

THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

SUBMITTED ON OCTOBER 20, 1980 BY THE ARB

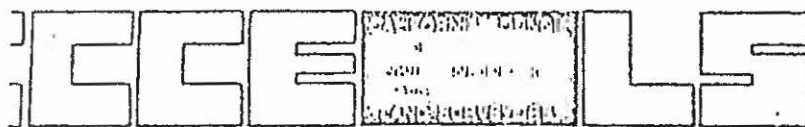
AS A REVISION TO THE CALIFORNIA SIP

Only the following portions of CEQA were identified for inclusion into the SIP: Sections 21000; 21001; 21002; 21002.1; 21061; 21063; 21065; 21080.1; 21080.4(a), (b), (c) and (d); 21081; 21082; 21100; 21104; 21151; 21153; and 21160.

ENCLOSURE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

AS AMENDED
JANUARY 1, 1980



1107 Ninth Street • Suite 811 • Sacramento, California 95814 • Telephone 916-444-3050

EAST BAY CHAPTER
 KERN COUNTY CHAPTER
 LOS ANGELES COUNTY CHAPTER
 MONTEREY BAY AREA CHAPTER
 MOTHER LODE CHAPTER
 NAPA-SOLANO CHAPTER
 ORANGE COUNTY CHAPTER
 PENINSULA CHAPTER
 RIVERSIDE-SAN BERNARDINO CHAPTER
 SAN DIEGO CHAPTER
 SAN FRANCISCO-MARIN CHAPTER
 SAN JOAQUIN VALLEY CHAPTER

CIATED CIVIL ENGINEERS AND LAND SURVEYORS OF SANTA CLARA COUNTY
 DWOOD REGION ASSOCIATION OF CIVIL ENGINEERS AND LAND SURVEYORS
 TRI-COUNTIES CIVIL ENGINEERS AND LAND SURVEYORS ASSOCIATION
 WESTERN ASSOCIATION OF ENGINEERS AND LAND SURVEYORS

CALIFORNIA ENVIRONMENTAL QUALITY ACT

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California Environmental Quality Act is implemented by the principles, objectives, criteria, and definitions as set forth in the "State EIR Guidelines." To obtain a copy of the Guidelines, write to the Department of General Services and request a copy of California Administrative Code, Title 1, Division 6. The address is:

Department of General Services
 Documents Section
 P.O. Box 1015
 North Highlands, CA 95660
 Phone: (916) 445-1020

Order should be accompanied by a check for \$4.24. Allow 3 weeks delivery.

This publication has been produced primarily for use of Council members and is not an official publication of the Public Resources Code.

HISTORY

The Environmental Quality Act of 1970 was introduced as AB 2045 during the 1970 Session of the Legislature. Subsequently passed by the Legislature and signed by the Governor, it became Chapter 1433, Statutes of 1970, effective November 23, 1970.

Of the bills introduced during the 1971 Session of the Legislature to amend the EQA, none were passed.

During the 1972 Session, two bills were passed by the Legislature and signed by the Governor: 1) AB 301, Chapter 971, Statutes of 1972, which amended Sections 21151, 21152, 21153 (superseded by AB 889) effective March 7, 1973; 2) AB 889, Chapter 1154, Statutes of 1972, which amended Sections 21100, 21102, 21104, 21105, 21150, 21151; and added Sections 21060, 21060.5, 21061, 21062, 21063, 21065, 21066, 21067, 21080, 21082, 21083, 21083.5, 21084, 21085, 21086, 21087, 21088, 21089, 21090, 21108, 21152, 21153, 21154, 21160, 21161, 21165, 21166, 21167, 21167.5, 21168, 21168.5, 21168.6, 21168.7, 21169, 21170, 21171, 21172, 21172.5, 21173, and 21174; and repealed Sections 21103, 21107, 21152 (as added by Chapter 971), 21153 (as added by Chapter 971) effective December 5, 1972.

The following amendments were enacted in 1973: AB 635, Chapter 195, Statutes of 1973, which added Section 21155, effective January 1, 1974.

Amendments enacted in 1974 were: 1) AB 1575, Chapter 276, Statutes of 1974, which amended Section 21100 effective January 1, 1975; 2) AB 2338, Chapter 56, Statutes of 1974, which amended Sections 21108, 21152, and 21167, effective March 4, 1974.

