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AMENDED IN SENATE MAY 2, 2007  
AMENDED IN SENATE APRIL 17, 2007

**SENATE BILL**

**No. 375**

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**Introduced by Senator Steinberg**  
**(Coauthor: Senator Ducheny)**  
(Coauthors: Assembly Members Jones and DeSaulnier)

February 21, 2007

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An act to amend Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, and 65588 of, and to add Sections 14522.1, 14522.2, and 65080.01 to, the Government Code, and to amend Section 21061.3 of, to add Section 21159.28 to, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

## LEGISLATIVE COUNSEL'S DIGEST

SB 375, as amended, Steinberg. Transportation planning: travel demand models: sustainable communities strategy: environmental review.

(1) Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law authorizes the California Transportation Commission, in cooperation with the regional agencies, to prescribe study areas for analysis and evaluation.

This bill would require the commission to maintain guidelines for travel demand models used in the development of regional transportation plans by metropolitan planning organizations. The bill would require the Department of Transportation to assist the commission, on request, in this regard, and would impose other related requirements.

This bill would also require the regional transportation plan for regions of the state with a metropolitan planning organization to adopt a sustainable communities strategy, as part of its 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. The bill would require the State Air Resources Board, working in consultation with the metropolitan planning organizations, to provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 by ~~January 1, 2011~~ *September 30, 2010*, and to appoint a Regional Targets Advisory Committee to recommend factors and methodologies for setting those targets, *and to update those targets every 8 years*. The bill would require certain transportation planning and programming activities by the metropolitan planning organizations to be consistent with the sustainable communities strategy contained in the regional transportation plan, but would state that certain transportation projects programmed for funding on or before December 31, 2011, are not required to be consistent with the sustainable communities strategy process. To the extent the sustainable communities strategy is unable to achieve the greenhouse gas ~~emissions~~ *emission* reduction targets, the bill would require affected metropolitan planning organizations to prepare an alternative planning strategy to the sustainable communities strategy showing how the targets

would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The bill would require the State Air Resources Board to review each metropolitan planning organization's sustainable communities strategy and alternative planning strategy to determine whether the strategy, if implemented, would achieve the greenhouse gas emission reduction targets. The bill would require a strategy that is found to be insufficient by the state board to be revised by the metropolitan planning organization, with a minimum requirement that the metropolitan planning organization must obtain state board acceptance that an alternative planning strategy, if implemented, would achieve the targets. The bill would state that the adopted strategies do not regulate the use of land and are not subject to state approval, and that city or county land use policies, including the general plan, are not required to be consistent with the regional transportation plan, which would include the sustainable growth strategy, or the alternative planning strategy. The bill would also require the metropolitan planning organization to hold specified informational meetings in this regard with local elected officials and would require a public participation program with workshops and public hearings for the public, among other things. The bill would enact other related provisions.

Because the bill would impose additional duties on local agencies, it would impose a state-mandated local program.

(2) The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires the housing element to identify the existing and projected housing needs of all economic segments of the community.

Existing law requires the housing element, among other things, to contain a program which sets forth a 5-year schedule of actions of the local government to implement the goals and objectives of the housing element. Existing law requires the program to identify actions that will be undertaken to make sites available to accommodate various housing needs, including, in certain cases, the rezoning of sites to accommodate 100% of the need for housing for very low and low-income households.

This bill would ~~extend the 5-year period for the schedule of actions~~ *instead require the program to 8 years set forth a schedule of actions during the planning period, as defined*, and require each action to have a timetable for implementation. The bill would generally require rezoning of certain sites to accommodate certain housing needs within

specified times, with an opportunity for an extension time in certain cases, and would require the local government to hold a noticed public hearing within 30 days after the deadline for compliance expires. The bill would, under certain conditions, prohibit a local government that fails to complete a required rezoning within the timeframe required from disapproving a housing development project, as defined, or from taking various other actions that would render the project infeasible, and would allow the project applicant or any interested person to bring an action to enforce these provisions. The bill would also allow a court to compel a local government to complete the rezoning within specified times and to impose sanctions on the local government if the court order or judgment is not carried out, and would provide that in certain cases the local government shall bear the burden of proof relative to actions brought to compel compliance with specified deadlines and requirements.

Existing law requires each local government to review and revise its housing element as frequently as appropriate, but not less than every 5 years.

This bill would extend that time period to 8 years, *except for those local governments that are located within a region covered by a metropolitan planning organization in a nonattainment region or by a metropolitan planning organization or regional transportation planning agency that meets certain requirements. The bill would also provide that, in certain cases in which, the time period would be reduced to 4 years or other periods, as specified.*

The bill would enact other related provisions. Because the bill would impose additional duties on local governments relative to the housing element of the general plan, it would thereby impose a state-mandated local program.

(3) 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 exempt from CEQA a transit priority project, as defined, that meets certain requirements and that is declared by the legislative body of a local jurisdiction to be a sustainable communities project. The transit priority project would need to be consistent with a metropolitan planning organization’s sustainable communities strategy or an alternative planning strategy that has been determined by the State Air Resources Board to achieve the greenhouse gas emission reductions targets. The bill would provide for limited CEQA review of various other transit priority projects.

The bill, with respect to other residential or mixed-use residential projects meeting certain requirements, would exempt the environmental documents for those projects from being required to include certain information regarding growth inducing impacts or impacts from certain vehicle trips.

The bill would also authorize the legislative body of a local jurisdiction to adopt traffic mitigation measures for transit priority projects. The bill would exempt a transit priority project seeking a land use approval from compliance with additional measures for traffic impacts, if the local jurisdiction has adopted those traffic mitigation measures.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The transportation sector contributes over 40 percent of the
- 4 greenhouse gas emissions in the State of California; automobiles
- 5 and light trucks alone contribute almost 30 percent. The
- 6 transportation sector is the single largest contributor of greenhouse
- 7 gases of any sector.

1 (b) In 2006, the Legislature passed and the Governor signed  
2 Assembly Bill 32 (Chapter 488 of the Statutes of 2006; hereafter  
3 AB 32), which requires the State of California to reduce its  
4 greenhouse gas emissions to 1990 levels no later than 2020.  
5 According to the State Air Resources Board, in 1990 greenhouse  
6 gas emissions from automobiles and light trucks were 108 million  
7 metric tons, but by 2004 these emissions had increased to 135  
8 million metric tons.

9 (c) Greenhouse gas emissions from automobiles and light trucks  
10 can be substantially reduced by new vehicle technology and by  
11 the increased use of low carbon fuel. However, even taking these  
12 measures into account, it will be necessary to achieve significant  
13 additional greenhouse gas reductions from changed land use  
14 patterns and improved transportation. Without improved land use  
15 and transportation policy, California will not be able to achieve  
16 the goals of AB 32.

17 (d) In addition, automobiles and light trucks account for 50  
18 percent of air pollution in California and 70 percent of its  
19 consumption of petroleum. Changes in land use and transportation  
20 policy, based upon established modeling methodology, will provide  
21 significant assistance to California's goals to implement the federal  
22 and state Clean Air Acts and to reduce its dependence on  
23 petroleum.

24 (e) Current federal law requires regional transportation planning  
25 agencies to include a land use allocation in the regional  
26 transportation plan. Some regions have engaged in a regional  
27 "blueprint" process to prepare the land use allocation. This process  
28 has been open and transparent. The Legislature intends, by this  
29 act, to build upon that successful process by requiring metropolitan  
30 planning organizations to develop and incorporate a sustainable  
31 communities strategy which will be the land use allocation in the  
32 regional transportation plan.

33 (f) The California Environmental Quality Act (CEQA) is  
34 California's premier environmental statute. New provisions of  
35 CEQA should be enacted so that the statute encourages developers  
36 to submit applications and local governments to make land use  
37 decisions that will help the state achieve its climate goals under  
38 AB 32, assist in the achievement of state and federal air quality  
39 standards, and increase petroleum conservation.

1 (g) Current planning models and analytical techniques used for  
2 making transportation infrastructure decisions and for air quality  
3 planning should be able to assess the effects of policy choices,  
4 such as residential development patterns, expanded transit service  
5 and accessibility, the walkability of communities, and the use of  
6 economic incentives and disincentives.

7 (h) The California Transportation Commission has developed  
8 guidelines for travel demand models used in the development of  
9 regional transportation plans. This act assures the commission's  
10 continued oversight of the guidelines, as the commission may  
11 update them as needed from time to time.

12 (i) California local governments need a sustainable source of  
13 funding to be able to accommodate patterns of growth consistent  
14 with the state's climate, air quality, and energy conservation goals.

15 SEC. 2. Section 14522.1 is added to the Government Code, to  
16 read:

17 14522.1. (a) (1) The commission, in consultation with the  
18 State Air Resources Board, shall maintain guidelines for travel  
19 demand models used in the development of regional transportation  
20 plans by federally designated metropolitan planning organizations.

21 (2) Any revision of the guidelines shall include the formation  
22 of an advisory committee that shall include representatives of the  
23 metropolitan planning organizations, the department, organizations  
24 knowledgeable in the creation and use of travel demand models,  
25 local governments, and organizations concerned with the impacts  
26 of transportation investments on communities and the environment.  
27 Before amending the guidelines, the commission shall hold two  
28 workshops on the guidelines, one in northern California and one  
29 in southern California. The workshops shall be incorporated into  
30 regular commission meetings.

31 (b) The department shall assist the commission in the preparation  
32 of the guidelines, if requested to do so by the commission.

33 (c) The guidelines shall, at a minimum and to the extent  
34 practicable, taking into account such factors as the size and  
35 available resources of the metropolitan planning organization,  
36 account for all of the following:

37 (1) The relationship between land use density and household  
38 vehicle ownership and vehicle miles traveled in a way that is  
39 consistent with statistical research.

1 (2) The impact of enhanced transit service levels on household  
2 vehicle ownership and vehicle miles traveled.

3 (3) Changes in travel and land development likely to result from  
4 highway or passenger rail expansion.

5 (4) Mode splitting that allocates trips between automobile,  
6 transit, carpool, and bicycle and pedestrian trips. If a travel demand  
7 model is unable to forecast bicycle and pedestrian trips, another  
8 means may be used to estimate those trips.

9 (5) Speed and frequency, days, and hours of operation of transit  
10 service.

11 SEC. 3. Section 14522.2 is added to the Government Code, to  
12 read:

13 14522.2. (a) ~~A regional transportation planning agency~~  
14 *metropolitan planning organizations* shall disseminate the  
15 methodology, results, and key assumptions of whichever travel  
16 demand models it uses in a way that would be useable and  
17 understandable to the public.

18 (b) Transportation planning agencies other than those identified  
19 in paragraph (1) of subdivision (a) of Section 14522.1, cities, and  
20 counties are encouraged, but not required, to utilize ~~the guidelines.~~  
21 *travel demand models that are consistent with the guidelines in*  
22 *the development of their regional transportation plans.*

23 SEC. 4. Section 65080 of the Government Code is amended  
24 to read:

25 65080. (a) Each transportation planning agency designated  
26 under Section 29532 or 29532.1 shall prepare and adopt a regional  
27 transportation plan directed at achieving a coordinated and balanced  
28 regional transportation system, including, but not limited to, mass  
29 transportation, highway, railroad, maritime, bicycle, pedestrian,  
30 goods movement, and aviation facilities and services. The plan  
31 shall be action-oriented and pragmatic, considering both the  
32 short-term and long-term future, and shall present clear, concise  
33 policy guidance to local and state officials. The regional  
34 transportation plan shall consider factors specified in Section 134  
35 of Title 23 of the United States Code. Each transportation planning  
36 agency shall consider and incorporate, as appropriate, the  
37 transportation plans of cities, counties, districts, private  
38 organizations, and state and federal agencies.

39 (b) The regional transportation plan shall be an internally  
40 consistent document and shall include all of the following:

1 (1) A policy element that describes the transportation issues in  
2 the region, identifies and quantifies regional needs, and describes  
3 the desired short-range and long-range transportation goals, and  
4 pragmatic objective and policy statements. The objective and policy  
5 statements shall be consistent with the funding estimates of the  
6 financial element. The policy element of transportation planning  
7 agencies with populations that exceed 200,000 persons may  
8 quantify a set of indicators including, but not limited to, all of the  
9 following:

10 (A) Measures of mobility and traffic congestion, including, but  
11 not limited to, *daily* vehicle hours of delay per capita and vehicle  
12 miles traveled per capita.

13 (B) Measures of road and bridge maintenance and rehabilitation  
14 needs, including, but not limited to, roadway pavement and bridge  
15 conditions.

16 (C) Measures of means of travel, including, but not limited to,  
17 percentage share of all trips (work and nonwork) made by all of  
18 the following:

19 (i) Single occupant vehicle.

20 (ii) Multiple occupant vehicle or carpool.

21 (iii) Public transit including commuter rail and intercity rail.

22 (iv) Walking.

23 (v) Bicycling.

24 (D) Measures of safety and security, including, but not limited  
25 to, total injuries and fatalities assigned to each of the modes set  
26 forth in subparagraph (C).

