

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN SENATE JUNE 2, 1999

AMENDED IN SENATE MAY 25, 1999

AMENDED IN SENATE APRIL 27, 1999

AMENDED IN SENATE APRIL 5, 1999

**SENATE BILL**

**No. 755**

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**Introduced by Senator Hayden**

February 24, 1999

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An act to amend Section 65865 of the Government Code, and to amend Sections ~~21080.1, 21081, 21082.1~~ 21081, 21083, 21157, and 21167.6 of, and to add Sections 21080.6, 21090.2, and 21097 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 755, as amended, Hayden. California Environmental Quality Act.

(1) The existing California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the 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, as defined, ~~or to adopt a negative declaration if the lead agency finds that the project will not have that effect, unless the project is exempt from the act.~~

~~This bill would require a lead agency to find that a project may have a significant impact on the environment and would require an environmental impact report to be prepared for a project if the lead agency makes specified findings. The bill would provide that an environmental document prepared pursuant to the act is not valid for use in a subsequent project, except as provided, if the certification of the document occurred more than 5 years before the filing of an application for that subsequent project or, if the certification of a project that was not described in the environmental document may affect the adequacy of the environmental review in the document for any subsequent project. The bill also would authorize a lead agency to refuse to approve a project if the applicant willfully made a material misrepresentation or false statement in the application or during the environmental review process for that project, as provided. Existing law requires the Office of Planning and Research to prepare and develop criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment and specifies conditions under which the criteria shall require a finding that a project may have a significant effect on the environment.~~

*This bill would specify additional conditions under which that finding would be required.*

(2) Existing law requires each public agency to mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.

This bill would require a lead agency, when formulating *deferred* mitigation measures for a draft environmental *impact* report, ~~an a final~~ environmental report, or a ~~mitigated negative declaration~~ *a functional equivalent of one of those documents*, to comply with specified requirements. By imposing new duties on lead agencies, the bill would impose a state-mandated local program.

(3) Existing law provides that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment unless the public agency makes a specified finding. Under existing law, that specific finding may include a finding that specific overriding



economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

This bill would provide that when making ~~such~~ a finding of overriding benefit, a potential increase in the public agency's revenues may not be ~~considered the sole factor in finding~~ a valid overriding benefit. *The bill would also authorize a lead agency to refuse to approve a project if the applicant willfully made a material misrepresentation or false statement in the application or during the environmental review process for the project, as specified.*

(4) Existing law authorizes a master environmental impact report to be prepared for specified projects, including a project that consists of smaller individual projects that will be carried out in phases.

This bill would require that if a master environmental impact report is prepared for that type of project, the master environmental project shall be certified prior to a lead agency's approval of the initial phase of the project.

(5) Existing law prescribes procedures governing any action or proceeding to attack, review, set aside, void, or annul specified acts or decisions of a public agency regarding a project reviewed under the act. Under existing law, the public agency is required, except as provided, to prepare and certify the record of proceedings for the action. Existing law provides for the parties to pay any costs or fees imposed for the preparation of the record.

This bill instead would require the parties to pay a fee to cover the costs incurred to prepare the record of proceedings in the same manner as the costs for copies of public records are determined under the California Public Records Act.

(6) Existing law authorizes any city, county, or city and county, to enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property, as provided.

This bill would prohibit a city, county, or city and county, from approving a development agreement without prior or concurrent compliance with the act and would require the lead agency to comply with the act for a project that will be carried out or approved pursuant to a development



agreement prior to, or concurrently with, the approval of that development agreement.

(7) 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 65865 of the Government Code  
2 is amended to read:

3 65865. (a) Any city, county, or city and county, may  
4 enter into a development agreement with any person  
5 having a legal or equitable interest in real property for  
6 the development of the property as provided in this  
7 article.

8 (b) Any city may enter into a development agreement  
9 with any person having a legal or equitable interest in real  
10 property in unincorporated territory within that city's  
11 sphere of influence for the development of the property  
12 as provided in this article. However, the agreement shall  
13 not become operative unless annexation proceedings  
14 annexing the property to the city are completed within  
15 the period of time specified by the agreement. If the  
16 annexation is not completed within the time specified in  
17 the agreement or any extension of the agreement, the  
18 agreement is null and void.

19 (c) No city, county, or city and county may approve a  
20 development agreement under this article without prior  
21 or concurrent compliance with the California  
22 Environmental Quality Act (Division 13 (commencing  
23 with Section 21000) of the Public Resources Code for a  
24 project that will be carried out or approved pursuant to  
25 that development agreement.

