
Legislative Highlights

August 27, 2018

AB 1804 (Berman): CEQA Exemption for Infill Housing in Unincorporated Areas

Status: Senate Floor*

Summary: Provides a statutory exemption from the California Environmental Quality Act (CEQA) for residential and mixed-use housing infill projects occurring within an unincorporated area of a county that meet specified criteria.

Support: Alameda County, American Planning Association, California Chamber of Commerce, California Council for Affordable Housing, California Housing Consortium, California State Association of Counties, City and County of San Francisco, Contra Costa County, Facebook, League of California Cities, Los Angeles County, Orange County, Rural County Representatives of California, Sacramento County, San Bernardino County, San Mateo County, Santa Clara County, Tulare County, Urban Counties of California *(partial list based on Senate Floor analysis)*

Opposition: Planning and Conservation League *(based on Senate Floor analysis)*

*Status as of August 23, 2018

AB 2447 (Reyes): CEQA Notice and Meeting Requirements for Industrial Projects

Status: Senate Floor*

Summary: Expands CEQA notice requirements for certain industrial zoned related projects and requires the lead agency to hold at least one scoping meeting for those projects. Subject projects are located in, or within a one-half mile, of a disadvantaged community. Specifically exempts residential or mixed-use residential land use and public projects for the conveyance of safe and reliable energy or drinking water to a disadvantaged community. Requires a lead agency to give notice to the owners and occupants of property within one-half mile of these types of projects and to all schools located within one mile of the project. Requires notices be provided in English and all defined threshold languages.

Support: California Environmental Justice Alliance (co-sponsor), Leadership Counsel for Justice and Accountability (co-sponsor), ACLU California, American Lung Association, California Bicycle Coalition, California League of Conservation Voters, Fair Housing of Northern California, Natural Resources Defense Council, Planning and Conservation League, Sierra Club, the California Democratic Party, the Greenlining Institute, Western Center on Law and Poverty (*partial list based on Senate Floor analysis*)

Opposition: Agricultural Council of California, Association of California Egg Farmers, California Association of Winegrape Growers, California Cattlemen's Association, California Farm Bureau, California Fresh Fruit Association, Western Agricultural Processors, Western Growers, Wine Institute (*partial list based on Senate Floor analysis*)

CEQA Legislation Similar to Existing Law

AB 2341 (Mathis): CEQA Exemption for Aesthetic Impacts

Status: Governor's Desk

Summary: Eliminates consideration of aesthetic effects under CEQA for specified projects involving the refurbishment or replacement of dilapidated or vacant buildings. Applies only to sites immediately adjacent to developed parcels and for projects that include the construction of housing. CEQA Guidelines currently include categorical exemptions for renovation, reconstruction, and replacement of existing buildings, provided the project doesn't involve a significant expansion of existing uses. OPR has proposed amendments to make it more practical to use this exemption.

Support: American Planning Association, California Chapter, California Apartment Association, California Building Industry Association, California Chamber of Commerce, Southwest California Legislative Council *(based on Senate Floor analysis)*

Opposition: Sierra Club California *(based on Senate Floor analysis)*

AB 2782 (Friedman): Analysis of Project Benefits and Impacts of Project Denials

Status: Governor's Desk

Summary: Authorizes a lead agency in describing and evaluating a project in a CEQA environmental review document to consider specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project and the negative impacts of denying the project. The legislative committee analyses for the bill note that the CEQA Guidelines already contain similar language and the considerations are likely already captured by the statement of overriding considerations and evaluation of the no project alternative.

Support: California Association of Realtors, California Building Industry Association, California Business Properties Association, California Chamber of Commerce *(based on Senate Floor analysis)*

Opposition: None received *(based on Senate Floor analysis)*

AB 1901 (Oberholte): Roadway Project CEQA Exemption

Status: Failed legislative deadline - never received a hearing in the Senate Environmental Quality Committee

Summary: Extends the current January 1, 2020 sunset date an additional three years for a CEQA exemption for projects that repair, maintain, and make minor alterations to existing roadways. Only applies to projects carried out by a city or county with a population of less than 100,000 to improve public safety. Also only applies to projects that do not cross a waterway and involve negligible or no expansion of existing vehicular use beyond that existing at the time of the lead agency's determination. Does not apply to state roadways or projects in which the project site contains wetlands or riparian areas, has a significant value as a wildlife habitat, or could harm protected species or plants.

Support: AAA, Northern and Southern California, Nevada and Utah, American Council of Engineering Companies, Associated Builders and Contractors, Automobile Club of Southern California, California Chamber of Commerce, California State Association of Counties, California Transportation Commission, Rural County Representatives of California, Southern California Association of Governments *(based on most recent policy committee analysis)*

Opposition: Sierra Club *(based on most recent policy committee analysis)*

Judicial Process for Housing Related Projects

AB 2279 (Fong): Judicial Review

Status: Failed legislative deadline - never received a hearing in the Assembly Natural Resources Committee

Summary: Prohibits a court from stopping the development of a housing project during an active CEQA lawsuit.

Support/Opposition: Unknown

AB 2856 (Melendez): Judicial Review

Status: Vote failed in the Assembly Natural Resources Committee

Summary: Prohibits a court from stopping the development of a housing project during an active CEQA lawsuit.

Support: Associated Builders and Contractors of Northern California, California Apartment Association, California Association of Realtors, California Chamber of Commerce, California Community Builders, Southwest California Legislative Council (*based on most recent policy committee analysis*)

Opposition: California League of Conservation Voters, Judicial Council of California, Planning and Conservation League, Sierra Club California (*based on most recent policy committee analysis*)

SB 1340 (Glazer): Judicial Review

Status: Vote failed in the Senate Judiciary Committee

Summary: Requires the Judicial Council to adopt a rule to require courts to fully adjudicate CEQA actions and proceedings in connection with any housing projects within 270 days of certifying the record of proceedings, to the extent feasible. Also prohibits a court from stopping the development of a housing project during an active CEQA lawsuit.

Support: California Apartment Association, California Association of Realtors, California Building Industry Association, California Chamber of Commerce, California Housing Alliance, Habitat for Humanity (*partial list based on most recent policy committee analysis*)

Opposition: California League of Conservation Voters, Judicial Council, Sierra Club California (*based on most recent policy committee analysis*)

AB 3020 (Flora): Wildfire and Disaster CEQA Exemptions

Status: Failed legislative deadline - never received a hearing in the Assembly Natural Resources Committee

Summary: Creates a CEQA exemption for actions necessary to reduce the threat or intensity of a wildfire. Also modifies the current CEQA exemption for projects in response to a disaster by applying it to projects that maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a fire, flood, or other disaster in a disaster-stricken area. Current law limits it to areas in which the Governor proclaims a state of emergency.

Support: California Association of Realtors, Rural County Representative of California *(based on most recent policy committee analysis)*

Opposition: California League of Conservation Voters, Center for Biological Diversity, Sierra Club California *(based on most recent policy committee analysis)*

AB 3030 (Caballero): CEQA Exemption in Opportunity Zones

Status: Failed legislative deadline - held on Senate Appropriations Committee Suspense File

Summary: Provides a CEQA exemption for housing projects financed by a qualified opportunity fund. Requires at least 50 percent of the project be affordable housing and at least two-thirds of the development's square footage be designated residential. Includes numerous other requirements, including prevailing wage and skilled and trained workforce requirements.

Support: California Apartment Association, California Association of Realtors, California Business Properties, Association California Chambers of Commerce, City of Salinas *(based on most recent policy committee analysis)*

Opposition: Sierra Club *(based on most recent policy committee analysis)*