

AMENDED IN SENATE MAY 7, 2013
AMENDED IN SENATE APRIL 23, 2013

SENATE BILL

No. 731

Introduced by ~~Senator~~ *Senators Steinberg and Hill*

February 22, 2013

An act to amend, repeal, and add Section 705 of the Fish and Game Code, to amend Section 65457 of the Government Code, ~~to amend Section 44273 of the Health and Safety Code~~, and to amend Sections 21080, 21081.5, 21081.6, 21167, 21167.6, ~~21167.7~~, and 21168.9 of, to add Sections 21167.6.2 and 21167.6.3 to, and to add Chapter 2.7 (commencing with Section 21099) to Division 13 of, the Public Resources Code, relating to the ~~environment~~. *environment, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Steinberg. Environment: California Environmental Quality Act and sustainable communities strategy.

(1) The California Environmental Quality Act, or CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, or 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 requires the Office of Planning and Research to develop and prepare, and the Secretary of the Natural Resources Agency

to certify and adopt, guidelines for the implementation of CEQA by public agencies. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. CEQA establishes time periods within which a person is required to bring a judicial action or proceeding to challenge a public agency's action taken pursuant to CEQA.

This bill would provide that aesthetic impacts of a residential, mixed-use residential, or employment center project, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the office to prepare and propose, and the Secretary of the Natural Resources Agency to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise, and for the transportation and parking impacts of residential, mixed-use residential, or employment center projects within transit priority areas. The bill would require the lead agency, in making specified findings, to make those findings available to the public at least 15 days prior to the approval of the proposed project and to provide specified notice of the availability of the findings for public review. Because the bill would require the lead agency to make the draft finding available for public review and to provide specified notices to the public, this bill would impose a state-mandated local program. The bill would require the lead agency, at the request of a project applicant for specified projects, to, among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. Because the bill would require a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. The bill would authorize the tolling of the time period in which a person is required to bring a judicial action or proceeding challenging a public agency's action taken pursuant to CEQA through a tolling agreement that does not exceed 4 years. The bill would authorize the extension of the tolling agreement.

(2) For mitigation measures required pursuant to an EIR or a mitigated negative declaration, CEQA requires the lead agency to adopt a reporting and monitoring program to ensure compliance with those required mitigation measures during project implementation.

This bill would require the lead agency, as a part of the mitigation and monitoring plan, to prepare or cause to be prepared an annual report

on project compliance with the required mitigation measures that is publicly available online. Because the lead agency would be required to prepare and make available this report, this bill would impose a state-mandated local program.

(3) Existing law exempts from the requirements of CEQA residential development projects that are undertaken to implement, and are consistent with a specific plan for which an EIR has been certified after January 1, 1980. Existing law provides that this exemption does not apply if, after the certification of the EIR, a specified event occurs, unless a supplemental EIR for the specified plan is prepared and certified.

This bill would specify that the event does not include new information consisting solely of argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are caused by, physical impacts on the environment.

(4) CEQA requires the court, if the court finds that a public agency has violated the requirements of CEQA, to issue an order containing specified mandates.

This bill would require the court to issue a peremptory writ of mandate specifying actions that a public agency needs to take to comply with the requirements of CEQA. The bill would require the writ to specify the time by which the public agency is to file an initial return to a writ containing specified information. Because a public agency would be required to file an initial return to a writ, this bill would impose a state-mandated local program.

(5) CEQA requires every person bringing an action or proceeding alleging a violation of CEQA to furnish to the Attorney General a copy of the pleading within 10 days after filing and a copy of any amended or supplemental pleading.

This bill would require the Attorney General to annually submit to the Legislature a report containing specified information on CEQA litigation in the state.

~~(5)~~

(6) Existing law requires the regional transportation plan for regions of the state with a metropolitan planning organization to each adopt a sustainable communities strategy, as part of their regional transportation plan, as specified, designed to achieve certain goals for the reduction of greenhouse gas emissions from automobiles and light trucks in a region. Existing law establishes the Strategic Growth Council to manage

and award grants and loans to support the planning and development of sustainable communities strategies. ~~Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Fund that is administered by the State Energy Resources Conservation and Development Commission. Existing law requires that moneys in the fund, upon appropriation by the Legislature, be expended by the commission to implement the Alternative and Renewable Fuel and Vehicle Technology Program to assist in the transition from the exclusive use of petroleum fuel to a diverse portfolio of viable alternative fuels that meet petroleum reduction and alternative fuel use goals and minimizing adverse environmental impacts.~~

This bill would authorize, upon appropriation by the Legislature, the use of \$30,000,000 annually ~~from the Alternative and Renewable Fuel and Vehicle Technology Fund~~ by the council for the purposes of providing competitive grants to local agencies for planning activities for the implementation of the sustainable communities strategy.

(6)

(7) This bill would, until January 1, 2017, establish in the office of the Governor the position of Advisor on Renewable Energy Facilities.

(7)

(8) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. (a) It is the intent of the Legislature to enact
2 legislation to adopt provisions of Chapter 3 (commencing with
3 Section 15000) of Division 6 of Title 14 of the California Code of
4 Regulations (CEQA Guidelines) that are intended to provide greater
5 certainty for smart infill development, such as Section 15183.3 of
6 the CEQA Guidelines and related appendices that implement

1 Chapter 469 of the Statutes of 2011. It is further the intent of the
2 Legislature to explore amendments to expand the definition of
3 “infill” and to accommodate infill development in the Central
4 Valley.

5 (b) It is the intent of the Legislature to explore amendments to
6 the California Environmental Quality Act (Division 13
7 (commencing with Section 21000) of the Public Resources Code),
8 to further streamline the law for renewable energy projects,
9 advanced manufacturing projects, transit, bike, and pedestrian
10 projects, and renewable energy transmission projects.

11 (c) (1) It is the intent of the Legislature to update CEQA to
12 establish a threshold of significance for noise, aesthetics, parking,
13 and traffic levels of service, and thresholds relating to these land
14 use impacts, so that project meeting those thresholds are not subject
15 to further environmental review for those environmental impacts.
16 It is further the intent of the Legislature to review other similar
17 land use related impacts to determine if other thresholds of
18 significance can be set.

