



American Planning Association  
California Chapter

Creating Great Communities



BAYAREA  
COUNCIL



July 29, 2024

The Honorable Anna Caballero  
Chair, Senate Appropriations Committee  
State Capitol, Room 412  
Sacramento, CA 95814

**RE: AB 2199 (Berman) - CEQA Exemption: Residential or Mixed-Use Housing Projects  
As amended on June 6, 2024 – Support  
Set for hearing in Senate Appropriations – August 5, 2024**

Dear Chair Caballero:

On behalf of the American Planning Association California Chapter, the Associated General Contractors of California, the Bay Area Council, the California Apartment Association, the California State Association of Counties, the Council of Infill Builders, the Sacramento Area Council of Governments, and the Urban Counties of California, we write in support of Assembly Bill 2199 by Assemblymember Berman. AB 2199 extends until 2032 the sunset date of a narrow exemption from the California Environmental Quality Act (CEQA) for infill residential and mixed-use projects in the urbanized parts of California’s unincorporated counties.

The only direct cost to the state from AB 2199 is the requirement for the Office of Planning and Research (OPR) to accept Notices of Exemption that counties must file. Given that a recent law, SB 69 (Stats. 2023, Ch. 860), requires, beginning January 1, 2024, that local agencies electronically file *all* Notices of Determination with OPR and *all* agencies filing NOEs with the local county clerk must also file with OPR, AB 2199 will not impose any significant new costs on the state.

Infill housing projects in cities have enjoyed a categorical exemption from CEQA for decades, but there was no similar exemption for projects in urbanized unincorporated areas until the passage of Assemblymember Berman’s AB 1804 in 2018. Since that time, this narrow exemption has been used to accelerate the environmental review and approval of nine multifamily residential and mixed-use projects consisting of 378 housing units. While the exemption has primarily been used in large urban counties, including Alameda, Orange, Sacramento, and San Diego counties, it has also benefitted two affordable multi-family infill housing projects within existing urbanized communities in unincorporated Santa Cruz and Lake counties.

To ensure that the exemption applies only to the most environmentally beneficial housing projects, AB 2199 includes all the same protections as the categorical infill exemption for cities. It also goes beyond those requirements by including protections for tribal cultural resources, a clear definition for the requirement that developments be substantially surrounded by existing urban uses, and minimum residential density requirements.

While most Californians live within cities, counties have the same responsibilities as cities to plan to accommodate housing needs at all income levels. AB 2199 creates an incentive for additional growth in unincorporated county infill areas, thereby supporting state and local climate, conservation, and housing production goals without creating any significant state costs. For these reasons, we support AB 2199 and respectfully request your “aye” vote.

Sincerely,



Erik de Kok, AICP  
APA California



Melanie Perron  
Associated General Contractors of California



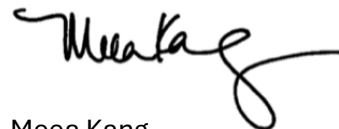
Louis Mirante  
Bay Area Council



Debra Carlton  
California Apartment Association



Mark Neuburger  
California State Association of Counties



Meea Kang  
Council of Infill Builders



Christopher Lee  
Urban Counties of California



James Corless  
Sacramento Area Council of Governments

cc: The Honorable Marc Berman, California State Assembly  
Honorable Members and Consultants, Senate Appropriations Committee  
Kerry Yoshida, Consultant, Senate Republican Caucus