27 (E) Measures of equity and accessibility, including, but not  
28 limited to, percentage of the population served by frequent and  
29 reliable public transit, with a breakdown by income bracket, and  
30 percentage of all jobs accessible by frequent and reliable public  
31 transit service, with a breakdown by income bracket.

32 (F) The requirements of this section may be met utilizing  
33 existing sources of information. No additional traffic counts,  
34 household surveys, or other sources of data shall be required.

35 (2) A sustainable communities strategy prepared by each  
36 metropolitan planning organization as follows:

37 (A) No later than ~~January 1, 2011~~ *September 30, 2010*, the State  
38 Air Resources Board shall provide each affected region with  
39 greenhouse gas emission reduction targets for the automobile and  
40 light truck sector for 2020 and 2035, respectively.

1 (i) No later than January 31, 2009, the state board shall appoint  
2 a Regional Targets Advisory Committee to recommend factors to  
3 be considered and methodologies to be used for setting greenhouse  
4 gas emission reduction targets for the affected regions. The  
5 committee shall be composed of representatives of the metropolitan  
6 planning organizations, ~~the~~ affected air districts, the League of  
7 California Cities, the California State Association of Counties,  
8 *local transportation agencies*, and members of the public, including  
9 homebuilders, environmental organizations, planning organizations,  
10 environmental justice organizations, affordable housing  
11 organizations, and others. The advisory committee shall transmit  
12 a report with its recommendations to the state board no later than  
13 ~~December 31~~ *September 30*, 2009. In recommending factors to be  
14 considered and methodologies to be used, the advisory committee  
15 may consider any relevant issues, including, but not limited to,  
16 data needs, modeling techniques, growth forecasts, the impacts of  
17 regional jobs-housing balance on interregional travel and  
18 greenhouse gas emissions, economic and demographic trends, the  
19 magnitude of greenhouse gas reduction benefits from a variety of  
20 land use and transportation strategies, and appropriate methods to  
21 describe regional targets and to monitor performance in attaining  
22 those targets. The state board shall consider the report prior to  
23 setting the targets.

24 (ii) Prior to setting the targets for a region, the state board shall  
25 exchange technical information with the metropolitan planning  
26 organization and the affected air district. ~~This information may~~  
27 ~~include a recommendation for~~ *The metropolitan planning*  
28 *organization may recommend* a target for the region. The  
29 metropolitan planning organization shall hold at least one public  
30 workshop within the region after receipt of the report from the  
31 advisory committee. *The state board shall release draft targets*  
32 *for each region no later than June 30, 2010.*

33 (iii) In establishing these targets, the state board shall take into  
34 account greenhouse gas emission reductions that will be achieved  
35 by improved vehicle emission standards, changes in fuel  
36 composition, and other measures it has approved that will reduce  
37 greenhouse gas emissions in the affected regions, and prospective  
38 measures the state board plans to adopt to reduce greenhouse gas  
39 emissions from other greenhouse gas emission sources as that term  
40 is defined in subdivision (i) of Section 38505 of the Health and

1 Safety Code and consistent with the regulations promulgated  
2 pursuant to the California Global Warming Solutions Act of 2006  
3 (Division 12.5 (commencing with Section 38500) of the Health  
4 and Safety Code).

5 (iv) The state board shall update the regional greenhouse gas  
6 emission reduction targets every eight years consistent with each  
7 metropolitan planning organization’s timeframe for updating its  
8 regional transportation plan under federal law until 2050. The state  
9 board may revise the targets every four years based on changes in  
10 the factors considered under clause ~~(ii)~~ (iii) above. The state board  
11 shall exchange technical information with the metropolitan  
12 planning organizations, local governments, and affected air districts  
13 and engage in a consultative process with public and private  
14 stakeholders prior to updating these targets.

15 (v) The greenhouse gas emission reduction targets may be  
16 expressed in gross tons, tons per capita, tons per household, or in  
17 any other metric deemed appropriate by the state board.

18 (B) Each metropolitan planning organization shall prepare a  
19 sustainable communities strategy, subject to the requirements of  
20 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of  
21 Federal Regulations, including the requirement to utilize the most  
22 recent planning assumptions considering local general plans and  
23 other factors. The sustainable communities strategy shall (i)  
24 identify the general location of uses, residential densities, and  
25 building intensities within the region; (ii) identify areas within the  
26 region sufficient to house all the population of the region, including  
27 all economic segments of the population, over the course of the  
28 planning period of the regional transportation plan taking into  
29 account net migration into the region, population growth, household  
30 formation and employment growth; (iii) identify areas within the  
31 region sufficient to house an eight-year projection of the regional  
32 housing need for the region pursuant to Section 65584; (iv) identify  
33 a transportation network to service the transportation needs of the  
34 region; (v) gather and consider the best practically available  
35 scientific information regarding resource areas and farmland in  
36 the region as defined in subdivisions (a) and (b) of Section  
37 65080.01; (vi) *consider the state housing goals specified in Sections*  
38 *65580 and 65581*; (vii) set forth a forecasted development pattern  
39 for the region, which, when integrated with the transportation  
40 network, and other transportation measures and policies, will

1 reduce the greenhouse gas emissions from automobiles and light  
2 trucks to achieve, if there is a feasible way to do so, the greenhouse  
3 gas emission reduction targets approved by the state board; and  
4 ~~(vii) will~~ (viii) allow the regional transportation plan to comply  
5 with Section 176 of the federal Clean Air Act (42 U.S.C. Sec.  
6 7506). *Within the jurisdiction of the Metropolitan Transportation*  
7 *Commission, as defined by Section 66502, the Association of Bay*  
8 *Area Governments shall be responsible for clauses (i), (ii), (iii),*  
9 *(v), and (vi), the Metropolitan Transportation Commission shall*  
10 *be responsible for clauses (iv) and (viii); and the Association of*  
11 *Bay Area Governments and the Metropolitan Transportation*  
12 *Commission shall jointly be responsible for clause (vii).*

13 (C) In the region served by the multicounty transportation  
14 planning agency described in Section 130004 of the Public Utilities  
15 Code, ~~a county and the cities within that county may propose the~~  
16 ~~sustainable communities strategy for that county. That sustainable~~  
17 ~~communities strategy may be approved by the metropolitan~~  
18 ~~planning organization as part of the sustainable communities~~  
19 ~~strategy for the region provided that the strategy for the region~~  
20 ~~complies with the requirements of this section. Code, a subregional~~  
21 ~~council of governments and the county transportation commission~~  
22 ~~may work together to propose the sustainable communities strategy~~  
23 ~~and an alternative planning strategy, if one is prepared pursuant~~  
24 ~~to subparagraph (H), for that subregional area. The metropolitan~~  
25 ~~planning organization may adopt a framework for a subregional~~  
26 ~~sustainable communities strategy or a subregional alternative~~  
27 ~~planning strategy to address the intraregional land use,~~  
28 ~~transportation, economic, air quality, and climate policy~~  
29 ~~relationships. The metropolitan planning organization shall include~~  
30 ~~the subregional sustainable communities strategy for that~~  
31 ~~subregion in the regional sustainable communities strategy to the~~  
32 ~~extent consistent with this section and federal law and approve~~  
33 ~~the subregional alternative planning strategy, if one is prepared~~  
34 ~~pursuant to subparagraph (H), for that subregional area to the~~  
35 ~~extent consistent with this section. The metropolitan planning~~  
36 ~~organization shall develop overall guidelines, create public~~  
37 ~~participation plans pursuant to subparagraph (E), ensure~~  
38 ~~coordination, resolve conflicts, make sure that the overall plan~~  
39 ~~complies with applicable legal requirements, and adopt the plan~~  
40 ~~for the region.~~

1 (D) ~~Each~~*The* metropolitan planning organization shall conduct  
2 at least two informational meetings in each county within the region  
3 for members of the board of supervisors and city councils on the  
4 sustainable communities strategy and alternative planning strategy,  
5 if any. The metropolitan planning organization may conduct only  
6 one informational meeting if it is attended by representatives of  
7 the county board of supervisors and city council members  
8 representing a majority of the cities representing a majority of the  
9 population in the incorporated areas of that county. Notice of the  
10 meeting shall be sent to the clerk of the board of supervisors and  
11 to each city clerk. The purpose of the meeting shall be to present  
12 a draft of the sustainable communities strategy to the members of  
13 the board of supervisors and the city council members in that  
14 county and to solicit and consider their input and recommendations  
15 ~~and input and recommendations from interested members of the~~  
16 ~~public, including representatives of transportation agencies and~~  
17 ~~transit agencies.~~

18 (E) Each metropolitan planning organization shall adopt a public  
19 participation plan, for development of the sustainable communities  
20 strategy and an alternative planning strategy, if any, that includes  
21 all of the following:

22 (i) Outreach efforts to encourage the active participation of a  
23 broad range of stakeholder groups in the planning process,  
24 consistent with the agency's adopted Federal Public Participation  
25 Plan, including, but not limited to, affordable housing advocates,  
26 transportation advocates, neighborhood and community groups,  
27 environmental advocates, home builder representatives,  
28 broad-based business organizations, landowners, commercial  
29 property interests, and homeowner associations.

30 (ii) *Consultation with congestion management agencies,*  
31 *transportation agencies, and transportation commissions.*

32 (ii)

33 (iii) Workshops throughout the region to provide the public with  
34 the information and tools necessary to provide a clear  
35 understanding of the issues and policy choices. At least one  
36 workshop shall be held in each county in the region. For counties  
37 with a population greater than 500,000, at least three workshops  
38 shall be held. Each workshop, to the extent practicable, shall  
39 include urban simulation computer modeling to create visual

1 representations of the sustainable communities strategy and the  
 2 alternative planning strategy.

3 ~~(iii)~~

4 (iv) Preparation and circulation of a draft sustainable  
 5 communities strategy and, ~~if one is prepared~~, an alternative  
 6 planning strategy, *if one is prepared*, not less than 55 days before  
 7 adoption of a final ~~strategy~~ *regional transportation plan*.

8 ~~(iv)~~

9 (v) At least three public hearings on the draft sustainable  
 10 communities strategy *in the regional transportation plan* and  
 11 alternative planning strategy, ~~if any one is prepared~~. *If the*  
 12 *metropolitan transportation organization consists of a single*  
 13 *county, at least two public hearings shall be held*. To the maximum  
 14 extent feasible, the hearings shall be in different parts of the region  
 15 to maximize the opportunity for participation by members of the  
 16 public throughout the region.

17 ~~(v)~~

18 (vi) A process for enabling members of the public to provide a  
 19 single request to receive notices, information, and updates.

20 (F) In preparing a sustainable communities strategy, the  
 21 metropolitan planning organization shall consider spheres of  
 22 influence that have been adopted by the local agency formation  
 23 commissions within its region.

24 (G) Prior to adopting a sustainable communities strategy, the  
 25 metropolitan planning organization shall quantify the reduction in  
 26 greenhouse gas emissions projected to be achieved by the  
 27 sustainable communities strategy and set forth the difference, if  
 28 any, between the amount of that reduction and the target for the  
 29 region established by the state board.

30 (H) If the sustainable communities strategy, prepared in  
 31 compliance with subparagraph (B) *or (C)*, is unable to reduce  
 32 greenhouse gas emissions to achieve the greenhouse gas emission  
 33 reduction targets established by the state board, the metropolitan  
 34 planning organization shall prepare an alternative planning strategy  
 35 to the sustainable communities strategy showing how those  
 36 greenhouse gas emission targets would be achieved through  
 37 alternative development patterns, infrastructure, or additional  
 38 transportation measures or policies. The alternative planning  
 39 strategy shall be a separate document from the regional  
 40 transportation plan, but it may be adopted concurrently with the

1 regional transportation plan. In preparing the alternative planning  
2 strategy, the metropolitan planning organization:

3 ~~(i) Shall work in collaboration with a broad range of public and~~  
4 ~~private stakeholders, including member cities and counties, relevant~~  
5 ~~interest groups, and the general public.~~  
6 ~~(ii)~~  
7 (i) Shall identify the principal impediments to achieving the  
8 targets within the sustainable communities strategy.  
9 ~~(iii)~~  
10 (ii) May include an alternative development pattern for the  
11 region pursuant to subparagraphs (B) to (F), inclusive.  
12 ~~(iv)~~  
13 (iii) Shall describe how the greenhouse gas emission reduction  
14 targets would be achieved by the alternative planning strategy, and  
15 why the ~~measures~~ *development pattern, measures*, and policies in  
16 the alternative planning strategy are the most practicable choices  
17 for achievement of the greenhouse gas emission reduction targets.  
18 ~~(v)~~  
19 (iv) An alternative development pattern set forth in the  
20 alternative planning strategy shall comply with Part 450 of Title  
21 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,  
22 except to the extent that compliance will prevent achievement of  
23 the greenhouse gas emission reduction targets approved by the  
24 state board.  
25 ~~(vi)~~  
26 (v) For purposes of the California Environmental Quality Act  
27 (Division 13 (commencing with Section 21000) of the Public  
28 Resources Code), an alternative planning strategy shall not  
29 constitute a land use plan, policy, or regulation, and the  
30 inconsistency of a project with an alternative planning strategy  
31 shall not be a consideration in determining whether a project may  
32 have an environmental effect.

