

AMENDED IN SENATE MARCH 24, 2010

SENATE BILL

No. 1464

Introduced by Senator Simitian

February 19, 2010

An act to amend Section 65919.10 of the Government Code, *and to amend Section 21083.9 of the Public Resources Code*, relating to ~~local~~ land use planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1464, as amended, Simitian. ~~Local~~ Land Use planning.

(1) *The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires a lead agency to call a scoping meeting for a project of statewide, regional, or areawide significance, and requires the lead agency to provide notice of at least one of those scoping meetings to specified entities, including a county or city that borders on a county or city within which the project is located, unless otherwise designated annually by agreement between the lead agency and county or city.*

This bill would authorize the referral of a proposed action to adopt or substantially amend a general plan to a city or county within or abutting the area covered by the proposal by a planning agency prior to action by a legislative body to adopt or amend the general plan to be conducted concurrently with the scoping meeting. The city or county would be authorized to submit specified comments at the scoping meeting.

Existing

(2) *Existing* law authorizes a county and a city to agree upon a procedure for referral to, and comment by, the city or county concerning the other entity's proposals to adopt or amend all or part of a general or specific plan or zoning ordinance, as specified.

This bill would make a technical, nonsubstantive change to this authorization.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65919.10 of the Government Code is
2 amended to read:

3 65919.10. If the proposed action is a change in a zoning
4 ordinance, the county or city need not refer the zoning proposal
5 to an affected city or county, as the case may be, if the zoning
6 proposal is consistent with the general plan and the general plan
7 proposal was referred and acted upon pursuant to this chapter.

8 *SEC. 2. Section 21083.9 of the Public Resources Code is*
9 *amended to read:*

10 21083.9. (a) Notwithstanding Section 21080.4, 21104, or
11 21153, a lead agency shall call at least one scoping meeting for
12 either of the following:

13 (1) A proposed project that may affect highways or other
14 facilities under the jurisdiction of the Department of Transportation
15 if the meeting is requested by the department. The lead agency
16 shall call the scoping meeting as soon as possible, but not later
17 than 30 days after receiving the request from the Department of
18 Transportation.

19 (2) A project of statewide, regional, or areawide significance.

20 (b) The lead agency shall provide notice of at least one scoping
21 meeting held pursuant to paragraph (2) of subdivision (a) to all of
22 the following:

23 (1) (A) A county or city that borders on a county or city within
24 which the project is located, unless otherwise designated annually
25 by agreement between the lead agency and the county or city.

26 (B) *The referral of a proposed action to adopt or substantially*
27 *amend a general plan to a city or county pursuant to paragraph*
28 *(1) of subdivision (a) of Section 65352 of the Government Code*

1 *may be conducted concurrently with the scoping meeting required*
2 *pursuant to this section, and the city or county may submit its*
3 *comments as provided pursuant to subdivision (b) of that section*
4 *at the scoping meeting.*

5 (2) A responsible agency.

6 (3) A public agency that has jurisdiction by law with respect to
7 the project.

8 (4) A transportation planning agency or public agency required
9 to be consulted pursuant to Section 21092.4.

10 (5) An organization or individual who has filed a written request
11 for the notice.

12 (c) For an entity, organization, or individual that is required to
13 be provided notice of a lead agency public meeting, the requirement
14 for notice of a scoping meeting pursuant to subdivision (b) may
15 be met by including the notice of a scoping meeting in the public
16 meeting notice.

17 (d) A scoping meeting that is held in the city or county within
18 which the project is located pursuant to the National Environmental
19 Policy Act (42 U.S.C. Sec. 4321 et seq.) and the regulations
20 adopted pursuant to that act shall be deemed to satisfy the
21 requirement that a scoping meeting be held for a project subject
22 to paragraph (2) of subdivision (a) if the lead agency meets the
23 notice requirements of subdivision (b) or subdivision (c).