Amendments enacted in 1975 were: 1) SB 707, Chapter 1187, Statutes of 1975, which added Section 21080.5 effective January 1, 1976; and 2) AB 335, Chapter 222, Statutes of 1975, which amended Section 21062 and added Sections 21175 and 21176 effective July 4, 1975.

Amendments enacted in 1976 were: 1) SB 1274, Chapter 753, Statutes of 1976, which added Section 21167.7 effective January 1, 1977; 2) SB 1275, Chapter 593, Statutes of 1976 which added Section 21168.3 effective January 1, 1977; and 3) AB 2679, Chapter 1312, Statutes of 1976, which amended Sections 21050, 21061, 21080, 21082, 21083, 21084, 21085, 21087, 21089, 21100, 21168, and 21168.5 and added Sections 21002, 21002.1, 21003, 21060.3, 21061.1, 21064, 21068, 21069, 21081, 21082.1, 21092, 21100.1, 21151.5, and 21167.1 effective January 1, 1977.

Amendments enacted in 1977 were: 1) SB 1040, Chapter 854, Statutes of 1977, which amended Section 21080 (superseded by AB 884) effective January 1, 1978; 2) AB 884, Chapter 1200, Statutes of 1977 which amends Sections 21002.1, 21080 (21080 in this bill supersedes SB 1040, Chapter 854, Statutes of 1977, Section 21080; and AB 1466, Chapter 1045, Statutes of 1977, Section 21080), 21080.5, 21083.5, 21104, 21105, 21151.5, 21153, 21165, 21166, 21167, and 21174 and added Sections 21080.1, 21080.2, 21080.3, 21080.4, 21083.6, 21083.7, 21100.2, 21167.2, and 21167.3 effective January 1, 1978; and 3) AB 1466, Chapter 1045, Statutes of 1977 which amended Section 21080 (superseded by AB 884) effective January 1, 1978.

Amendments enacted in 1978 were: 1) AB 2644, Chapter 1271, Statutes of 1978, which added Sections 21065.5 and 21090.1, effective January 1, 1979; 2) AB 2825, Chapter 1113, Statutes of 1978, which amended Sections 21080.3, 21080.4 and 21151.5, effective September 25, 1978; 3) AB 3763, Chapter 308, Statutes of 1978, which amended Section 21080.5, effective June 30, 1978; 4) SB 1733, Chapter 356, Statutes of 1978, which amended Section 21080; effective July 5, 1978; 5) SB 1873, Chapter 1075, Statutes of 1978, which added Section 21080.9, effective September 25, 1978; 6) SB 1894, Chapter 791, Statutes of 1978, which added Sections 21085.5 and 21085.6, effective September 15, 1978; 7) SB 2003, Chapter 760, Statutes of 1978, which amended Sections 21080, 21080.5, and added Section 21080.7, effective January 1, 1979; 8) SB 2072, Chapter 1093, Statutes of 1978, amends Section 21080, effective January 1, 1979 (Section 21080, as amended in this bill, supersedes the same section in SB 2003).

Amendments enacted in 1979 were: 1) AB 644, Chapter 81, Statutes of 1979, which amended Section 21167.3 effective May 24, 1979; 2) AB 1079, Chapter 337, Statutes of 1979, which amended Section 21080 (Superseded by AB 1534), effective July 27, 1979; 3) AB 1534, Chapter 697, Statutes of 1979, which amended Section 21080 (Section 21080, as amended in this bill, supersedes the same Section in AB 1079) and repealed Sections 21085, 21085.5, and 21085.6, effective January 1, 1980; 4) SB 606, Chapter 917, Statutes of 1979, which amended Sections 21000 and 21001, effective January 1, 1980; 5) SB 672, Chapter 961, Statutes of 1979, which amended Section 21080.9, effective 1, 1980.

THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

*Comprising Chapters 1, 2, 2.5, 2.6, 3, 4, 5 & 6,
Division 13, Public Resources Code*

CHAPTER 1. POLICY

21000. The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

[Amended: Chapter 947, Statutes of 1979]

21001. The Legislature further finds and declares that it is the policy of the state to:

(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

(d) Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.

c) Create and maintain conditions under which man and nature can live in productive harmony to fulfill the social and economic requirements of present and future generations.

d) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

e) Require governmental agencies at all levels to consider qualitative as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

[Amended: Chapter 947, Statutes of 1979]

21002. The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

[Added: Chapter 1312, Statutes of 1976]

21002.1. In order to achieve the objectives set forth in Section 21002, the Legislature finds and declares that the following policy shall apply to the use of environmental impact reports prepared pursuant to the provisions of this division:

a) The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to a project, and to indicate the manner in which such significant effects may be mitigated or avoided.

b) Each public agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever it is able to do so.

c) In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, such project may nonetheless be approved or carried out at the discretion of a public agency, provided that the project is otherwise permissible under applicable laws and regulations.

d) In applying the policies of subdivisions (b) and (c) to individual projects, the responsibility of a public agency which is functioning as a lead agency shall differ from that of a public agency which is functioning as a responsible agency. A public agency functioning as a lead agency shall have responsibility for considering the effects, both individual and cumulative, of all activities involved in a project. A public agency functioning as a responsible agency shall have responsibility for considering only the effects of the activities involved in a project, which it is required by law to carry out or approve. The provisions of this subdivision shall apply only to decisions

by a public agency to carry out or approve a project and shall not limit the scope of the comments such agency may wish to make pursuant to Section 21104 or 21153.

[Amended: Chapter 1200, Statutes of 1977]

21003. The Legislature further finds and declares that it is the policy of the state that:

(a) Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all such procedures, to the maximum feasible extent, run concurrently, rather than consecutively.

(b) Documents prepared pursuant to this division be organized and written in such a manner that they will be meaningful and useful to decisionmakers and to the public.

(c) Environmental impact reports omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.

(d) Information developed in individual environmental impact reports be incorporated into a data base which can be used to reduce delay and duplication in preparation of subsequent environmental impact reports.

(e) Information developed in environmental impact reports covering larger geographical areas be used to contribute to information required in specific environmental impact reports.

[Added: Chapter 1312, Statutes of 1976]

CHAPTER 2. SHORT TITLE

21050. This division shall be known and may be cited as the California Environmental Quality Act.

[Amended: Chapter 1312, Statutes of 1976]

CHAPTER 2.5. DEFINITIONS

[Added by Chapter 1154, Statutes of 1972]

21060. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

21060.3. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

[Added: Chapter 1312, Statutes of 1976]

21060.5. "Environment" means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.

21061. "Environmental impact report" means a detailed statement setting forth the matters specified in Sections 21100 and 21100.1; provided

information or data which is relevant to such a statement and is a part of public record or is generally available to the public need not be included in its entirety in such statement, but may be specifically cited as source for conclusions stated therein; and provided further that such information or data shall be briefly described, that its relationship to the environmental impact report shall be indicated, and that the source thereof shall be reasonably available for inspection at a public place or public hearing. An environmental impact report also includes any comments which are obtained pursuant to Section 21104 or 21153, or which are required to be obtained pursuant to this division.

An environmental impact report is an informational document which, in its preparation is required by this division, shall be considered by any public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which significant effects of such a project might be minimized; and to indicate alternatives to such a project.

In order to facilitate the use of environmental impact reports, public agencies shall require that such reports contain an index or table of contents and a summary. Failure to include such index, table of contents, or summary shall not constitute a cause of action pursuant to Section 21167.

[Amended: Chapter 1312, Statutes of 1976]

21061.1. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

[Added: Chapter 1312, Statutes of 1976]

21062. "Local agency" means any public agency other than a state agency, board, or commission. For purposes of this division, a redevelopment agency and a local agency formation commission are local agencies, but neither is a state agency, board, or commission.

[Amended: Chapter 222, Statutes of 1975]

21063. "Public agency" includes any state agency, board, or commission, county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

21064. "Negative declaration" means a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

[Added: Chapter 1312, Statutes of 1976]

21065. "Project" means the following:

- (a) Activities directly undertaken by any public agency.
- (b) Activities undertaken by a person which are supported in whole or part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) Activities involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

21065.5. "Geothermal exploratory project" means a project as defined in Section 21065 composed of not more than six wells and associated drilling and testing equipment, whose chief and original purpose is to evaluate the presence and characteristics of geothermal resources prior to commencement of a geothermal field development project as defined in Section 65928.5 of the Government Code. Wells included within a geothermal exploratory project must be located at least one-half mile from geothermal development wells which are capable of producing geothermal resources in commercial quantities.