33 (I) (i) Prior to starting the public participation process adopted  
34 pursuant to subparagraph (E) of paragraph (2) of subdivision (b)  
35 of Section 65080, the metropolitan planning organization shall  
36 submit a description to the state board of the technical methodology  
37 it intends to use to estimate the greenhouse gas emissions from its  
38 sustainable communities strategy and, if appropriate, its alternative  
39 planning strategy. The state board shall respond to the metropolitan  
40 planning organization in a timely manner with written comments

1 about the technical methodology, including specifically describing  
2 any aspects of that methodology it concludes will not yield accurate  
3 estimates of greenhouse gas emissions, and suggested remedies.  
4 The metropolitan planning organization is encouraged to work  
5 with the state board until the state board concludes that the  
6 technical methodology operates accurately.

7 (ii) After adoption, a metropolitan planning organization shall  
8 submit a sustainable communities strategy or an alternative  
9 planning strategy, if one has been adopted, to the state board for  
10 review, including the quantification of the greenhouse gas emission  
11 reductions the ~~plan~~ strategy would achieve and a description of  
12 the technical methodology used to obtain that result. Review by  
13 the state board shall be limited to acceptance or rejection of the  
14 metropolitan planning organization's determination that the strategy  
15 submitted would, if implemented, achieve the greenhouse gas  
16 emission reduction targets established by the state board. The state  
17 board shall complete its review within 60 days.

18 (iii) If the state board determines that the strategy submitted  
19 would not, if implemented, achieve the greenhouse gas emission  
20 reduction targets, the metropolitan planning organization shall  
21 revise its strategy or adopt an alternative planning strategy, if not  
22 previously adopted, and submit the strategy for review pursuant  
23 to clause (ii). At a minimum, the metropolitan planning  
24 organization must obtain state board acceptance that an alternative  
25 planning strategy would, if implemented, achieve the greenhouse  
26 gas emission reduction targets established for that region by the  
27 state board.

28 (J) Neither a sustainable communities strategy nor an alternative  
29 planning strategy regulates the use of land, nor, except as provided  
30 by subparagraph (I), shall either one be subject to any state  
31 approval. Nothing in a sustainable communities strategy shall be  
32 interpreted as superseding the exercise of the land use authority  
33 of cities and counties within the region. *Nothing in this section*  
34 *shall be interpreted to limit the state board's authority under any*  
35 *other provision of law.* Nothing in this section shall be interpreted  
36 to authorize the abrogation of any vested right whether created by  
37 statute or by common law. Nothing in this section shall require a  
38 city's or county's land use policies and regulations, including its  
39 general plan, to be consistent with the regional transportation plan  
40 or an alternative planning strategy. Nothing in this section requires

1 a metropolitan planning organization to approve a sustainable  
2 communities strategy that would be inconsistent with Part 450 of  
3 Title 23 of, or Part 93 of Title 40 of, the Code of Federal  
4 Regulations and any administrative guidance under those  
5 regulations. Nothing in this section relieves a public or private  
6 entity or any person from compliance with any other local, state,  
7 or federal law.

8 (K) Nothing in this section requires projects programmed for  
9 funding on or before December 31, 2011, to be subject to the  
10 provisions of ~~subparagraph (B)~~ *this paragraph* if they (i) are  
11 contained in the 2007 or 2009 Federal Statewide Transportation  
12 Improvement Program, (ii) are funded pursuant to Chapter 12.49  
13 (commencing with Section 8879.20) of Division 1 of Title 2, or  
14 (iii) were specifically listed in a ballot measure prior to December  
15 31, 2008, approving a sales tax increase for transportation projects.  
16 Nothing in this section shall require a transportation sales tax  
17 authority to change the funding allocations approved by the voters  
18 for categories of transportation projects in a sales tax measure  
19 adopted prior to December 31, 2010. For purposes of this  
20 subparagraph, a transportation sales tax authority is a district, as  
21 defined in Section 7252 of the Revenue and Taxation Code, that  
22 is authorized to impose a sales tax for transportation purposes.

23 (L) *A metropolitan planning organization, or a regional*  
24 *transportation planning agency not within a metropolitan planning*  
25 *organization, that is required to adopt a regional transportation*  
26 *plan not less than every five years, may elect to adopt the plan not*  
27 *less than every four years. This election shall be made by the board*  
28 *of directors of the metropolitan planning organization or regional*  
29 *transportation planning agency no later than June 1, 2009, or*  
30 *thereafter 54 months prior to the statutory deadline for the*  
31 *adoption of housing elements for the local jurisdictions within the*  
32 *region, after a public hearing at which comments are accepted*  
33 *from members of the public and representatives of cities and*  
34 *counties within the region covered by the metropolitan planning*  
35 *organization or regional transportation planning agency. Notice*  
36 *of the public hearing shall be given to the general public and by*  
37 *mail to cities and counties within the region no later than 30 days*  
38 *prior to the date of the public hearing. Notice of election shall be*  
39 *promptly given to the Department of Housing and Community*  
40 *Development. The metropolitan planning organization or the*

1 regional transportation planning agency shall complete its next  
2 regional transportation plan within three years of the notice of  
3 election.

4 (M) Two or more of the metropolitan planning organizations  
5 for Fresno County, Kern County, Kings County, Madera County,  
6 Merced County, San Joaquin County, Stanislaus County, and  
7 Tulare County may work together to develop and adopt  
8 multiregional goals and policies that may address interregional  
9 land use, transportation, economic, air quality, and climate  
10 relationships. The participating metropolitan planning  
11 organizations may also develop a multiregional sustainable  
12 communities strategy, to the extent consistent with federal law, or  
13 an alternative planning strategy for adoption by the metropolitan  
14 planning organizations. Each participating metropolitan planning  
15 organization shall consider any adopted multiregional goals and  
16 policies in the development of a sustainable communities strategy  
17 and, if applicable, an alternative planning strategy for its region.

18 (3) An action element that describes the programs and actions  
19 necessary to implement the plan and assigns implementation  
20 responsibilities. The action element may describe all transportation  
21 projects proposed for development during the 20-year or greater  
22 life of the plan. The action element shall consider congestion  
23 management programming activities carried out within the region.

24 (4) (A) A financial element that summarizes the cost of plan  
25 implementation constrained by a realistic projection of available  
26 revenues. The financial element shall also contain  
27 recommendations for allocation of funds. A county transportation  
28 commission created pursuant to Section 130000 of the Public  
29 Utilities Code shall be responsible for recommending projects to  
30 be funded with regional improvement funds, if the project is  
31 consistent with the regional transportation plan. The first five years  
32 of the financial element shall be based on the five-year estimate  
33 of funds developed pursuant to Section 14524. The financial  
34 element may recommend the development of specified new sources  
35 of revenue, consistent with the policy element and action element.

36 (B) The financial element of transportation planning agencies  
37 with populations that exceed 200,000 persons may include a project  
38 cost breakdown for all projects proposed for development during  
39 the 20-year life of the plan that includes total expenditures and  
40 related percentages of total expenditures for all of the following:

- 1 (i) State highway expansion.
  - 2 (ii) State highway rehabilitation, maintenance, and operations.
  - 3 (iii) Local road and street expansion.
  - 4 (iv) Local road and street rehabilitation, maintenance, and
  - 5 operation.
  - 6 (v) Mass transit, commuter rail, and intercity rail expansion.
  - 7 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
  - 8 maintenance, and operations.
  - 9 (vii) Pedestrian and bicycle facilities.
  - 10 (viii) Environmental enhancements and mitigation.
  - 11 (ix) Research and planning.
  - 12 (x) Other categories.
- 13 (C) The metropolitan planning organization or county  
14 transportation agency, whichever entity is appropriate, shall  
15 consider financial incentives for cities and counties that have  
16 resource areas or farmland, as defined *in* Section 65080.01, for  
17 the purposes of, for example, transportation investments for the  
18 preservation and safety of the city street or county road system;  
19 *and* farm to market; and interconnectivity transportation needs.  
20 The metropolitan planning organization or county transportation  
21 agency, whichever entity is appropriate, shall also consider  
22 financial assistance for *counties to address countywide* service  
23 responsibilities ~~for the residents~~ in counties that contribute towards  
24 the greenhouse gas emission reduction targets by implementing  
25 policies for growth to occur within their cities.
- 26 (c) Each transportation planning agency may also include other  
27 factors of local significance as an element of the regional  
28 transportation plan, including, but not limited to, issues of mobility  
29 for specific sectors of the community, including, but not limited  
30 to, senior citizens.
- 31 (d) Except as otherwise provided in this subdivision, each  
32 transportation planning agency shall adopt and submit, every four  
33 years, an updated regional transportation plan to the California  
34 Transportation Commission and the Department of Transportation.  
35 A transportation planning agency located in a federally designated  
36 air quality attainment area or that does not contain an urbanized  
37 area may at its option adopt and submit a regional transportation  
38 plan every five years. When applicable, the plan shall be consistent  
39 with federal planning and programming requirements and shall  
40 conform to the regional transportation plan guidelines adopted by

1 the California Transportation Commission. Prior to adoption of  
2 the regional transportation plan, a public hearing shall be held after  
3 the giving of notice of the hearing by publication in the affected  
4 county or counties pursuant to Section 6061.

5 SEC. 5. Section 65080.01 is added to the Government Code,  
6 to read:

7 65080.01. The following definitions apply to terms used in  
8 Section 65080:

9 (a) “Resource areas” include (1) all publicly owned parks and  
10 open space; (2) open space or habitat areas protected by natural  
11 community conservation plans, habitat conservation plans, and  
12 other adopted natural resource protection plans; (3) habitat for  
13 species identified as candidate, fully protected, sensitive, or species  
14 of special status by local, state, or federal agencies or protected  
15 by the federal Endangered Species Act of 1973, the California  
16 Endangered Species Act, or the Native Plant Protection Act; (4)  
17 lands subject to conservation or agricultural easements for  
18 conservation or agricultural purposes by local governments, special  
19 districts, or nonprofit 501(c)(3) organizations, areas of the state  
20 designated by the State Mining and Geology Board as areas of  
21 statewide or regional significance pursuant to Section 2790 of the  
22 Public Resources Code, and lands under Williamson Act contracts;  
23 (5) areas designated for open-space *or agricultural* uses in adopted  
24 open-space elements *or agricultural elements* of the local general  
25 plan or by local ordinance; (6) areas containing biological resources  
26 as described in Appendix G of the CEQA Guidelines that may be  
27 significantly affected by the sustainable communities strategy or  
28 the alternative planning strategy; and (7) an area subject to flooding  
29 where a development project would not, at the time of development  
30 in the judgment of the agency, meet the requirements of the  
31 National Flood Insurance Program or where the area is subject to  
32 more protective provisions of state law or local ordinance.

33 (b) “Farmland” means farmland that is outside all existing city  
34 spheres of influence or city limits as of January 1, 2008, and is  
35 one of the following:

36 (1) Classified as prime or unique farmland or farmland of  
37 statewide importance.

38 (2) Farmland classified by a local agency in its general plan that  
39 meets or exceeds the standards for prime or unique farmland or  
40 farmland of statewide importance.

1 (c) “Feasible” means capable of being accomplished in a  
2 successful manner within a reasonable period of time, taking into  
3 account economic, environmental, legal, social, and technological  
4 factors.

5 (d) “Consistent” shall have the same meaning as that term as  
6 use in Section 134 of Title 23 of the United States Code.

7 (e) “Internally consistent” means that the contents of the  
8 elements of the regional transportation plan must be consistent  
9 with each other.

10 SEC. 6. Section 65400 of the Government Code is amended  
11 to read:

12 65400. (a) After the legislative body has adopted all or part  
13 of a general plan, the planning agency shall do both of the  
14 following:

15 (1) Investigate and make recommendations to the legislative  
16 body regarding reasonable and practical means for implementing  
17 the general plan or element of the general plan, so that it will serve  
18 as an effective guide for orderly growth and development,  
19 preservation and conservation of open-space land and natural  
20 resources, and the efficient expenditure of public funds relating to  
21 the subjects addressed in the general plan.

22 (2) Provide by April 1 of each year an annual report to the  
23 legislative body, the Office of Planning and Research, and the  
24 Department of Housing and Community Development that includes  
25 all of the following:

26 (A) The status of the plan and progress in its implementation.

27 (B) The progress in meeting its share of regional housing needs  
28 determined pursuant to Section 65584 and local efforts to remove  
29 governmental constraints to the maintenance, improvement, and  
30 development of housing pursuant to paragraph (3) of subdivision  
31 (c) of Section 65583.

32 The housing element portion of the annual report, as required  
33 by this paragraph, shall be prepared through the use of forms and  
34 definitions adopted by the Department of Housing and Community  
35 Development pursuant to the rulemaking provisions of the  
36 Administrative Procedure Act (Chapter 3.5 (commencing with  
37 Section 11340) of Part 1 of Division 3 of Title 2). Prior to *and*  
38 *after* adoption of the forms, the housing element portion of the  
39 annual report shall include a section that describes the actions  
40 taken by the local government towards completion of the programs

1 and status of the local government's compliance with the deadlines  
2 in its housing element. That report shall be considered at a public  
3 ~~meeting~~ *an annual public meeting before the legislative body* where  
4 members of the public shall be allowed to provide oral testimony  
5 and written comments.

