

The state legislature continues its efforts to facilitate more housing production in California. Among the most significant bills being considered this session in Sacramento is [SB 607](#), which would provide some substantial changes to how environmental review under the California Environmental Quality Act (CEQA) would operate. Overall, this is a bill that would provide important and generally beneficial reforms to CEQA, though there are ways in which it could be made even better. Here I will focus on the reforms for infill residential development. (The bill also has some broader changes to CEQA that I won't discuss in this post.)

- First, and most important, it calls for the state's Office of Land Use and Climate Innovation (which oversees much of CEQA's application) to develop a map of sites across the state which have a "zoning designation consistent with infill development," and to revise the state's CEQA exemption for infill development to apply to those sites. This proposal is consistent with reforms we called for in [a recent article](#). As we noted there, a map-based CEQA exemption for residential infill development would make application of that exemption more consistent, more transparent to the public, and would advance infill development more broadly. My main concern with this proposal is that "consistent with infill development" is a very vague standard to apply for the relevant state agency. More guidance might be helpful to ensure that we get true infill development - as we also noted in that article, some CEQA exemptions that are supposed to apply to infill development appear to be facilitating sprawling, car-dependent development. As examples of possible guidance, in our article we identified a range of important resources (such as wetlands or prime agricultural land) that could disqualify a parcel for infill development purposes.
- Second, the bill would exempt all rezonings by local governments to comply with updated housing elements. Housing elements are a state-required component of local government general plans that ensure that local government zoning regulations will provide for enough housing capacity to meet demand. Local governments are in the process of doing major rezoning changes to increase zoning capacity for housing across the state - and this rezoning is a crucial element of addressing the state's housing crisis. Thus, the exemption overall is a beneficial reform, though it is potentially overbroad - it might allow local governments that seek to facilitate sprawl through their housing element to evade CEQA review. Limiting the exemption to rezonings that are within the map-based infill zone proposed in the bill would ensure better tailoring of this exemption to achieve the state's goals.
- Third, the bill would mandate clear thresholds for environmental effects that would disqualify a project from the infill exemption and eliminate a carveout from the infill exemption for development in a "particularly sensitive environment". These are both

beneficial changes that would provide more clarity and certainty that would facilitate development. As we noted in our article, the purpose of the map-based approach is to identify areas where we have high certainty that residential development is net beneficial for the environment, and therefore believe the costs of gathering more information about the impacts of projects are not worth it.

- Fourth, the bill limits the scope of environmental review for projects that would normally qualify for the infill exemption, but are not eligible because of specific impacts (such as air or quality) to those specific impacts. Again, this is a beneficial change to facilitate development that on net is environmentally beneficial - other than the specific harms that we can identify a project as causing, within the infill zone the point is to presume that projects are otherwise environmentally beneficial.