26 (d) Every city, county, or city and county, shall, upon  
27 request of an applicant, by resolution or ordinance,



1 establish procedures and requirements for the  
2 consideration of development agreements upon  
3 application by, or on behalf of, the property owner or  
4 other person having a legal or equitable interest in the  
5 property.

6 (e) A city, county, or city and county may recover  
7 from applicants the direct costs associated with adopting  
8 a resolution or ordinance to establish procedures and  
9 requirements for the consideration of development  
10 agreements.

11 ~~SEC. 2. Section 21080.1 of the Public Resources Code~~  
12 ~~is amended to read:~~

13 ~~21080.1. (a) The lead agency shall be responsible for~~  
14 ~~determining whether an environmental impact report, a~~  
15 ~~negative declaration, or a mitigated negative declaration~~  
16 ~~shall be required for any project that is subject to this~~  
17 ~~division. That determination shall be final and conclusive~~  
18 ~~on all persons, including responsible agencies, unless~~  
19 ~~challenged as provided in Section 21167.~~

20 ~~(b) A lead agency shall find that a project may have a~~  
21 ~~significant effect on the environment and shall require an~~  
22 ~~environmental impact report to be prepared for the~~  
23 ~~project if the lead agency makes any of the following~~  
24 ~~findings:~~

25 ~~(1) The project may reduce the number or restrict the~~  
26 ~~range of an endangered, rare, or threatened species.~~

27 ~~(2) The project has the potential to substantially~~  
28 ~~reduce the habitat of a fish or wildlife species, cause a fish~~  
29 ~~or wildlife population to drop below self-sustaining levels,~~  
30 ~~or threaten to eliminate a plant or animal community.~~

31 ~~(3) The project has the potential to eliminate an~~  
32 ~~important example of a major period of California history~~  
33 ~~or prehistory.~~

34 ~~(4) The project has the potential to achieve a~~  
35 ~~short-term environmental goal to the disadvantage of a~~  
36 ~~long-term environmental goal.~~

37 ~~(5) The project has possible environmental effects~~  
38 ~~that are individually limited but cumulatively~~  
39 ~~considerable. For purposes of this paragraph,~~  
40 ~~“cumulatively considerable” means that the incremental~~



1 effects of an individual project are considerable when  
2 viewed in connection with the effects of past projects, the  
3 effects of other current projects, and the effects of  
4 probable future projects.

5 ~~(6) The potential environmental effect of a project  
6 may cause a substantial adverse effect on the public,  
7 either directly or indirectly.~~

8 ~~(e) In the case of a project described in subdivision (c)  
9 of Section 21065, the lead agency shall, upon the request  
10 of a potential applicant, provide for consultation prior to  
11 the filing of the application regarding the range of  
12 actions, potential alternatives, mitigation measures, and  
13 any potential and significant effects on the environment  
14 of the project.~~

15 ~~SEC. 3.—~~

16 *SEC. 2.* Section 21080.6 is added to the Public  
17 Resources Code, to read:

18 21080.6. (a) When formulating deferred mitigation  
19 measures for a draft environmental report, ~~an~~  
20 ~~environmental report, or a mitigated negative~~  
21 ~~declaration impact report, a final environmental impact~~  
22 ~~report, or a functional equivalent of one of those~~  
23 *documents*, a lead agency shall do all of the following:

24 (1) Recognize the significance of potential  
25 environmental effects that are identified through studies,  
26 expert opinion, and other evidence that is based upon  
27 relevant data in the record.

28 (2) Commit the agency to mitigate every significant  
29 impact identified for the project ~~where feasible, unless~~  
30 *the agency makes the findings required by Section 21081.*

31 (3) Articulate specific performance criteria for  
32 ~~mitigation of each identified significant impact and adopt~~  
33 ~~one or more feasible mitigation measures. each~~  
34 *mitigation measure identified.*

35 (4) Identify a funding source that is reasonably certain  
36 to be available at the time of the proposed  
37 implementation of that mitigation measure.

38 (b) In a phased project or a project for which a master  
39 environmental impact report has been prepared and  
40 certified pursuant to Section 21157, mitigation may be



1 phased to coincide with the phases of the project, in order  
2 to mitigate or avoid effects on the environment and  
3 ensure compliance during project implementation.

