

AMENDED IN SENATE MAY 2, 2012

SENATE BILL

No. 973

Introduced by Senator Vargas
(Coauthor: Assembly Member Garrick)

January 19, 2012

An act to add Section 65040.13 to the Government Code, and to add Section ~~21080.34~~ 21084.2 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 973, as amended, Vargas. Environmental quality: California Environmental Quality Act: exemption: limited duration events.

(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 ~~exempts certain specified projects from its requirements~~ *requires the Office of Planning and Research to prepare and the Secretary of the Natural Resources Agency to certify and adopt guidelines for the implementation of CEQA and requires the guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and exempts those classes of projects from the requirements of CEQA (categorical exemption).*

~~This bill would exempt from CEQA the approval of a park use or special events permit for a limited duration event, as defined, for specified purposes that is located on public property, within a public right of way, or within a defined event venue authorize a lead agency to grant, on an annual basis, one categorical exemption per specified site for a fireworks display held annually on a public site or large venue. Because a lead agency would be required to determine whether a project falls within this exemption prohibited from granting more than one specified categorical exemption per site for a fireworks display, this bill would impose increase the level of services provided by a local agency and thereby impose a state-mandated local program. The bill would authorize the office to identify potential environmental issues related to fireworks displays and to develop guidelines to assist local agencies regarding fireworks displays.~~

(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 65040.13 is added to the Government
- 2 Code, to read:
- 3 65040.13. The office may evaluate issues related to events that
- 4 include fireworks displays and identify potential environmental
- 5 issues relating to fireworks displays, including air and water
- 6 quality, debris, display duration and timing, fire hazards, and
- 7 wildlife. Based on this evaluation, the office may develop guidelines
- 8 to assist local agencies in both of the following:
- 9 (a) Addressing and mitigating impacts at an event that includes
- 10 fireworks displays.
- 11 (b) Developing ordinances for events that include fireworks
- 12 displays.
- 13 SEC. 2. Section 21084.2 is added to the Public Resources Code,
- 14 to read:
- 15 21084.2. (a) A lead agency may grant to a firework display
- 16 that is held annually on a public site or at a large venue, as defined

1 *in subdivision (c) of Section 42648, an exemption from this division*
2 *pursuant to Section 15304(e) of Title 14 of the California Code of*
3 *Regulations.*

4 *(b) The lead agency shall not grant more than one exemption*
5 *annually pursuant to subdivision (a) for a specific public site or*
6 *large venue.*

7 *(c) This section shall not affect the resolution of an action or*
8 *proceeding filed before January 1, 2013, alleging a public agency*
9 *is undertaking, or has granted approval for, a fireworks display*
10 *in violation of this division.*

11 ~~SECTION 1. Section 21080.34 is added to the Public Resources~~
12 ~~Code, to read:~~

13 ~~21080.34. (a) This division does not apply to the approval of~~
14 ~~a park use or special events permit for a limited duration event for~~
15 ~~civic, charitable, community development, or recreational purposes~~
16 ~~that is located on public property, within a public right of way, or~~
17 ~~within a defined event venue.~~

18 ~~(b) (1) For the purposes of this section, "limited duration event"~~
19 ~~means either of the following:~~

20 ~~(A) A recreational tournament, sporting event, youth tournament,~~
21 ~~racing or walking event, fireworks display, holiday celebration,~~
22 ~~concert, military appreciation event, block party, wedding, job~~
23 ~~fair, festival and parade, street fair, beach and neighborhood~~
24 ~~cleanup, farmers' market, and art market.~~

25 ~~(B) Other event of similar purpose lasting 48 hours or less.~~

26 ~~(2) Limited duration event does not include an event requiring~~
27 ~~earth movement, or erection or demolition of permanent structures.~~

28 ~~(3) Limited duration event may, but is not required to, use public~~
29 ~~agency services.~~

30 ~~SEC. 2.~~

31 *SEC. 3. No reimbursement is required by this act pursuant to*
32 *Section 6 of Article XIII B of the California Constitution because*
33 *a local agency or school district has the authority to levy service*
34 *charges, fees, or assessments sufficient to pay for the program or*
35 *level of service mandated by this act, within the meaning of Section*
36 *17556 of the Government Code.*