6 (C) The degree to which its approved general plan complies  
7 with the guidelines developed and adopted pursuant to Section  
8 65040.2 and the date of the last revision to the general plan.

9 ~~(b) For the report to be filed during the 2006 calendar year, the~~  
10 ~~planning agency may provide the report required pursuant to~~  
11 ~~paragraph (2) of subdivision (a) by October 1, 2006.~~

12 (e)

13 (b) If a court finds, upon a motion to that effect, that a city,  
14 county, or city and county failed to submit, within 60 days of the  
15 deadline established in this section, the housing element portion  
16 of the report required pursuant to subparagraph (B) of paragraph  
17 (2) of subdivision (a) that substantially complies with the  
18 requirements of this section, the court shall issue an order or  
19 judgment compelling compliance with this section within 60 days.  
20 If the city, county, or city and county fails to comply with the  
21 court's order within 60 days, the plaintiff or petitioner may move  
22 for sanctions, and the court may, upon that motion, grant  
23 appropriate sanctions. The court shall retain jurisdiction to ensure  
24 that its order or judgment is carried out. If the court determines  
25 that its order or judgment is not carried out within 60 days, the  
26 court may issue further orders as provided by law to ensure that  
27 the purposes and policies of this section are fulfilled. This  
28 subdivision applies to proceedings initiated on or after the first  
29 day of October following the adoption of forms and definitions by  
30 the Department of Housing and Community Development pursuant  
31 to paragraph (2) of subdivision (a), but no sooner than six months  
32 following that adoption.

33 SEC. 7. Section 65583 of the Government Code is amended  
34 to read:

35 65583. The housing element shall consist of an identification  
36 and analysis of existing and projected housing needs and a  
37 statement of goals, policies, quantified objectives, financial  
38 resources, and scheduled programs for the preservation,  
39 improvement, and development of housing. The housing element  
40 shall identify adequate sites for housing, including rental housing,

1 factory-built housing, mobilehomes, and emergency shelters, and  
2 shall make adequate provision for the existing and projected needs  
3 of all economic segments of the community. The element shall  
4 contain all of the following:

5 (a) An assessment of housing needs and an inventory of  
6 resources and constraints relevant to the meeting of these needs.

7 The assessment and inventory shall include all of the following:

8 (1) An analysis of population and employment trends and  
9 documentation of projections and a quantification of the locality's  
10 existing and projected housing needs for all income levels,  
11 including extremely low income households, as defined in  
12 subdivision (b) of Section 50105 and Section 50106 of the Health  
13 and Safety Code. These existing and projected needs shall include  
14 the locality's share of the regional housing need in accordance  
15 with Section 65584. Local agencies shall calculate the subset of  
16 very low income households allotted under Section 65584 that  
17 qualify as extremely low income households. The local agency  
18 may either use available census data to calculate the percentage  
19 of very low income households that qualify as extremely low  
20 income households or presume that 50 percent of the very low  
21 income households qualify as extremely low income households.  
22 The number of extremely low income households and very low  
23 income households shall equal the jurisdiction's allocation of very  
24 low income households pursuant to Section 65584.

25 (2) An analysis and documentation of household characteristics,  
26 including level of payment compared to ability to pay, housing  
27 characteristics, including overcrowding, and housing stock  
28 condition.

29 (3) An inventory of land suitable for residential development,  
30 including vacant sites and sites having potential for redevelopment,  
31 and an analysis of the relationship of zoning and public facilities  
32 and services to these sites.

33 (4) (A) The identification of a zone or zones where emergency  
34 shelters are allowed as a permitted use without a conditional use  
35 or other discretionary permit. The identified zone or zones shall  
36 include sufficient capacity to accommodate the need for emergency  
37 shelter identified in paragraph (7), except that each local  
38 government shall identify a zone or zones that can accommodate  
39 at least one year-round emergency shelter. If the local government  
40 cannot identify a zone or zones with sufficient capacity, the local

1 government shall include a program to amend its zoning ordinance  
2 to meet the requirements of this paragraph within one year of the  
3 adoption of the housing element. The local government may  
4 identify additional zones where emergency shelters are permitted  
5 with a conditional use permit. The local government shall also  
6 demonstrate that existing or proposed permit processing,  
7 development, and management standards are objective and  
8 encourage and facilitate the development of, or conversion to,  
9 emergency shelters. Emergency shelters may only be subject to  
10 those development and management standards that apply to  
11 residential or commercial development within the same zone except  
12 that a local government may apply written, objective standards  
13 that include all of the following:

14 (i) The maximum number of beds or persons permitted to be  
15 served nightly by the facility.

16 (ii) Off-street parking based upon demonstrated need, provided  
17 that the standards do not require more parking for emergency  
18 shelters than for other residential or commercial uses within the  
19 same zone.

20 (iii) The size and location of exterior and interior onsite waiting  
21 and client intake areas.

22 (iv) The provision of onsite management.

23 (v) The proximity to other emergency shelters, provided that  
24 emergency shelters are not required to be more than 300 feet apart.

25 (vi) The length of stay.

26 (vii) Lighting.

27 (viii) Security during hours that the emergency shelter is in  
28 operation.

29 (B) The permit processing, development, and management  
30 standards applied under this paragraph shall not be deemed to be  
31 discretionary acts within the meaning of the California  
32 Environmental Quality Act (Division 13 (commencing with Section  
33 21000) of the Public Resources Code).

34 (C) A local government that can demonstrate to the satisfaction  
35 of the department the existence of one or more emergency shelters  
36 either within its jurisdiction or pursuant to a multijurisdictional  
37 agreement that can accommodate that jurisdiction's need for  
38 emergency shelter identified in paragraph (7) may comply with  
39 the zoning requirements of subparagraph (A) by identifying a zone

1 or zones where new emergency shelters are allowed with a  
2 conditional use permit.

3 (D) A local government with an existing ordinance or ordinances  
4 that comply with this paragraph shall not be required to take  
5 additional action to identify zones for emergency shelters. The  
6 housing element must only describe how existing ordinances,  
7 policies, and standards are consistent with the requirements of this  
8 paragraph.

9 (5) An analysis of potential and actual governmental constraints  
10 upon the maintenance, improvement, or development of housing  
11 for all income levels, including the types of housing identified in  
12 paragraph (1) of subdivision (c), and for persons with disabilities  
13 as identified in the analysis pursuant to paragraph (7), including  
14 land use controls, building codes and their enforcement, site  
15 improvements, fees and other exactions required of developers,  
16 and local processing and permit procedures. The analysis shall  
17 also demonstrate local efforts to remove governmental constraints  
18 that hinder the locality from meeting its share of the regional  
19 housing need in accordance with Section 65584 and from meeting  
20 the need for housing for persons with disabilities, supportive  
21 housing, transitional housing, and emergency shelters identified  
22 pursuant to paragraph ~~(6)~~ (7). Transitional housing and supportive  
23 housing shall be considered a residential use of property, and shall  
24 be subject only to those restrictions that apply to other residential  
25 dwellings of the same type in the same zone.

26 (6) An analysis of potential and actual nongovernmental  
27 constraints upon the maintenance, improvement, or development  
28 of housing for all income levels, including the availability of  
29 financing, the price of land, and the cost of construction.

30 (7) An analysis of any special housing needs, such as those of  
31 the elderly, persons with disabilities, large families, farmworkers,  
32 families with female heads of households, and families and persons  
33 in need of emergency shelter. The need for emergency shelter shall  
34 be assessed based on annual and seasonal need. The need for  
35 emergency shelter may be reduced by the number of supportive  
36 housing units that are identified in an adopted 10-year plan to end  
37 chronic homelessness and that are either vacant or for which  
38 funding has been identified to allow construction during the  
39 planning period.

1 (8) An analysis of opportunities for energy conservation with  
2 respect to residential development.

3 (9) An analysis of existing assisted housing developments that  
4 are eligible to change from low-income housing uses during the  
5 next 10 years due to termination of subsidy contracts, mortgage  
6 prepayment, or expiration of restrictions on use. “Assisted housing  
7 developments,” for the purpose of this section, shall mean  
8 multifamily rental housing that receives governmental assistance  
9 under federal programs listed in subdivision (a) of Section  
10 65863.10, state and local multifamily revenue bond programs,  
11 local redevelopment programs, the federal Community  
12 Development Block Grant Program, or local in-lieu fees. “Assisted  
13 housing developments” shall also include multifamily rental units  
14 that were developed pursuant to a local inclusionary housing  
15 program or used to qualify for a density bonus pursuant to Section  
16 65916.

17 (A) The analysis shall include a listing of each development by  
18 project name and address, the type of governmental assistance  
19 received, the earliest possible date of change from low-income use  
20 and the total number of elderly and nonelderly units that could be  
21 lost from the locality’s low-income housing stock in each year  
22 during the 10-year period. For purposes of state and federally  
23 funded projects, the analysis required by this subparagraph need  
24 only contain information available on a statewide basis.

25 (B) The analysis shall estimate the total cost of producing new  
26 rental housing that is comparable in size and rent levels, to replace  
27 the units that could change from low-income use, and an estimated  
28 cost of preserving the assisted housing developments. This cost  
29 analysis for replacement housing may be done aggregately for  
30 each five-year period and does not have to contain a  
31 project-by-project cost estimate.

32 (C) The analysis shall identify public and private nonprofit  
33 corporations known to the local government which have legal and  
34 managerial capacity to acquire and manage these housing  
35 developments.

36 (D) The analysis shall identify and consider the use of all federal,  
37 state, and local financing and subsidy programs which can be used  
38 to preserve, for lower income households, the assisted housing  
39 developments, identified in this paragraph, including, but not  
40 limited to, federal Community Development Block Grant Program

1 funds, tax increment funds received by a redevelopment agency  
2 of the community, and administrative fees received by a housing  
3 authority operating within the community. In considering the use  
4 of these financing and subsidy programs, the analysis shall identify  
5 the amounts of funds under each available program which have  
6 not been legally obligated for other purposes and which could be  
7 available for use in preserving assisted housing developments.

8 (b) (1) A statement of the community's goals, quantified  
9 objectives, and policies relative to the maintenance, preservation,  
10 improvement, and development of housing.

11 (2) It is recognized that the total housing needs identified  
12 pursuant to subdivision (a) may exceed available resources and  
13 the community's ability to satisfy this need within the content of  
14 the general plan requirements outlined in Article 5 (commencing  
15 with Section 65300). Under these circumstances, the quantified  
16 objectives need not be identical to the total housing needs. The  
17 quantified objectives shall establish the maximum number of  
18 housing units by income category, including extremely low income,  
19 that can be constructed, rehabilitated, and conserved over a  
20 five-year time period.

21 (c) A program which sets forth ~~an eight-year~~ a schedule of  
22 actions *during the planning period*, each with a timeline for  
23 implementation, which may recognize that certain programs are  
24 ongoing, such that there will be beneficial impacts of the programs  
25 within the planning period, that the local government ~~will~~ *is*  
26 *undertaking or intends to* undertake to implement the policies and  
27 achieve the goals and objectives of the housing element through  
28 the administration of land use and development controls, the  
29 provision of regulatory concessions and incentives, and the  
30 utilization of appropriate federal and state financing and subsidy  
31 programs when available and the utilization of moneys in a low-  
32 and moderate-income housing fund of an agency if the locality  
33 has established a redevelopment project area pursuant to the  
34 Community Redevelopment Law (Division 24 (commencing with  
35 Section 33000) of the Health and Safety Code). In order to make  
36 adequate provision for the housing needs of all economic segments  
37 of the community, the program shall do all of the following:

38 (1) Identify actions that will be taken to make sites available  
39 during the planning period of the general plan with appropriate  
40 zoning and development standards and with services and facilities

1 to accommodate that portion of the city's or county's share of the  
2 regional housing need for each income level that could not be  
3 accommodated on sites identified in the inventory completed  
4 pursuant to paragraph (3) of subdivision (a) without rezoning, and  
5 to comply with the requirements of Section 65584.09. Sites shall  
6 be identified as needed to facilitate and encourage the development  
7 of a variety of types of housing for all income levels, including  
8 multifamily rental housing, factory-built housing, mobilehomes,  
9 housing for agricultural employees, supportive housing,  
10 single-room occupancy units, emergency shelters, and transitional  
11 housing.