19 (2) It is not the intent of the Legislature to affect authority,
20 consistent with CEQA, for a local agency to impose its own, more
21 stringent thresholds.

22 (3) It is not the intent of the Legislature to replace full CEQA
23 analysis with state or local standards, with the exception of the
24 land use standards described in paragraph (1).

25 (d) It is the intent of the Legislature to amend Section 65456,
26 which exempts from CEQA projects undertaken pursuant to a
27 specific plan for which an EIR has been prepared, unless conditions
28 specified under Section 21166 of the Public Resources Code have
29 occurred, to define with greater specificity what “new information”
30 means, and to avoid duplicative CEQA review for projects and
31 activities that comply with that plan. It is further the intent of the
32 Legislature to review the possibility of defining other types of
33 plans to determine if similar treatment could be applied to those
34 plans or portions of those plans that are consistent with sustainable
35 communities strategies adopted pursuant to Section 65080 of the
36 Government Code or that have had a certified EIR within the past
37 five years.

38 (e) It is the intent of the Legislature to enact amendments to
39 Section 21168.9 to establish clearer procedures for a trial court to
40 remand to a lead agency for remedying only those portions of an

1 EIR, negative declaration, or mitigated negative declaration found
2 to be in violation of CEQA, while retaining those portions that are
3 not in violation so that the violations can be corrected, recirculated
4 for public comment, and completed more efficiently and
5 expeditiously. It is further the intent of the Legislature to explore
6 options under which a court could allow project approvals to
7 remain in place, and for projects to proceed.

8 (f) It is the intent of the Legislature to amend Section 21091 of
9 the Public Resources Code and related provisions of law to
10 establish clear statutory rules under which “late hits” and
11 “document dumps” are prohibited or restricted prior to certification
12 of an EIR, if a project proponent or lead agency has not
13 substantively changed the draft EIR or substantively modified the
14 project.

15 (g) It is the intent of the Legislature to provide \$30 million
16 annually to the Strategic Growth Council for the purposes of
17 providing planning incentive grants to local and regional agencies
18 to update and implement general plans, sustainable communities
19 strategies, and smart growth plans pursuant to Chapter 728 of the
20 Statutes of 2008.

21 SEC. 2. This act shall be known, and may be cited, as the
22 CEQA Modernization Act of 2013.

23 SEC. 3. Section 705 of the Fish and Game Code is amended
24 to read:

25 705. (a) For purposes of this section, “eligible renewable
26 energy resources” has the same meaning as in the California
27 Renewables Portfolio Standard Program (Article 16 (commencing
28 with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the
29 Public Utilities Code).

30 (b) The department shall establish an internal division with the
31 primary purpose of performing comprehensive planning and
32 environmental compliance services with priority given to projects
33 involving the building of eligible renewable energy resources.

34 (c) The internal division shall ensure the timely completion of
35 plans pursuant to the Natural Community Conservation Planning
36 Act (Chapter 10 (commencing with Section 2800) of Division 3).

37 (d) The position of Advisor on Renewable Energy Facilities is
38 hereby established in the office of the Governor.

1 (e) This section shall remain in effect only until January 1, 2017,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2017, deletes or extends that date.

4 SEC. 4. Section 705 is added to the Fish and Game Code, to
5 read:

6 705. (a) For purposes of this section, “eligible renewable
7 energy resources” has the same meaning as in the California
8 Renewables Portfolio Standard Program (Article 16 (commencing
9 with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the
10 Public Utilities Code).

11 (b) The department shall establish an internal division with the
12 primary purpose of performing comprehensive planning and
13 environmental compliance services with priority given to projects
14 involving the building of eligible renewable energy resources.

15 (c) The internal division shall ensure the timely completion of
16 plans pursuant to the Natural Community Conservation Planning
17 Act (Chapter 10 (commencing with Section 2800) of Division 3).

18 (d) This section shall become operative on January 1, 2017.

19 SEC. 5. Section 65457 of the Government Code is amended
20 to read:

21 65457. (a) A residential development project, including any
22 subdivision, or any zoning change that is undertaken to implement,
23 and is consistent with, a specific plan for which an environmental
24 impact report has been certified after January 1, 1980, is exempt
25 from the requirements of Division 13 (commencing with Section
26 21000) of the Public Resources Code. However, if after adoption
27 of the specific plan, an event as specified in Section 21166 of the
28 Public Resources Code occurs, the exemption provided by this
29 subdivision does not apply unless and until a supplemental
30 environmental impact report for the specific plan is prepared and
31 certified in accordance with the provisions of Division 13
32 (commencing with Section 21000) of the Public Resources Code.
33 After a supplemental environmental impact report is certified, the
34 exemption specified in this subdivision applies to projects
35 undertaken pursuant to the specific plan.

36 (b) An action or proceeding alleging that a public agency has
37 approved a project pursuant to a specific plan without having
38 previously certified a supplemental environmental impact report
39 for the specific plan, where required by subdivision (a), shall be

1 commenced within 30 days of the public agency's decision to carry
2 out or approve the project.

3 (c) For the purposes of this section, "an event as specified in
4 Section 21166 of the Public Resources Code" does not include
5 any new information consisting solely of argument, speculation,
6 unsubstantiated opinion or narrative, evidence that is clearly
7 inaccurate or erroneous, or evidence of social or economic impacts
8 that do not contribute to, or are caused by, physical impacts on the
9 environment.