4 ~~SEC. 4.—~~

5 *SEC. 3.* Section 21081 of the Public Resources Code is  
6 amended to read:

7 21081. Pursuant to the policy stated in Sections 21002  
8 and 21002.1, no public agency shall approve or carry out  
9 a project for which an environmental impact report has  
10 been certified that identifies one or more significant  
11 effects on the environment that would occur if the  
12 project is approved or carried out unless both of the  
13 following occur:

14 (a) The public agency makes one or more of the  
15 following findings with respect to each significant effect:

16 (1) Changes or alterations have been required in, or  
17 incorporated into, the project that mitigate or avoid the  
18 significant effects on the environment.

19 (2) Those changes or alterations are within the  
20 responsibility and jurisdiction of another public agency  
21 and have been, or can and should be, adopted by that  
22 other agency.

23 (3) Specific economic, legal, social, technological, or  
24 other considerations, including considerations for the  
25 provision of employment opportunities for highly trained  
26 workers, make infeasible the mitigation measures or  
27 alternatives identified in the environmental impact  
28 report.

29 (b) With respect to significant effects that were  
30 subject to a finding under paragraph (3) of subdivision  
31 (a), the public agency finds that specific overriding  
32 economic, legal, social, technological, or other benefits of  
33 the project outweigh the significant effects on the  
34 environment. For purposes of this subdivision, a potential  
35 increase in the public agency's revenues may not be  
36 ~~considered the sole factor in finding~~ a valid overriding  
37 benefit.

38 ~~SEC. 5.— Section 21082.1 of the Public Resources Code~~  
39 ~~is amended to read:~~



1 ~~21082.1. (a) Any draft environmental impact report,~~  
2 ~~environmental impact report, or negative declaration~~  
3 ~~prepared pursuant to the requirements of this division~~  
4 ~~shall be prepared directly by, or under contract to, a~~  
5 ~~public agency.~~

6 ~~(b) This section is not intended to prohibit, and shall~~  
7 ~~not be construed as prohibiting, any person from~~  
8 ~~submitting information or other comments to the public~~  
9 ~~agency responsible for preparing an environmental~~  
10 ~~impact report, draft environmental impact report, or~~  
11 ~~negative declaration. The information or other~~  
12 ~~comments may be submitted in any format, shall be~~  
13 ~~considered by the public agency, and may be included, in~~  
14 ~~whole or in part, in any report or declaration.~~

15 ~~(c) The lead agency shall do all of the following:~~

16 ~~(1) Independently review and analyze any report or~~  
17 ~~declaration required by this division.~~

18 ~~(2) Circulate draft documents which reflect its~~  
19 ~~independent judgment.~~

20 ~~(3) As part of the adoption of a negative declaration~~  
21 ~~or certification of an environmental impact report, find~~  
22 ~~that the report or declaration reflects the independent~~  
23 ~~judgment of the lead agency.~~

24 ~~(d) An environmental document prepared pursuant~~  
25 ~~to the requirements of this division shall not be valid for~~  
26 ~~use in a subsequent project if either of the following~~  
27 ~~apply:~~

28 ~~(1) The certification of the environmental document~~  
29 ~~occurred more than five years prior to the filing of an~~  
30 ~~application for the subsequent project.~~

31 ~~(2) The approval of a project that was not described in~~  
32 ~~the environmental document may affect the adequacy of~~  
33 ~~the environmental review in the document for any~~  
34 ~~subsequent project.~~

35 ~~(e) Subdivision (d) does not apply if the lead agency~~  
36 ~~reviews the adequacy of the environmental document~~  
37 ~~and does either of the following:~~

38 ~~(1) Finds that no substantial changes have occurred~~  
39 ~~with respect to the circumstances under which the~~  
40 ~~environmental document was certified and that no new~~



1 information, which was not known and could not have  
2 been known at the time that the environmental  
3 document was certified as complete, has become  
4 available.

5 ~~(2) Certifies a subsequent or supplemental~~  
6 ~~environmental document which has been either~~  
7 ~~incorporated into the previously certified environmental~~  
8 ~~document or references any deletions, additions, or any~~  
9 ~~other modifications to the previously certified~~  
10 ~~environmental document.~~

11 ~~SEC. 6.—~~

12 *SEC. 4. Section 21083 of the Public Resources Code is*  
13 *amended to read:*

14 21083. (a) The Office of Planning and Research shall  
15 prepare and develop proposed guidelines for the  
16 implementation of this division by public agencies. The  
17 guidelines shall include objectives and criteria for the  
18 orderly evaluation of projects and the preparation of  
19 environmental impact reports and negative declarations  
20 in a manner consistent with this division.

