

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1185

Introduced by Assembly Member Torres

February 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1185, as amended, Torres. California Environmental Quality Act: 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, 2015, exempt from those CEQA requirements a project *proposed by a person that employs less than 500 employees, in total, and* that consists of the alteration of a vacant retail structure that existed prior to January 1, 2008, is not more than 60,000 square feet in area, and meets specified requirements.

(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.

(3) By imposing various additional duties on a lead agency 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.

(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
4 *proposed by a person that employs less than 500 employees, in*
5 *total*, that consists of the alteration of a vacant retail structure that
6 existed prior to January 1, 2008, is not more than 60,000 square
7 feet in area, and meets all of the following requirements:

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

14 (2) The project reduces the water consumption to at least 20
15 percent below the previous five-year annual average consumption
16 for similar retail structures, as determined by the local water agency
17 that has jurisdiction over the water district within which the
18 structure is located.

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

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

4 (c) This section shall remain in effect only until January 1,
5 2015, and as of that date is repealed, unless a later enacted statute
6 that is enacted on or before January 1, 2015, extends or repeals
7 that date.

8 SEC. 2. Section 21083.9 of the Public Resources Code is
9 amended to read:

10 21083.9. (a) Notwithstanding Section 21080.4, 21104, or
11 21153, a lead agency shall call at least one scoping meeting for
12 either of the following:

13 (1) A proposed project that may affect highways or other
14 facilities under the jurisdiction of the Department of Transportation
15 if the meeting is requested by the department. The lead agency
16 shall call the scoping meeting as soon as possible, but not later
17 than 30 days after receiving the request from the Department of
18 Transportation.

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

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

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

26 (2) A responsible agency.

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

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

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

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

36 (c) For an entity, organization, or individual that is required to
37 be provided notice of a lead agency public meeting, the requirement
38 for notice of a scoping meeting pursuant to subdivision (b) may
39 be met by including the notice of a scoping meeting in the public
40 meeting notice.

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

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 a local agency or school district has the authority to levy service
11 charges, fees, or assessments sufficient to pay for the program or
12 level of service mandated by this act, within the meaning of Section
13 17556 of the Government Code.