



A Proposal to Deny Communities the Ability to Protect Public Health and the Environment

A draft CEQA exemption circulated in the Capitol Building would exempt projects that are consistent with the density, use type and intensity shown in a general plan, specific plan, community area plan, sustainable communities plan or other land use plan for which an EIR has been prepared.

1. Proposal Exempts Large-High-Polluting Projects from Environmental Review. The exemption would apply to virtually all types of projects: residential, commercial, industrial, public works. This would include oil refineries, power plants, hazardous waste dumps, incinerators, freeways, sewage treatment plants, port and airport expansions and many others. Real world examples are outlined below.
2. Exemption Guts SB 375, Landmark, Bipartisan Greenhouse Gas Law and other CEQA Infill Reforms. The exemption would treat residential sprawl the same as transit oriented development, undermining the policies of The Sustainable Communities and Climate Protection Act and related legislation. Residential sprawl that destroyed prime farmland, increased traffic and vehicle miles travelled, increased energy consumption, increased air pollution, and increased greenhouse gas emissions would get as much CEQA relief as transit oriented development. Although the exemption has introductory findings about the benefits of SB 375 and its planning process, it would allow projects to be exempt even if the sustainable communities strategy did not comply with GHG targets set by the Air Resources Board.
3. Exemption Will Lead to New Lawsuits over General Plans and Zoning, Slowing Down Development and Jobs. The exemption shifts attention from CEQA to outdated planning and zoning decisions, thereby creating new avenues of litigation against those decisions. At the same time, the exemption provides no limitations on standing, timelines for lawsuits to be disposed, mandatory mediation, or other streamlining currently available under the CEQA process.
4. Proposal Turns Back Clock to Promote Urban Sprawl over “Smart Growth”. The exemption treats 1970’s-era urban sprawl the same as infill development, eliminating 30 years of progressive CA land use policies that promote higher density, affordable urban development over sprawl that destroys parklands and prime agricultural lands.

5. Proposal Exempts Projects based on Outdated Plans and Information. The exemption would rely on outdated land use plans as old as 20 or 30 years. An EIR on these plans prepared so long ago could not possibly have considered current circumstances or required mitigation measures for impacts on them. These outdated plans will not have considered environmental impacts such as global warming or toxic chemical contamination whose toxicity was recently understood.

6. Exemption Would Apply Even Where Plans Conflicted with One Another. This exemption would apply to a land use if it is authorized by one plan even if it conflicted with another plan such as the sustainable communities strategy under SB 375. The exemption would allow uses to proceed without environmental review even if there were fundamental conflicts in planning documents.