CITY OF
CARPINTERIA

May 11, 2026

The Honorable Tasha Boerner
Member, California State Assembly
1021 O Street, Room 4150
Sacramento, CA 95814

RE: Assembly Bill 2170 – OPPOSE As Amended April 22, 2026

Dear Assembly Member Boerner:

The City of Carpinteria regretfully opposes your Assembly Bill 2170 regarding the California Environmental Quality Act (CEQA).

Assembly Bill 2170 significantly expands CEQA to require preparation of an environmental impact report (EIR), mitigated negative declaration (MND), or negative declaration (ND) for the development, operation, or substantial modification/expansion of a broad universe of industrial projects located in or within ½ mile of an "overburdened community." AB 2170 also requires translation of a large number of CEQA notices and imposes a new obligation for local agencies to have in-person interpretation services at public hearings. Together, these requirements impose significant burdens and costs on lead agencies and project proponents and expand litigation risk for those projects. The April 22 amendments also significantly reduce the utility of a newly created CEQA streamlining process for housing projects.

We support CEQA's core objectives of disclosure, informing the decision-making process, and mitigating a project's significant impacts on the environment. Unfortunately, CEQA is often used for non-environmental purposes to either extract concessions from project applicants, or by interested parties to stop a project altogether. All over California, a wide variety of projects are subject to endless delays and added costs by those who use CEQA for their own nonenvironmental ends. The City of Carpinteria fears that AB 2170 will increase CEQA costs, complexity, and litigation risks and provide another powerful tool for opponents to challenge and undermine projects.

AB 2170 imposes new obligations and legal risks for a broad universe of projects located in or near "overburdened communities"

For "industrial" projects located in or within ½ mile of an "overburdened community," AB 2170 requires preparation of an EIR, MND, or ND. In doing so, AB 2170 precludes the use of statutory CEQA exemptions and significantly increases project costs, complexity, and litigation risk.

AB 2170's "overburdened community" provision applies to all projects that include development, intensification, or expansion of an industrial use; however, the bill provides no definition as to what constitutes an "industrial use." Zoning varies from jurisdiction to jurisdiction and so the ambiguity as to what constitutes an "industrial uses" impairs regulatory certainty and could lead to increased litigation. Industrial uses would encompass what one traditionally considers to be industrial, like solid waste management, manufacturing, auto dismantling, fuel storage, and animal slaughter; however, it could also include a broad array of activities that are not traditionally viewed as "industrial", including aquaculture, cannabis testing and manufacturing, research laboratories, lumber yards, truck retail and sales yards, public utility yards, recycling facilities, etc.

Furthermore, the scope of "overburdened community" is broad and includes not only CalEnviroScreen communities, but also broad swaths of unincorporated areas where the median household income is 80% or less than the statewide median household income. This latter trigger sweeps into the scope of the bill many unincorporated rural areas, as well as rural, incorporated cities. The Legislature has long debated the necessary distance requirements for sensitive receptors near industrial sites in a variety of bills - a ½ a mile radius is far-reaching and will result in an extremely broad radius. By increasing CEQA complexity and litigation risk, The City of Carpinteria fears that AB 2170 will disincentivize the location of projects away from those areas in greatest need of economic development and towards more affluent areas, thereby ossifying economic stagnation for those residents and their communities.

AB 2170 precludes the use of statutory CEQA exemptions, which will require local agencies and developers to perform unnecessary environmental analyses for projects that already qualify for existing exemptions. The real risk associated with this requirement is that it changes the judicial standard of review for local decisions from the deferential "substantial evidence" standard which applies to notices of exemption to the far lower "fair argument" standard that applies for MNDs and NDs that would now have to be prepared. This tips the scale against project developers and could be exploited by project opponents and NIMBYs to delay projects for years even when there is contrary evidence in the record that a project would not have a significant impact on the environment.

Taken together, AB 2170 will increase CEQA cost and complexity for a large universe of projects in broad regions of the state and significantly increase CEQA litigation risk for projects that otherwise would have qualified for statutory CEQA exemptions.