10 ~~SEC. 6. Section 44273 of the Health and Safety Code is~~
11 ~~amended to read:~~

12 ~~44273. (a) The Alternative and Renewable Fuel and Vehicle~~
13 ~~Technology Fund is hereby created in the State Treasury, to be~~
14 ~~administered by the commission. The moneys in the fund, upon~~
15 ~~appropriation by the Legislature, shall be expended by the~~
16 ~~commission to implement the Alternative and Renewable Fuel and~~
17 ~~Vehicle Technology Program in accordance with this chapter.~~

18 ~~(b) Notwithstanding any other law, the sum of ten million dollars~~
19 ~~(\$10,000,000) shall be transferred annually from the Public Interest~~
20 ~~Research, Development, and Demonstration Fund created by~~
21 ~~Section 384 of the Public Utilities Code to the Alternative and~~
22 ~~Renewable Fuel and Vehicle Technology Fund. Prior to the award~~
23 ~~of any funds from this source, the commission shall make a~~
24 ~~determination that the proposed project will provide benefits to~~
25 ~~electric or natural gas ratepayers based upon the commission's~~
26 ~~adopted criteria.~~

27 ~~(c) Beginning with the integrated energy policy report adopted~~
28 ~~in 2011, and in the subsequent reports adopted thereafter, pursuant~~
29 ~~to Section 25302 of the Public Resources Code, the commission~~
30 ~~shall include an evaluation of research, development, and~~
31 ~~deployment efforts funded by this chapter. The evaluation shall~~
32 ~~include all of the following:~~

33 ~~(1) A list of projects funded by the Alternative and Renewable~~
34 ~~Fuel and Vehicle Technology Fund.~~

35 ~~(2) The expected benefits of the projects in terms of air quality,~~
36 ~~petroleum use reduction, greenhouse gas emissions reduction,~~
37 ~~technology advancement, and progress towards achieving these~~
38 ~~benefits.~~

39 ~~(3) The overall contribution of the funded projects toward~~
40 ~~promoting a transition to a diverse portfolio of clean, alternative~~

1 ~~transportation fuels and reduced petroleum dependency in~~
2 ~~California.~~

3 ~~(4) Key obstacles and challenges to meeting these goals~~
4 ~~identified through funded projects.~~

5 ~~(5) Recommendations for future actions.~~

6 ~~(d) Notwithstanding any other law, the sum of thirty million~~
7 ~~dollars (\$30,000,000) may be appropriated by the Legislature in~~
8 ~~the annual Budget Act to the Strategic Growth Council to provide~~
9 ~~competitive grants to local agencies for planning activities pursuant~~
10 ~~to Chapter 4.2 (commencing with Section 21155) of Division 13~~
11 ~~of the Public Resources Code.~~

12 ~~SEC. 7.~~

13 *SEC. 6.* Section 21080 of the Public Resources Code is
14 amended to read:

15 21080. (a) Except as otherwise provided in this division, this
16 division shall apply to discretionary projects proposed to be carried
17 out or approved by public agencies, including, but not limited to,
18 the enactment and amendment of zoning ordinances, the issuance
19 of zoning variances, the issuance of conditional use permits, and
20 the approval of tentative subdivision maps unless the project is
21 exempt from this division.

22 (b) This division does not apply to any of the following
23 activities:

24 (1) Ministerial projects proposed to be carried out or approved
25 by public agencies.

26 (2) Emergency repairs to public service facilities necessary to
27 maintain service.

28 (3) Projects undertaken, carried out, or approved by a public
29 agency to maintain, repair, restore, demolish, or replace property
30 or facilities damaged or destroyed as a result of a disaster in a
31 disaster-stricken area in which a state of emergency has been
32 proclaimed by the Governor pursuant to Chapter 7 (commencing
33 with Section 8550) of Division 1 of Title 2 of the Government
34 Code.

35 (4) Specific actions necessary to prevent or mitigate an
36 emergency.

37 (5) Projects which a public agency rejects or disapproves.

38 (6) Actions undertaken by a public agency relating to any
39 thermal powerplant site or facility, including the expenditure,
40 obligation, or encumbrance of funds by a public agency for

1 planning, engineering, or design purposes, or for the conditional
2 sale or purchase of equipment, fuel, water (except groundwater),
3 steam, or power for a thermal powerplant, if the powerplant site
4 and related facility will be the subject of an environmental impact
5 report, negative declaration, or other document, prepared pursuant
6 to a regulatory program certified pursuant to Section 21080.5,
7 which will be prepared by the State Energy Resources Conservation
8 and Development Commission, by the Public Utilities Commission,
9 or by the city or county in which the powerplant and related facility
10 would be located if the environmental impact report, negative
11 declaration, or document includes the environmental impact, if
12 any, of the action described in this paragraph.

13 (7) Activities or approvals necessary to the bidding for, hosting
14 or staging of, and funding or carrying out of, an Olympic games
15 under the authority of the International Olympic Committee, except
16 for the construction of facilities necessary for the Olympic games.

17 (8) The establishment, modification, structuring, restructuring,
18 or approval of rates, tolls, fares, or other charges by public agencies
19 which the public agency finds are for the purpose of (A) meeting
20 operating expenses, including employee wage rates and fringe
21 benefits, (B) purchasing or leasing supplies, equipment, or
22 materials, (C) meeting financial reserve needs and requirements,
23 (D) obtaining funds for capital projects necessary to maintain
24 service within existing service areas, or (E) obtaining funds
25 necessary to maintain those intracity transfers as are authorized
26 by city charter. The public agency shall incorporate written findings
27 in the record of any proceeding in which an exemption under this
28 paragraph is claimed setting forth with specificity the basis for the
29 claim of exemption.

30 (9) All classes of projects designated pursuant to Section 21084.

31 (10) A project for the institution or increase of passenger or
32 commuter services on rail or highway rights-of-way already in
33 use, including modernization of existing stations and parking
34 facilities.

35 (11) A project for the institution or increase of passenger or
36 commuter service on high-occupancy vehicle lanes already in use,
37 including the modernization of existing stations and parking
38 facilities.

1 (12) Facility extensions not to exceed four miles in length which
2 are required for the transfer of passengers from or to exclusive
3 public mass transit guideway or busway public transit services.

4 (13) A project for the development of a regional transportation
5 improvement program, the state transportation improvement
6 program, or a congestion management program prepared pursuant
7 to Section 65089 of the Government Code.

8 (14) Any project or portion thereof located in another state
9 which will be subject to environmental impact review pursuant to
10 the National Environmental Policy Act of 1969 (42 U.S.C. Sec.
11 4321 et seq.) or similar state laws of that state. Any emissions or
12 discharges that would have a significant effect on the environment
13 in this state are subject to this division.

14 (15) Projects undertaken by a local agency to implement a rule
15 or regulation imposed by a state agency, board, or commission
16 under a certified regulatory program pursuant to Section 21080.5.
17 Any site-specific effect of the project which was not analyzed as
18 a significant effect on the environment in the plan or other written
19 documentation required by Section 21080.5 is subject to this
20 division.

