

DECEMBER 17, 2015

LAW ALERT

SUPREME COURT ISSUES *CBIA V. BAY AREA AIR QUALITY MANAGEMENT DISTRICT* OPINION

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Today the California Supreme Court issued a unanimous opinion holding that the California Environmental Quality Act (CEQA) does not require a public agency to consider the impact of existing environmental conditions on future project users except in limited circumstances. Unless a project is subject to special requirements – such as those for certain airport, school, and housing projects – or a project would exacerbate existing environmental hazards or conditions that already exist, the potential impact of existing hazards on future users is not a significant environmental impact for CEQA purposes.

This decision invalidates a portion of the CEQA Guidelines requiring certain types of analysis of environmental hazards to future project users, and it may limit the scope of environmental analysis required for certain types of projects in the future.

For more in-depth analysis and discussion, please refer to Goldfarb & Lipman's forthcoming Law Alert on the Court's decision.

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