12 *(A) Where the inventory of sites, pursuant to paragraph (3) of*  
13 *subdivision (a), does not identify adequate sites to accommodate*  
14 *the need for groups of all household income levels pursuant to*  
15 *Section 65584, rezoning of those sites, including adoption of*  
16 *minimum density and development standards, for jurisdictions*  
17 *with an eight-year housing element planning period pursuant to*  
18 *Section 65588, shall be completed no later than three years after*  
19 *either the date the housing element is adopted pursuant to*  
20 *subdivision (f) of Section 65585 or the date that is 90 days after*  
21 *receipt of comments from the department pursuant to subdivision*  
22 *(b) of Section 65585, whichever is earlier, unless the deadline is*  
23 *extended pursuant to subdivision (f). Notwithstanding the*  
24 *foregoing, for a local government that fails to adopt a housing*  
25 *element within 120 days of the statutory deadline in Section 65588*  
26 *for adoption of the housing element, rezoning of those sites,*  
27 *including adoption of minimum density and development standards,*  
28 *shall be completed no later than three years and 120 days from*  
29 *the statutory deadline in Section 65588 for adoption of the housing*  
30 *element.*

31 ~~(A)~~

32 *(B) Where the inventory of sites, pursuant to paragraph (3) of*  
33 *subdivision (a), does not identify adequate sites to accommodate*  
34 *the need for groups of all household income levels pursuant to*  
35 *Section 65584, the program shall identify sites that can be*  
36 *developed for housing within the planning period pursuant to*  
37 *subdivision (h) of Section 65583.2. The identification of sites shall*  
38 *include all components specified in subdivision (b) of Section*  
39 *65583.2. Rezoning of those sites, including adoption of minimum*  
40 *density and development standards, shall be completed no later*

1 than three years after either the date the housing element is adopted  
2 pursuant to subdivision (f) of Section 65585 or the date that is 90  
3 days after receipt of comments from the department pursuant to  
4 subdivision (b) of Section 65585, whichever is earlier, unless this  
5 deadline is extended pursuant to subdivision (f). Within 30 days  
6 following the deadline established in this subparagraph, the local  
7 government shall hold a noticed public hearing to identify and  
8 discuss the actions the local government has taken to comply with  
9 the requirements of this subparagraph. 65583.2.

10 (B)

11 (C) Where the inventory of sites pursuant to paragraph (3) of  
12 subdivision (a) does not identify adequate sites to accommodate  
13 the need for farmworker housing, the program shall provide for  
14 sufficient sites to meet the need with zoning that permits  
15 farmworker housing use by right, including density and  
16 development standards that could accommodate and facilitate the  
17 feasibility of the development of farmworker housing for low- and  
18 very low income households.

19 (2) Assist in the development of adequate housing to meet the  
20 needs of extremely low, very low, low-, and moderate-income  
21 households.

22 (3) Address and, where appropriate and legally possible, remove  
23 governmental constraints to the maintenance, improvement, and  
24 development of housing, including housing for all income levels  
25 and housing for persons with disabilities. The program shall remove  
26 constraints to, and provide reasonable accommodations for housing  
27 designed for, intended for occupancy by, or with supportive  
28 services for, persons with disabilities.

29 (4) Conserve and improve the condition of the existing  
30 affordable housing stock, which may include addressing ways to  
31 mitigate the loss of dwelling units demolished by public or private  
32 action.

33 (5) Promote housing opportunities for all persons regardless of  
34 race, religion, sex, marital status, ancestry, national origin, color,  
35 familial status, or disability.

36 (6) Preserve for lower income households the assisted housing  
37 developments identified pursuant to paragraph (9) of subdivision  
38 (a). The program for preservation of the assisted housing  
39 developments shall utilize, to the extent necessary, all available  
40 federal, state, and local financing and subsidy programs identified

1 in paragraph (9) of subdivision (a), except where a community has  
2 other urgent needs for which alternative funding sources are not  
3 available. The program may include strategies that involve local  
4 regulation and technical assistance.

5 (7) The program shall include an identification of the agencies  
6 and officials responsible for the implementation of the various  
7 actions and the means by which consistency will be achieved with  
8 other general plan elements and community goals. The local  
9 government shall make a diligent effort to achieve public  
10 participation of all economic segments of the community in the  
11 development of the housing element, and the program shall  
12 describe this effort.

13 (d) (1) A local government may satisfy all or part of its  
14 requirement to identify a zone or zones suitable for the  
15 development of emergency shelters pursuant to paragraph (4) of  
16 subdivision (a) by adopting and implementing a multijurisdictional  
17 agreement, with a maximum of two other adjacent communities,  
18 that requires the participating jurisdictions to develop at least one  
19 year-round emergency shelter within two years of the beginning  
20 of the planning period.

21 (2) The agreement shall allocate a portion of the new shelter  
22 capacity to each jurisdiction as credit towards its emergency shelter  
23 need, and each jurisdiction shall describe how the capacity was  
24 allocated as part of its housing element.

25 (3) Each member jurisdiction of a multijurisdictional agreement  
26 shall describe in its housing element all of the following:

27 (A) How the joint facility will meet the jurisdiction's emergency  
28 shelter need.

29 (B) The jurisdiction's contribution to the facility for both the  
30 development and ongoing operation and management of the  
31 facility.

32 (C) The amount and source of the funding that the jurisdiction  
33 contributes to the facility.

34 (4) The aggregate capacity claimed by the participating  
35 jurisdictions in their housing elements shall not exceed the actual  
36 capacity of the shelter.

37 (e) Except as otherwise provided in this article, amendments to  
38 this article that alter the required content of a housing element  
39 shall apply to both of the following:

1 (1) A housing element or housing element amendment prepared  
2 pursuant to subdivision (e) of Section 65588 or Section 65584.02,  
3 when a city, county, or city and county submits a draft to the  
4 department for review pursuant to Section 65585 more than 90  
5 days after the effective date of the amendment to this section.

6 (2) Any housing element or housing element amendment  
7 prepared pursuant to subdivision (e) of Section 65588 or Section  
8 65584.02, when the city, county, or city and county fails to submit  
9 the first draft to the department before the due date specified in  
10 Section 65588 or 65584.02.

11 (f) The deadline for completing required rezoning pursuant to  
12 subparagraph (A) of paragraph (1) of subdivision (c) shall be  
13 extended by one year if the local government has completed the  
14 ~~rezoning of at least 75 percent of the sites for each income group~~  
15 *rezoning at densities sufficient to accommodate at least 75 percent*  
16 *of the sites for low- and very low income households* and if the  
17 legislative body at the conclusion of a public hearing determines,  
18 based upon substantial evidence, that any of the following  
19 circumstances exist:

20 (1) The local government has been unable to complete the  
21 rezoning because of the action or inaction beyond the control of  
22 the local government of any other state federal or local agency.

23 (2) The local government is unable to complete the rezoning  
24 because of infrastructure deficiencies due to fiscal or regulatory  
25 constraints.

26 (3) The local government must undertake a major revision to  
27 its general plan in order to accommodate the housing related  
28 policies of a sustainable communities strategy or an alternative  
29 planning strategy adopted pursuant to Section 65080.

30 The resolution and the findings shall be transmitted to the  
31 department together with a detailed budget and schedule for  
32 preparation and adoption of the required rezonings, including plans  
33 for citizen participation and expected interim action. The schedule  
34 shall provide for adoption of the required rezoning within one year  
35 of the adoption of the resolution.

36 (g) (1) If a local government fails to complete the rezoning by  
37 the deadline provided in subparagraph (A) of paragraph (1) of  
38 subdivision (c), as it may be extended pursuant to subdivision (f),  
39 except as provided in paragraph (2), a local government may not  
40 disapprove a housing development project, nor require a

1 conditional use permit, planned unit development permit, or other  
2 locally imposed discretionary permit ~~or~~, *or impose a condition*  
3 that would render the project infeasible, if the housing development  
4 project (A) is proposed to be located on a site required to be  
5 rezoned pursuant to the program *action* required by that  
6 subparagraph; and (B) complies with applicable, objective general  
7 plan and zoning standards and criteria, including design review  
8 standards, described in the program *action* required by that  
9 subparagraph. Any subdivision of sites shall be subject to the  
10 Subdivision Map Act. Design review shall not constitute a “project”  
11 for purposes of Division 13 (commencing with Section 21000) of  
12 the Public Resources Code.

13 (2) A local government may disapprove a housing development  
14 described in paragraph (1) if it makes written findings supported  
15 by substantial evidence on the record that both of the following  
16 conditions exist:

17 (A) The housing development project would have a specific,  
18 adverse impact upon the public health or safety unless the project  
19 is disapproved or approved upon the condition that the project be  
20 developed at a lower density. As used in this paragraph, a “specific,  
21 adverse impact” means a significant, quantifiable, direct, and  
22 unavoidable impact, based on objective, identified written public  
23 health or safety standards, policies, or conditions as they existed  
24 on the date the application was deemed complete.

25 (B) There is no feasible method to satisfactorily mitigate or  
26 avoid the adverse impact identified pursuant to paragraph (1), other  
27 than the disapproval of the housing development project or the  
28 approval of the project upon the condition that it be developed at  
29 a lower density.

30 (3) The applicant or any interested person may bring an action  
31 to enforce this ~~subparagraph~~ *subdivision*. If a court finds that the  
32 local agency disapproved a project or conditioned its approval in  
33 violation of this ~~paragraph~~ *subdivision*, the court shall issue an  
34 order or judgment compelling compliance within 60 days. The  
35 court shall retain jurisdiction to ensure that its order or judgment  
36 is carried out. If the court determines that its order or judgment  
37 has not been carried out within 60 days, the court may issue further  
38 orders to ensure that the purposes and policies of this ~~paragraph~~  
39 *subdivision* are fulfilled. *In any such action, the city, county, or*  
40 *city and county shall bear the burden of proof.*

1 (4) For purposes of this subdivision, “housing development  
2 project” means a project to construct residential units ~~if for which~~  
3 the project developer provides sufficient legal commitments to the  
4 appropriate local agency to ensure the continued availability and  
5 use of at least 49 percent of the housing units for very low, low-,  
6 and moderate-income households ~~at monthly housing costs~~ with  
7 an affordable housing cost or affordable rent, as defined in Section  
8 50052.5 or 50053 of the Health and Safety Code, respectively, for  
9 the period required by the applicable financing. ~~Rental units shall~~  
10 ~~be affordable for at least 55 years. Ownership units shall be subject~~  
11 ~~to resale restrictions or equity sharing requirements for at least 30~~  
12 ~~years.~~

13 (h) *An action to enforce the program actions of the housing*  
14 *element shall be brought pursuant to Section 1085 of the Code of*  
15 *Civil Procedure.*

16 SEC. 8. Section 65584.01 of the Government Code is amended  
17 to read:

18 65584.01. (a) For the fourth and subsequent revision of the  
19 housing element pursuant to Section 65588, the department, in  
20 consultation with each council of governments, where applicable,  
21 shall determine the existing and projected need for housing for  
22 each region in the following manner:

23 (b) The department’s determination shall be based upon  
24 population projections produced by the Department of Finance  
25 and regional population forecasts used in preparing regional  
26 transportation plans, in consultation with each council of  
27 governments. If the total regional population forecast for the  
28 planning period, developed by the council of governments and  
29 used for the preparation of the regional transportation plan, is  
30 within a range of 3 percent of the total regional population forecast  
31 for the planning period over the same time period by the  
32 Department of Finance, then the population forecast developed by  
33 the council of governments shall be the basis from which the  
34 department determines the existing and projected need for housing  
35 in the region. If the difference between the total population growth  
36 projected by the council of governments and the total population  
37 growth projected for the region by the Department of Finance is  
38 greater than 3 percent, then the department and the council of  
39 governments shall meet to discuss variances in methodology used  
40 for population projections and seek agreement on a population

1 projection for the region to be used as a basis for determining the  
2 existing and projected housing need for the region. If no agreement  
3 is reached, then the population projection for the region shall be  
4 the population projection for the region prepared by the Department  
5 of Finance as may be modified by the department as a result of  
6 discussions with the council of governments.

7 (c) (1) At least 26 months prior to the scheduled revision  
8 pursuant to Section 65588 and prior to developing the existing and  
9 projected housing need for a region, the department shall meet and  
10 consult with the council of governments regarding the assumptions  
11 and methodology to be used by the department to determine the  
12 region's housing needs. The council of governments shall provide  
13 data assumptions from the council's projections, including, if  
14 available, the following data for the region:

15 (A) Anticipated household growth associated with projected  
16 population increases.

17 (B) Household size data and trends in household size.

18 (C) The rate of household formation, or headship rates, based  
19 on age, gender, ethnicity, or other established demographic  
20 measures.

21 (D) The vacancy rates in existing housing stock, and the vacancy  
22 rates for healthy housing market functioning and regional mobility,  
23 as well as housing replacement needs.

24 (E) Other characteristics of the composition of the projected  
25 population.

26 (F) The relationship between jobs and housing, including any  
27 imbalance between jobs and housing.

28 (2) The department may accept or reject the information  
29 provided by the council of governments or modify its own  
30 assumptions or methodology based on this information. After  
31 consultation with the council of governments, the department shall  
32 make determinations in writing on the assumptions for each of the  
33 factors listed in subparagraphs (A) to (F), inclusive, of paragraph  
34 (1) and the methodology it shall use and shall provide these  
35 determinations to the council of governments.

36 (d) (1) After consultation with the council of governments, the  
37 department shall make a determination of the region's existing  
38 and projected housing need based upon the assumptions and  
39 methodology determined pursuant to subdivision (c). The region's  
40 existing and projected housing need shall reflect the achievement

1 of a feasible balance between jobs and housing within the region  
2 using the regional employment projections in the applicable  
3 regional transportation plan. Within 30 days following notice of  
4 the determination from the department, the council of governments  
5 may file an objection to the department's determination of the  
6 region's existing and projected housing need with the department.

