

ASSEMBLY BILL

No. 1882

Introduced by Assembly Member Canciamilla

February 4, 2002

An act to add Section 21080.29 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as introduced, Canciamilla. Environmental quality: in-fill development.

(1) 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. Existing law also requires the Office of Planning and Research to prepare, and the Secretary of the Resources Agency to certify and adopt, guidelines for the implementation of the act by public agencies. Existing law also 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 are exempt from the act. Existing regulations include a listing of "Class 32" projects that are exempt from CEQA, consisting of any in-fill development that is consistent with the applicable general plan designation, that occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses, that is planned on a project site that has no value as habitat for endangered, rare, or threatened species, that would not result in any significant effects relating to traffic, noise, air quality,

or water quality, and that is planned on a site than can be adequately served by all required utilities and public services.

This bill would codify the provisions of those regulations, and would expand the exemption to include in fill projects in unincorporated areas. By imposing additional duties on lead agencies, this bill would impose a state-mandated local program.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 21080.29 is added to the Public
2 Resources Code, to read:

3 21080.29. Notwithstanding any other provision of law, this
4 division does not apply to any project that meets all of the
5 following conditions:

6 (a) The project is consistent with the applicable general plan
7 designation and all applicable general plan policies as well as with
8 applicable zoning designation and regulations.

9 (b) The project occurs on a project site of no more than five
10 acres substantially surrounded by existing development.

11 (c) The project site has no current value as habitat for
12 endangered, rare, or threatened species.

13 (d) Approval of the project would not result in any significant
14 effects relating to traffic, noise, air quality, or water quality.

15 (e) The site can be adequately served by all required utilities
16 and public services.

17 SEC. 2. Notwithstanding Section 17610 of the Government
18 Code, if the Commission on State Mandates determines that this



1 act contains costs mandated by the state, reimbursement to local
2 agencies and school districts for those costs shall be made pursuant
3 to Part 7 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the claim for
5 reimbursement does not exceed one million dollars (\$1,000,000),
6 reimbursement shall be made from the State Mandates Claims
7 Fund.

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