

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1581

Introduced by Assembly Member Torres
(Principal coauthor: Senator Correa)

March 27, 2009

An act to amend Section 21083.9, *and to add and repeal Sections 21080.27 of*, of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as amended, Torres. ~~Environment:—California Environmental Quality Act: notice: scoping meeting; retail facilities: project review.~~

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, 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, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would, until January 1, 2014, exempt from those CEQA requirements a project that consists of the alteration of a vacant retail structure that existed prior to January 1, 2008, is not more than 120,000 square feet in area, and meets specified requirements.

CEQA

(2) *CEQA also* requires the lead agency to call at least one scoping meeting for a project of statewide, regional, or areawide significance.

CEQA requires the lead agency to provide to specified entities, including a city or county that borders the city or county within which the project is located, a responsible agency, a public agency with jurisdiction by law with respect to the project, and a transportation planning agency or public agency required to be consulted, a notice of at least one scoping meeting.

This bill would additionally require the lead agency to provide a notice to other entities that have filed a written request for the notice.

~~By requiring~~

~~(3) By imposing various additional duties on a lead agency to provide a notice to these entities with regard to the implementation of CEQA requirements,~~ this bill would increase the service provided by a local agency, thereby creating a state-mandated local program.

~~(2)~~

(4) 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 21080.27 is added to the Public Resources
2 Code, to read:

3 21080.27. (a) This division does not apply to a project that
4 consists of the alteration of a vacant retail structure that existed
5 prior to January 1, 2008, is not more than 120,000 square feet in
6 area, and meets all of the following requirements:

7 (1) The project improves the energy efficiency of the vacant
8 retail structure by an amount that is at least 25 percent more
9 energy efficient than the requirements of Part 6 of Title 24 of the
10 California Code of Regulations for those structures, as determined
11 by the State Energy Resources Conservation and Development
12 Commission.

13 (2) The project reduces the water consumption to at least 20
14 percent below the previous five-year annual average consumption
15 for similar retail structures, as determined by the local water

1 agency that has jurisdiction over the water district within which
2 the structure is located.

3 (3) The project, including any replacement signage, is consistent
4 with any applicable general plan, specific plan, or local coastal
5 plan, including any mitigation measures required by the plan or
6 program, and any applicable zoning ordinance or local ordinance.

7 (b) This section does not apply to a project that increases the
8 size of the vacant retail structure's footprint, floor plan, or floor
9 area ratio.

10 (c) This section shall remain in effect only until January 1, 2014,
11 and as of that date is repealed, unless a later enacted statute that
12 is enacted on or before January 1, 2014, extends or repeals that
13 date.

14 **SECTION 1.**

15 **SEC. 2.** Section 21083.9 of the Public Resources Code is
16 amended to read:

17 21083.9. (a) Notwithstanding Section 21080.4, 21104, or
18 21153, a lead agency shall call at least one scoping meeting for
19 either of the following:

20 (1) A proposed project that may affect highways or other
21 facilities under the jurisdiction of the Department of Transportation
22 if the meeting is requested by the department. The lead agency
23 shall call the scoping meeting as soon as possible, but not later
24 than 30 days after receiving the request from the Department of
25 Transportation.

26 (2) A project of statewide, regional, or areawide significance.

27 (b) The lead agency shall provide notice of at least one scoping
28 meeting held pursuant to paragraph (2) of subdivision (a) to all of
29 the following:

30 (1) A county or city that borders on a county or city within
31 which the project is located, unless otherwise designated annually
32 by agreement between the lead agency and the county or city.

33 (2) A responsible agency.

34 (3) A public agency that has jurisdiction by law with respect to
35 the project.

36 (4) A transportation planning agency or public agency required
37 to be consulted pursuant to Section 21092.4.

38 (5) An organization or individual that has filed a written request
39 for the notice.

1 (6) An entity not required to receive notice pursuant to
2 paragraphs (1) to (4), inclusive, that has filed a written request for
3 the notice.

4 (c) For an entity, organization, or individual that is required to
5 be provided notice of a lead agency public meeting, the requirement
6 for notice of a scoping meeting pursuant to subdivision (b) may
7 be met by including the notice of a scoping meeting in the public
8 meeting notice.

9 (d) A scoping meeting that is held in the city or county within
10 which the project is located pursuant to the National Environmental
11 Policy Act (42 U.S.C. Sec. 4321 et seq.) and the regulations
12 adopted pursuant to that act shall be deemed to satisfy the
13 requirement that a scoping meeting be held for a project subject
14 to paragraph (2) of subdivision (a) if the lead agency meets the
15 notice requirements of subdivision (b) or ~~subdivision (c)~~.

16 ~~SEC. 2.~~

17 *SEC. 3.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or
21 level of service mandated by this act, within the meaning of Section
22 17556 of the Government Code.