7 (2) The objection shall be based on and substantiate either of  
8 the following:

9 (A) The department failed to base its determination on the  
10 population projection for the region established pursuant to  
11 subdivision (b), and shall identify the population projection which  
12 the council of governments believes should instead be used for the  
13 determination and explain the basis for its rationale.

14 (B) The regional housing need determined by the department  
15 is not a reasonable application of the methodology and assumptions  
16 determined pursuant to subdivision (c). The objection shall include  
17 a proposed alternative determination of its regional housing need  
18 based upon the determinations made in subdivision (c), including  
19 analysis of why the proposed alternative would be a more  
20 reasonable application of the methodology and assumptions  
21 determined pursuant to subdivision (c).

22 (3) If a council of governments files an objection pursuant to  
23 this subdivision and includes with the objection a proposed  
24 alternative determination of its regional housing need, it shall also  
25 include documentation of its basis for the alternative determination.  
26 Within 45 days of receiving an objection filed pursuant to this  
27 section, the department shall consider the objection and make a  
28 final written determination of the region's existing and projected  
29 housing need that includes an explanation of the information upon  
30 which the determination was made.

31 SEC. 9. Section 65584.02 of the Government Code is amended  
32 to read:

33 65584.02. (a) For the fourth and subsequent revisions of the  
34 housing element pursuant to Section 65588, the existing and  
35 projected need for housing may be determined for each region by  
36 the department as follows, as an alternative to the process pursuant  
37 to Section 65584.01:

38 (1) In a region in which at least one subregion has accepted  
39 delegated authority pursuant to Section 65584.03, the region's  
40 housing need shall be determined at least 26 months prior to the

1 housing element update deadline pursuant to Section 65588. In a  
2 region in which no subregion has accepted delegation pursuant to  
3 Section 65584.03, the region's housing need shall be determined  
4 at least 24 months prior to the housing element deadline.

5 (2) At least six months prior to the department's determination  
6 of regional housing need pursuant to paragraph (1), a council of  
7 governments may request the use of population and household  
8 forecast assumptions used in the regional transportation plan. This  
9 request shall include all of the following:

10 (A) Proposed data and assumptions for factors contributing to  
11 housing need beyond household growth identified in the forecast.  
12 These factors shall include allowance for vacant or replacement  
13 units, and may include other adjustment factors.

14 (B) A proposed planning period that is not longer than the period  
15 of time covered by the regional transportation improvement plan  
16 or plans of the region pursuant to Section 14527, but a period not  
17 less than five years, and not longer than six years.

18 (C) A comparison between the population and household  
19 assumptions used for the Regional Transportation Plan with  
20 population and household estimates and projections of the  
21 Department of Finance.

22 (b) The department shall consult with the council of  
23 governments regarding requests submitted pursuant to paragraph  
24 (2) of subdivision (a). The department may seek advice and consult  
25 with the Demographic Research Unit of the Department of Finance,  
26 the State Department of Transportation, a representative of a  
27 contiguous council of governments, and any other party as deemed  
28 necessary. The department may request that the council of  
29 governments revise data, assumptions, or methodology to be used  
30 for the determination of regional housing need, or may reject the  
31 request submitted pursuant to paragraph (2) of subdivision (a).  
32 Subsequent to consultation with the council of governments, the  
33 department will respond in writing to requests submitted pursuant  
34 to paragraph (1) of subdivision (a).

35 (c) If the council of governments does not submit a request  
36 pursuant to subdivision (a), or if the department rejects the request  
37 of the council of governments, the determination for the region  
38 shall be made pursuant to Sections 65584 and 65584.01.

39 SEC. 10. Section 65584.04 of the Government Code is amended  
40 to read:

1 65584.04. (a) At least two years prior to a scheduled revision  
2 required by Section 65588, each council of governments, or  
3 delegate subregion as applicable, shall develop a proposed  
4 methodology for distributing the existing and projected regional  
5 housing need to cities, counties, and cities and counties within the  
6 region or within the subregion, where applicable pursuant to this  
7 section. The methodology shall be consistent with the objectives  
8 listed in subdivision (d) of Section 65584.

9 (b) (1) No more than six months prior to the development of a  
10 proposed methodology for distributing the existing and projected  
11 housing need, each council of governments shall survey each of  
12 its member jurisdictions to request, at a minimum, information  
13 regarding the factors listed in subdivision (d) that will allow the  
14 development of a methodology based upon the factors established  
15 in subdivision (d).

16 (2) The council of governments shall seek to obtain the  
17 information in a manner and format that is comparable throughout  
18 the region and utilize readily available data to the extent possible.

19 (3) The information provided by a local government pursuant  
20 to this section shall be used, to the extent possible, by the council  
21 of governments, or delegate subregion as applicable, as source  
22 information for the methodology developed pursuant to this section.  
23 The survey shall state that none of the information received may  
24 be used as a basis for reducing the total housing need established  
25 for the region pursuant to Section 65584.01.

26 (4) If the council of governments fails to conduct a survey  
27 pursuant to this subdivision, a city, county, or city and county may  
28 submit information related to the items listed in subdivision (d)  
29 prior to the public comment period provided for in subdivision  
30 (c).

31 (c) Public participation and access shall be required in the  
32 development of the methodology and in the process of drafting  
33 and adoption of the allocation of the regional housing needs.  
34 Participation by organizations other than local jurisdictions and  
35 councils of governments shall be solicited in a diligent effort to  
36 achieve public participation of all economic segments of the  
37 community. The proposed methodology, along with any relevant  
38 underlying data and assumptions, and an explanation of how  
39 information about local government conditions gathered pursuant  
40 to subdivision (b) has been used to develop the proposed

1 methodology, and how each of the factors listed in subdivision (d)  
2 is incorporated into the methodology, shall be distributed to all  
3 cities, counties, any subregions, and members of the public who  
4 have made a written request for the proposed methodology. The  
5 council of governments, or delegate subregion, as applicable, shall  
6 conduct at least one public hearing to receive oral and written  
7 comments on the proposed methodology.

8 (d) To the extent that sufficient data is available from local  
9 governments pursuant to subdivision (b) or other sources, each  
10 council of governments, or delegate subregion as applicable, shall  
11 include the following factors to develop the methodology that  
12 allocates regional housing needs:

13 (1) Each member jurisdiction's existing and projected jobs and  
14 housing relationship.

15 (2) The opportunities and constraints to development of  
16 additional housing in each member jurisdiction, including all of  
17 the following:

18 (A) Lack of capacity for sewer or water service due to federal  
19 or state laws, regulations or regulatory actions, or supply and  
20 distribution decisions made by a sewer or water service provider  
21 other than the local jurisdiction that preclude the jurisdiction from  
22 providing necessary infrastructure for additional development  
23 during the planning period.

24 (B) The availability of land suitable for urban development or  
25 for conversion to residential use, the availability of underutilized  
26 land, and opportunities for infill development and increased  
27 residential densities. The council of governments may not limit  
28 its consideration of suitable housing sites or land suitable for urban  
29 development to existing zoning ordinances and land use restrictions  
30 of a locality, but shall consider the potential for increased  
31 residential development under alternative zoning ordinances and  
32 land use restrictions. The determination of available land suitable  
33 for urban development may exclude lands where the Federal  
34 Emergency Management Agency (FEMA) or the Department of  
35 Water Resources has determined that the flood management  
36 infrastructure designed to protect that land is not adequate to avoid  
37 the risk of flooding.

38 (C) Lands preserved or protected from urban development under  
39 existing federal or state programs, or both, designed to protect

1 open space, farmland, environmental habitats, and natural resources  
2 on a long-term basis.

3 (D) County policies to preserve prime agricultural land, as  
4 defined pursuant to Section 56064, within an unincorporated area.

5 (3) The distribution of household growth assumed for purposes  
6 of a comparable period of regional transportation plans and  
7 opportunities to maximize the use of public transportation and  
8 existing transportation infrastructure.

9 (4) The market demand for housing.

10 (5) Agreements between a county and cities in a county to direct  
11 growth toward incorporated areas of the county.

12 (6) The loss of units contained in assisted housing developments,  
13 as defined in paragraph (9) of subdivision (a) of Section 65583,  
14 that changed to non-low-income use through mortgage prepayment,  
15 subsidy contract expirations, or termination of use restrictions.

16 (7) High-housing cost burdens.

17 (8) The housing needs of farmworkers.

18 (9) The housing needs generated by the presence of a private  
19 university or a campus of the California State University or the  
20 University of California within any member jurisdiction.

21 (10) Any other factors adopted by the council of governments.

22 (e) The council of governments, or delegate subregion, as  
23 applicable, shall explain in writing how each of the factors  
24 described in subdivision (d) was incorporated into the methodology  
25 and how the methodology is consistent with subdivision (d) of  
26 Section 65584. The methodology may include numerical weighting.

27 (f) Any ordinance, policy, voter-approved measure, or standard  
28 of a city or county that directly or indirectly limits the number of  
29 residential building permits issued by a city or county shall not be  
30 a justification for a determination or a reduction in the share of a  
31 city or county of the regional housing need.

32 (g) In addition to the factors identified pursuant to subdivision  
33 (d), the council of governments, or delegate subregion, as  
34 applicable, shall identify any existing local, regional, or state  
35 incentives, such as a priority for funding or other incentives  
36 available to those local governments that are willing to accept a  
37 higher share than proposed in the draft allocation to those local  
38 governments by the council of governments or delegate subregion  
39 pursuant to Section 65584.05.

1 (h) Following the conclusion of the 60-day public comment  
2 period described in subdivision (c) on the proposed allocation  
3 methodology, and after making any revisions deemed appropriate  
4 by the council of governments, or delegate subregion, as applicable,  
5 as a result of comments received during the public comment period,  
6 each council of governments, or delegate subregion, as applicable,  
7 shall adopt a final regional, or subregional, housing need allocation  
8 methodology and provide notice of the adoption of the  
9 methodology to the jurisdictions within the region, or delegate  
10 subregion as applicable, and to the department.

11 (i) (1) It is the intent of the Legislature that housing planning  
12 be coordinated and integrated with the regional transportation plan.  
13 To achieve this goal, the allocation plan shall allocate housing  
14 units within the region consistent with the development pattern  
15 included in the sustainable communities strategy.

16 (2) The final allocation plan shall ensure that the total regional  
17 housing need, by income category, as determined under Section  
18 65584, is maintained, and that each jurisdiction in the region  
19 receive an allocation of units for low- and very low income  
20 households.

21 (3) The resolution approving the final housing need allocation  
22 plan shall demonstrate that the plan is consistent with the  
23 sustainable communities strategy in the regional transportation  
24 plan.

25 SEC. 11. Section 65587 of the Government Code is amended  
26 to read:

27 65587. (a) Each city, county, or city and county shall bring  
28 its housing element, as required by subdivision (c) of Section  
29 65302, into conformity with the requirements of this article on or  
30 before October 1, 1981, and the deadlines set by Section 65588.  
31 Except as specifically provided in subdivision (b) of Section 65361,  
32 the Director of Planning and Research shall not grant an extension  
33 of time from these requirements.

34 (b) Any action brought by any interested party to review the  
35 conformity with the provisions of this article of any housing  
36 element or portion thereof or revision thereto shall be brought  
37 pursuant to Section 1085 of the Code of Civil Procedure; the  
38 court's review of compliance with the provisions of this article  
39 shall extend to whether the housing element or portion thereof or

1 revision thereto substantially complies with the requirements of  
2 this article.

3 (c) If a court finds that an action of a city, county, or city and  
4 county, which is required to be consistent with its general plan,  
5 does not comply with its housing element, the city, county, or city  
6 and county shall bring its action into compliance within 60 days.  
7 However, the court shall retain jurisdiction throughout the period  
8 for compliance to enforce its decision. Upon the court's  
9 determination that the 60-day period for compliance would place  
10 an undue hardship on the city, county, or city and county, the court  
11 may extend the time period for compliance by an additional 60  
12 days.

13 (d) (1) If a court finds that a city, county, or city and county  
14 failed to complete the rezoning required by subparagraph (A) of  
15 paragraph (1) of subdivision (c) of Section 65583, as that deadline  
16 may be modified by the extension provided for in subdivision (f)  
17 of that section, the court shall issue an order or judgment, *after*  
18 *considering the equities of the circumstances presented by all*  
19 *parties*, compelling the local government to complete the rezoning  
20 within 60 days or the earliest time consistent with public hearing  
21 notice requirements ~~and the overall equities of the circumstances~~  
22 *in existence at the time the action was filed*. The court shall retain  
23 jurisdiction to ensure that its order or judgment is carried out. If  
24 the court determines that its order or judgment is not carried out,  
25 the court shall issue further orders to ensure that the purposes and  
26 policies of this article are fulfilled, including ordering, *after*  
27 *considering the equities of the circumstances presented by all*  
28 *parties*, that any rezoning required by subparagraph (A) of  
29 paragraph (1) of subdivision (c) of Section 65583 be completed  
30 within 60 days or the earliest time consistent with public hearing  
31 notice requirements *in existence at the time the action was filed*  
32 and may impose sanctions on the city, county, or city and county;  
33 ~~taking into account the overall equities of the circumstances.~~

34 (2) Any interested person may bring an action to compel  
35 compliance with the deadlines and requirements of ~~subparagraph~~  
36 ~~(A) of paragraph (1)~~ *paragraphs (1), (2), and (3)* of subdivision  
37 (c) of Section 65583. The action shall be brought pursuant to  
38 Section 1085 of the Code of Civil ~~Procedure and Procedure~~. *An*  
39 *action may be brought pursuant to the notice and accrual provisions*

1 of subdivision (d) of Section 65009. In any such action, the city,  
2 county, or city and county shall bear the burden of proof.

