

AMENDED IN SENATE JULY 2, 2008
AMENDED IN ASSEMBLY JANUARY 7, 2008
AMENDED IN ASSEMBLY APRIL 9, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1017

Introduced by Assembly Member Ma

February 22, 2007

An act to amend Section 21151 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as amended, Ma. California Environmental Quality Act: appeal to local lead agency's elected decisionmaking body.

(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 (EIR) 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 provides that if a nonelected decisionmaking body of a local lead agency certifies an EIR, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject

to CEQA, that certification, approval, or determination may be appealed to the agency’s elected decisionmaking body, if any.

This bill would require that appeal to be ~~brought~~ filed within 30 days of the ~~certification, approval of the project, or determination,~~ unless ~~that~~ the period for filing the appeals is extended to a maximum of 60 days by the elected decisionmaking body, in which case ~~the~~ an appeal would be required to be ~~brought~~ filed within that extended period. *The bill would also extend the deadline for filing specified actions or proceedings until the elected decisionmaking body acts on the appeal. The bill would provide that a notice of an approval or a determination to carry out a project subject to CEQA, or a notice of a determination that a project is not subject to CEQA, would be invalid if the approval of the project is appealed. The bill, following final action by the elected decisionmaking body on the appeal, would require the local lead agency to file a notice of an approval or determination to carry out the project and would authorize the local lead agency to file a notice of a determination that the project is not subject to CEQA. By increasing the duties of a local government to ~~determine whether to extend an appeal period~~ with respect to these provisions, the 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.

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 21151 of the Public Resources Code is
- 2 amended to read:
- 3 21151. (a) All local agencies shall prepare, or cause to be
- 4 prepared by contract, and certify the completion of, an
- 5 environmental impact report on a project that they intend to carry
- 6 out or approve that may have a significant effect on the
- 7 environment. When a report is required by Section 65402 of the
- 8 Government Code, the environmental impact report may be
- 9 submitted as a part of that report.

1 (b) For purposes of this section, a significant effect on the
2 environment shall be limited to substantial, or potentially
3 substantial, adverse changes in physical conditions that exist within
4 the area as defined in Section 21060.5.

5 (c) (1) If a nonelected decisionmaking body of a local lead
6 agency certifies an environmental impact report, approves a
7 negative declaration or mitigated negative declaration, or
8 determines that a project is not subject to this division, that
9 certification, approval, or determination may be appealed to the
10 agency's elected decisionmaking body, if any. ~~An appeal brought
11 pursuant to this subdivision shall be brought within 30 days of the
12 certification, approval, or determination, unless that period is
13 extended to a maximum of 60 days by the elected decisionmaking
14 body, in which case the appeal shall be brought within the extended
15 period determined by the elected decisionmaking body.~~

16 (2) (A) *An appeal filed pursuant to paragraph (1) shall be filed
17 within 30 days of the approval of the project, unless the period for
18 filing appeals is extended pursuant to subparagraph (B), in which
19 case any appeal shall be filed within that extended period.*

20 (B) *The elected decisionmaking body may extend the period for
21 filing appeals pursuant to paragraph (1) to a maximum of 60 days
22 after the date of the approval of a project.*

23 (3) *A deadline for filing an action or proceeding, pursuant to
24 Section 21167, to attack, review, set aside, void, or annul an act
25 or decision of the local lead agency, for which an appeal has been
26 filed pursuant to paragraph (1), shall be extended until the elected
27 decisionmaking body acts on the appeal filed pursuant to that
28 paragraph.*

29 (4) (A) *A notice of an approval or determination filed pursuant
30 to subdivision (a) or (b) of Section 21152 is invalid if the approval
31 or determination of the nonelected decisionmaking body has been
32 appealed pursuant to paragraph (1).*

33 (B) *Following final action by the elected decisionmaking body
34 on an appeal filed pursuant to paragraph (1), the local lead agency
35 shall file a notice of an approval or determination pursuant to
36 subdivision (a) of Section 21152, or may file a notice of an
37 approval or determination pursuant to subdivision (b) of Section
38 21152, if applicable.*

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

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