21 (c) If a lead agency determines that a proposed project, not
22 otherwise exempt from this division, would not have a significant
23 effect on the environment, the lead agency shall adopt a negative
24 declaration to that effect. The negative declaration shall be prepared
25 for the proposed project in either of the following circumstances:

26 (1) There is no substantial evidence, in light of the whole record
27 before the lead agency, that the project may have a significant
28 effect on the environment.

29 (2) An initial study identifies potentially significant effects on
30 the environment, but (A) revisions in the project plans or proposals
31 made by, or agreed to by, the applicant before the proposed
32 negative declaration and initial study are released for public review
33 would avoid the effects or mitigate the effects to a point where
34 clearly no significant effect on the environment would occur, and
35 (B) there is no substantial evidence, in light of the whole record
36 before the lead agency, that the project, as revised, may have a
37 significant effect on the environment.

38 (d) If there is substantial evidence, in light of the whole record
39 before the lead agency, that the project may have a significant

1 effect on the environment, an environmental impact report shall
2 be prepared.

3 (e) (1) For the purposes of this section and this division,
4 substantial evidence includes fact, a reasonable assumption
5 predicated upon fact, or expert opinion supported by fact.

6 (2) Substantial evidence is not argument, speculation,
7 unsubstantiated opinion or narrative, evidence that is clearly
8 inaccurate or erroneous, or evidence of social or economic impacts
9 that do not contribute to, or are not caused by, physical impacts
10 on the environment.

11 (f) As a result of the public review process for a mitigated
12 negative declaration, including administrative decisions and public
13 hearings, the lead agency may conclude that certain mitigation
14 measures identified pursuant to paragraph (2) of subdivision (c)
15 are infeasible or otherwise undesirable. In those circumstances,
16 the lead agency, prior to approving the project, may delete those
17 mitigation measures and substitute for them other mitigation
18 measures that the lead agency finds, after holding a public hearing
19 on the matter, are equivalent or more effective in mitigating
20 significant effects on the environment to a less than significant
21 level and that do not cause any potentially significant effect on the
22 environment. If those new mitigation measures are made conditions
23 of project approval or are otherwise made part of the project
24 approval, the deletion of the former measures and the substitution
25 of the new mitigation measures shall not constitute an action or
26 circumstance requiring recirculation of the mitigated negative
27 declaration.

28 (g) This section does not preclude a project applicant or any
29 other person from challenging, in an administrative or judicial
30 proceeding, the legality of a condition of project approval imposed
31 by the lead agency. If, however, any condition of project approval
32 set aside by either an administrative body or court was necessary
33 to avoid or lessen the likelihood of the occurrence of a significant
34 effect on the environment, the lead agency's approval of the
35 negative declaration and project shall be invalid and a new
36 environmental review process shall be conducted before the project
37 can be reapproved, unless the lead agency substitutes a new
38 condition that the lead agency finds, after holding a public hearing
39 on the matter, is equivalent to, or more effective in, lessening or

1 avoiding significant effects on the environment and that does not
2 cause any potentially significant effect on the environment.

3 (h) A project applicant for a renewable energy project may
4 present to the public agency, orally or in writing, the benefits onsite
5 or offsite of the project, including, but not limited to, measures
6 that will mitigate greenhouse gas emissions resulting from the
7 project or measures that will significantly reduce traffic, improve
8 air quality or replace higher emitting energy sources, and other
9 significant environmental or public health impacts.

10 ~~SEC. 8.~~

11 *SEC. 7.* Section 21081.5 of the Public Resources Code is
12 amended to read:

13 21081.5. (a) In making the findings required by paragraph (3)
14 of subdivision (a) of, and subdivision (b) of, Section 21081, the
15 public agency shall base its findings on substantial evidence in the
16 record. Those findings shall be made available in draft form for
17 review by the members of the public for at least 15 days prior to
18 approval of the proposed project.

19 (b) To make the draft findings available to the members of the
20 public for the purposes of subdivision (a), the lead agency shall
21 provide a notice of availability of the findings for review either at
22 the lead agency's office during normal business hours and online
23 through all of the following mechanisms:

24 (1) Publication in a newspaper of general circulation in the area
25 affected by the proposed project. If more than one area will be
26 affected, the notice shall be published in the newspaper with the
27 largest circulation from among the newspapers of general
28 circulation in those areas.

29 (2) By electronic mail, if available, and mail to the last known
30 name and address of all individuals and organizations that have
31 submitted timely comments on the draft environmental impact
32 report.

33 (3) By electronic mail, if available, and mail to responsible and
34 trustee agencies that have submitted timely comments on the draft
35 environmental impact report.

36 (4) By electronic mail, if available, and mail to the project
37 applicant, if different from the lead agency, and the applicant's
38 duly authorized agent.

1 (5) By electronic mail, if available, and mail to a person who
2 has filed a written request for notice with the clerk of the governing
3 body, if there is no governing body, the director of the agency.

4 ~~SEC. 9.~~

5 *SEC. 8.* Section 21081.6 of the Public Resources Code is
6 amended to read:

7 21081.6. (a) When making the findings required by paragraph
8 (1) of subdivision (a) of Section 21081 or when adopting a
9 mitigated negative declaration pursuant to paragraph (2) of
10 subdivision (c) of Section 21080, the following requirements shall
11 apply:

12 (1) The public agency shall adopt a reporting or monitoring
13 program for the changes made to the project or conditions of
14 project approval, adopted in order to mitigate or avoid significant
15 effects on the environment. The reporting or monitoring program
16 shall be designed to ensure compliance during project
17 implementation. For those changes which have been required or
18 incorporated into the project at the request of a responsible agency
19 or a public agency having jurisdiction by law over natural resources
20 affected by the project, that agency shall, if so requested by the
21 lead agency or a responsible agency, prepare and submit a proposed
22 reporting or monitoring program.

23 (2) The lead agency shall specify the location and custodian of
24 the documents or other material which constitute the record of
25 proceedings upon which its decision is based.