3 SEC. 12. Section 65588 of the Government Code is amended  
4 to read:

5 65588. (a) Each local government shall review its housing  
6 element as frequently as appropriate to evaluate all of the  
7 following:

8 (1) The appropriateness of the housing goals, objectives, and  
9 policies in contributing to the attainment of the state housing goal.

10 (2) The effectiveness of the housing element in attainment of  
11 the community's housing goals and objectives.

12 (3) The progress of the city, county, or city and county in  
13 implementation of the housing element.

14 (b) ~~The~~ *Except as provided in paragraph (7) of subdivision (e),*  
15 *the housing element shall be revised as appropriate, but not less*  
16 *than every eight years by those local governments that are located*  
17 *within a region covered by (1) a metropolitan planning*  
18 *organization in a region classified as nonattainment for one or*  
19 *more pollutants regulated by the federal Clean Air Act or (2) a*  
20 *metropolitan planning organization or regional transportation*  
21 *planning agency that is required, or has elected pursuant to*  
22 *subparagraph (L) of paragraph (2) of subdivision (b) of Section*  
23 *65080, to adopt a regional transportation plan not less than every*  
24 *four years. The housing element shall be revised, as appropriate,*  
25 *but not less than every five years by those local governments that*  
26 *are located within a region covered by a metropolitan planning*  
27 *organization or regional transportation planning agency that is*  
28 *required to adopt a regional transportation plan not less than*  
29 *every five years, to reflect the results of this periodic review, except*  
30 *that a local government that does not adopt a housing element*  
31 *within 90 days after receipt of comments from the department*  
32 *pursuant to subdivision (b) of Section 65585 or the date the*  
33 *legislative body takes action pursuant to subdivision (f) of Section*  
34 *65585, whichever is earlier, 120 days of the statutory deadline for*  
35 *adoption of the housing element shall revise its housing element,*  
36 *as appropriate, but not less than every four years. Nothing in this*  
37 *section shall be construed to excuse the obligations of the local*  
38 *government to adopt a revised housing element no later than the*  
39 *date specified in this section.*

1 (c) The review and revision of housing elements required by  
2 this section shall take into account any low- or moderate-income  
3 housing provided or required pursuant to Section 65590.

4 (d) The review pursuant to subdivision (c) shall include, but  
5 need not be limited to, the following:

6 (1) The number of new housing units approved for construction  
7 within the coastal zone after January 1, 1982.

8 (2) The number of housing units for persons and families of  
9 low or moderate income, as defined in Section 50093 of the Health  
10 and Safety Code, required to be provided in new housing  
11 developments either within the coastal zone or within three miles  
12 of the coastal zone pursuant to Section 65590.

13 (3) The number of existing residential dwelling units occupied  
14 by persons and families of low or moderate income, as defined in  
15 Section 50093 of the Health and Safety Code, that have been  
16 authorized to be demolished or converted since January 1, 1982,  
17 in the coastal zone.

18 (4) The number of residential dwelling units for persons and  
19 families of low or moderate income, as defined in Section 50093  
20 of the Health and Safety Code, that have been required for  
21 replacement or authorized to be converted or demolished as  
22 identified in paragraph (3). The location of the replacement units,  
23 either onsite, elsewhere within the locality's jurisdiction within  
24 the coastal zone, or within three miles of the coastal zone within  
25 the locality's jurisdiction, shall be designated in the review.

26 (e) Notwithstanding subdivision (b) or the date of adoption of  
27 the housing elements previously in existence, each city, county,  
28 and city and county shall revise its housing element according to  
29 the following schedule:

30 (1) Local governments within the regional jurisdiction of the  
31 Southern California Association of Governments: June 30, 2006,  
32 for the fourth revision.

33 (2) Local governments within the regional jurisdiction of the  
34 Association of Bay Area Governments: June 30, 2007, for the  
35 fourth revision.

36 (3) Local governments within the regional jurisdiction of the  
37 Council of Fresno County Governments, the Kern County Council  
38 of Governments, and the Sacramento Area Council of  
39 Governments: June 30, 2002, for the third revision, and June 30,  
40 2008, for the fourth revision.

1 (4) Local governments within the regional jurisdiction of the  
2 Association of Monterey Bay Area Governments: December 31,  
3 2002, for the third revision, and June 30, 2009, for the fourth  
4 revision.

5 (5) Local governments within the regional jurisdiction of the  
6 San Diego Association of Governments: June 30, 2005, for the  
7 fourth revision.

8 (6) All other local governments: December 31, 2003, for the  
9 third revision, and June 30, 2009, for the fourth revision.

10 ~~(7) Except as provided in subdivision (b), subsequent revisions~~  
11 ~~shall be completed not less often than at eight-year intervals~~  
12 ~~following the fourth revision in conjunction with the development~~  
13 ~~of the regional transportation plan pursuant to Section 65080.~~

14 (7) (A) *All local governments within a metropolitan planning*  
15 *organization in a region classified as nonattainment for one or*  
16 *more pollutants regulated by the federal Clean Air Act (42 U.S.C.*  
17 *Sec. 7506), except those within the regional jurisdiction of the San*  
18 *Diego Association of Governments, shall adopt the fifth revision*  
19 *of the housing element no later than 18 months after adoption of*  
20 *the first regional transportation plan to be adopted after September*  
21 *30, 2010.*

22 (B) *All local governments within the regional jurisdiction of*  
23 *the San Diego Association of Governments shall adopt their fifth*  
24 *revision no more than five years from the fourth revision and their*  
25 *sixth revision no later than 18 months after adoption of the first*  
26 *regional transportation plan to be adopted after the fifth revision*  
27 *due date.*

28 (C) *All local governments within the regional jurisdiction of a*  
29 *metropolitan planning organization or a regional transportation*  
30 *planning agency that has made an election pursuant to*  
31 *subparagraph (L) of paragraph (2) of subdivision (b) of Section*  
32 *65080 shall be subject to the eight-year planning period pursuant*  
33 *to subdivision (b) of Section 65588 and shall adopt its next housing*  
34 *element 18 months after adoption of the first regional*  
35 *transportation plan following the election.*

36 (f) *For purposes of this article, “planning period” shall be the*  
37 *time period for periodic revision of the housing element pursuant*  
38 *to this section.*

39 SEC. 13. Section 21061.3 of the Public Resources Code is  
40 amended to read:

1 21061.3. “Infill site” means a site in an urbanized area that  
2 meets either of the following criteria:

3 (a) The site has not been previously developed for urban uses  
4 and both of the following apply:

5 (1) The site is immediately adjacent to parcels that are developed  
6 with qualified urban uses, or at least 75 percent of the perimeter  
7 of the site adjoins parcels that are developed with qualified urban  
8 uses, and the remaining 25 percent of the site adjoins parcels that  
9 have previously been developed for qualified urban uses.

10 (2) No parcel within the site has been created within the past  
11 10 years unless the parcel was created as a result of the plan of a  
12 redevelopment agency.

13 (b) The site has been previously developed for qualified urban  
14 uses.

15 SEC. 14. Chapter 4.2 (commencing with Section 21155) is  
16 added to Division 13 of the Public Resources Code, to read:

17

18 CHAPTER 4.2. IMPLEMENTATION OF THE SUSTAINABLE  
19 COMMUNITIES STRATEGY

20

21 21155. (a) ~~Except for Section 21155.3, this~~ *This* chapter applies  
22 only to a transit priority project that is consistent with the general  
23 use designation, density, building intensity, and applicable policies  
24 specified for the project area in either a sustainable communities  
25 strategy or an alternative planning strategy, for which the State  
26 Air Resources Board, pursuant to subparagraph (H) of paragraph  
27 (2) of subdivision (b) of Section 65080 of the Government Code,  
28 has accepted a metropolitan planning organization’s determination  
29 that the sustainable communities strategy or the alternative planning  
30 strategy would, if implemented, achieve the greenhouse gas  
31 emission reduction targets.

32 (b) For purposes of this chapter, a transit priority project shall  
33 (1) contain at least 50 percent residential use, based on total  
34 building square footage and, if the project contains between 26  
35 percent and 50 percent nonresidential uses, a floor area ratio of  
36 not less than 0.75; (2) provide a minimum net density of at least  
37 20 dwelling units per acre; and (3) be within one-half mile of ~~an~~  
38 ~~existing or planned~~ *a* major transit stop or high-quality transit  
39 ~~corridor as set forth in the applicable~~ *included in a regional*  
40 transportation plan. A major transit stop is as defined in Section

1 21064.3, except that, for purposes of this section, it also includes  
2 major transit stops that are ~~planned~~ *included* in the applicable  
3 regional transportation plan. For purposes of this section, a  
4 high-quality transit corridor means a corridor with fixed route bus  
5 service with, ~~at most, 15-minute service intervals~~ *service intervals*  
6 *no longer than 15 minutes* during peak commute hours. A project  
7 shall be considered to be within one-half mile of a major transit  
8 stop or high-quality transit corridor if ~~a predominant portion of~~  
9 ~~the entire project site is within one-half mile of all parcels within~~  
10 *the project have no more than 25 percent of their area farther than*  
11 *one-half mile from the stop or corridor and if not more than 10*  
12 *percent of the residential units or 100 units, whichever is less, in*  
13 *the project are farther than one-half mile from the stop or corridor.*

14 21155.1. If the legislative body finds, after conducting a public  
15 hearing, that a transit priority project meets all of the requirements  
16 of subdivisions (a) and (b) and one of the requirements of  
17 subdivision (c), the transit priority project is declared to be a  
18 sustainable communities project and shall be exempt from this  
19 division.

20 (a) The transit priority project complies with all of the following  
21 environmental criteria:

22 (1) The transit priority project and other projects approved prior  
23 to the approval of the transit priority project but not yet built can  
24 be adequately served by existing utilities, and the transit priority  
25 project applicant has paid, or has committed to pay, all applicable  
26 in-lieu or development fees.

27 (2) (A) The site of the transit priority project does not contain  
28 wetlands or riparian areas and does not have significant value as  
29 a wildlife habitat, and the transit priority project does not harm  
30 any species protected by the federal Endangered Species Act of  
31 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection  
32 Act (Chapter 10 (commencing with Section 1900) of Division 2  
33 of the Fish and Game Code), or the California Endangered Species  
34 Act (Chapter 1.5 (commencing with Section 2050) of Division 3  
35 of the Fish and Game Code), and the project does not cause the  
36 destruction or removal of any species protected by a local ordinance  
37 in effect at the time the application for the project was deemed  
38 complete.

1 (B) For the purposes of this paragraph, “wetlands” has the same  
2 meaning as in the United States Fish and Wildlife Service Manual,  
3 Part 660 FW 2 (June 21, 1993).

4 (C) For the purposes of this paragraph:

5 (i) “Riparian areas” means those areas transitional between  
6 terrestrial and aquatic ecosystems and that are distinguished by  
7 gradients in biophysical conditions, ecological processes, and biota.  
8 A riparian area is an area through which surface and subsurface  
9 hydrology connect waterbodies with their adjacent uplands. A  
10 riparian area includes those portions of terrestrial ecosystems that  
11 significantly influence exchanges of energy and matter with aquatic  
12 ecosystems. A riparian area is adjacent to perennial, intermittent,  
13 and ephemeral streams, lakes, and estuarine-marine shorelines.

14 (ii) “Wildlife habitat” means the ecological communities upon  
15 which wild animals, birds, plants, fish, amphibians, and  
16 invertebrates depend for their conservation and protection.

17 (iii) Habitat of “significant value” includes wildlife habitat of  
18 national, statewide, regional, or local importance; habitat for  
19 species protected by the federal Endangered Species Act of 1973  
20 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species  
21 Act (Chapter 1.5 (commencing with Section 2050) of Division 3  
22 of the Fish and Game Code), or the Native Plant Protection Act  
23 (Chapter 10 (commencing with Section 1900) of Division 2 of the  
24 Fish and Game Code); habitat identified as candidate, fully  
25 protected, sensitive, or species of special status by local, state, or  
26 federal agencies; or habitat essential to the movement of resident  
27 or migratory wildlife.

28 (3) The site of the transit priority project is not included on any  
29 list of facilities and sites compiled pursuant to Section 65962.5 of  
30 the Government Code.

31 (4) The site of the transit priority project is subject to a  
32 preliminary endangerment assessment prepared by a registered  
33 environmental assessor to determine the existence of any release  
34 of a hazardous substance on the site and to determine the potential  
35 for exposure of future occupants to significant health hazards from  
36 any nearby property or activity.

37 (A) If a release of a hazardous substance is found to exist on  
38 the site, the release shall be removed or any significant effects of  
39 the release shall be mitigated to a level of insignificance in  
40 compliance with state and federal requirements.

