

**Introduced by Senator Steinberg**February 22, 2013

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An act relating to the environment.

## LEGISLATIVE COUNSEL'S DIGEST

SB 731, as introduced, Steinberg. Environment: California Environmental Quality Act and sustainable communities strategy.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would state the intent of the Legislature to enact legislation revising CEQA to, among other things, provide greater certainty for smart infill development, streamline the law for specified projects, and establish a threshold of significance for specified impacts.

Existing law requires the regional transportation plan for regions of the state with a metropolitan planning organization to each adopt a sustainable communities strategy, as part of their regional transportation plan, as specified, designed to achieve certain goals for the reduction of greenhouse gas emissions from automobiles and light trucks in a region. Existing law establishes the Strategic Growth Council to manage

and award grants and loans to support the planning and development of sustainable communities strategies.

This bill would state the intent of the Legislature to provide \$30,000,000 annually to the council for the purposes of providing planning incentive grants to local and regional agencies to update and implement general plans, sustainable communities strategies, and smart growth plans.

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. (a) It is the intent of the Legislature to enact  
2 legislation to adopt provisions of Chapter 3 (commencing with  
3 Section 15000) of Division 6 of Title 14 of the California Code of  
4 Regulations (CEQA Guidelines) that are intended to provide greater  
5 certainty for smart infill development, such as Section 15183.3 of  
6 the CEQA Guidelines and related appendices that implement  
7 Chapter 469 of the Statutes of 2011. It is further the intent of the  
8 Legislature to explore amendments to expand the definition of  
9 “infill” and to accommodate infill development in the Central  
10 Valley.

11 (b) It is the intent of the Legislature to explore amendments to  
12 the California Environmental Quality Act (Division 13  
13 (commencing with Section 21000) of the Public Resources Code),  
14 to further streamline the law for renewable energy projects,  
15 advanced manufacturing projects, transit, bike, and pedestrian  
16 projects, and renewable energy transmission projects.

17 (c) (1) It is the intent of the Legislature to update CEQA to  
18 establish a threshold of significance for noise, aesthetics, parking,  
19 and traffic levels of service, and thresholds relating to these land  
20 use impacts, so that project meeting those thresholds are not subject  
21 to further environmental review for those environmental impacts.  
22 It is further the intent of the Legislature to review other similar  
23 land-use- related impacts to determine if other thresholds of  
24 significance can be set.

25 (2) It is not the intent of the Legislature to affect authority,  
26 consistent with CEQA, for a local agency to impose its own, more  
27 stringent thresholds.

1 (3) It is not the intent of the Legislature to replace full CEQA  
2 analysis with state or local standards, with the exception of the  
3 land use standards described in paragraph (1).

4 (d) It is the intent of the Legislature to amend Section 65456,  
5 which exempts from CEQA projects undertaken pursuant to a  
6 specific plan for which an EIR has been prepared, unless conditions  
7 specified under Section 21166 of the Public Resources Code have  
8 occurred, to define with greater specificity what “new information”  
9 means, and to avoid duplicative CEQA review for projects and  
10 activities that comply with that plan. It is further the intent of the  
11 Legislature to review the possibility of defining other types of  
12 plans to determine if similar treatment could be applied to those  
13 plans or portions of those plans that are consistent with sustainable  
14 communities strategies adopted pursuant to Section 65080 of the  
15 Government Code or that have had a certified EIR within the past  
16 five years.

17 (e) It is the intent of the Legislature to enact amendments to  
18 Section 21168.9 to establish clearer procedures for a trial court to  
19 remand to a lead agency for remedying only those portions of an  
20 EIR, negative declaration, or mitigated negative declaration found  
21 to be in violation of CEQA, while retaining those portions that are  
22 not in violation so that the violations can be corrected, recirculated  
23 for public comment, and completed more efficiently and  
24 expeditiously. It is further the intent of the Legislature to explore  
25 options under which a court could allow project approvals to  
26 remain in place, and for projects to proceed.

27 (f) It is the intent of the Legislature to amend Section 21091 of  
28 the Public Resources Code and related provisions of law to  
29 establish clear statutory rules under which “late hits” and  
30 “document dumps” are prohibited or restricted prior to certification  
31 of an EIR, if a project proponent or lead agency has not  
32 substantively changed the draft EIR or substantively modified the  
33 project.

34 (g) It is the intent of the Legislature to provide \$30 million  
35 annually to the Strategic Growth Council for the purposes of  
36 providing planning incentive grants to local and regional agencies  
37 to update and implement general plans, sustainable communities

- 1 strategies, and smart growth plans pursuant to Chapter 728 of the
- 2 Statutes of 2008.

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