[Added: Chapter 1271, Statutes of 1978]

21066. "Person" includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the state, and any of the agencies and political subdivisions of such entities.

21067. "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

21068. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment.

[Added: Chapter 1312, Statutes of 1976]

21069. "Responsible agency" means a public agency, other than the lead agency which has responsibility for carrying out or approving a project.

[Added: Chapter 1312, Statutes of 1976]

CHAPTER 2.6. GENERAL

[Added by Chapter 1154, Statutes of 1972]

21080. (a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps (except where such a project is exempt from the preparation of an environmental impact report pursuant to Section 21166).

(b) This division shall not apply to the following:

- (1) Ministerial projects proposed to be carried out or approved by public agencies.
- (2) Emergency repairs to public service facilities necessary to maintain service.
- (3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.
- (4) Specific actions, necessary to prevent or mitigate an emergency.
- (5) Projects which a public agency rejects or disapproves.

over natural resources affected by the project which are held in trust for the people of the State of California may request one or more meetings between representatives of such agencies for the purpose of assisting the lead agency to determine the scope and content of the environmental impact statement such responsible agency may require. In the case of a project described in subdivision (c) of Section 21065, such a request may also be made by the project applicant. Such meetings shall be convened by the lead agency as soon as possible, but no later than 30 days, after they have been requested.

In order to expedite the requirements of subdivision (a), the Office of Planning and Research, upon request of a lead agency, shall assist such agency in determining the various responsible agencies and any federal agencies which have responsibility for carrying out or approving a proposed project. In the case of a project described in subdivision (c) of Section 21065, such a request may also be made by the project applicant.

In the event that a state agency is a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project which are held in trust for the people of the State of California, in order to meet the requirements of subdivision (a), the Office of Planning and Research shall ensure that the information required by subdivision (a) is submitted to the lead agency within the required time period.

[Amended: Chapter 1113, Statutes of 1978]

21055. (a) When the regulatory program of a state agency, board, commission, or authority requires a plan or other written documentation, containing environmental information and complying with the requirements of paragraph (3) of subdivision (d) of this section, to be submitted in support of the activities listed in subdivision (b), such plan or other written documentation may be submitted in lieu of the environmental impact report required by this division; provided, that the Secretary of the Resources Agency has certified the regulatory program pursuant to this section.

The provisions of this section shall apply only to regulatory programs or actions thereof which involve:

The issuance to a person of a lease, permit, license, certificate, or entitlement for use; or

The adoption or approval of standards, rules, regulations or plans in the regulatory program.

A regulatory program certified pursuant to this section is exempt from the provisions of Chapter 3 (commencing with Section 21100) and Chapter 4 (commencing with Section 21150) of this division and Section 21100.

In order to qualify for certification pursuant to this section, a regulatory program shall require utilization of an interdisciplinary approach which will ensure the integrated use of the natural and social sciences in making decisions and shall meet all of the following criteria (sic):

The enabling legislation of the regulatory program shall:

Include protection of the environment among its principal purposes.

Contain authority for the administering agency to promulgate rules

and regulations for the protection of the environment, guided by standards set forth in the enabling legislation.

(2) The rules and regulations adopted by the administering agency shall:

(i) Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

(ii) Include guidelines for the orderly evaluation of proposed activities and the preparation of the plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program.

(iii) Require the administering agency to consult with all public agencies which have jurisdiction, by law, with respect to the proposed activity.

(iv) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

(v) Require the filing of a notice of the decision by the administering agency on the proposed activity with the Secretary of the Resources Agency. Such notices shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the office of the Resources Agency. Each such list shall remain posted for a period of 30 days.

(vi) Require notice of the filing of the plan or other written documentation to be made to the public and to any person who requests, in writing, such notification. The notification shall be made in a manner that will provide the public or any such person with sufficient time to review and comment on such filing.

