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Public Law Update - AB 1307: Noise By Residential Occupants On Other People Is Not A Significant Effect For Purposes Of CEQA

On September 7th, 2023, AB 1307, “California Environmental Quality Act: noise impact: residential projects,” (“Act”) was signed into law as a direct response to *Make UC a Good Neighbor v. Regents of University of California*—a 2023 appellate decision which blocked an affordable housing development of University of California, Berkeley because the project’s environmental impact report failed to conduct an adequate noise impact analysis that considered noise impacts of students and their guests on people in the surrounding residential neighborhoods.

The California Environmental Quality Act (CEQA) requires lead agencies to prepare and certify environmental impact reports (EIR) on projects which may have significant adverse effects on the environment or adopt a negative declaration if it finds the project will not have any such effects. For projects that may have a significant adverse effect on the environment but for which mitigation measures are available to avoid or reduce such effects to insignificant levels, CEQA also permits lead agencies to prepare a mitigated negative declaration if revisions in the project would mitigate or avoid that effect and there is no substantial evidence that the revised project would have a significant effect on the environment.

AB 1307 adds sections 21084 and 21085.2 to the Public Resources Code and clarifies that the effects of noise generated by residential project occupants and their guests on other humans is not a significant effect for purposes of CEQA. This limitation applies to the completion of an EIR, the adoption of a negative declaration, and the preparation of a mitigated negative declaration. Furthermore, the Act establishes that public higher education institutions pursuing residential or mixed-use housing projects are not required to consider alternatives to the location of the proposed project in an EIR if certain requirements are met.