1 (B) If a potential for exposure to significant hazards from  
2 surrounding properties or activities is found to exist, the effects of  
3 the potential exposure shall be mitigated to a level of insignificance  
4 in compliance with state and federal requirements.

5 (5) The transit priority project does not have a significant effect  
6 on historical resources pursuant to Section 21084.1.

7 (6) The transit priority project site is not subject to any of the  
8 following:

9 (A) A wildland fire hazard, as determined by the Department  
10 of Forestry and Fire Protection, unless the applicable general plan  
11 or zoning ordinance contains provisions to mitigate the risk of a  
12 wildland fire hazard.

13 (B) An unusually high risk of fire or explosion from materials  
14 stored or used on nearby properties.

15 (C) Risk of a public health exposure at a level that would exceed  
16 the standards established by any state or federal agency.

17 (D) Seismic risk as a result of being within a delineated  
18 earthquake fault zone, as determined pursuant to Section 2622, or  
19 a seismic hazard zone, as determined pursuant to Section 2696,  
20 unless the applicable general plan or zoning ordinance contains  
21 provisions to mitigate the risk of an earthquake fault or seismic  
22 hazard zone.

23 (E) Landslide hazard, flood plain, flood way, or restriction zone,  
24 unless the applicable general plan or zoning ordinance contains  
25 provisions to mitigate the risk of a landslide or flood.

26 (7) The transit priority project site is not located on developed  
27 open space.

28 (A) For the purposes of this paragraph, “developed open space”  
29 means land that meets all of the following criteria:

30 (i) Is publicly owned, or financed in whole or in part by public  
31 funds.

32 (ii) Is generally open to, and available for use by, the public.

33 (iii) Is predominantly lacking in structural development other  
34 than structures associated with open spaces, including, but not  
35 limited to, playgrounds, swimming pools, ballfields, enclosed child  
36 play areas, and picnic facilities.

37 (B) For the purposes of this paragraph, “developed open space”  
38 includes land that has been designated for acquisition by a public  
39 agency for developed open space, but does not include lands

1 acquired with public funds dedicated to the acquisition of land for  
2 housing purposes.

3 (8) ~~The buildings in the transit priority project will comply with~~  
4 ~~all green building standards required by the local jurisdiction. are~~  
5 *15 percent more energy efficient than required by Chapter 6 of*  
6 *Title 24 of the California Code of Regulations and the buildings*  
7 *and landscaping are designed to achieve 25 percent less water*  
8 *usage than the average household use in the region.*

9 (b) The transit priority project meets all of the following land  
10 use criteria:

11 (1) The site of the transit priority project is not more than eight  
12 acres in total area.

13 (2) The transit priority project does not contain more than 200  
14 residential units.

15 (3) The transit priority project does not result in any net loss in  
16 the number of affordable housing units within the project area.

17 (4) The transit priority project does not include any single level  
18 building that exceeds 75,000 square feet.

19 (5) Any applicable mitigation measures or performance  
20 standards or criteria set forth in the prior environmental impact  
21 reports, and adopted in findings, have been or will be incorporated  
22 into the transit priority project.

23 (6) The transit priority project is determined not to conflict with  
24 nearby operating industrial uses.

25 (7) *The transit priority project is located within one-half mile*  
26 *of a rail transit station or a ferry terminal included in a regional*  
27 *transportation plan or within one-quarter mile of a high-quality*  
28 *transit corridor included in a regional transportation plan.*

29 (c) The transit priority project meets at least one of the following  
30 three criteria:

31 (1) The transit priority project meets both of the following:

32 (A) At least 20 percent of the housing will be sold to families  
33 of moderate income, or not less than 10 percent of the housing  
34 will be rented to families of low income, or not less than 5 percent  
35 of the housing is rented to families of very low income.

36 (B) The transit priority project developer provides sufficient  
37 legal commitments to the appropriate local agency to ensure the  
38 continued availability and use of the housing units for very low,  
39 low-, and moderate-income households at monthly housing costs  
40 with an affordable housing cost or affordable rent, as defined in

1 Section 50052.5 or 50053 of the Health and Safety Code,  
2 respectively, for the period required by the applicable financing.  
3 Rental units shall be affordable for at least 55 years. Ownership  
4 units shall be subject to resale restrictions or equity sharing  
5 requirements for at least 30 years.

6 (2) The transit priority project developer has paid or will pay  
7 in-lieu fees pursuant to a local ordinance in an amount sufficient  
8 to result in the development of an equivalent number of units that  
9 would otherwise be required pursuant to paragraph (1).

10 (3) The transit priority project provides public open space equal  
11 to or greater than five acres per 1,000 residents of the project.

12 21155.2. (a) A transit priority project that ~~meets the following~~  
13 ~~requirements~~ *has incorporated all feasible mitigation measures,*  
14 *performance standards, or criteria set forth in the prior applicable*  
15 *environmental impact reports and adopted in findings made*  
16 *pursuant to Section 21081*, shall be eligible for either the provisions  
17 of subdivision (b) or ~~(c)~~:

18 ~~(1) Environmental impact reports have been certified on the~~  
19 ~~regional transportation plan containing the sustainable communities~~  
20 ~~strategy and on the alternative planning strategy, if applicable.~~

21 ~~(2) Any applicable mitigation measures or performance~~  
22 ~~standards or criteria set forth in the prior environmental impact~~  
23 ~~reports, and adopted in findings, have been or will be incorporated~~  
24 ~~into the transit priority project. (c).~~

25 (b) A transit priority project that satisfies the requirements of  
26 subdivision (a) may be reviewed through a sustainable communities  
27 environmental assessment as follows:

28 (1) An initial study shall be prepared to identify all significant  
29 or potentially significant impacts of the transit priority project,  
30 other than those which do not need to be reviewed pursuant to  
31 Section 21159.28 based on substantial evidence in light of the  
32 whole record. ~~The initial study also does not need to evaluate any~~  
33 ~~significant cumulative or growth-inducing effects on the~~  
34 ~~environment that were identified and discussed in the~~  
35 ~~environmental impact reports certified for the regional~~  
36 ~~transportation plan and the alternative planning strategy, if any.~~  
37 *shall identify any cumulative effects that have been adequately*  
38 *addressed and mitigated pursuant to the requirements of this*  
39 *division in prior applicable certified environmental impact reports.*  
40 *Where the lead agency determines that a cumulative effect has*

1 *been adequately addressed and mitigated, that cumulative effect*  
2 *shall not be treated as cumulatively considerable for the purposes*  
3 *of this subdivision.*

4 (2) The sustainable communities environmental assessment  
5 shall contain measures that either avoid or mitigate to a level of  
6 insignificance all potentially significant or significant ~~impacts~~  
7 *effects* of the project required to be identified in the initial study.

8 (3) A draft of the sustainable communities environmental  
9 assessment shall be circulated for public comment for a period of  
10 not less than 30 days. Notice shall be provided in the same manner  
11 as required for an environmental impact report pursuant to Section  
12 21092.

13 (4) Prior to acting on the sustainable communities environmental  
14 assessment, the lead agency shall consider all comments received.

15 (5) A sustainable communities environmental assessment may  
16 be approved by the lead agency after conducting a public hearing,  
17 reviewing the comments received, and finding that:

18 (A) All potentially significant or significant ~~impacts~~ *effects*  
19 required to be identified in the initial study have been identified  
20 and analyzed.

21 (B) With respect to each significant ~~impact~~ *effect* on the  
22 environment required to be identified in the initial study, either of  
23 the following apply:

24 (i) Changes or alterations have been required in or incorporated  
25 into the project that avoid or mitigate the significant effects to a  
26 level of insignificance.

27 (ii) Those changes or alterations are within the responsibility  
28 and jurisdiction of another public agency and have been, or can  
29 and should be, adopted by that other agency.

30 (6) The legislative body of the lead agency shall conduct the  
31 public hearing or a planning commission may conduct the public  
32 hearing if local ordinances allow a direct appeal of approval of a  
33 document prepared pursuant to this division to the legislative body  
34 subject to a fee not to exceed five hundred dollars (\$500).

35 (7) The lead agency's decision to review and approve a transit  
36 priority project with a sustainable communities environmental  
37 assessment shall be reviewed under the substantial evidence  
38 standard.

1 (c) A transit priority project that satisfies the requirements of  
2 subdivision (a) may be reviewed by an environmental impact report  
3 that complies with all of the following:

4 (1) An initial study shall be prepared to identify all significant  
5 or potentially significant ~~impacts~~ *effects* of the transit priority  
6 project other than those that do not need to be reviewed pursuant  
7 to Section 21159.28 based upon substantial evidence in light of  
8 the whole record. The initial study ~~also does not need to evaluate~~  
9 ~~any significant cumulative or growth-inducing effects on the~~  
10 ~~environment that were identified and discussed in the~~  
11 ~~environmental impact reports certified for the regional~~  
12 ~~transportation plan and the alternative planning strategy, if any.~~  
13 *shall identify any cumulative effects that have been adequately*  
14 *addressed and mitigated pursuant to the requirements of this*  
15 *division in prior applicable certified environmental impact reports.*  
16 *Where the lead agency determines that a cumulative effect has*  
17 *been adequately addressed and mitigated, that cumulative effect*  
18 *shall not be treated as cumulatively considerable for the purposes*  
19 *of this subdivision.*

20 (2) An environmental impact report prepared pursuant to this  
21 subdivision need only address the significant or potentially  
22 significant ~~impacts~~ *effects* of the transit priority project on the  
23 environment identified pursuant to paragraph (1). It is not required  
24 to analyze off-site alternatives to the transit priority project. It shall  
25 otherwise comply with the requirements of this division.

26 21155.3. (a) The legislative body of a local jurisdiction may  
27 adopt traffic mitigation measures that would apply to transit priority  
28 projects. These measures shall be adopted or amended after a public  
29 hearing and may include requirements for the installation of traffic  
30 control improvements, street or road improvements, and  
31 contributions to road improvement or transit funds, transit passes  
32 for future residents, or other measures that will avoid or mitigate  
33 the traffic impacts of those transit priority projects.

34 (b) (1) A transit priority project that is seeking a discretionary  
35 approval is not required to comply with any additional mitigation  
36 measures required by paragraph (1) or (2) of subdivision (a) of  
37 Section 21081, for the traffic impacts of that project on  
38 intersections, streets, highways, freeways, or mass transit, if the  
39 local jurisdiction issuing that discretionary approval has adopted  
40 traffic mitigation measures in accordance with this section.

1 (2) Paragraph (1) does not restrict the authority of a local  
2 jurisdiction to adopt feasible mitigation measures with respect to  
3 the ~~impacts~~ *effects* of a project on public health or on pedestrian  
4 or bicycle safety.

5 (c) The legislative body shall review its traffic mitigation  
6 measures and update them as needed at least every five years.

7 SEC. 15. Section 21159.28 is added to the Public Resources  
8 Code, to read:

9 21159.28. (a) If a residential or mixed-use residential project  
10 is consistent with the use designation, density, building intensity,  
11 and applicable policies specified for the project area in either a  
12 sustainable communities strategy or an alternative planning  
13 strategy, for which the State Air Resources Board pursuant to  
14 subparagraph ~~(J)~~ (I) of paragraph (2) of subdivision (b) of Section  
15 65080 of the Government Code has accepted the metropolitan  
16 planning organization's determination that the sustainable  
17 communities strategy or the alternative planning strategy would,  
18 if implemented, achieve the greenhouse gas emission reduction  
19 targets and if the project incorporates the mitigation measures  
20 required by an applicable prior environmental document, then any  
21 findings or other determinations for an exemption, a negative  
22 declaration, a mitigated negative declaration, *a sustainable*  
23 *communities environmental assessment*, an environmental impact  
24 report, or addenda prepared or adopted for the project pursuant to  
25 this division shall not be required to reference, describe, or discuss  
26 (1) growth inducing impacts; or (2) any project specific or  
27 cumulative impacts from cars and light-duty truck trips generated  
28 by the project on global warming or the regional transportation  
29 network.

30 (b) Any environmental impact report prepared for a project  
31 described in subdivision (a) shall not be required to reference,  
32 describe, or discuss a reduced residential density alternative to  
33 address the effects of car and light-duty truck trips generated by  
34 the project.

35 (c) "Regional transportation network," for purposes of this  
36 section, means all existing and proposed transportation  
37 improvements that were included in the transportation and air  
38 quality conformity modeling, including congestion modeling, for  
39 the final regional transportation plan adopted by the metropolitan  
40 planning organization, but shall not include local streets and roads.

1 Nothing in the foregoing relieves any project from a requirement  
2 to comply with any conditions, exactions, or fees for the mitigation  
3 of the project’s impacts on the regional transportation network, ~~or~~,  
4 local streets and roads, *or the state highway system*.

5 (d) A residential or mixed-use residential project is a project  
6 where at least 75 percent of the total building square footage of  
7 the project consists of residential use or a project that is a transit  
8 priority project as defined in Section 21155.

9 SEC. 16. If the Commission on State Mandates determines  
10 that this act contains costs mandated by the state, reimbursement  
11 to local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.