(3) The plan or other written documentation required by the regulatory program shall:

(i) Include a description of the proposed activity with alternatives to the activity, and mitigation measures to minimize any significant adverse environmental impact.

(ii) Be available for a reasonable time for review and comment by other public agencies and the general public.

(c) The Secretary of the Resources Agency shall certify a regulatory program which the secretary determines meets all the qualifications for certification set forth in this section, and withdraw certification on determination that the regulatory program has been altered so that it no longer meets such qualifications. Certification and withdrawal of certification shall occur only after compliance with Chapter 4.5 (commencing with Section 21371) of Part 1 of Division 3 of Title 2 of the Government Code.

In determining whether or not a regulatory program meets the qualifications for certification set forth in this section, the inquiry of the Secretary of the Resources Agency shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The inquiry shall not extend to individual decisions to be reached under such regulatory program, including the nature of specific alternatives or mitigation measures which might be proposed to lessen any significant adverse environmental effects of the activity.

In the event that the Secretary of the Resources Agency determines that the regulatory program submitted for certification does not meet the qualifications for certification set forth in this section, the secretary shall adopt findings setting forth the reasons for such determination.

(f) After a regulatory program has been certified pursuant to this section, any proposed change in such program which could affect compliance with the qualifications for certification specified in subdivision (d) may be submitted to the Secretary of the Resources Agency for a review and comment. The scope of the secretary's review shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The review shall not extend to individual decisions to be reached under such regulatory program, including specific alternatives or mitigation measures which might be proposed to lessen any significant adverse environmental effects of the activity. The secretary shall have 30 days after receipt of such proposed change to notify the state agency, board, or commission whether the proposed change will alter the regulatory program so that it no longer meets the qualification for certification established in this section and will result in a withdrawal of certification as provided in this section.

(g) Any action or proceeding to attack, review, set aside, void, or annul a determination or decision of a state agency, board, or commission approving or adopting a proposed activity under a regulatory program which has been certified pursuant to this section on the basis that the plan or other written documentation prepared pursuant to paragraph (3) of subdivision (d) does not comply with the provisions of this section shall be commenced no later than 30 days from the date of the filing of notice of the approval or adoption of the activity.

(h) Any action or proceeding to attack, review, set aside, void or annul a determination of the Secretary of the Resources Agency to certify a regulatory program pursuant to this section on the basis that the regulatory program does not comply with the provisions of this section shall be commenced within 30 days after certification by the secretary.

In any action brought under this subdivision, the inquiry shall extend only to whether there was a prejudicial abuse of discretion by the Secretary of the Resources Agency. Abuse of discretion is established if the secretary has not proceeded in a manner required by law or if the determination is not supported by substantial evidence.

(i) For the purposes of this section, any county agricultural commissioner shall be considered a state agency.

[Amended: Chapter 760, Statutes of 1978]

21080.7. (a) No environmental impact report or negative declaration shall be required for any project involving the construction of housing or neighborhood commercial facilities in an urbanized area if the lead agency does all of the following:

(1) Finds, after giving notice pursuant to subdivision (b) or (c) of Section 21092 and following the procedure prescribed by law or regulation which would be necessary to make a determination pursuant to Section 21080.1,

(i) That such project is consistent with a specific plan which has been adopted pursuant to Article 8 (commencing with Section 65150), Article 9 (commencing with Section 65500), and Article 10 (commencing with Section 65550) of Chapter 3 of Title 7 of the Government Code or, the coastal zone, a local coastal program certified pursuant to Article (commencing with Section 30510) of Chapter 6 of Division 20,

(ii) That such plan or program was adopted pursuant to the process established by Article 9 (commencing with Section 65500) of Chapter 3 of Title 7 of the Government Code not more than five years prior to finding made pursuant to this section, and,

(iii) That such plan or program has been the subject of an environmental impact report, and

(iv) That the environmental impact report is sufficiently detailed that the significant adverse effects of the project on the environment and measures necessary to mitigate or avoid any such effects can be determined including significant physical effects on existing structures and neighborhoods of historical or aesthetic significance if any exist in the area covered by the plan or program, and measures necessary to mitigate such effects.

(2) Makes one or more of the findings as required pursuant to Section 21081.