21 ~~The~~

22 (b) *The* guidelines shall specifically include criteria for  
23 public agencies to follow in determining whether or not  
24 a proposed project may have a “significant effect on the  
25 environment.” The criteria shall require a finding that a  
26 project may have a “significant effect on the  
27 environment” if any of the following conditions exist:

28 ~~(a)—~~

29 (1) A proposed project has the potential to degrade  
30 the quality of the environment, curtail the range of the  
31 environment, or to achieve short-term, to the  
32 disadvantage of long-term, environmental goals.

33 ~~(b)—~~

34 (2) The possible effects of a project are individually  
35 limited but cumulatively considerable. As used in this  
36 ~~subdivision~~ *paragraph*, “cumulatively considerable”  
37 means that the incremental effects of an individual  
38 project are considerable when viewed in connection with  
39 the effects of past projects, the effects of other current  
40 projects, and the effects of probable future projects.



1 ~~(e)~~

2 (3) The environmental effects of a project will cause  
3 substantial adverse effects on human beings, either  
4 directly or indirectly.

5 (4) *The project has the potential to substantially*  
6 *reduce the habitat of a fish or wildlife species, cause a fish*  
7 *or wildlife population to drop below self-sustaining levels,*  
8 *or threaten to eliminate a plant or animal community.*

9 (5) *The project has the potential to reduce the*  
10 *number, or restrict the range, of an endangered, rare, or*  
11 *threatened species.*

12 (6) *The project has the potential to eliminate an*  
13 *important example of a major period of California history,*  
14 *either prior to or after statehood.*

15 (7) *The environmental effect of a project will cause a*  
16 *substantial adverse effect on the public, either directly or*  
17 *indirectly.*

18 (c) *The mandatory findings set forth in subdivision*  
19 *(b) control not only the decision of whether to prepare*  
20 *an environmental impact report, but also the*  
21 *identification of effects to be analyzed in the*  
22 *environmental impact report, the requirement to make*  
23 *detailed findings on the feasibility of alternative or*  
24 *mitigation measures to reduce or avoid the significant*  
25 *effects, and the making of changes in the project to lessen*  
26 *the adverse environmental impacts.*

27 ~~The~~

28 (d) *The guidelines shall also include procedures for*  
29 *determining the lead agency pursuant to Section 21165.*

30 ~~The~~

31 (e) *The guidelines shall also include criteria for public*  
32 *agencies to use in determining when a proposed project*  
33 *is of sufficient statewide, regional, or areawide*  
34 *environmental significance that it should be submitted to*  
35 *appropriate state agencies for review and comment prior*  
36 *to completion of an environmental impact report or*  
37 *negative declaration thereon.*

38 ~~The~~

39 (f) *The Office of Planning and Research shall develop*  
40 *and prepare the proposed guidelines as soon as possible*



1 and shall transmit them immediately to the Secretary of  
2 the Resources Agency. The Secretary of the Resources  
3 Agency shall certify and adopt the guidelines pursuant to  
4 Chapter 3.5 (commencing with Section 11340) of Part 1  
5 of Division 3 of Title 2 of the Government Code, which  
6 shall become effective upon the filing thereof. However,  
7 the guidelines shall not be adopted without compliance  
8 with Sections 11346.4, 11346.5, and 11346.8 of the  
9 Government Code.

10 *SEC. 5.* Section 21090.2 is added to the Public  
11 Resources Code, to read:

12 21090.2. A lead agency shall comply with this division  
13 for a project that will be carried out or approved pursuant  
14 to a development agreement prior to, or concurrent with,  
15 approval of that development agreement, as required  
16 pursuant to subdivision (c) of Section 65865 of the  
17 Government Code.

18 ~~SEC. 7.—~~

19 *SEC. 6.* Section 21097 is added to the Public Resources  
20 Code, to read:

21 21097. A lead agency may refuse to approve a project  
22 if the applicant, alone or through an agent or attorney,  
23 willfully made a material misrepresentation or false  
24 statement in the application or during the environmental  
25 review process.

26 ~~SEC. 8.—~~

27 *SEC. 7.* Section 21157 of the Public Resources Code is  
28 amended to read:

29 21157. (a) A master environmental impact report  
30 may be prepared for any one of the following projects:

31 (1) A general plan, element, general plan  
32 amendment, or specific plan.

33 (2) A project that consists of smaller individual  
34 projects that will be carried out in phases.

