

**Introduced by Senator Simitian**February 9, 2011

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An act to amend Section 65919.10 of the Government Code, and to amend Section 21083.9 of the Public Resources Code, relating to land use planning, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 226, as introduced, Simitian. 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.

(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.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
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 Sections 65919.4  
8 to 65919.9, inclusive, as applicable *this chapter*.

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

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

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

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

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

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

27 (2) A responsible agency.

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

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

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

7 (c) For an entity, organization, or individual that is required to  
8 be provided notice of a lead agency public meeting, the requirement  
9 for notice of a scoping meeting pursuant to subdivision (b) may  
10 be met by including the notice of a scoping meeting in the public  
11 meeting notice.

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

19 (e) *The referral of a proposed action to adopt or substantially*  
20 *amend a general plan to a city or county pursuant to paragraph*  
21 *(1) of subdivision (a) of Section 65352 of the Government Code*  
22 *may be conducted concurrently with the scoping meeting required*  
23 *pursuant to this section and the city or county may submit its*  
24 *comments as provided pursuant to subdivision (b) of that section*  
25 *at the scoping meeting.*

26 SEC. 3. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety within  
28 the meaning of Article IV of the Constitution and shall go into  
29 immediate effect. The facts constituting the necessity are:

30 In order to protect the environment and public health at the  
31 earliest possible time, it is necessary for this act to take effect  
32 immediately.