(3) Files a notice of the decision on the proposed activity with county clerk. Such notices shall be available for public inspection, and list of such notices shall be posted on a weekly basis in the office of county clerk. Each such list shall remain posted for a period of 30 days.

(b) As used in this section:

(1) "Neighborhood commercial facilities" means those commercial facilities which are an integral part of a project involving the construction of housing and which will serve the residents of such housing.

(2) "Urbanized area" means a central city or cities and surrounding closely settled territory, as defined by the United States Department of Commerce Bureau of the Census in the Federal Register, Volume 39, Number 85, for Wednesday, May 1, 1974, at pages 15202-15203 and as periodically updated.

[Added: Chapter 760, Statutes of 1978]

21080.9. This division shall not apply to activities and approvals of any local government, as defined in Section 30109, or any state university or college, as defined in Section 30119, as necessary for the preparation and adoption of a local coastal program or long-range land use development plan pursuant to Division 20 (commencing with Section 30000); provided, however, that certification of a local coastal program or long-range land use development plan by the California Coastal Commission pursuant to Chapter 6 (commencing with Section 30500) of Division 20 shall be subject to the requirements of this division. For the purpose of Section 21080, a certified local coastal program or long-range land use development plan constitutes a plan for use in the California Coastal Commission's regulatory program.

[Amended: Chapter 961, Statutes of 1979]

21081. Pursuant to the policy stated in Sections 21002 and 21002.1,

21108. (a) Whenever a state agency, board, or commission approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the Secretary of the Resources Agency. Such notice shall indicate the determination of the agency, board, or commission whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to the provisions of this division.

(b) Whenever a state agency, board, or commission determines that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172, and it approves or determines to carry out such project, it, or the person specified in subdivision (b) or (c) of Section 21065, may file notice of such determination with the Secretary of the Resources Agency. Any notice filed pursuant to this subdivision by a person specified in subdivision (b) or (c) of Section 21065 shall have a certificate of determination attached to it issued by the state agency, board, or commission responsible for making the determination that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172. The certificate of determination may be in the form of a certified copy of an existing document or record of the state agency, board, or commission.

(c) All notices filed pursuant to this section shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of 30 days.

[Amended: Chapter 56, Statutes of 1974]

CHAPTER 4. LOCAL AGENCIES

21150. State agencies, boards, and commissions, responsible for allocating state or federal funds on a project-by-project basis to local agencies for any project which may have a significant effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds other than funds solely for projects involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded.

[Amended: Chapter 1154, Statutes of 1972]

21151. All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as part of that report.

[Amended: Chapters 971 and 1154, Statutes of 1972]

21151.5. Each local agency shall establish, by ordinance or resolution, time limits, not to exceed one year for completing and certifying environ-

mental impact reports, and 105 days for completing negative declarations, for projects described in subdivision (c) of Section 21065. Such time limits shall apply only to those circumstances in which such local agency is the lead agency for a project. Such ordinances or resolutions may establish different time limits for different types or classes of projects, but all such limits shall be measured from the date on which an application requesting approval of such project is received and accepted as complete by the local agency. The ordinances or resolutions required by this section may provide for a reasonable extension of such time period in the event that compelling circumstances justify additional time and the project applicant consents thereto.

[Amended: Chapter 1113, Statutes of 1978]

21152. (a) Whenever a local agency approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the county clerk of the county, or counties, in which the project will be located. Such notice shall indicate the determination of the local agency whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to the provisions of this division.

(b) Whenever a local agency determines that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172, and it approves or determines to carry out such project, it, or the person specified in subdivision (b) or (c) of Section 21065, may file notice of such determination with the county clerk of the county, or counties, in which the project will be located. Any notice filed pursuant to this subdivision by a person specified in subdivision (b) or (c) of Section 21065 shall have a certificate of determination attached to it issued by the local agency responsible for making the determination that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172. The certificate of determination may be in the form of a certified copy of an existing document or record of the local agency.

(c) All notices filed pursuant to this section shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the office of the county clerk. Each such list shall remain posted for a period of 30 days.

[Amended: Chapter 56, Statutes of 1974]

21153. Prior to completing an environmental impact report, every local lead agency shall consult with, and obtain comments from, each responsible agency and any public agency which has jurisdiction by law with respect to the project, and may consult with any person who has special expertise with respect to any environmental impact involved.

