

# BILL ANALYSIS

DEPARTMENT Coastal Commission	AUTHOR Ducheny	BILL NUMBER AB 2343
SUBJECT C.E.Q.A.		DATE INTRODUCED 02/24/00

## **I. SUMMARY:**

### **A. Bill Summary:**

AB 2343 would create a CEQA exemption for development projects of up to 200 units in urbanized areas that, among other things, are located within a community or neighborhood revitalization area, as defined in the bill, and are otherwise subject to an environmental assessment (environmental impact report or a negative declaration of impacts.) The development project must be consistent with the jurisdiction's general plan or any applicable specific plan or local coastal program as it existed on the date that the application was deemed complete.

### **B. Summary of Issues/Concerns:**

AB 2343 would reduce the amount of environmental review required for specified residential developments by exempting them from CEQA. Exemption from CEQA also reduces the opportunity for public review and input. In coastal jurisdictions with no LCP, this would exempt specified projects from environmental review under CEQA if they were deemed to be consistent with the general plan.

### **C. Fiscal Summary:**

Cost savings to developers who will not have to pay for EIRs. Cost savings to local governments, as less staff time will be expended on environmental review and processing of related documents.

### **D. Sponsor:**

California Building Industry Association

### **E. Support and Opposition:**

None registered at this time

### **F. Other Departments Likely to be Affected:**

Department of Fish and Game

## **II. ANALYSIS:**

### **A. Existing Law:**

The California Environmental Quality Act (CEQA) requires a lead agency to prepare and certify an environmental impact report (EIR) addressing significant environmental impacts for development projects that it proposes to carry out or approve, and also mandates agency and public review and comment. If the lead agency finds that the project will not have any significant environmental impact, it must prepare a negative declaration stating the absence of negative impacts to the environment. Findings of LCP or general plan consistency do not exempt a project from the provisions of CEQA.

### **B. This Bill Would:**

AB 2343 would substantially reduce the amount of environmental review required for urban residential development if the development project contains not more than 200 housing units, and the development project is consistent with the jurisdiction's general plan or any applicable specific plan or local coastal program as it existed on the date that the application was deemed complete. In addition to general plan/ LCP consistency, the development project must be located within one-half mile of a major employment center or within one-quarter mile of a major public transportation node. The proposed development must include, or be located within one-quarter mile of a neighborhood convenience store. If hazardous contaminants on the site are found by a registered environmental assessor, the contaminants will be removed or any significant effects of those contaminants shall be mitigated to a level of insignificance.

### **C. Issues/Concerns:**

General plan or LCP consistency does not guarantee that a project will have no adverse environmental impacts. While redevelopment in some already developed urban areas may have no significant environmental impacts, in instances where new development is proposed there may be environmental impacts to natural resources, community character, traffic, viewsheds, water quality, etc. Exemption from CEQA also means projects may be exempt from providing mitigation.

This bill would also have the effect of substantially reducing the level of public review and participation for specified projects. CEQA requires public notification regarding the preparation of EIRs, as well as circulation and comment periods for draft and final documents. This is the process by which the public participates in project development and mitigation. By exempting specified projects from the requirement to conduct an environmental impact report if city or county staff consider them to be consistent with the general plan of LCP, agencies and the public will have less opportunity for review and comment.

In the Coastal Zone, this bill would effectively codify findings contained in outdated LCPs as they relate to specified projects, regardless of whether changed circumstances exist on the ground even if a periodic review or comprehensive update has been conducted since the time the application has been deemed complete. It may take many years from the time an application is filed for a project to begin construction. This bill would essentially freeze the applicable policies and standards in place at the time of application, regardless of changed circumstances and the length of time that has transpired since the application was deemed complete, and how those policies relate to the project and the rest of the community at the time of construction.

Reviewing and updating older LCPs is a priority for the Commission. Currently, 57 of the state's 89 certified LCPs are overdue for their statutorily required Periodic Review, some by as much as 14 years. These outdated LCPs do not reflect changed circumstances such as new listings of endangered species and their habitat, changes in land law, or new understandings of the condition of natural resources such as water quality and availability. In cases where LCPs were prepared and certified during a drought period, historic wetlands which have since re-emerged are not mapped in the certified LCP. These areas are frequently identified through the CEQA/EIR process. This bill could allow project approvals and CEQA exemption based on consistency with outdated LCPs, exempting the project proponent from acknowledging or responding to changed circumstances on the site or surrounding areas. This could result in a net loss of significant coastal resources with no mitigation.




