oriented development stop" immediately applied to the Project's stations based on these pre-existing facts. Metro's prior certification of the Final EIR and approval of the Project for construction and implementation did not create the "transit-oriented development stop" designation and did not trigger SB 79's upzoning requirements.

In short, the upzoning is a consequence of the Legislature's housing policy decision, not a consequence of Metro's transportation infrastructure decision, and therefore, the Project is not the triggering event.

2. Development pursuant to SB 79 is not a reasonably foreseeable consequence of the Project.

Moreover, future development that may occur pursuant to SB 79 is not a reasonably foreseeable consequence of the Project. Under CEQA, an agency must analyze future actions only if they are both (1) a reasonably foreseeable consequence of the initial project and (2) likely to change the scope or nature of the initial project or its environmental effects. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) Development under SB 79 fails this test.

First, any development that might occur as a result of SB 79 is not reasonably foreseeable. SB 79 does not propose any specific projects, set construction deadlines, or require development to occur. Whether housing is ultimately built near any particular station will depend on future market conditions, decisions by property owners, financing, local objective standards, infrastructure capacity, and, where applicable, subsequent project level approvals or ministerial processing by the City. These conditions are particularly unpredictable at any particular site in the SB 79 context where such large swaths of similarly situated land are simultaneously upzoned across several jurisdictions. CEQA does not require an EIR to hypothesize about how, when, or whether these independent factors may converge. The nature, extent, location, timing, and environmental impacts of such development are too

speculative for evaluation. (See, e.g., *The Committee for Tiburon LLC v. Town of Tiburon* (Feb. 2, 2026, A171983) \_\_\_ Cal.5th \_\_\_ CEQA review is ‘not triggered where there is not yet an identifiable impact as until that point, the review process [cannot] be meaningful’.” (Id. at pp. 19-20.)

Second, development under SB 79 is not a consequence of the Project. The statute applies equally to existing transit stops (including three Metrolink stations in Burbank), planned stops on other transit lines, and stops identified in regional transportation plans throughout the state. Any housing enabled by SB 79 is caused by a legislative act of general applicability, not from Metro’s decision to approve the Project.

Finally, the potential that parcels near the Project’s stops might be developed at higher densities in the future does not change the scope of the Project. The Project, as noted, was approved nearly four years ago, and the City is currently reviewing 100% plans. Simply put, future higher density development is not a reasonably foreseeable consequence of the Project.

### 3. Requiring analysis of exempt ministerial projects would invert CEQA.

Finally, CEQA does not require preemptive analysis of ministerial housing projects. SB 79 housing projects that qualify for ministerial streamlining are, by definition, not subject to discretionary CEQA review. Requiring the EIR to analyze hypothetical future ministerial projects would invert CEQA’s structure by forcing speculation about projects that, if proposed, would not undergo environmental review themselves.

The Legislature exempts ministerial projects from CEQA review based on a policy determination that projects meeting objective development standards do not require individualized environmental analysis. The ministerial exemption reflects a legislative judgment that when development complies with predetermined, objective criteria, the environmental consequences are adequately addressed through the standards themselves rather than through project-by-project review. If the Legislature determined that compliant SB 79 projects need not undergo environmental review when actually proposed and approved, it defies logic to require Metro to speculate about their environmental impacts years in advance when the projects are purely hypothetical.

This would mean more environmental review occurs for projects that never materialize than for projects that are actually built. Metro would expend resources analyzing speculative development scenarios, while the agencies with jurisdiction over actual development and actual knowledge of project details would conduct no environmental review at all. This outcome contradicts CEQA’s purpose of providing useful information to decision-makers about projects they are approving.

The ministerial nature of many SB 79 projects also reinforces that such developments have independent utility from the Project. Projects qualify for ministerial approval when they meet objective standards and serve important state housing policy objectives. Their approval is not contingent on Metro’s transit project, does not require Metro’s participation, and proceed based on developers’ independent business decisions and state housing policy, not based on Metro’s transit infrastructure decisions.

For these reasons, Metro respectfully declines to recirculate the EIR for the Project in response to the passage of SB 79. In alignment with the Master Cooperative Agreement (MCA) signed between Metro and the City of Burbank, we remain committed to working with the city to deliver this voter-approved, high-quality, bus rapid transit service between North Hollywood and Pasadena.

Sincerely,

*Ray Sosa*

Ray Sosa  
Chief Planning Officer

cc: Stephanie Wiggins, Metro, CEO  
Tim Lindholm, Chief Program Management Officer  
Mr. Justin Hess, City Manager  
Mr. Joseph McDougall, City Attorney  
Burbank City Council