[Amended: Chapter 1200, Statutes of 1977]

21154. Whenever any state agency, board, or commission issues an order which requires a local agency to carry out a project which may have a significant effect on the environment, any environmental impact report

(d) Any action or proceeding alleging that a public agency has improperly determined that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172 shall be commenced within 35 days after the filing by the public agency, or person specified in subdivision (b) or (c) of Section 21065, of the notice authorized by subdivision (b) of Section 21108 or subdivision (b) of Section 21152. If such notice has not been filed, such action or proceeding shall be commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(e) Any action or proceeding alleging that any other act or omission of a public agency does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

[Amended: Chapter 1200, Statutes of 1977]

21167.1 In all actions brought pursuant to Section 21167, including the hearing of any such action on appeal from the decision of a lower court, all courts wherein such actions are or may hereafter be pending, shall give such actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

[Added: Chapter 1312, Statutes of 1976]

21167.2 If no action or proceeding alleging that an environmental impact report does not comply with the provisions of this division is commenced during the period prescribed in subdivision (c) of Section 21167, the environmental impact report shall be conclusively presumed to comply with the provisions of this division for purposes of its use by responsible agencies, unless the provisions of Section 21166 are applicable.

[Added: Chapter 1200, Statutes of 1977]

21167.3. (a) If an action or proceeding alleging that an environmental impact report does not comply with the provisions of this division is commenced during the period described in subdivision (c) of Section 21167, and if an injunction is issued prohibiting the project from being carried out or approved pending final determination of the issue of such compliance, responsible agencies shall assume that the environmental impact report for the project does comply with the provisions of this division and shall issue a conditional approval or disapproval of such project according to the timetable for agency action in Article 5 (commencing with Section 65950) of Chapter 4.5 of Division 1 of Title 7 of the Government Code. A conditional approval shall constitute permission to proceed with a project when and only when such action or proceeding results in a final determination that the environmental impact report does comply with the provisions of this division.

(b) In the event that an action or proceeding is commenced as described in subdivision (a) but no injunction is sought and granted, responsible agencies shall assume that the environmental impact report for the project does comply with the provisions of this division and shall approve or dis-

approve the project according to the timetable for agency action in Article 5 (commencing with Section 65950) of Chapter 4.5 of Division 1 of Title 7 of the Government Code. Such approval shall constitute permission to proceed with the project at the applicant's risk pending final determination of such action or proceeding.

[Amended: Chapter 81, Statutes of 1979]

21167.5. Proof of prior service by mail upon the public agency carrying out or approving the project of a written notice of the commencement of any action or proceeding described in Section 21167 identifying the project shall be filed concurrently with the initial pleading in such action or proceeding.

21167.7. Every person who brings an action pursuant to Section 21167 shall comply with the requirements of Section 389.6 of the Code of Civil Procedure. Every such person shall also furnish pursuant to Section 389.6 of the Code of Civil Procedure a copy of any amended or supplemental pleading filed by such person in such action to the Attorney General. No relief, temporary or permanent, shall be granted until a copy of the pleading has been furnished to the Attorney General in accordance with such requirements.

[Added: Chapter 753, Statutes of 1976]

21168. Any action or proceeding to attack, review, set aside, void or annul a determination, finding, or decision of a public agency, made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in a public agency, on the grounds of noncompliance with the provisions of this division shall be in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure.

In any such action, the court shall not exercise its independent judgment on the evidence but shall only determine whether the act or decision is supported by substantial evidence in the light of the whole record.

[Amended: Chapter 1312, Statutes of 1976]

21168.3. In all actions brought pursuant to Section 21167, including the hearing of any such action on appeal from the decision of a lower court, all courts wherein such actions are or may hereafter be pending, shall give such actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

[Added: Chapter 593, Statutes of 1976]

21168.5 In any action or proceeding, other than an action or proceeding under Section 21168, to attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the grounds of noncompliance with this division, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.

[Amended: Chapter 1312, Statutes of 1976]

21168.6 In any action or proceeding under Sections 21168 or 21168.5 against the Public Utilities Commission the writ of mandate shall lie only from the Supreme Court to such commission.