26 (b) A public agency shall provide that measures to mitigate or
27 avoid significant effects on the environment are fully enforceable
28 through permit conditions, agreements, or other measures.
29 Conditions of project approval may be set forth in referenced
30 documents which address required mitigation measures or, in the
31 case of the adoption of a plan, policy, regulation, or other public
32 project, by incorporating the mitigation measures into the plan,
33 policy, regulation, or project design.

34 (c) Prior to the close of the public review period for a draft
35 environmental impact report or mitigated negative declaration, a
36 responsible agency, or a public agency having jurisdiction over
37 natural resources affected by the project, shall either submit to the
38 lead agency complete and detailed performance objectives for
39 mitigation measures which would address the significant effects
40 on the environment identified by the responsible agency or agency

1 having jurisdiction over natural resources affected by the project,
2 or refer the lead agency to appropriate, readily available guidelines
3 or reference documents. Any mitigation measures submitted to a
4 lead agency by a responsible agency or an agency having
5 jurisdiction over natural resources affected by the project shall be
6 limited to measures which mitigate impacts to resources which
7 are subject to the statutory authority of, and definitions applicable
8 to, that agency. Compliance or noncompliance by a responsible
9 agency or agency having jurisdiction over natural resources
10 affected by a project with that requirement shall not limit the
11 authority of the responsible agency or agency having jurisdiction
12 over natural resources affected by a project, or the authority of the
13 lead agency, to approve, condition, or deny projects as provided
14 by this division or any other provision of law.

15 (d) As a part of the mitigation monitoring plan established
16 pursuant to this section, the lead agency shall prepare or cause to
17 be prepared an annual report on project compliance with mitigation
18 measures required pursuant to this division. The report shall be
19 made publicly available online to enhance public disclosure and
20 accountability.

21 ~~SEC. 10.~~

22 *SEC. 9.* Chapter 2.7 (commencing with Section 21099) is added
23 to Division 13 of the Public Resources Code, to read:

24

25 CHAPTER 2.7. STANDARDIZED THRESHOLDS OF SIGNIFICANCE
26 FOR ENVIRONMENTALLY BENEFICIAL PROJECTS

27

28 21099. (a) For purposes of this section, the following terms
29 mean the following:

30 (1) “Employment center project” means a project located on
31 property zoned for commercial uses with a floor area ratio of no
32 less than 0.75 and that is located within one-half mile of a major
33 transit stop or high-quality transit corridor included in a regional
34 transportation plan.

35 (2) “Floor area ratio” means the ratio of gross building area of
36 the development, excluding structured parking areas, proposed for
37 the project divided by the net lot area.

38 (3) “Gross building area” means the sum of all finished areas
39 of all floors of a building included within the outside faces of its
40 exterior walls.

1 (4) “Lot” means all parcels utilized by the project.

2 (5) “Net lot area” means the area of a lot, excluding publicly
3 dedicated land and private streets that meet local standards, and
4 other public use areas as determined by the local land use authority.

5 (6) “Transit priority area” means an area within one-half mile
6 of a major transit stop that is existing or planned, if the planned
7 stop is scheduled to be completed within the planning horizon
8 established by Section 450.322 of Title 23 of the Code of Federal
9 Regulations.

10 (b) (1) The Office of Planning and Research shall prepare and
11 propose revisions to the guidelines adopted pursuant to Section
12 21083, and submit to the Secretary of the Natural Resources
13 Agency for certification and adoption of, thresholds of significance
14 for noise, and for the transportation and parking impacts for
15 residential, mixed-use residential, or employment center projects
16 within transit priority areas. The thresholds of significance shall
17 be based upon a project’s proximity to a multimodal transportation
18 network, its overall transportation accessibility, and its proximity
19 to a diversity of land uses.

20 (2) On or before July 1, 2014, the Office of Planning and
21 Research shall circulate a draft revision prepared pursuant
22 paragraph (1).

23 (c) (1) Aesthetic impacts of a residential, mixed-use residential,
24 or employment center project within a priority transit area shall
25 not be considered significant impacts on the environment.

26 (2) This subdivision does not affect, change, or modify the
27 authority of a lead agency to consider aesthetic impacts pursuant
28 to local design review ordinances or other discretionary powers
29 provided by other laws or policies.

30 (d) This section does not affect the authority of a public agency
31 from establishing or adopting transportation or parking standards
32 applicable to projects or more stringent thresholds of significance.

33 ~~SEC. 11.~~

34 *SEC. 10.* Section 21167 of the Public Resources Code is
35 amended to read:

36 21167. An action or proceeding to attack, review, set aside,
37 void, or annul the following acts or decisions of a public agency
38 on the grounds of noncompliance with this division shall be
39 commenced as follows:

1 (a) An action or proceeding alleging that a public agency is
2 carrying out or has approved a project that may have a significant
3 effect on the environment without having determined whether the
4 project may have a significant effect on the environment shall be
5 commenced within 180 days from the date of the public agency's
6 decision to carry out or approve the project, or, if a project is
7 undertaken without a formal decision by the public agency, within
8 180 days from the date of commencement of the project.

9 (b) An action or proceeding alleging that a public agency has
10 improperly determined whether a project may have a significant
11 effect on the environment shall be commenced within 30 days
12 from the date of the filing of the notice required by subdivision
13 (a) of Section 21108 or subdivision (a) of Section 21152.

14 (c) An action or proceeding alleging that an environmental
15 impact report does not comply with this division shall be
16 commenced within 30 days from the date of the filing of the notice
17 required by subdivision (a) of Section 21108 or subdivision (a) of
18 Section 21152 by the lead agency.

19 (d) An action or proceeding alleging that a public agency has
20 improperly determined that a project is not subject to this division
21 pursuant to subdivision (b) of Section 21080 or Section 21172
22 shall be commenced within 35 days from the date of the filing by
23 the public agency, or person specified in subdivision (b) or (c) of
24 Section 21065, of the notice authorized by subdivision (b) of
25 Section 21108 or subdivision (b) of Section 21152. If the notice
26 has not been filed, the action or proceeding shall be commenced
27 within 180 days from the date of the public agency's decision to
28 carry out or approve the project, or, if a project is undertaken
29 without a formal decision by the public agency, within 180 days
30 from the date of commencement of the project.

