

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2356

Introduced by Assembly Member Gomez

February 18, 2016

An act to ~~amend Section 21159.26 of~~ *add Section 21081.3* to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2356, as amended, Gomez. California Environmental Quality Act: ~~housing projects.~~ *infill planning projects.*

Existing law, the California Environmental Quality Act, 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, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, unless the project is exempt from the act.

~~The act prohibits a public agency, for a project that includes a housing development, from reducing the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if the public agency determines there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

This bill would authorize the lead agency to determine whether an infill planning project, as defined, has a significant impact on the environment based on a comparison of the potential change in physical

conditions resulting from the infill planning project with the change in physical conditions that would reasonably be expected at build-out under the general plan or zoning designation existing at the time of the lead agency's determination.

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

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

1 SECTION 1. Section 21081.3 is added to the Public Resources
2 Code, to read:

3 21081.3. (a) For the purposes of this section, "infill planning
4 project" means any activity related to, or approval by a local
5 government of, amendments to the general plan or changes in zone
6 designation that meet all of the following criteria:

7 (1) The proposed amendments or changes collectively increase
8 planned or zoned housing capacity or jobs capacity within areas
9 already designated for residential or commercial use.

10 (2) The area of change proposed by the project occurs within
11 city limits and is substantially surrounded by urban uses.

12 (3) Approval of the project does not affect or otherwise modify
13 the preexisting thresholds for environmental review for subsequent
14 projects that are within the scope of the project.

15 (b) The lead agency, in determining whether the infill planning
16 project has a significant impact on the environment, may base that
17 determination on a comparison of the potential change in physical
18 conditions resulting from the infill planning project with the change
19 in physical conditions that would reasonably be expected at
20 build-out under the general plan or zoning designation existing
21 at the time of the lead agency's determination.

22 SECTION 1. ~~Section 21159.26 of the Public Resources Code~~
23 ~~is amended to read:~~

24 ~~21159.26. With respect to a project that includes a housing~~
25 ~~development, a public agency shall not reduce the proposed number~~
26 ~~of housing units as a mitigation measure or project alternative for~~
27 ~~a particular significant effect on the environment if the public~~
28 ~~agency determines that there is another feasible specific mitigation~~
29 ~~measure or project alternative that would provide a comparable~~

- 1 ~~level of mitigation. This section does not affect any other~~
- 2 requirement regarding the residential density of that project.

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