

**Introduced by Senator Harman**February 21, 2007

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An act to add Article 7 (commencing with Section 21159.50) to Chapter 4.5 of Division 13 of the Public Resources Code, relating to environmental quality.

## LEGISLATIVE COUNSEL'S DIGEST

SB 427, as introduced, Harman. California Environmental Quality Act: short form environmental impact reports.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, 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.

This bill would authorize a lead agency to prepare a short form environmental impact report for a project subject to CEQA if the project meets specified criteria, including that the project is a qualified urban use, is within the an area designated in a qualified programmatic plan for the type of proposed development, is consistent with the land use designation for the area and applicable standards of population density and building intensity, provides housing or employment near specified areas, and incorporates specified mitigation measures. The bill would require that a short form environmental impact report include specified

information, and comply with specified procedural requirements of CEQA for an environmental impact report.

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

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

1 SECTION 1. Article 7 (commencing with Section 21159.50)  
2 is added to Chapter 4.5 of Division 13 of the Public Resources  
3 Code, to read:

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5 Article 7. Short Form Environmental Impact Reports for  
6 Development Consistent with Existing Plans  
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8 21159.50. (a) The Legislature intends that this chapter be  
9 interpreted in a manner that improves and focuses the evaluation  
10 and approval of projects that help to provide housing and other  
11 development in appropriate areas already designated in applicable  
12 plans for that development. Approval of those projects helps to  
13 promote infill development near employment and business centers  
14 and regional transportation corridors, so that residents can live  
15 closer to jobs and businesses, and the cumulative and  
16 growth-inducing impacts of new development can be reduced.

17 (b) The Legislature intends that this article should not be  
18 construed in a manner that imposes substantive or procedural  
19 requirements that impair the ability of local agencies to expedite  
20 the evaluation of projects subject to this article.

21 (c) The Legislature intends that the short form environmental  
22 impact report authorized by this article is an additional method of  
23 improving and focusing the evaluation of development projects,  
24 in addition to other available methods set forth in this division.

25 21159.51. (a) A lead agency may prepare a short form  
26 environmental impact report pursuant to this article, if it has  
27 determined pursuant to this division that an environmental impact  
28 report is required to be prepared, and if the project meets all of the  
29 following criteria:

30 (1) The project is a qualified urban use, as defined in Section  
31 21072.

32 (2) The project is located within an area designated in a qualified  
33 programmatic plan for the type of development that is proposed.

1 (3) The project is consistent with both of the following:

2 (A) The land use designation for that area, as specified in the  
3 approved local general plan, as that designation existed on the date  
4 that the lead agency determines that the application for the project  
5 is complete.

6 (B) The applicable standards of population density and building  
7 intensity in the land use element of the approved local general  
8 plan, as those standards existed on the date that the lead agency  
9 determines that the application for the project is complete.

10 (4) The project provides housing near employment and business  
11 centers or transportation corridors, or employment near  
12 transportation corridors or existing business centers, as compared  
13 to other available locations, for the type of development that is  
14 proposed. When the lead agency certifies the short form  
15 environmental impact report, the agency shall adopt a finding to  
16 this effect.

17 (5) The project incorporates mitigation measures that are aimed  
18 at cumulative impacts and are consistent with the relevant  
19 mitigation policies or potential mitigation measures specified in  
20 the qualified programmatic plan relied upon for purposes of  
21 paragraph (2).

22 (b) For purposes of this section, “qualified programmatic plan”  
23 means one or more of the following: a general plan, area plan,  
24 community plan, specific plan, redevelopment plan, transportation  
25 plan, or local coastal plan, or an amendment to any of those plans,  
26 if the plan has been duly approved within the 10 years preceding  
27 the filing of the completed application for the project, and if the  
28 environmental document or environmental documents prepared  
29 for the plan individually or collectively, included consideration of  
30 growth-inducing impacts, cumulative impacts, and either alternative  
31 sites or alternative configurations for development.

32 21159.52. (a) A short form environmental impact report shall  
33 include, and be limited to, the following analyses:

34 (1) A statement briefly indicating the reasons for determining  
35 that various effects on the environment of a project are not  
36 significant and consequently have not been discussed in detail in  
37 the short form environmental impact report. This statement shall  
38 be based upon substantial evidence in the whole of the  
39 administrative record.

1 (2) A separate section that identifies and focuses on the  
2 significant effects on the environment of the proposed project. The  
3 evaluation of significant environmental effects in this section shall  
4 be limited to a discussion of project-specific effects, as defined in  
5 Section 21065.3.

6 (b) A discussion or analysis of alternatives, growth-inducing  
7 impacts, and cumulative impacts shall not be required in a short  
8 form environmental impact report.

9 21159.53. A lead agency preparing or approving a short form  
10 environmental impact report shall comply with the procedural  
11 requirements of this division for an environmental impact report,  
12 including the requirement for public notice, except that the lead  
13 agency and a responsible agency shall not be required to adopt  
14 findings under Section 21081 regarding potential alternatives to  
15 the project, growth-inducing impacts, and cumulative impacts.

16 21159.54. (a) A short form environmental impact report may  
17 be used for a project subject to Section 21083.3, subject to  
18 compliance with Section 21083.3 and this article.

19 (b) For a project that meets the criteria set forth in Section  
20 21159.51, a short form environmental impact report may be used  
21 to satisfy the requirements of any of the following statutes or  
22 regulations:

23 (1) Subdivision (d) of Section 21080 and regulations adopted  
24 pursuant thereto.

25 (2) Section 21094 and regulations adopted pursuant thereto.

26 (3) Section 21166 and regulations adopted pursuant thereto.

27 (4) Article 2 (commencing with Section 21157).

28 (5) Article 3 (commencing with Section 21158).

29 (6) Section 15167 of Title 14 of the California Code of  
30 Regulations.

31 (7) Section 15168 of Title 14 of the California Code of  
32 Regulations.

33 21159.55. A lead agency's certification of a short form  
34 environmental impact report and any other lead agency or  
35 responsible agency determinations based upon a short form  
36 environmental impact report shall be subject to judicial review  
37 pursuant to Sections 21168 and 21168.5. The "fair argument"  
38 standard of judicial review shall not be applied to review of an

- 1 agency's decision to certify a short form environmental impact
- 2 report.

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