Following up on my recent post about SB 607, which proposes creating a California Environmental Quality Act (CEQA) exemption for urban infill housing, a similar bill, AB 609, has also been introduced this session. Like SB 607, AB 609 exempts from CEQA housing projects in urban areas. The main difference with respect to the infill exemption provision is that SB 607 simply instructs a state agency (the Office of Land Use and Climate Innovation) to develop a map of urbanized areas where the exemption should apply, while AB 609 instead identifies where the exemption generally should apply, with significant carveouts to protect a range of important resources (such as wetlands, floodplains, and species habitat) and avoid significant risks (such as earthquake fault zones, and high fire risk areas). In addition AB 609 requires that projects must be above a minimum density threshold.

Like the old Reese's Peanut Butter Cup ads about peanut butter and chocolate, these two bills are two great tastes that would go better together. As I noted in my prior post, the weakness of SB 607 is that it does not define what an "urbanized area" was, but leaves it to agency mapping, and I think specifying important environmental resource and risk criteria to exclude from the CEQA exemption is important. AB 609 provides that detail about what resources and risks to exclude, but does not provide the mapping component, which (as I noted in the prior blog post, building on a past article) can be extremely helpful in making use of this exemption easier and more transparent. Since the two bill authors, Senator Weiner for SB 607, and Assemblymember Wicks for AB 609, are frequent collaborators with respect to housing (including on both of these bills!), I'm hopeful that just such a combination can be achieved.