AB 2170 undermines a newly created CEQA streamlining process to expedite the construction of housing

Amendments adopted on April 22 expand the scope of AB 2170 to additionally limit the applicability of a newly created CEQA streamlining process for housing projects. Last year's SB 131 (Budget) created a streamlined CEQA review process for housing projects that would have otherwise been exempt from CEQA but for the existence of a single

disqualifying condition. For those projects, the CEQA process is limited to only those impacts caused by the single condition that made the project ineligible for the exemption. Similarly, the environmental review is not required to discuss alternatives or growth inducing impacts of the project.

For example, several CEQA exemptions for housing projects cannot be used if the project is located on lands that may be habitat for protected species. If the housing project meets all the other requirements to use the exemption except that the project site may include habitat for a protected species, SB 131 allows the environmental review to focus exclusively on the project's impact to habitat. The project would not have to evaluate any other environmental impacts, discuss project alternatives, or the project's growth inducing impacts. As a result, the environmental review would focus on that particular aspect of the project that would have precluded it from using the exemption.

Unfortunately, the April 22 amendments bar use of the "almost exempt" streamlining pathway for housing projects any time the project site includes habitat for protected species or contains plants subject to the Native Plant Protection Act. As a result, AB 2170 would subject those housing projects to the entire CEQA review process, including the inherent litigation risk and delays. Simply stated, AB 2170 significantly rolls back some of the most innovative CEQA streamlining processes for housing projects.

Ironically, AB 2170 undermines a CEQA streamlining process that includes more environmental disclosure, review, and mitigation than the traditional CEQA exemptions (and ministerial permit processes) that have become the new strategy for CEQA relief.

AB 2170 creates significant new cost pressures and litigation risks by imposing broad translation and interpretation requirements for all projects

AB 2170 requires a broad array of CEQA notices to be translated into "threshold languages," a term which is itself ambiguously crafted and departs from long-standing definitions. Depending on the number of languages into which it must be translated, these costs could be considerable. Worse yet, there is substantial risk that opponents will argue an imprecise translation in a document precluded informed decision-making, which could result in the project approval being held up for several years while the case works its way through the courts and any problems are remedied.

While these AB 2170 translation costs could be considerable, there are even greater costs and implementation challenges associated with AB 2170's requirement to provide interpretation services at public hearings. These challenges will be even greater for communities with multiple threshold languages or in remote areas that lack access to translators. What happens if the translator fails to show up - must the meeting be postponed? Will inaccurate live translations fail to inform public participation?

Beyond the translation and interpretation challenges posed by AB 2170, the bill also imposes new requirements regarding when and where public hearings on a project must

be located. These could pose logistical challenges, especially for controversial projects with large numbers of individuals wishing to participate in the hearings.

AB 2170's savings clause for inaccurate translations is inadequate

Unfortunately, the savings clause contained in AB 2170 provides very little protection against litigation. It provides that "minor translation inaccuracies" are not a basis for invalidating a public agency decision unless the error precluded relevant information from being presented to the public. This will simply lead to litigation about whether an inaccuracy was minor or precluded informed public participation. That simple claim could take years to resolve in court. CEQA is litigious enough - local agencies should not be subject to **any** challenges based upon the content or accuracy of translations required under AB 2170.

AB 2170 imposes substantial new costs on government agencies that cannot be recovered from project applicants

AB 2170 incorrectly states that no reimbursement is required because local agencies will be able to levy service charges, fees, or assessments to recover their costs. This is simply not true. While local agencies may be able to recover some implementation costs where there is a project applicant, AB 2170 fails to recognize that many CEQA "projects" are undertaken by local agencies themselves, and so will be unable to recover costs in those instances. Even if a local agency can recover AB 2170 implementation costs when there is a project applicant, the bill will still result in significant cost increases (and litigation risks) for housing, energy, business, and other developers.

For these reasons, the City of Carpinteria must oppose your measure AB 2170.

Sincerely,

Natalia Alarcon, Mayor
City of Carpinteria

cc. Senator Monique Limón &
Assemblymember Gregg Hart
David Mullinax, League of California Cities Channel Counties Public Affairs Manager
(via email: dmullinax@cacities.org)
League of California Cities, cityletters@cacities.org