

CEQA Reform 2013 A Status Report

Nevada County – Cities
Joint Meeting
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AB 37 Perea (D-Fresno)

Appropriations

- CEQA record to be prepared in tandem with CEQA document
- Anti-sandbagging provision
 - No duty to respond to written comments received later than 7 days before hearing or electronic comments received later than 5 days before the hearing

AB 52 Gatto (D-LA)

Appropriations

- Significant adverse change to tribal resources is significant CEQA impact
- Guidelines App. G to be updated to distinguish cultural from paleological resources
- Duty to consult with tribes
- Duty to make best efforts to protect tribal resources “in an undisturbed state”

AB 380 Dickinson (D-Sacto)

Local Government

- Notices posted w/ both Clerk & OPR
- Statute of limitations runs from later posting
- OPR and County Clerk must post when received and file stamp when posted
- Can charge \$10 fee to recover costs

AB 543 Campos (D-San Jose)

Natural Resources

- Notices and summary of EIR or MND must be translated into minority languages
- If 5% of people within city or county likely to be affected by the project are “unable to effectively communicate in English”
- No mandate reimbursement b/c locals can impose fee on development to fund compliance

AB 595 Dickinson (D-Sacto)

Judiciary

- CEQA courts in counties where AG has offices
- Decisions reviewed by discretionary writ
- Ruling must specify how local government is to fix problem with EIR or MND
- No standing to sue w/o personal participation in hearings

AB 756 Melendez (R-Murrieta)

Judiciary

- AB 900 treatment for public works projects
- Litigation in DCA w/ decision w/in 175 days
- SFSC has already found AB 900 to violate State Constitution

AB 794 Gorrell (R-Ventura) Natural Resources (no hrg)

- CEQA exemption for biomass projects and composting facilities

AB 953 Ammiano (D-SF)

Appropriations

- Reverses *Ballona Wetlands Land Trust v. City of LA* (2011) 201 Cal.App.4th 455
 - EIR evaluates project's impact on environment, not reverse, so no need to consider global warming sea rise

AB 1302 Hagman (R-Chino Hills) Natural Resources

- Former Senator Rubio's proposal
- Lead agency must rely on statutory environmental standards
- If it does so, no court challenge permitted

SB 123 Corbett (D-San Leandro) Appropriations

- Creates environmental and land use division in 2 Superior Courts in each of 6 District Court of Appeal regions
- Requires published decisions

SB 167 Gaines (R-Roseville) Rules

- Spot bill

SB 359 Corbett (D-San Leandro) Envtl Quality hrg 5/1

- Expands residential infill exemption to allow 25% of sq. ft. of project to be neighborhood service commercial; currently 15%

SB 436 Jackson (D-Sta Barbara) Envtl Quality hrg 5/1

- Public scoping meeting required for
 - Projects which affect state highways
 - Projects of state-, region-, or area-wide significance
 - Adoption or substantial amendment of a general plan

SB 525 Calgiani (D-Stockton) Envtl Quality hrg 5/1

- **CEQA exemption for improvements to rail facilities of Altamont Commuter Express for benefit of High Speed Rail Project**

SB 617 Evans (D-Sta Rosa)

Envtl Quality hrg 5/1

- Cf. AB 37 re record preparation in tandem with EIR or MND
- Cf. AB 380 re filings w/ Clerk & OPR and statute of limitations from last filing
- Cf. AB 953 re effect of environment on project (adaptation to global warming)

SB 633 Pavley (D-Agoura Hills) Envtl Quality hrg 5/1

- New info which triggers a new environmental document cannot have been known when EIR was certified; this bill would specify that it cannot have been known **by the lead agency**
- Guidelines to provide cat ex for temporary uses of land and public gatherings by 1/1/16

SB 659 Hancock (D-Berkeley) Envtl Quality hrg 5/1

- Guidelines to be amended to state professional qualifications required for those who prepare CEQA analyses of archaeological resources

SB 731 Steinberg (D-Sacto) Rules

- Spot Bill
- Statutory thresholds of significance for
 - Land use, noise, aesthetics, parking & traffic
- Streamlining for
 - infill, renewable energy
 - “advanced manufacturing,”
 - transit / bike / pedestrian &
 - renewable energy transmission projects

SB 739 Calderon (D-Whittier) Rules

- Spot bill

SB 754 Evans (D-Santa Rosa)

Envtl Quality hrg 5/1

- Private enforcement of mitigation measures
- Ban developer from preparing DEIR
- Allow plaintiff to prepare record and avoid paying agency cost to do so
- No EIR can be used after 7 years
- Repeals \$ cap on mitigation of archaeological impacts

SB 787 Berryhill (R-Fresno)

Envtl Quality hrg 5/1

- Cf. AB 1302 – Rubio proposal to require lead agency to use statutory standards and to prohibit court challenge if it does so

Prognosis?

- Jerry Brown
 - “This is the Lord’s work”
 - “The appetite for CEQA reform is much stronger outside the Capitol than it is inside.”
 - “Is not something you get done in a year” but promised to push for action by the end of his service as Governor (2019?)

Prognosis?

- Daryl Steinberg
 - Intends to pursue a “full and comprehensive overhaul” of CEQA this year, implying sooner rather than later

Questions?