31 (e) An action or proceeding alleging that another act or omission
32 of a public agency does not comply with this division shall be
33 commenced within 30 days from the date of the filing of the notice
34 required by subdivision (a) of Section 21108 or subdivision (a) of
35 Section 21152.

36 (f) If a person has made a written request to the public agency
37 for a copy of the notice specified in Section 21108 or 21152 prior
38 to the date on which the agency approves or determines to carry
39 out the project, then not later than five days from the date of the
40 agency's action, the public agency shall deposit a written copy of

1 the notice addressed to that person in the United States mail, first
2 class postage prepaid. The date upon which this notice is mailed
3 shall not affect the time periods specified in subdivisions (b), (c),
4 (d), and (e).

5 (g) The limitation period provided pursuant to this section may
6 be tolled for a period not to exceed four years if the agreement to
7 toll the limitation period is in writing and signed by the party
8 asserting noncompliance with this division, the public agency, and
9 the real party in interest, as specified in subdivision (a) of Section
10 21167.6.5, if any. The tolling agreement shall bar a defense to any
11 action filed pursuant to this division that the action was not
12 commenced within the time period specified in this section. Prior
13 to the expiration of the tolling agreement, the tolling agreement
14 may be renewed for a further period not to exceed four years from
15 the immediately preceding tolling agreement. The extension of
16 the tolling agreement may be made successively.

17 ~~SEC. 12.~~

18 *SEC. 11.* Section 21167.6 of the Public Resources Code is
19 amended to read:

20 21167.6. Notwithstanding any other provision of law, in all
21 actions or proceedings brought pursuant to Section 21167, except
22 as provided in Section 21167.6.2 or those involving the Public
23 Utilities Commission, all of the following shall apply:

24 (a) At the time that the action or proceeding is filed, the plaintiff
25 or petitioner shall file a request that the respondent public agency
26 prepare the record of proceedings relating to the subject of the
27 action or proceeding. The request, together with the complaint or
28 petition, shall be served personally upon the public agency not
29 later than 10 business days from the date that the action or
30 proceeding was filed.

31 (b) (1) The public agency shall prepare and certify the record
32 of proceedings not later than 60 days from the date that the request
33 specified in subdivision (a) was served upon the public agency.
34 Upon certification, the public agency shall lodge a copy of the
35 record of proceedings with the court and shall serve on the parties
36 notice that the record of proceedings has been certified and lodged
37 with the court. The parties shall pay any reasonable costs or fees
38 imposed for the preparation of the record of proceedings in
39 conformance with any law or rule of court.

1 (2) The plaintiff or petitioner may elect to prepare the record
2 of proceedings or the parties may agree to an alternative method
3 of preparation of the record of proceedings, subject to certification
4 of its accuracy by the public agency, within the time limit specified
5 in this subdivision.

6 (c) The time limit established by subdivision (b) may be
7 extended only upon the stipulation of all parties who have been
8 properly served in the action or proceeding or upon order of the
9 court. Extensions shall be liberally granted by the court when the
10 size of the record of proceedings renders infeasible compliance
11 with that time limit. There is no limit on the number of extensions
12 that may be granted by the court, but no single extension shall
13 exceed 60 days unless the court determines that a longer extension
14 is in the public interest.

15 (d) If the public agency fails to prepare and certify the record
16 within the time limit established in paragraph (1) of subdivision
17 (b), or any continuances of that time limit, the plaintiff or petitioner
18 may move for sanctions, and the court may, upon that motion,
19 grant appropriate sanctions.

20 (e) The record of proceedings shall include, but is not limited
21 to, all of the following items:

22 (1) All project application materials.

23 (2) All staff reports and related documents prepared by the
24 respondent public agency with respect to its compliance with the
25 substantive and procedural requirements of this division and with
26 respect to the action on the project.

27 (3) All staff reports and related documents prepared by the
28 respondent public agency and written testimony or documents
29 submitted by any person relevant to any findings or statement of
30 overriding considerations adopted by the respondent agency
31 pursuant to this division.

32 (4) Any transcript or minutes of the proceedings at which the
33 decisionmaking body of the respondent public agency heard
34 testimony on, or considered any environmental document on, the
35 project, and any transcript or minutes of proceedings before any
36 advisory body to the respondent public agency that were presented
37 to the decisionmaking body prior to action on the environmental
38 documents or on the project.

1 (5) All notices issued by the respondent public agency to comply
2 with this division or with any other law governing the processing
3 and approval of the project.

4 (6) All written comments received in response to, or in
5 connection with, environmental documents prepared for the project,
6 including responses to the notice of preparation.

7 (7) All written evidence or correspondence submitted to, or
8 transferred from, the respondent public agency with respect to
9 compliance with this division or with respect to the project.

10 (8) Any proposed decisions or findings submitted to the
11 decisionmaking body of the respondent public agency by its staff,
12 or the project proponent, project opponents, or other persons.

13 (9) The documentation of the final public agency decision,
14 including the final environmental impact report, mitigated negative
15 declaration, or negative declaration, and all documents, in addition
16 to those referenced in paragraph (3), cited or relied on in the
17 findings or in a statement of overriding considerations adopted
18 pursuant to this division.

19 (10) Any other written materials relevant to the respondent
20 public agency's compliance with this division or to its decision on
21 the merits of the project, including the initial study, any drafts of
22 any environmental document, or portions thereof, that have been
23 released for public review, and copies of studies or other documents
24 relied upon in any environmental document prepared for the project
25 and either made available to the public during the public review
26 period or included in the respondent public agency's files on the
27 project, and all internal agency communications, including staff
28 notes and memoranda related to the project or to compliance with
29 this division.

30 (11) The full written record before any inferior administrative
31 decisionmaking body whose decision was appealed to a superior
32 administrative decisionmaking body prior to the filing of litigation.

33 (f) In preparing the record of proceedings, the party preparing
34 the record shall strive to do so at reasonable cost in light of the
35 scope of the record.

36 (g) The clerk of the superior court shall prepare and certify the
37 clerk's transcript on appeal not later than 60 days from the date
38 that the notice designating the papers or records to be included in
39 the clerk's transcript was filed with the superior court, if the party
40 or parties pay any costs or fees for the preparation of the clerk's

1 transcript imposed in conformance with any law or rules of court.
2 Nothing in this subdivision precludes an election to proceed by
3 appendix, as provided in Rule 8.124 of the California Rules of
4 Court.

