

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea and Micheli and an adjunct professor here at McGeorge School of Law in its Capital Lawyering program.

Today's podcast is on AB 1804 from the 2018 legislative session, which creates a new CEQA exemption for housing projects. Governor Jerry Brown signed Assembly Bill 1804 by State Assemblymember Marc Berman on September 22nd as Chapter 670.

The new law provides a statutory exception from California's Environmental Quality Act for infill development, residential and mixed-use housing projects that occur within an unincorporated area of a county. The bill both adds and repeals Section 21159.25 of the Public Resources Code.

Essentially, CEQA requires a lead agency to prepare or cause to be prepared and certify a completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

Now, Assembly Bill 1804 exempts from CEQA, only until January 1, 2025, residential or mixed-use housing projects that are located in unincorporated areas of a county meeting certain requirements. The lead agency must file a Notice of Exemption with the Office of Planning and Research and the county clerk in the county in which that project is located.

Now, there are a number of different requirements for that residential or mixed-use housing project to meet. The new CEQA exception only applies if all of these conditions that are described in this new code section are met. Once all those provisions are met, then the CEQA exemption applies.

You'll have to take a look at [Section 21159.25 of California's Public Resources Code](#) to read all of the different conditions that must be met. Note that the new exemption does not apply to a project if any of these conditions are met. There are five of them.

- The cumulative impact of successive projects of the same type in the same place over time is significant.
- There's a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- The project may result in damage to scenic resources including, but not limited to, trees, historic buildings, etc.
- The project is located on a site which is included on any list compiled.
- Or, the project may cause a substantial adverse change in the significance of a historical resource.

Thanks for joining this brief overview of Assembly Bill 1804.