

AMENDED IN ASSEMBLY MAY 5, 2025

AMENDED IN ASSEMBLY APRIL 24, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 609

**Introduced by Assembly Members Wicks, Alvarez, Carrillo, Flora,
Quirk-Silva, and Wilson**

(Principal coauthor: Senator Wiener)

**(Coauthors: Assembly Members Ávila Farías, Harabedian, Hoover,
Lee, and Wallis)**

(Coauthor: Senator Arreguín)

February 13, 2025

An act to add Section 21080.66 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 609, as amended, Wicks. California Environmental Quality Act: exemption: housing development projects.

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 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 from its requirements various projects, including, but not limited to, housing projects that meet certain requirements.

This bill would exempt from the requirements of CEQA a housing development project, as defined, that meets certain ~~conditions~~ *conditions relating to, for example, size, density, and location, including specific requirements for any housing on the project site located within 500 feet of a freeway.* The bill would require a local government, as a condition of approval for the development, to require the development proponent to complete a ~~phase I specified environmental assessment, as provided.~~ *assessment regarding hazardous substance releases. If a recognized environmental condition is found, the bill would require the development proponent to complete a preliminary endangerment assessment and specified mitigation based on that assessment.* Because a lead agency would be required to determine whether a housing development project qualifies for this exemption, the bill would impose a state-mandated local program.

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 21080.66 is added to the Public Resources
- 2 Code, to read:
- 3 21080.66. (a) Without limiting any other statutory or
- 4 categorical exemption, this division does not apply to a housing
- 5 development project, as defined in subdivision (b) of Section
- 6 65905.5 of the Government Code, that meets the following
- 7 conditions:
- 8 (1) The project site is not more than 20 acres.
- 9 (2) The project site meets either of the following criteria:
- 10 (A) Is located within the boundaries of an incorporated
- 11 municipality.
- 12 (B) Is located within an urban area, as defined by the United
- 13 States Census Bureau.

1 (3) The project site meets either of the following criteria:

2 (A) Has been previously developed with an urban use.

3 (B) At least 75 percent of the perimeter of the site adjoins parcels
4 that are developed with urban uses. For purposes of this section,
5 parcels that are only separated by a street, pedestrian path, or
6 bicycle path shall be considered to be adjoined.

7 (4) (A) The project is consistent with the applicable general
8 plan and zoning ordinance, as well as any applicable local coastal
9 program as defined in Section 30108.6. For purposes of this
10 section, a housing development project shall be deemed consistent
11 with the applicable general plan and zoning ordinance, and any
12 applicable local coastal program, if there is substantial evidence
13 that would allow a reasonable person to conclude that the housing
14 development project is consistent.

15 (B) If the zoning and general plan are not consistent with one
16 another, a project shall be deemed consistent with both if the
17 project is consistent with one.

18 (5) The project will be at least one-half of the applicable density
19 specified in subparagraph (B) of paragraph (3) of subdivision (c)
20 of Section 65583.2 of the Government Code.

21 (6) The project satisfies the requirements specified in paragraph
22 (6) of subdivision (a) of Section 65913.4 of the Government Code.

23 (7) For a site not developed with urban uses, the project site
24 does not contain tribal cultural resources, found pursuant to a
25 consultation described in Section 21080.3.1, that could be affected
26 by the development and the effects cannot be mitigated pursuant
27 to the process described in Section 21080.3.2.

28 (8) *The project does not require the demolition of a historic*
29 *structure that was placed on a national, state, or local historic*
30 *register.*

31 (b) (1) (A) The local government shall, as a condition of
32 approval for the development, require the development proponent
33 to complete a phase I environmental assessment, as defined in
34 Section 78090 of the Health and Safety Code.

35 ~~(2) (A)~~

36 (B) If a recognized environmental condition is found, the
37 development proponent shall complete a preliminary endangerment
38 assessment, as defined in Section 78095 of the Health and Safety
39 Code, prepared by an environmental assessor to determine the
40 existence of any release of a hazardous substance on the site and

1 to determine the potential for exposure of future occupants to
2 significant health hazards from any nearby property or activity.

3 ~~(B)~~

4 (C) If a release of a hazardous substance is found to exist on
5 the site, the release shall be removed or any effects of the release
6 shall be mitigated to levels required by current federal and state
7 statutory and regulatory standards before the local government
8 issues a certificate of occupancy.

9 ~~(C)~~

10 (D) If a potential for exposure to significant hazards from
11 surrounding properties or activities is found to exist, the effects of
12 the potential exposure shall be mitigated to levels required by
13 current federal and state statutory and regulatory standards before
14 the local government issues a certificate of occupancy.

15 (2) *For any housing on the site located within 500 feet of a*
16 *freeway, all of the following shall apply:*

17 (A) *The building shall have a centralized heating, ventilation,*
18 *and air-conditioning system.*

19 (B) *The outdoor air intakes for the heating, ventilation, and*
20 *air-conditioning system shall face away from the freeway.*

21 (C) *The building shall provide air filtration media for outside*
22 *and return air that provides a minimum efficiency reporting value*
23 *of 16.*

24 (D) *The air filtration media shall be replaced at the*
25 *manufacturer's designated interval.*

26 (E) *The building shall not have any balconies facing the freeway.*

27 (c) *A housing development proposed pursuant to this section*
28 *shall be eligible for a density bonus, incentives or concessions,*
29 *waivers or reductions of development standards, and parking*
30 *ratios pursuant to Section 65915 of the Government Code.*

31 ~~(e)~~

32 (d) For purposes of this section, "urban use" means any current
33 or previous residential or commercial development, public
34 institution, or public park that is surrounded by other urban uses,
35 parking lot or structure, transit or transportation passenger facility,
36 or retail use, or any combination of those uses.

37 SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 a local agency or school district has the authority to levy service
40 charges, fees, or assessments sufficient to pay for the program or

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

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