5 (h) Extensions of the period for the filing of any brief on appeal
6 may be allowed only by stipulation of the parties or by order of
7 the court for good cause shown. Extensions for the filing of a brief
8 on appeal shall be limited to one 30-day extension for the
9 preparation of an opening brief, and one 30-day extension for the
10 preparation of a responding brief, except that the court may grant
11 a longer extension or additional extensions if it determines that
12 there is a substantial likelihood of settlement that would avoid the
13 necessity of completing the appeal.

14 (i) At the completion of the filing of briefs on appeal, the
15 appellant shall notify the court of the completion of the filing of
16 briefs, whereupon the clerk of the reviewing court shall set the
17 appeal for hearing on the first available calendar date.

18 ~~SEC. 13.~~

19 *SEC. 12.* Section 21167.6.2 is added to the Public Resources
20 Code, to read:

21 21167.6.2. (a) (1) Notwithstanding Section 21167.6, for a
22 project described in Section 21167.6.3, the lead agency, upon the
23 written request of a project applicant received no later than 30 days
24 after the date that the lead agency makes a determination pursuant
25 to subdivision (a) of Section 21080.1, Section 21094.5, or Chapter
26 4.2 (commencing with Section 21155), shall prepare and certify
27 the record of proceedings in the following manner:

28 (A) The lead agency for the project shall prepare the record of
29 proceedings pursuant to this division concurrently with the
30 administrative process.

31 (B) All documents and other materials placed in the record of
32 proceedings shall be posted on, and be downloadable from, an
33 Internet Web site maintained by the lead agency commencing with
34 the date of the release of the draft environmental document for a
35 project specified in Section 21167.6.3. If the lead agency cannot
36 maintain an Internet Web site with the information required
37 pursuant to this section, the lead agency shall provide a link on
38 the agency's Internet Web site to that information.

39 (C) The lead agency shall make available to the public in a
40 readily accessible electronic format the draft environmental

1 document for a project specified in Section 21167.6.3, and all other
2 documents submitted to, cited by, or relied on by the lead agency,
3 in the preparation of the draft environmental document for a project
4 specified in Section 21167.6.3.

5 (D) A document prepared by the lead agency or submitted by
6 the applicant after the date of the release of the draft environmental
7 document for a project specified in Section 21167.6.3 that is a part
8 of the record of the proceedings shall be made available to the
9 public in a readily accessible electronic format within five business
10 days after the document is released or received by the lead agency.

11 (E) The lead agency shall encourage written comments on the
12 project to be submitted in a readily accessible electronic format,
13 and shall make any comment available to the public in a readily
14 accessible electronic format within five business days of its receipt.

15 (F) Within seven business days after the receipt of any comment
16 that is not in an electronic format, the lead agency shall convert
17 that comment into a readily accessible electronic format and make
18 it available to the public in that format.

19 (G) The lead agency shall certify the record of proceedings
20 within 30 days after the filing of the notice required pursuant to
21 Section 21108 or 21152.

22 (2) This subdivision does not require the disclosure or posting
23 of any trade secret as defined in Section 6254.7 of the Government
24 Code, information about the location of archaeological sites or
25 sacred lands, or any other information that is subject to the
26 disclosure restrictions of Section 6254 of the Government Code.

27 (b) Any dispute regarding the record of proceedings shall be
28 resolved by the court in an action or proceeding brought pursuant
29 to subdivision (b) or (c) of Section 21167.

30 (c) The content of the record of proceedings shall be as specified
31 in subdivision (e) of Section 21167.6.

32 (d) Subdivisions (g) to (i), inclusive, of Section 21167.6 are
33 applicable to an appeal of a decision in an action or proceeding
34 brought pursuant to subdivision (b) or (c) of Section 21167.

35 (e) The negative declaration, mitigated negative declaration,
36 draft and final environmental impact report, or other environmental
37 document for a project specified in Section 21167.6.3 shall include
38 a notice in no less than 12-point type stating the following:
39

1 “THIS NEGATIVE DECLARATION, MITIGATED
2 NEGATIVE DECLARATION, EIR, OR ENVIRONMENTAL
3 DOCUMENT IS SUBJECT TO SECTIONS 21167.6.2 AND
4 21167.6.3 OF THE PUBLIC RESOURCES CODE, WHICH
5 REQUIRES THE RECORD OF PROCEEDINGS FOR THIS
6 PROJECT TO BE PREPARED CONCURRENTLY WITH THE
7 ADMINISTRATIVE PROCESS, DOCUMENTS PREPARED
8 BY, OR SUBMITTED TO, THE LEAD AGENCY TO BE
9 POSTED ON THE LEAD AGENCY’S INTERNET WEB SITE,
10 AND THE LEAD AGENCY TO ENCOURAGE WRITTEN
11 COMMENTS ON THE PROJECT TO BE SUBMITTED TO THE
12 LEAD AGENCY IN A READILY ACCESSIBLE ELECTRONIC
13 FORMAT.”

14
15 (f) For a lead agency that is a state agency, this section shall
16 apply if the state agency consents to the preparation of the record
17 of proceedings pursuant to this section.

18 ~~SEC. 14.~~

19 *SEC. 13.* Section 21167.6.3 is added to the Public Resources
20 Code, to read:

21 21167.6.3. (a) Section 21167.6.2 applies to the record of
22 proceedings for the preparation of a negative declaration, mitigated
23 negative declaration, environmental impact report, or other
24 environmental document prepared for any of the following:

25 (1) A project determined to be of statewide, regional, or
26 areawide environmental significance pursuant to subdivision (d)
27 of Section 21083.

28 (2) A project subject to Section 21094.5 of Chapter 4.2
29 (commencing with Section 21155).

30 (3) (A) A project, other than those described in paragraph (1)
31 or (2), for which the project applicant has requested for, and the
32 lead agency consents to, the preparation for the record of
33 proceeding pursuant to this section and Section 21167.6.2.

34 (B) The lead agency shall respond to a request by the project
35 applicant within 10 business days from the date that the request
36 pursuant to subdivision (a) of Section 21167.6.2 is received by the
37 lead agency.