35 (3) A rule or regulation that will be implemented by  
36 subsequent projects.

37 (4) Projects that will be carried out or approved  
38 pursuant to a development agreement.



1 (5) Public or private projects that will be carried out  
2 or approved pursuant to, or in furtherance of, a  
3 redevelopment plan.

4 (6) A state highway project or mass transit project that  
5 will be subject to multiple stages of review or approval.

6 (7) A regional transportation plan or congestion  
7 management plan.

8 (8) A plan proposed by a local agency for the reuse of  
9 a federal military base or reservation that has been closed  
10 or that is proposed for closure.

11 (9) Regulations adopted by the Fish and Game  
12 Commission for the regulation of hunting and fishing.

13 (b) When a lead agency prepares a master  
14 environmental impact report, the document shall  
15 include all of the following:

16 (1) A detailed statement as required by Section 21100.

17 (2) A description of anticipated subsequent projects  
18 that would be within the scope of the master  
19 environmental impact report, that contains sufficient  
20 information with regard to the kind, size, intensity, and  
21 location of the subsequent projects, including, but not  
22 limited to, all of the following:

23 (A) The specific type of project anticipated to be  
24 undertaken.

25 (B) The maximum and minimum intensity of any  
26 anticipated subsequent project, such as the number of  
27 residences in a residential development, and, with regard  
28 to a public works facility, its anticipated capacity and  
29 service area.

30 (C) The anticipated location and alternative locations  
31 for any development projects.

32 (D) A capital outlay or capital improvement program,  
33 or other scheduling or implementing device that governs  
34 the submission and approval of subsequent projects.

35 (3) A description of potential impacts of anticipated  
36 subsequent projects for which there is not sufficient  
37 information reasonably available to support a full  
38 assessment of potential impacts in the master  
39 environmental impact report. This description shall not



1 be construed as a limitation on the impacts that may be  
2 considered in a focused environmental impact report.

3 (c) Lead agencies may develop and implement a fee  
4 program in accordance with applicable provisions of law  
5 to generate the revenue necessary to prepare a master  
6 environmental impact report.

7 (d) If a lead agency prepares a master environmental  
8 impact report for a project described in paragraph (2) of  
9 subdivision (a), the master environmental impact report  
10 shall be certified prior to, or concurrent with, a lead  
11 agency's approval of the initial phase of the project.

12 ~~SEC. 9.—~~

13 *SEC. 8.* Section 21167.6 of the Public Resources Code  
14 is amended to read:

15 21167.6. Notwithstanding any other provision of law,  
16 in all actions or proceedings brought pursuant to Section  
17 21167, except those involving the Public Utilities  
18 Commission, all of the following shall apply:

19 (a) At the time that the action or proceeding is filed,  
20 the plaintiff or petitioner shall file a request that the  
21 respondent public agency prepare the record of  
22 proceedings relating to the subject of the action or  
23 proceeding. The request, together with the complaint or  
24 petition, shall be served upon the public agency not later  
25 than 10 business days from the date that the action or  
26 proceeding was filed.

27 (b) (1) The public agency shall prepare and certify  
28 the record of proceedings not later than 60 days from the  
29 date that the request specified in subdivision (a) was  
30 served upon the public agency. Upon certification, the  
31 public agency shall lodge a copy of the record of  
32 proceedings with the court and shall serve on the parties  
33 notice that the record of proceedings has been certified  
34 and lodged with the court. The parties shall pay a fee to  
35 cover the costs incurred to prepare the record of  
36 proceedings in the same manner as the costs for copies of  
37 public records are determined pursuant to subdivision  
38 (b) of Section 6253 of the Government Code.

39 (2) The plaintiff or petitioner may elect to prepare the  
40 record of proceedings or the parties may agree to an



1 alternative method of preparation of the record of  
2 proceedings, subject to certification of its accuracy by the  
3 public agency, within the time limit specified in this  
4 subdivision.

5 (c) The time limit established by subdivision (b) may  
6 be extended only upon the stipulation of all parties who  
7 have been properly served in the action or proceeding or  
8 upon order of the court. Extensions shall be liberally  
9 granted by the court when the size of the record of  
10 proceedings renders infeasible compliance with that time  
11 limit. There is no limit on the number of extensions that  
12 may be granted by the court, but no single extension shall  
13 exceed 60 days unless the court determines that a longer  
14 extension is in the public interest.

