

Introduced by Senator Vargas
(Coauthor: Assembly Member Garrick)

January 19, 2012

An act to add Section 21080.34 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 973, as introduced, Vargas. Environmental quality: California Environmental Quality Act: exemption: limited duration events.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) 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. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain specified projects from its requirements.

This bill would exempt from CEQA the approval of a park use or special events permit for a limited duration event, as defined, for specified purposes that is located on public property, within a public right of way, or within a defined event venue. Because a lead agency would be required to determine whether a project falls within this exemption, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.34 is added to the Public Resources
2 Code, to read:

3 21080.34. (a) This division does not apply to the approval of
4 a park use or special events permit for a limited duration event for
5 civic, charitable, community development, or recreational purposes
6 that is located on public property, within a public right of way, or
7 within a defined event venue.

8 (b) (1) For the purposes of this section, “limited duration event”
9 means either of the following:

10 (A) A recreational tournament, sporting event, youth tournament,
11 racing or walking event, fireworks display, holiday celebration,
12 concert, military appreciation event, block party, wedding, job
13 fair, festival and parade, street fair, beach and neighborhood
14 cleanup, farmers’ market, and art market.

15 (B) Other event of similar purpose lasting 48 hours or less.

16 (2) Limited duration event does not include an event requiring
17 earth movement, or erection or demolition of permanent structures.

18 (3) Limited duration event may, but is not required to, use public
19 agency services.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.

O