38 (C) A project applicant and the lead agency may mutually agree,
39 in writing, to extend the time period for the lead agency to respond
40 pursuant to subparagraph (B), but they shall not extend that period

1 beyond the commencement of the public review period for the
2 proposed negative declaration, mitigated negative declaration,
3 draft environmental impact report, or other environmental
4 document.

5 (D) The request to prepare a record of proceedings pursuant to
6 this paragraph shall be deemed denied if the lead agency fails to
7 respond within 10 business days of receiving the request or within
8 the time period agreed upon pursuant to subparagraph (C),
9 whichever ends later.

10 (b) The written request of the applicant submitted pursuant to
11 subdivision (a) of Section 21167.6.2 shall include an agreement
12 to pay all of the lead agency's costs of preparing and certifying
13 the record of proceedings pursuant to Section 21167.6.2 and
14 complying with the requirements of this section and Section
15 21167.6.2 in a manner specified by the lead agency.

16 (c) The cost of preparing the record of proceedings pursuant to
17 Section 21167.6.2 and complying with the requirements of this
18 section and Section 21167.6.2 are not recoverable costs pursuant
19 to Section 1033 of the Code of Civil Procedure.

20 *SEC. 14. Section 21167.7 of the Public Resources Code is*
21 *amended to read:*

22 21167.7. (a) Every person who brings an action pursuant to
23 Section 21167 shall comply with the requirements of Section 388
24 of the Code of Civil Procedure. Every such person shall also furnish
25 pursuant to Section 388 of the Code of Civil Procedure a copy of
26 any amended or supplemental pleading filed by such person in
27 such action to the Attorney General. No relief, temporary or
28 permanent, shall be granted until a copy of the pleading has been
29 furnished to the Attorney General in accordance with such
30 requirements.

31 (b) *Notwithstanding Section 10231.5 of the Government Code,*
32 *the Attorney General shall annually submit to the Legislature a*
33 *report, pursuant to Section 9795 of the Government Code, with*
34 *information on actions or proceedings brought pursuant to this*
35 *division that includes, but is not limited to, all of the following:*

36 (1) *The names of the plaintiffs or petitioners, the respondents*
37 *or defendants, and the real parties in interest.*

38 (2) *The type of action or proceeding filed and the alleged*
39 *violation.*

40 (3) *The disposition, if any, of the action or proceeding.*

1 SEC. 15. Section 21168.9 of the Public Resources Code is
2 amended to read:

3 21168.9. (a) If a court finds, as a result of a trial, hearing, or
4 remand from an appellate court, that any determination, finding,
5 or decision of a public agency has been made without compliance
6 with this division, the court shall issue a peremptory writ of
7 mandate specifying what action by the public agency is necessary
8 to comply with this division, including one or more of the
9 following:

10 (1) A mandate that the determination, finding, or decision be
11 voided by the public agency, in whole or in part.

12 (2) If the court finds that a specific project activity or activities
13 will prejudice the consideration or implementation of particular
14 mitigation measures or alternatives to the project, a mandate that
15 the public agency and any real parties in interest suspend any or
16 all specific project activity or activities, pursuant to the
17 determination, finding, or decision, that could result in an adverse
18 change or alteration to the physical environment, until the public
19 agency has taken any actions that may be necessary to bring the
20 determination, finding, or decision into compliance with this
21 division.

22 (3) A mandate that the public agency take specific action as
23 may be necessary to bring the determination, finding, or decision
24 into compliance with this division.

25 (b) (1) A writ pursuant to subdivision (a) shall include only
26 those mandates that are necessary to achieve compliance with this
27 division and only those specific project activities in noncompliance
28 with this division.

29 (2) In the case of a negative declaration, mitigated negative
30 declaration, or environmental impact report found not to be in
31 compliance with this division, the writ may direct the agency to
32 revise only those portions of the document found not to be in
33 compliance with this division.

34 (3) The writ shall be limited to that portion of a determination,
35 finding, or decision, or the specific project activity or activities,
36 or document found to be in noncompliance only if a court finds
37 all of the following:

38 (A) The portion or specific project activity or activities or
39 document is severable.

1 (B) Severance will not prejudice complete and full compliance
2 with this division.

3 (C) The court has not found the remainder of the project or
4 document to be in noncompliance with this division.

5 (4) A writ shall include a time by which the agency shall make
6 an initial return of the writ.

7 (5) The trial court shall retain jurisdiction over the public
8 agency's proceedings by way of a return to the peremptory writ
9 until the court has determined that the public agency has complied
10 with this division.

11 (c) An initial return to a writ shall describe all of the following:

12 (1) The actions the agency will take to come into compliance
13 with the writ and this division.

14 (2) A schedule for these actions.

15 (3) In the case of a negative declaration, mitigated negative
16 declaration, or environmental impact report found not to be in
17 compliance with this division, the public comment period
18 applicable to the agency's revision of the document.

19 (d) This section does not authorize a court to direct a public
20 agency to exercise its discretion in any particular way. Except as
21 expressly provided in this section, this section is not intended to
22 limit the equitable powers of the court.

23 (e) This section does not affect the authority of a court to allow
24 those determinations, findings, or decisions of a public agency that
25 are not found to be in violation of this division to proceed, if
26 allowing the public agency to proceed does not, in any manner,
27 prejudice complete and full compliance with this division.

28 *SEC. 16. Notwithstanding any other law, the sum of thirty*
29 *million dollars (\$30,000,000) may be appropriated by the*
30 *Legislature in the annual Budget Act to the Strategic Growth*
31 *Council to provide competitive grants to local agencies for*
32 *planning activities pursuant to Chapter 4.2 (commencing with*
33 *Section 21155) of Division 13 of the Public Resources Code.*

34 ~~SEC. 16.~~

35 *SEC. 17. No reimbursement is required by this act pursuant to*
36 *Section 6 of Article XIII B of the California Constitution because*
37 *a local agency or school district has the authority to levy service*
38 *charges, fees, or assessments sufficient to pay for the program or*
39 *level of service mandated by this act, within the meaning of Section*
40 *17556 of the Government Code.*

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O