15 (d) If the public agency fails to prepare and certify the  
16 record within the time limit established in subdivision  
17 (b), or any continuances of that time limit, the plaintiff  
18 or petitioner may move for sanctions, and the court may,  
19 upon that motion, grant appropriate sanctions.

20 (e) The record of proceedings shall include, but is not  
21 limited to, all of the following items:

22 (1) All project application materials.

23 (2) All staff reports and related documents prepared  
24 by the respondent public agency with respect to its  
25 compliance with the substantive and procedural  
26 requirements of this division and with respect to the  
27 action on the project.

28 (3) All staff reports and related documents prepared  
29 by the respondent public agency and written testimony  
30 or documents submitted by any person relevant to any  
31 findings or statement of overriding considerations  
32 adopted by the respondent agency pursuant to this  
33 division.

34 (4) Any transcript or minutes of the proceedings at  
35 which the decisionmaking body of the respondent public  
36 agency heard testimony on, or considered any  
37 environmental document on, the project, and any  
38 transcript or minutes of proceedings before any advisory  
39 body to the respondent public agency that were



1 presented to the decisionmaking body prior to action on  
2 the environmental documents or on the project.

3 (5) All notices issued by the respondent public agency  
4 to comply with this division or with any other law  
5 governing the processing and approval of the project.

6 (6) All written comments received in response to, or  
7 in connection with, environmental documents prepared  
8 for the project, including responses to the notice of  
9 preparation.

10 (7) All written evidence or correspondence submitted  
11 to, or transferred from, the respondent public agency  
12 with respect to compliance with this division or with  
13 respect to the project.

14 (8) Any proposed decisions or findings submitted to  
15 the decisionmaking body of the respondent public  
16 agency by its staff, or the project proponent, project  
17 opponents, or other persons.

18 (9) The documentation of the final public agency  
19 decision, including the final environmental impact  
20 report, mitigated negative declaration, or negative  
21 declaration, and all documents, in addition to those  
22 referenced in paragraph (3), cited or relied on in the  
23 findings or in a statement of overriding considerations  
24 adopted pursuant to this division.

25 (10) Any other written materials relevant to the  
26 respondent public agency's compliance with this division  
27 or to its decision on the merits of the project, including  
28 the initial study, any drafts of any environmental  
29 document, or portions thereof, that have been released  
30 for public review, and copies of studies or other  
31 documents relied upon in any environmental document  
32 prepared for the project and either made available to the  
33 public during the public review period or included in the  
34 respondent public agency's files on the project, and all  
35 internal agency communications, including staff notes  
36 and memoranda related to the project or to compliance  
37 with this division.

38 (11) The full written record before any inferior  
39 administrative decisionmaking body whose decision was



1 appealed to a superior administrative decisionmaking  
2 body prior to the filing of litigation.

3 (f) In preparing the record of proceedings, the party  
4 preparing the record shall strive to do so at reasonable  
5 cost in light of the scope of the record.

6 (g) The clerk of the superior court shall prepare and  
7 certify the clerk's transcript on appeal not later than 60  
8 days from the date that the notice designating the papers  
9 or records to be included in the clerk's transcript was filed  
10 with the superior court, if the party or parties pay any  
11 costs or fees for the preparation of the clerk's transcript  
12 imposed in conformance with any law or rules of court.  
13 Nothing in this subdivision precludes an election to  
14 proceed by appendix, as provided in Rule 5.1 of the  
15 California Rules of Court.

16 (h) Extensions of the period for the filing of any brief  
17 on appeal may be allowed only by stipulation of the  
18 parties or by order of the court for good cause shown.  
19 Extensions for the filing of a brief on appeal shall be  
20 limited to one 30-day extension for the preparation of an  
21 opening brief, and one 30-day extension for the  
22 preparation of a responding brief, except that the court  
23 may grant a longer extension or additional extensions if  
24 it determines that there is a substantial likelihood of  
25 settlement that would avoid the necessity of completing  
26 the appeal.

27 (i) At the completion of the filing of briefs on appeal,  
28 the appellant shall notify the court of the completion of  
29 the filing of briefs, whereupon the clerk of the reviewing  
30 court shall set the appeal for hearing on the first available  
31 calendar date.

32 ~~SEC. 10.—~~

33 *SEC. 9.* No reimbursement is required by this act  
34 pursuant to Section 6 of Article XIII B of the California  
35 Constitution because a local agency or school district has  
36 the authority to levy service charges, fees, or assessments  
37 sufficient to pay for the program or level of service



1 mandated by this act, within the meaning of Section 17556  
2 of the Government Code.

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