



**Board of Supervisors
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: April 3, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Julieta Martinez PHONE: 636-5000				

SUBJECT: Approve letter of support for AB 1804

REQUEST(S):

That the Board of Supervisors:
Approve sending a letter to the Assembly Natural Resources Committee in support of AB 1804, Berman: California Environmental Quality Act.

SUMMARY:

AB 1804 was introduced on January 10, 2018. This bill seeks to expand the existing categorical infill exemption under the California Environmental Quality Act (CEQA) to include residential or mixed-use housing projects in unincorporated areas of a county that meet the existing conditions that already qualify under the exemption.

AB 1804 was referred to the Assembly Natural Resources Committee and is set to be heard on April 9, 2018. The bill has gained support from the California State Association of Counties, Rural Representatives of California, Urban Counties of California, American Planning Association, etc.

Staff recommends the Board of Supervisors consider taking a support position for AB 1804, Berman.

FISCAL IMPACT/FINANCING:

There is no fiscal impact associated with the response to this request.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The letter of opposition supports Tulare County's Strategic Initiative of Economic Well Being – Promote economic development opportunities, effective growth management

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and a quality standard of living.

ADMINISTRATIVE SIGN-OFF:

Julieta Martinez
Chief of Staff

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) Letter of support
AB 1804 Fact Sheet

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE LETTER)
OF SUPPORT FOR AB 1804) Resolution No. _____
) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Approved sending a letter to the Assembly Natural Resources Committee in support of
AB 1804, Berman: California Environmental Quality Act.

April 3, 2018

The Honorable Al Muratshuchi
Chair, Assembly Natural Resources Committee
Legislative Office Building
1020 N Street, Room 164
Sacramento, CA 95814

RE: Assembly Bill 1804 - Support

Dear Assembly Member Muratshuchi,

On behalf of the County of Tulare, we write to respectfully inform you of our support for Assembly Bill 1804 (Berman), which would expand the current categorical infill exemption provided to infill development projects in cities to include infill development projects in the unincorporated areas of a county.

AB 1804 seeks to encourage residential or mixed-use housing projects more effectively in urbanized areas in counties and help foster economic and smart growth in California. Current CEQA infill categorical exemption is provided to cities but not counties for compact residential development in the unincorporated areas. It does not take into account the many existing urbanized areas in counties that are similar to cities in size, population, density, etc.

Infill projects are highly important in order to meet the requirements of SB 375 as well as other land use and housing goals. AB 1804 would help make these projects more feasible and could prove to be beneficial to many if not all California Counties. Expanding the current exemption does not seem to add additional costs to the County and may very well help speed up many important projects.

For these reasons and others, the County of Tulare is in full support of AB 1804. If you should have any questions concerning our position, please don't hesitate to contact our office at (559) 636-5000.

Sincerely,

J. Steven Worthley, Chairman
Tulare County Board of Supervisors

Kuyler Crocker, Vice Chairman
Tulare County Board of Supervisors

Pete Vander Poel, District Two
Tulare County Board of Supervisors

Amy Shuklian, District 3
Tulare County Board of Supervisors

Michael Ennis, District Five
Tulare County Board of Supervisors

CC: Tulare County Delegation
Members, Assembly Natural Resources Committee
Paul Yoder, Shaw/Yoder, Antwih

AB 1804 (Berman)

CEQA Categorical Infill Exemption for Housing Projects in Counties

SUMMARY

Under the California Environmental Quality Act (CEQA), there is a categorical infill exemption provided to infill development projects in cities.

AB 1804 would expand the existing categorical infill exemption to include residential or mixed-use housing projects in unincorporated areas of a county that meet the existing conditions that qualify for the exemption.

BACKGROUND

CEQA provides a process for evaluating the environmental effects of a project. The California Natural Resources Agency and the Governor's Office of Planning and Research (OPR) are responsible for the CEQA administration and oversight. CEQA has two parts: the statute and the guidelines. The guidelines are the primary rules and interpretation of CEQA and is updated by OPR and adopted by the Natural Resources Agency.

There are two kinds of CEQA exemptions: statutory and categorical exemptions. Statutory exemptions are projects specifically excluded from CEQA by the California Legislature, regardless of their potential impacts to the environment. Categorical exemptions are in the CEQA guidelines and operate very differently from statutory exemptions. Categorical exemptions apply to classes of projects that generally are considered not to have potential impacts on the environment. There are 33 classes of categorical exemptions.

The Class 32 exemption under CEQA Guidelines Section 15332 is a categorical exemption specific to infill development projects. "Infill development" refers to building within unused and underutilized lands within existing urban areas that are already largely developed. Under the existing infill exemption, a project is exempt from CEQA if:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

It is also important to note that categorical exemptions, including this infill exemption, are subject to exceptions under CEQA Guidelines Section 15300.2. Therefore, a project that fits under a categorical exemption may not qualify for an exemption if it is subject to an exception. Examples of exceptions include if the project would result in a cumulative impact, would have significant environmental impacts due to unusual circumstances, is located along a scenic highway, is located on a hazardous waste site, or would impact historical resources.

THIS BILL

The Class 32 categorical infill exemption is intended to promote infill development in urbanized areas. However, the existing exemption is limited to only infill development in cities. As counties have urbanized, it makes sense to utilize the exemption to promote infill development in counties as well.

AB 1804 would expand the existing categorical infill exemption to promote infill development projects, specifically residential or mixed-use housing projects, in unincorporated areas of a county.

The infill exemption would only apply to a proposed residential or mixed-use housing project occurring in unincorporated areas of a county on a project site of no more than five acres substantially surrounded by urban uses if all other conditions of that section are satisfied, which must include all of the following:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed residential or mixed-use housing project occurs in an unincorporated area of a county, on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

Additionally, AB 1804 would require the Office of Planning and Research to

recommend proposed amendments to the CEQA Guidelines to implement the provisions in this bill and would require the Secretary of the Natural Resources Agency to certify and adopt the amendments to the CEQA Guidelines on or before January 1, 2020.

As we face a housing crisis, infill development is critical to accommodating growth and redesigning our communities, including our counties. AB 1804 would encourage residential or mixed-use housing projects more effectively in urbanized areas in our counties and thus help foster economic and smart growth in California without adversely impacting the environment.

FOR MORE INFORMATION

Ellen Hou Green
Office of Assemblymember Marc Berman
(916) 319-2024 ♦ (916) 319-2124 (fax)
Ellen.Green@asm.ca.gov