

ASSEMBLY BILL

No. 1404

Introduced by Assembly Member Berman

February 17, 2017

An act to add Section 21084.4 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1404, as introduced, Berman. California Environmental Quality Act: categorical exemption: infill development.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from CEQA (categorical exemption). Existing guidelines for the implementation of CEQA exempts from the requirements of CEQA infill development meeting certain requirements,

including the requirement that the proposed development occurs within city limits.

This bill would expand the above-categorical exemption to include proposed developments occurring within the unincorporated areas of a county. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21084.4 is added to the Public Resources
- 2 Code, to read:
- 3 21084.4. The exemption specified in Section 15332 of Title
- 4 14 of the California Code of Regulations shall also apply to a
- 5 proposed development project occurring on unincorporated areas
- 6 of a county on a project site of no more than five acres substantially
- 7 surrounded by urban uses if all other conditions of that section are
- 8 satisfied.
- 9 SEC. 2. No reimbursement is required by this act pursuant to
- 10 Section 6 of Article XIII B of the California Constitution because
- 11 a local agency or school district has the authority to levy service
- 12 charges, fees, or assessments sufficient to pay for the program or
- 13 level of service mandated by this act, within the meaning of Section
- 14 17556 of the Government Code.

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